1980-81

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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 26

WEDNESDAY, 29 APRIL 1981

- 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 Acting Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Holding, Mr Howe, Mr Humphreys, Mr C. K. Jones, Mr J. L. McMahon, Mr Milton, Mr Morris and Mr Mountford—from certain citizens praying that any proposal to sell Trans Australia Airlines be rejected.
 - Mr Cunningham, Mr Howe, Mr B. O. Jones and Mr Mildren—from certain citizens praying that any proposal to deny unemployment benefits to unemployed persons under 18 years of age be unconditionally withdrawn and that certain other action be taken in regard to unemployment benefits and employment policies.
 - Mr E. C. Cameron, Mr Kerin and Mr Uren—from certain citizens praying that any proposal to legislate for the establishment of plant variety rights in Australia be rejected.
 - Mr Hicks and Mr Sainsbury—from certain citizens praying that steps be taken to allow child-care expenses as a deductible item from taxpayers' assessable income.
 - Mr Humphreys and Mr West—from certain citizens praying that laws be passed to outlaw discrimination in employment and in the provision of unemployment benefits, based upon race, ethnic origin, marital status and sex.
 - Mr Bradfield—from certain citizens praying that in view of the spiritual and moral decline of the nation a national day of prayer and fasting be held in 1981.
 - Mr Bradfield—from certain residents of the Electoral Division of Barton praying that the total education expenditure for 1980-81 for government schools and colleges be restored and substantially increased.
 - Mr R. J. Brown, Mr Free and Mr Ruddock—from certain residents of the Electoral Divisions of Hunter, Macquarie and Dundas, respectively, in the same terms as the last preceding petition.
 - Mr R. J. Brown—from certain residents of New South Wales praying that the allocation of funds for government school programs be restored and substantially increased.
 - Mr Cadman—from certain citizens praying that any proposal to legislate for the establishment of plant breeders' rights in Australia be rejected.
 - Mrs Child—from certain citizens praying that sanitary products for women be brought under the scrutiny of the Australian Drug Evaluation Committee and certain other actions be taken in regard to the possible threat posed to the health of women by toxic shock syndrome.
 - Mr Hayden—from certain citizens praying that the Government fulfil its stated policy of self-determination and self-management for Aborigines and use the powers conferred on it by the 1967 referendum to intervene on behalf of the Aboriginal people in any conflict with any State or Territory government.

Mr Humphreys—from certain citizens praying that legislation be enacted to require the production of annual statistics on the numbers of live animals involved in research and that the National Health and Medical Research Council be required to develop humane and responsible standards of conduct for research using live animals in laboratories.

Mr Humphreys—from certain citizens praying that requests for export permits covering mineral sand products from Moreton Island, Qld, be refused.

Mr Humphreys—from certain citizens praying that Service Pensions be extended to all merchant seamen who served in theatres of war.

Mrs Kelly—from certain electors of the Australian Capital Territory praying that steps be taken to adjust air fares to and from Canberra in line with the average increase of 7.4% or to compensate residents of Canberra for the massive increase in air fares

Mr J. L. McMahon—from certain citizens praying that the government of the United States of America be urged to cease all military aid to El Salvador and support be given to the freedom of the Salvadorian people against the governing military dictatorship.

Mr Milton—from certain citizens praying that insulin syringes for diabetics be made available on the National Health Scheme and insulin prescriptions revert to 10 bottles.

Mr O'Keefe—from certain citizens praying that steps be taken to have a national referendum on immigration.

Mr Scott—from certain citizens praying that funding of children's services be restored to at least the real value of funding allocated in the 1975-76 Budget and future allocations be spent in full for the purposes designated.

Petitions received.

- 3 QUESTIONS: Questions without notice were asked.
- 4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Milk Authority of the Australian Capital Territory—Annual Report, for year 1979-80.

National Water Resources (Financial Assistance) Act—Documents—

Approval of projects in-

New South Wales, dated 4 March 1981.

South Australia, dated 25 March 1981.

Victoria, dated 30 March 1981.

Notices relating to financial assistance for projects in connection with the development and management of water resources in—

Victoria, dated 11 March 1981.

Western Australia, dated 8 April 1981.

Pursuant to statute:

Science and Industry Research Act—Commonwealth Scientific and Industrial Research Organization—32nd Annual Report and financial statements, together with the Auditor-General's Report, for year 1979-80.

Urban and Regional Development (Financial Assistance) Act—Agreement relating to financial assistance to Tasmania for Legana Pilot Industrial Estate, dated 23 March 1981.

5 Science and technology—Co-operation with Mexico—Ministerial statement: Mr Street (Minister for Foreign Affairs), by leave, made a ministerial statement concerning a proposed formal agreement on co-operation in science and technology between Australia and Mexico.

Mr Bowen (Deputy Leader of the Opposition), by leave, also made a statement with reference to the matter.

6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MONETARY POLICY: Mr Deputy Speaker informed the House that Mr Willis had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The developing credit squeeze resulting from the Government's doctrinaire monetary policy".

The proposed discussion having received the necessary support-

Mr Willis addressed the House.

Discussion ensued.

Discussion concluded.

- 7 POSTPONEMENT OF BUSINESS: Ordered—That orders of the day Nos. 1 to 3 and notices Nos. 1 to 3, government business, be postponed until a later hour this day.
- 8 Designs Amendment Bill 1981: 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.

Mr Howe was granted leave to continue his speech when the debate is resumed.

Debate adjourned, and the resumption of the debate made an order of the day for a later hour this day.

9 HEALTH CARE SERVICES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr MacKellar (Minister for Health), by leave, made a ministerial statement informing the House of Government decisions relating to health care services, and, by command of His Excellency the Governor-General, presented the following paper: Health care services—Ministerial statement, 29 April 1981.

Mr Sinclair (Leader of the House) moved—That the House take note of the paper.

Debate adjourned (Dr Blewett), and the resumption of the debate made an order of the day for a later hour this day.

10 HEALTH INSURANCE REBATE AND TAX INDEXATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Howard (Treasurer), by leave, made a ministerial statement informing the House of Government decisions relating to a concessional rebate for health insurance and to tax indexation, and, by command of His Excellency the Governor-General, presented the following paper:

Health insurance rebate and tax indexation—Ministerial statement, 29 April 1981. Mr Sinclair (Leader of the House) moved—That the House take note of the paper.

Debate adjourned (Dr Blewett), and the resumption of the debate made an order of the day for a later hour this day.

11 HEALTH CARE SERVICES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: The order of the day having been read for the resumption of the debate on the motion of Mr Sinclair (Leader of the House)—That the House take note of the paper (presented this day), viz.:

Health care services—Ministerial statement, 29 April 1981—

Suspension of standing orders—Extended time for speech: Mr Sinclair, by leave, moved—That so much of the standing orders be suspended as would prevent Dr Blewett speaking for a period not exceeding 30 minutes.

Question—put and passed.

Debate resumed.

Ordered—That Mr Hayden (Leader of the Opposition) be granted an extension of time. Debate adjourned (Mr Hodges), and the resumption of the debate made an order of the day for a later hour this day.

12 NATIONAL HEALTH (PHARMACEUTICAL BENEFITS) AMENDMENT BILL 1981: Mr MacKellar (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the National Health Act 1953 in relation to pharmaceutical benefits.

Bill read a first time.

Mr MacKellar moved—That the Bill be now read a second time.

Debate adjourned (Dr Blewett), and the resumption of the debate made an order of the day for the next sitting.

13 REPATRIATION (PHARMACEUTICAL BENEFITS) AMENDMENT BILL 1981: Mr MacKellar (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Repatriation Act* 1920 in relation to pharmaceutical benefits, and for other purposes. Bill read a first time.

Mr MacKellar moved—That the Bill be now read a second time.

Debate adjourned (Dr Blewett), and the resumption of the debate made an order of the day for the next sitting.

14 Message from the Senate—Joint sitting, time and place: The following message from the Senate was reported:

Mr Speaker,

Message No. 70

The Senate transmits to the House of Representatives the following Resolutions which were agreed to by the Senate this day:

- (1) That, for the purpose of choosing a person to hold the place in the Senate rendered vacant by the death of Senator John William Knight, a Senator for the Australian Capital Territory, until the expiration of the term and in accordance with the provisions of the Senate (Representation of Territories) Act 1973, as amended by the Senate (Representation of Territories) Amendment Act 1980, the Senate meet with the House of Representatives in a joint sitting.
- (2) That the place and time of the joint sitting be the Senate Chamber at fifteen minutes past two p.m. on Tuesday, 5 May 1981.

The Senate requests the concurrence of the House of Representatives in these Resolutions.

The Senate, Canberra, 29 April 1981 C. R. MAUNSELL, Deputy-President

Ordered—That the message be taken into consideration forthwith.

Mr Sinclair (Leader of the House) moved—That the House concurs in the resolution transmitted in message No. 70 of the Senate relating to the time and place of the Joint Sitting for the purpose of choosing a person to hold the place in the Senate rendered vacant by the death of Senator John William Knight.

Debate ensued.

Question-put and passed.

15 Message from the Senate—Rules adopted by the Senate for the conduct of a Joint sitting with the House of Representatives: The following message from the Senate was reported:

Mr Speaker,

Message No. 71

The Senate transmits to the House of Representatives for its information the rules adopted by the Senate for the conduct of the business of a joint sitting with the House of Representatives pursuant to section 9 of the Senate (Representation of Territories) Act 1973.

The Senate, Canberra, 29 April 1981 C. R. MAUNSELL, Deputy-President

The rules adopted by the Senate for the conduct of a joint sitting with the House of Representatives are as follows:

Matter to be Considered at the Joint Sitting

1. The purpose of the Joint Sitting shall be to choose a person to hold the vacant place in the Senate pursuant to section 9 of the Senate (Representation of Territories) Act 1973, and no other matter shall be considered at the Joint Sitting.

General Rule for Conduct of Business

2. In any matter of procedure not provided for in the following rules, the Standing Orders of the Senate, in force for the time being, shall be followed as far as they can be applied.

Chairman of the Joint Sitting

3. The President of the Senate or, in the absence of the President, the Speaker of the House of Representatives, shall be the Chairman of the Joint Sitting.

Clerks of the Joint Sitting

4. The Clerk of the Senate and the Clerk of the House of Representatives shall act as Joint Clerks of the Joint Sitting and either of them may exercise a function expressed to be exercisable by the Clerk.

Minutes of Proceedings

5. Proceedings of the Joint Sitting shall be recorded by the Joint Clerks, and such records shall constitute the minutes of proceedings of the Joint Sitting and shall be signed by the Joint Clerks.

Time Limit on Speeches

6. No Senator or Member of the House of Representatives may speak for more than 5 minutes on any proposal or question before the Joint Sitting.

Objection to Rulings of Chair

7. If any objection is taken to any ruling of the Chairman, such objection must be taken at once, and a motion of dissent, to be submitted in writing, moved, which, if seconded, shall be proposed to the Joint Sitting, and debate thereon shall proceed forthwith.

Entitlement to Vote

8. On any question arising in the Joint Sitting each Senator and Member of the House of Representatives, including the Chairman, shall have one vote.

Voting

9. Questions shall be decided by a simple majority of the Senators and Members of the House of Representatives present and voting, and, if the votes are equal, the question shall be resolved in the negative.

Choice of a Person to Hold the Vacant Place in the Senate

- 10. (a) A Senator or Member of the House of Representatives, addressing himself to the Chair, shall propose a person to hold the vacant place in the Senate and such proposal shall be duly seconded. When any person is so proposed the proposer shall state that such person is willing to hold the vacant place if chosen.
 - (b) In proposing a person to hold the vacant place in the Senate, the proposer shall declare that that person is eligible to be chosen for the Senate and that the nomination is in accordance with the provisions of sub-section 9 (3) of the Senate (Representation of Territories) Act 1973, as amended by the Senate (Representation of Territories) Amendment Act 1980.
 - (c) If only one person is proposed, and seconded, the Chairman shall declare that such person has been chosen to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.
 - (d) If more than one person is proposed and seconded, the person to hold the vacant place shall be chosen by ballot. Before the ballot proceeds the bells shall be rung for three minutes.
 - (e) Before giving directions to proceed with the ballot, the Chairman shall ask if any Senator or Member of the House of Representatives desires to propose any other person to hold the vacant place, and no other person shall be proposed after the ballot is commenced.

- (f) Each Senator and Member of the House of Representatives present shall be provided with a ballot-paper certified by one of the Joint Clerks, and shall vote by writing thereon the name of one of the persons duly proposed, and shall place the ballot-paper in the ballot-box.
- (g) If two or more persons are proposed, the Chairman shall appoint a person from each House to be a scrutineer. The scrutineers, with the Joint Clerks, shall ascertain the number of votes for each of the persons duly proposed; and the scrutineers shall report the result to the Chairman.
- (h) No informal vote shall be taken into account.
- (i) If on the first ballot no person receives an absolute majority of the votes cast, a second ballot shall be taken, and the name of the person who receives the fewest votes at the first ballot shall be excluded; but if at the first ballot the names of only two persons are submitted and the number of votes for each such person is equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.
- (j) Until one of the persons proposed obtains an absolute majority of the votes cast, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who receives the fewest votes at the preceding ballot shall be excluded.
- (k) If on any ballot it is necessary to decide which of two or more persons is to be excluded from a subsequent ballot because of the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide which of two or more persons is to be excluded from a subsequent ballot because of the number of votes for such persons being equal, the scrutineers by drawing lots shall determine which of such persons shall be excluded, and the name of the person last drawn shall be excluded.
- (1) If at any ballot, other than the first ballot or a special ballot, the names of only two persons are submitted and the number of votes for such persons is equal, the scrutineers shall, by drawing lots, determine which of those persons shall be chosen to hold the vacant place, and the person whose name is first drawn shall be deemed to have been duly chosen.
- (m) As soon as any person obtains an absolute majority of the votes cast, or (as the case may be) is chosen by lot to hold the vacant place, the Chairman shall declare that such person has been chosen to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.
- (n) The ballot-papers shall be retained by the Clerk of the Senate, who shall be the custodian thereof.

Conclusion of Joint Sitting

11. Upon the declaration of the person chosen to fill the casual vacancy in the Senate, the Chairman shall forthwith declare the Joint Sitting closed.

- 16 Joint sitting—Rules for conduct: Mr Sinclair (Leader of the House), by leave, moved—
 - (1) That the following rules be adopted for the conduct of the joint sitting of the Senate and the House of Representatives to choose a Senator pursuant to section 9 of the Senate (Representation of Territories) Act 1973:

Matter to be Considered at the Joint Sitting

1. The purpose of the Joint Sitting shall be to choose a person to hold the vacant place in the Senate pursuant to section 9 of the Senate (Representation of Territories) Act 1973, and no other matter shall be considered at the Joint Sitting.

General Rule for Conduct of Business

2. In any matter of procedure not provided for in the following rules, the Standing Orders of the Senate, in force for the time being, shall be followed as far as they can be applied.

Chairman of the Joint Sitting

3. The President of the Senate or, in the absence of the President, the Speaker of the House of Representatives, shall be the Chairman of the Joint Sitting.

Clerks of the Joint Sitting

4. The Clerk of the Senate and the Clerk of the House of Representatives shall act as Joint Clerks of the Joint Sitting and either of them may exercise a function expressed to be exercisable by the Clerk.

Minutes of Proceedings

5. Proceedings of the Joint Sitting shall be recorded by the Joint Clerks, and such records shall constitute the minutes of proceedings of the Joint Sitting and shall be signed by the Joint Clerks.

Time Limit on Speeches

6. No Senator or Member of the House of Representatives may speak for more than 5 minutes on any proposal or question before the Joint Sitting.

Objection to Rulings of Chair

7. If any objection is taken to any ruling of the Chairman, such objection must be taken at once, and a motion of dissent, to be submitted in writing, moved, which, if seconded, shall be proposed to the Joint Sitting, and debate thereon shall proceed forthwith.

Entitlement to Vote

8. On any question arising in the Joint Sitting each Senator and Member of the House of Representatives, including the Chairman, shall have one vote.

Voting

9. Questions shall be decided by a simple majority of the Senators and Members of the House of Representatives present and voting, and, if the votes are equal, the question shall be resolved in the negative.

Choice of a Person to Hold the Vacant Place in the Senate

- 10. (a) A Senator or Member of the House of Representatives, addressing himself to the Chair, shall propose a person to hold the vacant place in the Senate and such proposal shall be duly seconded. When any person is so proposed the proposer shall state that such person is willing to hold the vacant place if chosen.
 - (b) In proposing a person to hold the vacant place in the Senate, the proposer shall declare that that person is eligible to be chosen for the Senate and that the nomination is in accordance with the provisions of sub-section 9 (3) of the Senate (Representation of Territories) Act 1973, as amended by the Senate (Representation of Territories) Amendment Act 1980.

- (c) If only one person is proposed, and seconded, the Chairman shall declare that such person has been chosen to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.
- (d) If more than one person is proposed and seconded, the person to hold the vacant place shall be chosen by ballot. Before the ballot proceeds the bells shall be rung for three minutes.
- (e) Before giving directions to proceed with the ballot, the Chairman shall ask if any Senator or Member of the House of Representatives desires to propose any other person to hold the vacant place, and no other person shall be proposed after the ballot is commenced.
- (f) Each Senator and Member of the House of Representatives present shall be provided with a ballot-paper certified by one of the Joint Clerks, and shall vote by writing thereon the name of one of the persons duly proposed, and shall place the ballot-paper in the ballotbox.
- (g) If two or more persons are proposed, the Chairman shall appoint a person from each House to be a scrutineer. The scrutineers, with the Joint Clerks, shall ascertain the number of votes for each of the persons duly proposed; and the scrutineers shall report the result to the Chairman.
- (h) No informal vote shall be taken into account.
- (i) If on the first ballot no person receives an absolute majority of the votes cast, a second ballot shall be taken, and the name of the person who receives the fewest votes at the first ballot shall be excluded; but if at the first ballot the names of only two persons are submitted and the number of votes for each such person is equal, the scrutineers shall by drawing lots determine which of such persons shall be chosen to hold the vacant place, and the person whose name shall be first drawn shall be deemed to have been duly chosen.
- (j) Until one of the persons proposed obtains an absolute majority of the votes cast, or (as the case may be) is chosen by lot to hold the vacant place, successive ballots shall be taken, and at each such ballot the name of the person who receives the fewest votes at the preceding ballot shall be excluded.
- (k) If on any ballot it is necessary to decide which of two or more persons is to be excluded from a subsequent ballot because of the number of votes for such persons being equal, a special ballot shall be taken at which the names of only those persons shall be submitted, and the name of the person having the fewest votes at such special ballot shall be excluded; but if on any special ballot it shall be necessary to decide which of two or more persons is to be excluded from a subsequent ballot because of the number of votes for such persons being equal, the scrutineers by drawing lots shall determine which of such persons shall be excluded, and the name of the person last drawn shall be excluded.
- (I) If at any ballot, other than the first ballot or a special ballot, the names of only two persons are submitted and the number of votes for such persons is equal, the scrutineers shall, by drawing lots, determine which of those persons shall be chosen to hold the vacant place, and the person whose name is first drawn shall be deemed to have been duly chosen.
- (m) As soon as any person obtains an absolute majority of the votes cast, or (as the case may be) is chosen by lot to hold the vacant place, the Chairman shall declare that such person has been chosen to hold the place of the Senator for the Australian Capital Territory whose place has become vacant.

(n) The ballot-papers shall be retained by the Clerk of the Senate, who shall be the custodian thereof.

Conclusion of Joint Sitting

- 11. Upon the declaration of the person chosen to fill the casual vacancy in the Senate, the Chairman shall forthwith declare the Joint Sitting closed.
- (2) That a message be sent to the Senate acquainting it of the rules adopted by the House of Representatives for the conduct of a joint sitting with the Senate.

Debate ensued.

Question—put and passed.

17 PARLIAMENTARY JOINT SITTINGS AMENDMENT BILL 1981: The order of the day having been read for the second reading—Mr Viner (Minister representing the Attorney-General) moved—That the Bill be now read a second time.

Debate ensued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Viner, the Bill was read a third time.

18 Joint sitting—Powers, privileges and immunities of Members: Mr Sinclair (Leader of the House), pursuant to notice, moved—That this House resolves that it be a rule and order of the House of Representatives that, at a joint sitting with the Senate, pursuant to the Senate (Representation of Territories) Act 1973, as amended by the Senate (Representation of Territories) Amendment Act 1980, the proceedings are proceedings in Parliament, and that the powers, privileges, and immunities of Members of this House shall, mutatis mutandis, be those relating to a sitting of the House of Representatives.

Debate ensued.

Ouestion-put and passed.

19 Designs Amendment Bill 1981: 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.

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

Leave granted for third reading to be moved forthwith.

Mr Thomson (Minister for Science and Technology) moved—That the Bill be now read a third time.

Debate ensued.

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

20 PATENTS AMENDMENT BILL 1981: 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 Thomson (Minister for Science and Technology), the Bill was read a third time.

21 Trade Marks Amendment Bill 1981: 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 Thomson (Minister for Science and Technology), the Bill was read a third time.

22 HEALTH CARE SERVICES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: The order of the day having been read for the resumption of the debate on the motion of Mr Sinclair (Leader of the House)—That the House take note of the paper (presented this day), viz.:

Health care services—Ministerial statement, 29 April 1981—

Debate resumed.

Mr Lloyd addressing the House-

23 ADJOURNMENT: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

Debate extended: It being 11 p.m., the debate was interrupted. Mr Howard (Treasurer) required the debate to be extended.

The debate continuing until 11.02 p.m., Mr Deputy Speaker adjourned the House until tomorrow at 10.30 a.m.

Papers: The following papers were deemed to have been presented on 29 April 1981, pursuant to statute:

Lands Acquisition Act—Statements (4) of lands acquired by agreement authorized under sub-section 7 (1).

Telecommunications Act—Australian Telecommunications Commission—By-laws
--1981—

Telecommunications (Charging Zones and Charging Districts)—Amendment No. 9.

Telecommunications (Community Calls)—Amendment No. 7.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr Cass and Mr Groom.

D. M. BLAKE,
Acting Clerk of the House of Representatives