

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 187

WEDNESDAY, 17 SEPTEMBER 1980

- 
- 1 The House met, at 2.15 p.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
- 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
- Mr Aldred, Mr Bouchier, Mr Burns, Mr Calder, Mr Fisher, Mr Garland, Mr Howe, Mr Hyde, Mr B. O. Jones, Mr Lloyd, Mr O'Keefe and Mr Yates—from certain citizens praying that action be taken to prohibit the use of public moneys for the killing of the unborn.
- Mr Baume, Mr Cadman, Mr Carlton, Mr Dobie, Mr Fraser, Mr Kerin, Mr Macphee and Mr Ruddock—from certain citizens praying that funding of the Preston Institute of Technology Chiropractic Program be no longer delayed.
- Mr C. R. Cameron, Dr Cass, Mr Dobie, Mr Howe, Mr Hurford, Mr Morris, Mr Ruddock and Mr Uren—from certain citizens praying that steps be taken to compensate the victims of the bomb disaster at the Hilton Hotel, Sydney, N.S.W.
- Mr Connolly, Mr Howe, Mr Martyr and Mr Sinclair—from certain citizens praying that the National Women's Advisory Council be abolished.
- Mr Cadman, Mr Fife and Mr Lloyd—from certain citizens praying that any proposal to legislate for the establishment of plant breeders' rights in Australia be rejected.
- Mr D. M. Cameron, Mr Hodges and Mr Jull—from certain citizens praying that taxation laws be amended to increase incentives to persons providing for their own retirement benefits.
- Mr Hayden, Mr Morris and Mr West—from certain citizens praying that pensions and benefits be increased and adjusted quarterly and that greater taxation relief be given to pensioners and others on low incomes.
- Mr N. A. Brown and Mr Simon—from certain citizens praying for the prohibition of oil exploration within the Great Barrier Reef region and that the entire region be declared a Marine Park.
- Dr Everingham and Mr Howe—from certain citizens praying that the Government fulfil its stated policy of self-determination and self-management for Aboriginals and use the powers conferred on it by the 1967 referendum to intervene on behalf of the Aboriginal people in any conflicts with any State or Territory Government.
- Dr Blewett—from certain citizens praying that the level of funding under the Tertiary Education Assistance Scheme be increased, that tertiary tuition fees be not reintroduced, and that a comprehensive loans scheme be not introduced.
- Dr Cass—from certain citizens and permanent residents praying that permanent funding be provided for an adequate and permanent English language teaching service.
- Mr Fife—from certain citizens praying that no measures be taken to implement those recommendations of the Royal Commission on Human Relationships that will further undermine and weaken marriage, child-care or the family.
- Mr Fisher—from certain citizens praying that private and confidential medical records be protected from scrutiny.

Mr Humphreys—from certain citizens praying that legislation be introduced to require labelling of perfumes, cosmetics and toilet preparations to indicate any use of animal ingredients during manufacture.

Mr Humphreys—from certain citizens praying that a Post Office agency be provided in the Marsden area, Qld.

Mr Johnston—from certain citizens praying that carcass trade be promoted and that exports of live animals for slaughter be banned.

Mr Morris—from certain citizens praying that a system of double income tax on personal incomes not be introduced.

Mr Morris—from certain citizens praying that any proposal to sell Trans-Australia Airlines be rejected.

Mr Yates—from certain citizens praying that a guaranteed minimum income scheme be implemented as soon as possible.

Petitions received.

3 **DISTINGUISHED VISITOR:** Mr Speaker informed the House that the Right Honourable Reginald Prentice, P.C., M.P., Minister for Social Security in the Government of the United Kingdom, was present in the gallery. On behalf of the House, Mr Speaker extended to the visitor a very warm welcome.

4 **QUESTIONS:** Questions without notice were asked.

5 **PAPERS:** The following papers were presented:

By command of His Excellency the Governor-General:

Australian Honey Board—Interim report for year 1979–80.

Burdekin Project Ecological Study—Report by the Commonwealth Scientific and Industrial Research Organization and the Department of National Development and Energy, dated August 1980.

Commissioner for Employees' Compensation—Interim report for year 1979–80.

Department of Administrative Services—2nd Annual Report, for year 1979–80.

Department of Finance—Annual Report, for year 1979–80.

Environment and Conservation—House of Representatives Standing Committee—Report on the Commonwealth Government and the Urban Environment—Government response—Statement by Mr Sinclair (Minister representing the Minister for National Development and Energy), together with a schedule detailing the Government response.

Pursuant to statute:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—5th Annual Report, for year 1979–80.

Australian Industry Development Corporation Act—Australian Industry Development Corporation—10th Annual Report and financial statements, together with the auditor's report for year 1979–80.

Environment Protection (Nuclear Codes) Act—Radiation Protection (Mining and Milling) Code (1980)—Code of practice (No. 1 of 1980) dated 10 September 1980.

Local Government (Personal Income Tax Sharing) Act—Recommendations of State Grants Commission on the distribution of local government's share of personal income tax collection for 1980–81 for—

New South Wales.

Queensland.

South Australia.

Tasmania.

Victoria.

Western Australia.

Pig Meat Promotion Act—Pig Meat Promotion Advisory Committee—5th Annual Report, for year 1979–80.

Remuneration Tribunals Act—Academic Salaries Tribunal—Determination, report and statement dated 6 June 1980—Part-time academic staff of institutions of tertiary education.

- 6 NEW AND PERMANENT PARLIAMENT HOUSE—JOINT STANDING COMMITTEE—REPORT: Mr Speaker (Joint Chairman) presented the following report from the Joint Standing Committee on the New and Permanent Parliament House:  
Proposed works in the Parliamentary zone—Report, dated 17 September 1980, together with minutes of proceedings—  
Administrative Building—Official entrance for Department of Foreign Affairs.  
National Library—Additional lighting at steps.  
Ordered—That the report be printed.
- 7 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Fry (Deputy Chairman) presented the following report from the Joint Committee on the Australian Capital Territory:  
Energy use, distribution and conservation in the Australian Capital Territory—  
Report, dated September 1980, that the committee has been unable to complete its inquiry, together with the transcript of evidence and copies of extracts from the minutes of proceedings.  
Ordered—That the report be printed.  
Mr Fry, by leave, made a statement in connection with the report.
- 8 ROAD SAFETY—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Katter (Chairman) presented the following report from the Standing Committee on Road Safety:  
Report, dated September 1980, on progress in its program of inquiries.  
Ordered to be printed.  
Mr Katter, by leave, made a statement in connection with the report.
- 9 PUBLIC ACCOUNTS COMMITTEE—REPORTS—STATEMENTS BY MEMBERS: Mr Connolly (Chairman) presented the following reports from the Joint Committee of Public Accounts:  
182nd Report—Pharmaceutical Benefits Scheme—Chemists remuneration.  
183rd Report—Finance Minutes on the 174th and 175th Reports, together with summaries of those reports.  
Severally ordered to be printed.  
Mr Connolly and Dr Blewett, by leave, made statements in connection with the reports.
- 10 ENVIRONMENT AND CONSERVATION—STANDING COMMITTEE—REPORT: Mr Hodges (Chairman) presented the following report from the Standing Committee on Environment and Conservation:  
Report, dated September 1980, that the committee has been unable to complete its inquiries, together with the transcript of evidence and copies of extracts from the minutes of proceedings.  
Ordered—That the report be printed.
- 11 EXPENDITURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Cairns (Chairman) presented the following report from the Standing Committee on Expenditure:  
Report, dated 16 September 1980, that the committee has been unable to complete its inquiries.  
Ordered to be printed.  
Mr Cairns and Mr J. J. Brown, by leave, made statements in connection with the report.
- 12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—LIVING STANDARDS: Mr Deputy Speaker informed the House that Mr Willis, Mr Cairns, Mr Hodgman and Mr Neil had each proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, Mr Speaker had given priority to the matter proposed by Mr Willis, namely, "The sustained fall in living standards of most Australians caused by the Fraser Government's policies".

The proposed discussion having received the necessary support—

Mr Willis addressed the House.

Discussion ensued.

Discussion concluded.

**13 PRIVILEGES COMMITTEE—REPORT RELATING TO THE USE OF HOUSE DOCUMENTS IN THE COURTS:** The order of the day having been read for the consideration of the report of the Privileges Committee relating to the use of or reference to the records of proceedings of the House in the Courts—

Mr Sinclair (Leader of the House) moved—That—

- (1) this House, recognising the need for extensive consideration by the House of the report from the Committee of Privileges relating to the use of or reference to the records of proceedings of the House in the Courts, is of the opinion that the report should be considered early in the 32nd Parliament, and
- (2) order of the day No. 1, privilege, relating to a report of the Privileges Committee, be discharged.

Mr Bowen (Deputy Leader of the Opposition) moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House resolves that—

- (1) the practice of petitions being presented to the House for leave to refer to House records in the courts, derived from the long-established practice of the United Kingdom House of Commons, should be maintained;
- (2) upon presentation of a petition, the House shall, at the earliest opportunity, refer the petition to the Committee of Privileges for its consideration and report;
- (3) in considering the petition, the Committee of Privileges should enable the Member (or former Member) referred to in the petition to be heard on his own behalf, and
- (4) the Committee of Privileges, at the completion of its deliberations, should report to the House its views on the petition and, in addition, recommend such conditions upon the production of the record or *Hansard* report as it deems appropriate in all the circumstances”.

Debate continued.

Amendment negatived.

Question—That the motion be agreed to—put and passed.

**14 PRIVILEGES COMMITTEE—REPORT RELATING TO THE ALLEGED DISCRIMINATION AND INTIMIDATION OF A WITNESS:** The order of the day having been read for the consideration of the report of the Privileges Committee relating to the alleged discrimination and intimidation of Mr David E. Berthelsen in his public service employment because of evidence given by him to a sub-committee of the Joint Committee on Foreign Affairs and Defence—

Mr MacKellar (Minister Assisting the Prime Minister) moved—That—

- (1) this House, recognising the need for extensive consideration by the House of the report from the Committee of Privileges relating to the alleged discrimination and intimidation of Mr David E. Berthelsen in his public service employment because of evidence given by him to a sub-committee of the Joint Committee on Foreign Affairs and Defence, is of the opinion that the report should be considered early in the 32nd Parliament, and
- (2) order of the day No. 2, privilege, relating to a report of the Privileges Committee be discharged.

Mr Bowen moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House calls upon—

- (1) the Public Service Board to do all within its power to restore Mr Berthelsen’s career prospects in the Public Service and to ensure that he suffers no further disadvantage as a result of this case and directs the Government to do all within its power to ensure that this occurs;

- (2) the Chairman of the Public Service Board to draw the attention of all Permanent Heads to the Report of the Privileges Committee relating to Mr David E. Berthelsen, and further calls upon the Chairman of the Public Service Board to direct Permanent Heads to bring the report to the attention of all public servants and calls upon Ministers responsible for statutory corporations to take similar appropriate action, and
- (3) the Chairman of the Privileges Committee to introduce by way of legislation at the earliest opportunity in the 32nd Parliament a Bill enacting the recommendations referred to in clause 71 of the Report of the Privileges Committee and calls upon the Government to make available the assistance of parliamentary counsel for this purpose”.

Debate continued.

Amendment negatived.

Motion moved by Mr MacKellar amended by Mr Sinclair (Leader of the House), by leave, to read as follows: That—

- (1) this House, recognising the need for extensive consideration by the House of the report from the Committee of Privileges relating to the alleged discrimination and intimidation of Mr David E. Berthelsen in his public service employment because of evidence given by him to a sub-committee of the Joint Committee on Foreign Affairs and Defence, is of the opinion that the report should be considered early in the 32nd Parliament;
- (2) the Public Service Board be requested to do all within its power to restore Mr Berthelsen's career prospects in the Public Service and ensure that he suffers no further disadvantage as a result of this case, and
- (3) order of the day No. 2, privilege, relating to a report of the Privileges Committee be discharged.

Mr Bowen, by leave, again addressed the House.

Debate continued.

Motion, as amended by leave, agreed to.

15 REPATRIATION GENERAL HOSPITAL, HOLLYWOOD, W.A.—REPLACEMENT OF OPERATING THEATRES AND SURGICAL WARDS—APPROVAL OF WORK: Mr Groom (Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported to Parliament: Replacement of operating theatres and surgical wards at the Repatriation General Hospital, Hollywood, W.A.

Question—put and passed.

16 LAVARACK BARRACKS, TOWNSVILLE, QLD.—STAGE 2 DEVELOPMENT—APPROVAL OF WORK: Mr Groom (Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported to Parliament: Construction of Lavarack Barracks stage 2 development, Townsville, Qld.

Question—put and passed.

17 R.A.A.F. BASE, RICHMOND, N.S.W.—AIRCRAFT CORROSION CONTROL FACILITY—APPROVAL OF WORK: Mr Groom (Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported to Parliament: Construction of an aircraft corrosion control facility, R.A.A.F. Base, Richmond, N.S.W.

Question—put and passed.

- 18 GARDEN ISLAND, N.S.W.—MODERNIZATION OF FLEET BASE AND DOCKYARD, STAGE 1—APPROVAL OF WORK: Mr Groom (Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported to Parliament: Modernization of fleet base and dockyard, Garden Island, N.S.W., Stage 1.  
Question—put and passed.
- 19 MANUFACTURING AND REPAIR WORKSHOP—GOVERNMENT AIRCRAFT FACTORIES, FISHERMEN'S BEND, VIC—APPROVAL OF WORK: Mr Groom (Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, and by reason of the urgent nature of the work, it is expedient that the following proposed work be carried out without having been referred to the Parliamentary Standing Committee on Public Works: Construction of a manufacturing and repair workshop for the Government Aircraft Factories, Fishermen's Bend, Vic.  
Debate ensued.  
Question—put and passed.
- 20 POSTPONEMENT OF ORDER OF THE DAY: Ordered—That order of the day No. 1, government business, be postponed until a later hour this day.
- 21 MESSAGE FROM THE SENATE—BROADCASTING AND TELEVISION AMENDMENT BILL 1980: The following message from the Senate was reported:

Mr Speaker,

Message No. 539

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Broadcasting and Television Act 1942' and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,

C. L. LAUCKE

Canberra, 17 September 1980, a.m.

President

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 2, clause 3, paragraph (d), line 18, leave out "Corporation", insert "Service".
- No. 2—Page 2, clause 3, paragraph (f), line 28, leave out "Corporation", insert "Service".
- No. 3—Page 3, clause 3, paragraph (j), lines 7 and 8, leave out "omitting the definition of 'Service' from sub-section (1) and substituting", insert "inserting after the definitions of 'public broadcasting station' and 'public television station' in sub-section (1)".
- No. 4—Page 3, clause 3, paragraph (l), lines 29 to 32, leave out the paragraph.
- No. 5—Page 3, clause 3, paragraph (n), line 40, leave out "Corporation", insert "Service".
- No. 6—Page 4, clause 6, proposed paragraph 18 (2A) (a), line 32, leave out "Corporation", insert "Service".
- No. 7—Page 4, clause 6, proposed paragraph 18 (2A) (a), line 33, leave out "Corporation", insert "Service".
- No. 8—Pages 8 to 23, clause 18, line 5 (page 8) to line 3 (page 23), leave out the clause.
- No. 9—Page 26, clause 30, lines 31 to 34, leave out the clause.
- No. 10—Page 26, clause 31, lines 35 to 42, leave out the clause.

No. 11—Pages 28 and 29, clause 38, line 34 (page 28) to line 18 (page 29), leave out the clause.

No. 12—Page 29, clause 39, lines 19 to 22, leave out the clause.

No. 13—Pages 29 and 30, clause 41, sub-clauses (1) to (7), line 28 (page 29) to line 34 (page 30), leave out the sub-clauses.

On the motion of Mr Staley (Minister for Post and Telecommunications), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr I. L. Robinson reported accordingly.

On the motion of Mr Staley, the House adopted the report.

22 MESSAGE FROM THE SENATE—HONEY EXPORT CHARGE AMENDMENT BILL 1980: The following message from the Senate was reported:

Mr Speaker,

Message No. 542

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Honey Export Charge Act 1973'*", and requests the House to amend the Bill as set forth in the annexed Schedule.

The Senate,

C. L. LAUCKE

Canberra, 17 September 1980, a.m.

President

Ordered—That the amendment requested by the Senate be taken into consideration, in committee of the whole House, forthwith.

*In the committee*

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT

Page 1, clause 2, line 12, leave out "1 July 1980", insert "the date fixed under sub-section 2 (2) of the *Honey Industry Amendment Act 1980*".

On the motion of Mr Nixon (Minister for Primary Industry), the requested amendment was made.

Resolution to be reported.

The House resumed; Mr I. L. Robinson reported accordingly.

On the motion of Mr Nixon, the House adopted the report.

23 MESSAGE FROM THE SENATE—HONEY LEVY (NO. 1) AMENDMENT BILL 1980: The following message from the Senate was reported:

Mr Speaker,

Message No. 543

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Honey Levy Act (No. 1) 1962'*", and requests the House to amend the Bill as set forth in the annexed Schedule.

The Senate,

C. L. LAUCKE

Canberra, 17 September 1980, a.m.

President

Ordered—That the amendment requested by the Senate be taken into consideration, in committee of the whole House, forthwith.

*In the committee*

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT

Page 1, clause 2, line 11, leave out "1 July 1980", insert "the date fixed under sub-section 2 (2) of the *Honey Industry Amendment Act 1980*".

On the motion of Mr Nixon (Minister for Primary Industry), the requested amendment was made.

Resolution to be reported.

The House resumed; Mr I. L. Robinson reported accordingly.

On the motion of Mr Nixon, the House adopted the report.

24 MESSAGE FROM THE SENATE—HONEY LEVY (NO. 2) AMENDMENT BILL 1980: The following message from the Senate was reported:

Mr Speaker,

Message No. 544

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Honey Levy Act (No. 2) 1962'*", and requests the House to amend the Bill as set forth in the annexed Schedule.

The Senate,  
Canberra, 17 September 1980, a.m.

C. L. LAUCKE  
President

Ordered—That the amendment requested by the Senate be taken into consideration, in committee of the whole House, forthwith.

---

*In the committee*

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT

Page 1, clause 2, line 11, leave out "1 July 1980", insert "the date fixed under sub-section 2 (2) of the *Honey Industry Amendment Act 1980*".

On the motion of Mr Nixon (Minister for Primary Industry), the requested amendment was made.

Resolution to be reported.

---

The House resumed; Mr I. L. Robinson reported accordingly.

On the motion of Mr Nixon, the House adopted the report.

25 MESSAGE FROM THE SENATE—HONEY RESEARCH BILL 1980: The following message from the Senate was reported:

Mr Speaker,

Message No. 540

The Senate returns to the House of Representatives the Bill for "*An Act to establish a Honey Research Trust Account, and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,  
Canberra, 17 September 1980, a.m.

C. L. LAUCKE  
President

Ordered—That the amendments to be taken into consideration, in committee of the whole House, forthwith.

---

*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 6, clause 13, after sub-clause (2), insert the following new sub-clause:

"(2A) If a member or the deputy of a member fails, without reasonable excuse, to comply with his obligations under section 13A, the Minister shall terminate his appointment."

No. 2—Page 6, after clause 13, insert the following new clause:

**Disclosure of interest by a member, &c.**

"13A. (1) A member, or the deputy of a member, who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee.

"(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Committee."

On the motion of Mr Nixon (Minister for Primary Industry), the amendments were agreed to.

Resolution to be reported.

---

The House resumed; Mr I. L. Robinson reported accordingly.

On the motion of Mr Nixon, the House adopted the report.



26 MESSAGE FROM THE SENATE—HONEY INDUSTRY AMENDMENT BILL 1980: The following message from the Senate was reported:

Mr Speaker,

Message No. 541

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Honey Industry Act 1962'*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,

C. L. LAUCKE

Canberra, 17 September 1980, a.m.

President

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

*In the committee*

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 1, clause 2, sub-clause (2), line 13, leave out "1 July 1980", insert "a date to be fixed by Proclamation".

No. 2—Page 1, after clause 2, insert the following new clauses:

**Termination of office of member or deputy of member**

"2A. Section 11 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

'(3) If a member or the deputy of a member fails, without reasonable excuse, to comply with his obligations under section 11A, the Minister shall terminate his appointment.'

"2B. After section 11 of the Principal Act the following sections are inserted:

**Disclosure of interest by member, &c.**

'11A. (1) A member, or the deputy of a member, who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board or the Executive Committee shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board or of the Committee, as the case requires.

'(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Board or of the Executive Committee, as the case requires.

**Resignation of member or deputy of member**

'11B. (1) A member may resign his office by writing signed by him and delivered to the Minister.

'(2) A person may resign his office as deputy of a member by writing signed by him and delivered to the member.

'(3) A member shall, as soon as practicable after the resignation of his deputy, give notice of the resignation to the Minister.'

On the motion of Mr Nixon (Minister for Primary Industry), the amendments were agreed to.

Resolution to be reported.

The House resumed; Mr I. L. Robinson reported accordingly.

On the motion of Mr Nixon, the House adopted the report.

27 STATES GRANTS (CAPITAL ASSISTANCE) BILL 1980: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Willis who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "whilst not opposing the Bill, the House is of the opinion that the Bill, by continuing for the 5th year to contract Commonwealth payments to the States for capital works:

- (1) causes deterioration in the supply and quality of essential services, thereby reducing living standards;
- (2) depresses the building and construction industry;
- (3) increases unemployment, and
- (4) intensifies pressure on the States to introduce a second income tax".

Debate continued.

Dr Everingham moved—That Mr Dawkins be granted an extension of time.

Question—put and negatived.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

*Message from the Governor-General:* Message No. 300, dated 26 August 1980, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Viner (Minister for Employment and Youth Affairs), the Bill was read a third time.

- 28 QUEENSLAND GRANT (SPECIAL ASSISTANCE) BILL 1980: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Question—put and passed—Bill read a second time.

*Message from the Governor-General:* Message No. 301, dated 11 September 1980, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Viner (Minister for Employment and Youth Affairs), the Bill was read a third time.

- 29 INTERNATIONAL MONETARY AGREEMENTS (QUOTA INCREASE) BILL 1980: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Groom (Minister for Housing and Construction), the Bill was read a third time.

- 30 CUSTOMS TARIFF VALIDATION BILL (NO. 2) 1980: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Hurford—

*Adjournment negatived:* It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Mr Groom (Minister for Housing and Construction) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Hurford continued his speech and moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the Bill, the House is of the opinion that a Parliamentary Standing Committee on Customs and Excise Tariffs should be established to examine each change in customs and excise tariffs following the gazettal of proposals or their being introduced into the Parliament on the one hand and before related Bills are introduced into the House on the other”.

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Garland (Minister for Business and Consumer Affairs), the Bill was read a third time.

- 31 **EXCISE TARIFF VALIDATION BILL 1980:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
Question—put and passed—Bill read a second time.  
Leave granted for third reading to be moved forthwith.  
On the motion of Mr Garland (Minister for Business and Consumer Affairs), the Bill was read a third time.
- 32 **BARLEY RESEARCH BILL 1980:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
Debate resumed.  
Question—put and passed—Bill read a second time.  
*Message from the Governor-General:* Message No. 302, dated 26 August 1980, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.  
Leave granted for third reading to be moved forthwith.  
On the motion of Mr Nixon (Minister for Primary Industry), the Bill was read a third time.
- 33 **BARLEY RESEARCH LEVY BILL 1980:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
Question—put and passed—Bill read a second time.  
Leave granted for third reading to be moved forthwith.  
On the motion of Mr Nixon (Minister for Primary Industry), the Bill was read a third time.
- 34 **COPYRIGHT AMENDMENT BILL 1980:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—  
Debate resumed.  
Question—put and passed—Bill read a second time.  
The House resolved itself into a committee of the whole.

---

*In the committee*

Bill, by leave, taken as a whole.

Mr Bowen (Deputy Leader of the Opposition), by leave, moved the following amendments together—

Clause 7, page 8, after proposed sub-section (4) add the following sub-section:

“(5) In this section, a copy includes the making of a copy for a handicapped reader and copying has a corresponding meaning.”

Clause 8, page 8, proposed sub-section (2), omit “a legal practitioner or patent attorney”, substitute any profession declared by the regulations to be a profession to which this section applies”.

Clause 10, pages 8 and 9, omit proposed section 49, substitute the following section:

“49. (1) The copyright in an article is not infringed by the making by the officer in charge of a library or an authorised officer of a copy of an article or part of an article contained in a periodical publication or a reasonable position of a work other than an article contained in a periodical publication for the purposes of supplying that copy to a person.

(2) Sub-section (1) does not apply to the supply to a person of a copy of 2 or more articles contained in the same periodical publication unless the articles relate to the same subject matter.

(3) Where a person makes a request for a copy of the whole of a literary, dramatic or musical work that contains more than a reasonable portion of the work or for a copy of 2 or more articles contained in the same periodical publication that do not relate to the same subject matter, an authorised officer

of the library or archives may make or cause to be made the copy to which the request relates and supply the copy to the person who made the request provided that—

- (a) the work forms part of the library or archives collection and before the copy is made, an authorised officer has, after reasonable investigation, made a declaration stating that he is satisfied that a copy (not being a second hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price;
- (b) the person making the request makes a request in writing stating—
  - (i) that he requires the copy for the purpose of research or study and will not use it for any other purpose or if he is a member of Parliament or if he is an officer on the staff of a member of Parliament and the copy is being requested from an authorized officer of a library the principal purpose of which is to provide library services for the members of a Parliament that he requires the copies for the performance of his duties as such a member or on behalf of such a member; and
  - (ii) that he has not previously been supplied with a copy of the same article or other work, or the same part of the article or other work, as the case may be, by an authorized officer of the library or archives.

‘(4) The copyright in an article contained in a periodical publication is not infringed by the making, in relation to a request under sub-section (3), of a copy of the article, or a part of the article, in accordance with sub-section (3) unless the copy is supplied to a person other than the person who made the request.

‘(5) The copyright in a published literary, dramatic or musical work other than an article contained in a periodical publication is not infringed by the making, in relation to a request under sub-section (1), of a copy of the work, or of a part of the work, in accordance with sub-section (2) unless the copy is supplied to the person other than the person who made the request.’”.

Clause 14—

Page 12, proposed section 53A, omit sub-section (2), substitute the following sub-section:

“(2) Sub-section (1) does not apply to the making of a copy or copies of more than a reasonable portion of a work or 2 or more articles in the same periodical publication unless the articles relate to the same subject matter.”.

Page 13, line 2, proposed sub-section (3), omit “14 days”, substitute “6 months”.

Page 13, after proposed section 53A insert the following section:

**Teachers may make 3 copies of a work for classroom purposes**

“53AB. (1) Subject to this section, the copyright in a work is not infringed by the making, on the premises of an educational institution, by or on behalf of a person teaching a course of instruction provided by that institution, of copies of the whole or of a part of that work for the purpose of classroom instruction in connection with his teaching of that course.

‘(2) Sub-section (1) does not apply to the making, for the purpose of classroom instruction in connection with the teaching of a particular course of instruction—

- (a) of a copy of the whole of a work;
- (b) of a copy of a part of the work constituting more than a reasonable portion of the work; or
- (c) of a copy of a part of the work in a case where another part, or other parts, of the work has or have previously been copied, in reliance on this section, for the purpose of classroom instruction in connection with the teaching

of that course and the first-mentioned part and the other part or parts together constitute more than a reasonable portion of the work,

unless—

- (d) the work has not been separately published; or
- (e) the person by whom, or on whose behalf, the copy is made is satisfied, after reasonable investigation, that a copy of the work (not being a second-hand copy) cannot be obtained within a reasonable time at an ordinary commercial price.

‘(3) Sub-section (1) does not apply to the making, by or on behalf of a person teaching a course of instruction provided by an educational institution, of a copy of the whole or a part of a work, for the purpose of classroom instruction in his teaching of that course—

- (a) in the case of a copy of the whole of a work—if the whole of the work, or any part of the work, has previously been copied more than twice, in reliance on this section, by or on behalf of the person in connection with his teaching of that course; or
- (b) in the case of a copy of a part of a work—if that part of the work, or any other part of the work included in that part of the work, has previously been copied more than twice, in reliance on this section, by or on behalf of that person in connection with his teaching of that course.

‘(4) For the purposes of sub-section (3), a part of a work shall be deemed to have been copied—

- (a) if the copy of that part has been made separately from any other part;
- (b) if the whole of the work has been copied; or
- (c) if a part of the work which includes that part has been copied.

‘(5) In this section “course of instruction” means a course of instruction provided by a teacher, during a period of not more than 1 year, for students in a particular class.’”.

Page 14, line 19, proposed section 53B, sub-section (7), omit “a part”, substitute “more than a reasonable portion of a work or a part which taken with other copies of the work constitutes more than a reasonable portion”.

Page 15, line 10, proposed section 53B, sub-section (9), omit paragraph (b).

Page 16, lines 36–38, proposed section 53D, sub-section (1), omit all words after “reader”.

Page 17, lines 1–3, proposed section 53D, sub-section (2), omit all words after “reader”.

Clause 19—

Page 22, after proposed section 144A insert the following section:

**Financial register of interest by members**

“ ‘144AB. (1) In this section “member” means—

- (a) a member or an acting member of the Tribunal; or
- (b) the Chairman or acting Chairman of the Tribunal.

‘(2) The Tribunal shall maintain a register, to be known as the Register of Financial Interest (in this section referred to as the “Register”), in accordance with the form prescribed by the regulations, for the purposes of this section.

‘(3) The Tribunal shall appoint a member of the staff of the Tribunal (in this section referred to as the “responsible officer”) to be the person responsible for making entries in the Register in accordance with this section.

‘(4) It shall be an offence if a member does not, within 7 days after the date on which he becomes a member, cause written particulars of any interest prescribed by the regulations held by the member, his spouse or any of his dependent children, to be delivered to the responsible officer.

‘(5) Where there is a change in the disclosed interest of a member, his spouse or any of his dependent children, it shall be an offence if the member does not, within 7 days after the day on which the change occurs, cause written particulars of the change to be delivered to the responsible officer.

'(6) A person shall be deemed not to have contravened sub-section (4) or (5) if he establishes that—

- (a) he was not at the time when he became a member, aware that he had an interest or he was not, at the time when the change occurred, aware of the change, as the case may be; and
- (b) he caused written particulars of the interest or of the change, as the case may be, to be delivered to the responsible officer within 7 days after the day on which he became aware that he had the interest or that the change had occurred, as the case may be.

'(7) For the purposes of this section, where a member, his spouse or any of his dependent children, commences or ceases to have an interest, there shall be deemed to be a change in that interest of the member, his spouse or dependent child.

'(8) Where a member is required by this section to cause to be delivered to the responsible officer particulars of an interest, or particulars of a change in an interest, the particulars to be so delivered shall include—

- (a) the date on which he, his spouse or his dependent child commenced or ceased to have the interest or on which the change occurred; and
- (b) particulars of the nature of the interest.

'(9) Where, in accordance with this section, particulars of an interest, or of a change in an interest, of a member, his spouse or any of his dependent children, are delivered to the responsible officer, that officer shall cause the particulars, or such of the particulars as are appropriate having regard to the form of the Register, to be entered in the Register as particulars of an interest, or of a change in an interest, of that member, his spouse or his dependent child.

'(10) The Tribunal shall keep the Register at the principal place of business of the Tribunal and shall ensure that the Register is open for public inspection during normal business hours without payment of any fee.

'(11) It shall be an offence against this section if a person who is, or becomes a member, causes written particulars to be delivered to the responsible officer where those particulars are known by the person to be false or misleading.

Penalty: \$10,000 or imprisonment for 5 years, or both.'."

Page 22, proposed section 144B, at the beginning of the section insert "Where a member is convicted of a contravention of a provision of section 144AB, or".

Clause 27—

Page 25, line 41, and page 26, lines 1 and 2, omit "; and (b) the officer in charge of the library or archives concerned, are each", substitute "is".

Page 26, lines 14–17, proposed section 203A, sub-section (2) omit "; and (d) the custodian in charge of the copying records of the institution concerned, are each", substitute "is".

Page 26, proposed section 203A, sub-section (4), omit "or person".

Pages 26 and 27, proposed section 203A, omit sub-section (5).

Page 28, lines 17 and 18, proposed section 203B, sub-section (6), omit "the custodian and the body administering the institution are each", substitute "the body administering the institution is".

Page 28, line 43, and page 29, lines 1 and 2, omit "; and (b) the officer in charge of the central records authority, are each", substitute "is".

Page 29, proposed section 203C, sub-section (3), omit "or person".

Page 29, proposed section 203C, omit sub-section (4).

Page 29, proposed section 203D, sub-section (1), omit paragraph (b).

Page 29, line 42, and page 30, line 1, omit "and the custodian in charge of the copying records of the institution are each", substitute "is".

Page 30, proposed section 203D, sub-section (4), omit "and the officer in charge of the central records authority are each", substitute "is".

Page 31, proposed section 203E, sub-section (6), omit "; and (b) the officer in charge of the library or archives, as the case may be, are each", substitute "is".

Page 32, proposed section 203E, sub-section (7), omit “; and (b) the custodian in charge of the copying records of the institution or the officer in charge of the central records authority, as the case may be, are each”, substitute “is”.

Page 35, proposed section 203G, sub-section (12), line 3, omit “ceases to be in the possession of”, substitute “is disposed of by”.

Debate continued.

Amendments negatived.

On the motion of Mr Viner (Minister representing the Attorney-General), by leave, the following amendments were made together:

Clause 10—

Page 10, line 28, omit “the purpose of including the copy in the collection of the library”, substitute “a purpose referred to in sub-section (1)”.

Page 10, lines 37–39, omit “or a part of a literary, dramatic or musical work (other than an article contained in a periodical publication)”, substitute “of a literary, dramatic or musical work (other than an article contained in a periodical publication) or of a part of such a work that contains more than a reasonable portion of the work”.

Clause 19, page 22, line 21, omit “so to disclose”, substitute “to make”.

Clause 27, page 35, after proposed sub-section (12) insert the following sub-section:

“(13) It is a defence to a prosecution of a person or body (in this sub-section referred to as the ‘defendant’), for a contravention of sub-section (12) if the defendant satisfies the court that—

(a) the contravention was due to the act or default of a person other than the defendant or to some other circumstance beyond the control of the defendant and

(b) the defendant took all reasonable precautions and exercised due diligence to avoid the contravention.”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

---

The House resumed; Mr Giles reported accordingly.

On the motion of Mr Viner, by leave, the House adopted the report, and, by leave, the Bill was read a third time.

35 ADJOURNMENT: Mr Viner (Minister for Employment and Youth Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to until after 12 midnight—

## THURSDAY, 18 SEPTEMBER 1980

Debate continued.

Mr Jull rising to address the House—

*Closure:* Mr Sinclair (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the House do now adjourn—was put accordingly, and passed. And then the House, at 12.38 a.m., adjourned until this day at 10.30 p.m.

---

PAPERS: The following papers were deemed to have been presented on 17 September 1980, pursuant to statute:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposals for collection of information—1980—

No. 8—Supplementary survey of manufacturing industry, 1979–80.

No. 9—Supplementary survey of the mining industry, 1978–79.

No. 10—New topics to be included in the population survey: October 1980.

Judiciary Act—Rule of Court, dated 11 September 1980.

Public Service Act—Regulations—Statutory Rules 1980, No. 272.

Remuneration Tribunals Act—Regulations—Statutory Rules 1980, No. 270.

Seat of Government (Administration) Act—Variation of plan of lay-out of City of Canberra and its environs, dated 16 September 1980.

Student Assistance Act—Regulations—Statutory Rules 1980, No. 271.

---

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony, Mr N. A. Brown, Mr Bryant, Mr Corbett, Dr Edwards, Mr Graham\*, Mr James, Mr L. K. Johnson, Mr C. K. Jones, Mr MacKenzie, Mr Martin, Mr Moore, Mr Sainsbury and Mr Wallis.

---

\* On leave

J. A. PETTIFER,  
Clerk of the House of Representatives