

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 92

THURSDAY, 6 MAY 1982

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- 1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
 - 2 **QUESTIONS:** Questions without notice being asked—
Member named and suspended: Mr Speaker named the honourable Member for Blaxland (Mr Keating) for not resuming his seat when directed by the Chair to do so.
Mr Sinclair (Leader of the House) moved—That the honourable Member for Blaxland be suspended from the service of the House.
Question—put.
The House proceeded to divide, but the tellers appointed for the “Noes” refusing to act, Mr Speaker declared the question resolved in the affirmative.
The honourable Member was, therefore, suspended at 10.28 a.m. for 24 hours under standing order 305, and he accordingly withdrew from the Chamber.
Questions without notice continued.
 - 3 **PAPERS:** The following papers were presented:
By command of His Excellency the Governor-General:
Australian Agricultural Council—Resolutions—113th Meeting, Adelaide, 8 February 1982.
Committee on Overseas Professional Qualifications—13th Report, dated December 1981.
Department of Foreign Affairs—Report for 1981.
United Nations—3rd Conference on the Law of the Sea—Resumed 10th Session, Geneva, 3 to 28 August 1981—Report of Australian Delegation.
Pursuant to statute:
Albury-Wodonga Development Act—Albury-Wodonga Development Corporation—8th Annual Report and financial statements, together with the Auditor-General’s Report, for year 1980-81.
Australian Federal Police Act—Australian Federal Police—2nd Annual Report, for year 1980-81.
Bankruptcy Act—14th Annual Report, for year 1980-81.
Housing Assistance Act—3rd (final) Annual Report on the operation of the Act, for year 1980-81.
Life Insurance Act—Life Insurance Commissioner—36th Annual Report, for 1981.
Half yearly financial and statistical bulletin, June 1981.
 - 4 **RETIREMENT OF MR J. A. PETTIFER, C.B.E., CLERK OF THE HOUSE—VOTE OF APPRECIATION:** Mr Speaker informed the House of the forthcoming retirement of Mr J. A. Pettifer, Clerk of the House, and, after referring to Mr Pettifer’s distinguished

contribution to the House over many years, expressed the hope that he would enjoy a happy retirement.

Mr Fraser (Prime Minister), Mr Hayden (Leader of the Opposition), Mr Anthony (Leader of the National Country Party of Australia) and other honourable Members associated themselves with the remarks of Mr Speaker.

Mr Sinclair (Leader of the House) moved—That this House places on record its appreciation of the long and meritorious service to the Parliament by the Clerk of the House, Mr J. A. Pettifer, C.B.E., and extends to him and his wife every wish for a healthy and happy retirement.

Question—put and passed.

- 5 SHEEP MEAT—AUSTRALIAN STUDY MISSION TO THE MIDDLE EAST—MINISTERIAL STATEMENT:** Mr Nixon (Minister for Primary Industry), by leave, made a ministerial statement relating to the report of the Australian sheep meat study mission to the Middle East.

Mr Kerin, by leave, also made a statement with reference to the matter.

- 6 MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:

5 May 1982—Message—

No. 251—States Grants (Tertiary Education Assistance) Legislation Amendment 1982.

No. 252—States Grants (Schools Assistance) Amendment 1982.

- 7 HOUSING:** Mr Uren, pursuant to notice, moved—That this House—

- (1) recognises that the rapid pace and large-scale volume of export-oriented resource development being pursued in Australia is causing widespread dislocation of people from their homes and places of work while acting to drain private funds away from traditional sources of housing finance, and pressure increases in home loan interest rates;
- (2) acknowledges that security of housing for a growing number of low and middle income earners is being undermined by the rising prices of land, housing and finance in the private sector;
- (3) condemns the Government for the large cutbacks in public sector housing expenditure which have imposed hardship on people in need and led to a gross imbalance in the national housing stock, and
- (4) calls on the Government to expand funds for public housing and develop an integrated housing policy which will address the growing housing problems.

Mr Howe seconding the motion—

It being 2 hours after the time fixed for the meeting of the House, the debate was interrupted in accordance with standing order 109.

Ordered—That the time for the discussion of notices be extended until 12.15 p.m.

Debate continued.

The time allotted for precedence to general business having expired, the debate was interrupted, Mr Chapman was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

- 8 PROPOSED APPOINTMENT OF CLERK OF THE HOUSE:** Mr Speaker informed the House that, after consultation with Party Leaders, the Leader of the House and the Manager of Opposition Business, he proposed to recommend to His Excellency the Governor-General the appointment of Mr D. M. Blake to succeed Mr J. A. Pettifer as Clerk of the House.

- 9 AUSTRALIAN CITIZENSHIP ACT—STATEMENT BY MINISTER:** Mr Macphee (Minister for Immigration and Ethnic Affairs), by leave, made a statement informing the House of Government proposals to amend the Australian Citizenship Act resulting from a review of that Act.

Mr Young, Dr Theophanous and Mr D. M. Cameron, by leave, also made statements in connection with the matter.

10 ROAD SAFETY—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS:
Mr Katter (Chairman) presented the following report from the Standing Committee on Road Safety:

Education, training and licensing of drivers, including the special needs of disabled drivers—Report, dated 25 March 1982, together with the transcript of evidence and copies of the minutes of proceedings of the committee.

Ordered—That the report be printed.

Mr Katter, Mr C. K. Jones, Mr Goodluck and Mr Milton, by leave, made statements in connection with the report.

11 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Dobie presented the following report from the Joint Committee on Foreign Affairs and Defence:

The Gulf and Australia—Report, dated 29 April 1982.

Ordered to be printed.

Mr Dobie, Mr Beazley and Mr McLean, by leave, made statements in connection with the report.

12 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TAX CUTS: 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 need for substantial tax cuts in the forthcoming budget".

The proposed discussion having received the necessary support—

Mr Willis addressed the House.

Discussion ensued.

Discussion concluded.

13 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Bowen, Mr R. J. Brown, Mr Campbell, Mr Cunningham, Mrs Darling, Mr Duffy, Dr Jenkins, Mr B. O. Jones, Mrs Kelly, Mr Kent, Mr Maher, Mr Mildren, Mr Milton, Mr Morris, Mr Morrison, Mr Scholes, Dr Theophanous and Mr West—from certain citizens praying that Family Radio Limited's application for a broadcasting licence be supported and more category "S" F.M. licences be made available in Brisbane.

Mr Carlton, Mr Connolly, Mr Maher and Mr Uren—from certain citizens praying that all provisions of the Heritage Act and the Environment Protection (Impact of Proposals) Act be fully complied with in respect of national estate areas.

Mr Armitage and Mrs Child—from certain citizens praying that Australia call on the Canadian Government to end the harp seal hunt and halt the importation of products derived from the harp seal.

Mr Baume—from certain citizens praying that the plan to close the manual assistance telephone exchange at Bowral, N.S.W., be halted pending a full and open Parliamentary inquiry into the needs and desires of affected subscribers and the social and economic effects of closure.

Dr Blewett—from certain citizens praying that the services of Channel 0/28 be extended initially to cover the Adelaide metropolitan area and then the rest of South Australia.

Mr Braithwaite—from certain residents of north Queensland praying that sufficient expenditure be allocated to raise the standard of the national highway in north Queensland to Department of Transport standards.

Mr Campbell—from certain residents of the Kimberley region, W.A., praying that funds be allocated for the immediate upgrading of the Great Northern Highway in the Kimberley region to an all-weather sealed highway.

Mr Connolly—from certain citizens praying that theatre in Australia be supported by the increase of grants to a realistic level.

Mr Cowan—from certain citizens praying that the plan to close the manual assistance telephone exchange at Taree, N.S.W., be halted pending a full and open Parliamentary inquiry into the needs and desires of affected subscribers and the social and economic effects of closure.

Mr Cross—from certain citizens praying for the re-introduction of the scheme whereby interest on home loan repayments is a tax deduction for people on average incomes and further that interest rates be reduced.

Mr Kent—from certain citizens praying that the present children's services program be maintained and no recommendations of the Spender report be implemented without full consultation with community groups.

Mr Lusher—from certain citizens praying that the plan to close the manual assistance telephone exchange at Cowra, N.S.W., be halted pending a full and open Parliamentary inquiry into the needs and desires of affected subscribers and the social and economic effects of closure.

Mr Lusher—from certain citizens praying that the plan to close the manual assistance telephone exchange at Young, N.S.W., be halted pending a full and open Parliamentary inquiry into the needs and desires of affected subscribers and the social and economic effects of closure.

Mr Mountford—from certain citizens praying that disabled people be recognised as citizens who should have equal rights and that certain actions be taken to enable adequate planning of services needed by partially or totally disabled people to be undertaken.

Mr O'Keefe—from certain citizens praying that the plan to close the manual assistance telephone exchange at Muswellbrook, N.S.W., be halted pending a full and open Parliamentary inquiry into the needs and desires of affected subscribers and the social and economic effects of closure.

Mr O'Keefe—from certain citizens praying that the plan to close the manual assistance telephone exchange at Mudgee, N.S.W., be halted pending a full and open Parliamentary inquiry into the needs and desires of affected subscribers and the social and economic effects of closure.

Dr Theophanous—from certain citizens praying that steps be taken to re-introduce a system of health care based on ability to pay and that access to health care be based on medical need.

Petitions received.

14 CUSTOMS TARIFF PROPOSALS NO. 12 (1982): Mr N. A. Brown (Minister for Business and Consumer Affairs) moved Customs Tariff Proposals No. 12 (1982).

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

15 PAPER: Mr N. A. Brown (Minister for Business and Consumer Affairs), by command of His Excellency the Governor-General, presented the following paper:

Industries Assistance Commission—Report—Ethylene, diethylene and triethylene glycols (developing country preferences), dated 18 December 1981 (No. 294).

16 LEAVE OF HOUSE FOR PRODUCTION AND ADDUCTION OF HANSARD AND DOCUMENTS, INTERVIEW OF OFFICERS AND ATTENDANCE OF OFFICERS AT COURT PROCEEDINGS: Mr Sinclair (Leader of the House), pursuant to notice, moved—That, in response to the petition of Macphillamy Cummins and Gibson presented to the House on 5 May 1982, this House grants leave—

- (1) to the Petitioner and to Mr Christopher John Hurford to issue and serve subpoenae for the production of the relevant official records of the proceedings of the House as described in the Second Schedule of the petition, and of relevant documents tabled in the House as described in the Third Schedule of the petition;

- (2) to the Petitioner and to Mr Christopher John Hurford to adduce the said official records of the proceedings as evidence of what was in fact said, and of the presentation of the said documents, in the House;
- (3) to the Petitioner and to Mr Christopher John Hurford to interview and obtain proofs of the evidence from the relevant officers of the Parliamentary Reporting Staff, and
- (4) to an appropriate officer or officers of the House to attend in Court and to produce the said official records of proceedings and to give evidence in relation to the recording of proceedings or the tabling of documents provided that such officer or officers shall not be required to attend at any time which would prevent the performance of their duties in the Parliament.

Debate ensued.

Question—put and passed.

- 17 WILDLIFE PROTECTION (REGULATION OF EXPORTS AND IMPORTS) BILL 1982:** Mr Wilson (Minister for Home Affairs and Environment), pursuant to notice, presented a Bill for an Act to further the protection and conservation of wildlife by regulating the export and import of certain animals, plants and goods, and for related purposes.

Bill read a first time.

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

Debate adjourned (Mr Bowen—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

- 18 AUSTRALIAN WAR MEMORIAL—ANNUAL REPORT—DELAY—MINISTERIAL STATEMENT:** Mr Wilson (Minister for Home Affairs and Environment), by leave, made a ministerial statement informing the House of the reasons for the delay in the tabling of the 1980-81 Annual Report of the Australian War Memorial.

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

- 19 INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT BILL 1982:** 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. 154, dated 30 April 1982, 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 Industrial Relations), the Bill was read a third time.

- 20 POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

- 21 TOBACCO CHARGE AMENDMENT BILL 1982:** 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 Viner (Minister for Industrial Relations), the Bill was read a third time.

- 22 PUBLIC SERVICE ACTS 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—

Statement by Minister: Mr Viner (Minister Assisting the Prime Minister), by leave, made a statement relating to proposed Government amendments to the Bill.

Debate resumed.

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

- 23 **NATIONAL COMMUNICATIONS SATELLITE SYSTEM—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** Mr Sinclair (Minister for Communications), by command of His Excellency the Governor-General, presented the following paper:

National Communications Satellite System—Information paper, dated May 1982.

Mr Sinclair, by leave, made a ministerial statement in connection with the paper, and, by command of His Excellency the Governor-General, presented the following paper:

National Communications Satellite System—Ministerial statement, 6 May 1982.

Mr Viner (Minister for Industrial Relations) moved—That the House take note of the papers.

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

- 24 **PUBLIC SERVICE ACTS 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—

Mr Connolly 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.

- 25 **NATIONAL COMMUNICATIONS SATELLITE SYSTEM—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** The order of the day having been read for the resumption of debate on the motion of Mr Viner (Minister for Industrial Relations)—That the House take note of the papers (*presented this day*), viz.:

National Communications Satellite System—

Information paper, dated May 1982.

Ministerial statement, 6 May 1982—

Ordered—That Mr Dawkins be granted an extension of time.

Debate continued.

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

- 26 **POSTPONEMENT OF NOTICES:** Ordered—That notices Nos. 3 to 6, government business, be postponed until a later hour this day.

- 27 **CIVIL AVIATION (CARRIERS' LIABILITY) AMENDMENT BILL 1982:** 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 Morris who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House is of the opinion that provision should be made for the introduction of third party personal injury insurance in respect of all aircraft operated in Australia and which are not covered by this Bill and the Principal Act”.

Mr Humphreys (seconder) addressing the House—

Closure of Member: Mr Hall moved—That the honourable Member be not further heard.

Question—put.

The House divided (the Deputy Speaker, Mr Millar, in the Chair)—

AYES, 61

Mr Adermann	Mr Cowan	Mr Hyde	Mr Porter
Mr Anthony	Mr Dean	Mr Jarman	Mr Robinson
Mr Baume	Mr Dobie	Mr Katter	Mr Rocher
Mr Birney	Mr Drummond	Mr Killen	Mr Sainsbury
Mr Bouchier	Dr Edwards	Mr Lloyd	Mr Shack
Mr Bradfield	Mr Falconer	Mr Lusher	Mr Shipton
Mr Braithwaite	Mr Fife	Sir Phillip Lynch	Mr Spender
Mr N. A. Brown	Mr Giles	Mr MacKellar	Mr Street
Mr Bungey	Mr Goodluck	Mr MacKenzie*	Mr Tambling
Mr Cadman	Mr Hall	Mr McLean	Mr Thomson
Mr E. C. Cameron	Mr Harris	Mr McVeigh	Mr Tuckey
Mr I. M. D. Cameron	Mr Hicks	Mr Moore	Mr Viner
Mr Carlton	Mr Hodges*	Mr Newman	Mr Wilson
Mr Chapman	Mr Hodgman	Mr Nixon	
Mr Coleman	Mr Howard	Mr O'Keefe	
Mr Connolly	Mr Hunt	Mr Peacock	

NOES, 46

Mr Armitage	Mr Duffy	Mr Johnson*	Mr Morrison
Mr Beazley	Dr Everingham	Mr B. O. Jones	Mr Mountford
Dr Blewett	Mr Free	Mr C. K. Jones	Mr Scholes
Mr J. J. Brown	Mr Fry	Mrs Kelly	Mr Scott
Mr R. J. Brown	Mr Hawke	Mr Kent	Dr Theophanous
Mr Campbell	Mr Holding	Mr Kerin	Mr Uren
Dr Cass	Mr Howe	Dr Klugman	Mr Wallis
Mr Cohen	Mr Humphreys*	Mr McLeay	Mr West
Mr Cross	Mr Hurford	Mr McMahan	Mr Willis
Mr Cunningham	Mr Innes	Mr Maher	Mr Young
Mrs Darling	Mr Jacobi	Mr Milton	
Mr Dawkins	Dr Jenkins	Mr Morris	

* Tellers

And so it was resolved in the affirmative.

Mr Wallis rising to address the House—

Closure: Mr Bouchier moved—That the question be now put.

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

And the question—That the words proposed to be omitted stand part of the question—being accordingly put—

The House divided (the Deputy Speaker, Mr Millar, in the Chair)—

AYES, 60

Mr Adermann	Mr Connolly	Mr Howard	Mr O'Keefe
Mr Anthony	Mr Cowan	Mr Hunt	Mr Peacock
Mr Baume	Mr Dean	Mr Hyde	Mr Porter
Mr Birney	Mr Dobie	Mr Jarman	Mr Robinson
Mr Bouchier	Mr Drummond	Mr Katter	Mr Rocher
Mr Bradfield	Dr Edwards	Mr Killen	Mr Sainsbury
Mr Braithwaite	Mr Falconer	Mr Lloyd	Mr Shack
Mr N. A. Brown	Mr Fife	Mr Lusher	Mr Shipton
Mr Bungey	Mr Giles	Sir Phillip Lynch	Mr Spender
Mr Cadman	Mr Goodluck	Mr MacKellar	Mr Street
Mr E. C. Cameron	Mr Hall	Mr MacKenzie*	Mr Tambling
Mr I. M. D. Cameron	Mr Harris	Mr McLean	Mr Thomson
Mr Carlton	Mr Hicks	Mr McVeigh	Mr Tuckey
Mr Chapman	Mr Hodges*	Mr Moore	Mr Viner
Mr Coleman	Mr Hodgman	Mr Nixon	Mr Wilson

NOES, 46

Mr Armitage	Mr Duffy	Mr Johnson*	Mr Morrison
Mr Beazley	Dr Everingham	Mr B. O. Jones	Mr Mountford
Dr Blewett	Mr Free	Mr C. K. Jones	Mr Scholes
Mr J. J. Brown	Mr Fry	Mrs Kelly	Mr Scott
Mr R. J. Brown	Mr Hawke	Mr Kent	Dr Theophanous
Mr Campbell	Mr Holding	Mr Kerin	Mr Uren
Dr Cass	Mr Howe	Dr Klugman	Mr Wallis
Mr Cohen	Mr Humphreys*	Mr McLeay	Mr West
Mr Cross	Mr Hurford	Mr McMahan	Mr Willis
Mr Cunningham	Mr Innes	Mr Maher	Mr Young
Mrs Darling	Mr Jacobi	Mr Milton	
Mr Dawkins	Dr Jenkins	Mr Morris	

* Tellers

And so it was resolved in the affirmative.

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

The House resolved itself into a committee of the whole.

—————
In the committee

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4—

Mr Morris moved the following amendment: Page 2, lines 10—42 and page 3, lines 1—24, omit sub-clause (1), substitute the following sub-clause:

“(1) Section 31 of the Principal Act is repealed and the following sections are substituted:

Limitation of liability in respect of injury or death

‘31. (1) Subject to the regulations relating to passenger tickets, the liability of a carrier under this Part in respect of each passenger, by reason of his injury or death resulting from an accident, is limited to—

- (a) where paragraph (b) does not apply—the amount that is the applicable amount in relation to the period during which the accident took place; or
- (b) where an amount that exceeds the applicable amount in relation to the accident is specified, in the contract of carriage pursuant to which the passenger was carried, as the limit of the carrier’s liability—the amount so specified.

‘(2) A reference in this section to the amount that is the applicable amount in relation to a period is a reference to—

- (a) in the case of the period commencing on the date of commencement of this section and ending on 30 June 1984—\$130,000; or
- (b) in the case of a relevant period—the amount (rounded up to the next dollar where the amount includes dollars and cents) ascertained in

relation to the relevant period in accordance with the formula $\frac{a b}{c}$

where—

a is—

- (i) in relation to the relevant period commencing on 1 July 1984—\$130,000; or
- (ii) in relation to any other relevant period—the amount that is the applicable amount in relation to the previous relevant period;

b is the number of whole dollars in the weekly earnings amount;

c is the number of whole dollars in the amount that was the weekly earnings amount in relation to the previous relevant period.

‘(3) Notwithstanding sub-section (5), where the weekly earnings amount in relation to a relevant period is less than the amount that was the weekly earnings amount in relation to the previous relevant period, the weekly earnings amount in relation to that first-mentioned relevant period shall, for the purposes of this section, be taken to be the same as the amount that was the weekly earnings amount in relation to the previous relevant period.

‘(4) The Minister shall, not later than 30 days before the commencement of each relevant period, cause to be published in the *Gazette* notice of the amount that is the applicable amount for the purposes of this section in relation to that relevant period.

'(5) In this section—

“previous relevant period”, in relation to another relevant period, means the relevant period immediately preceding that other relevant period;

“relevant period” means the period of 2 years commencing on 1 July 1984 and each subsequent period of 2 years;

“weekly earnings amount”, in relation to a relevant period, means the estimate of the average weekly earnings per employed male unit throughout Australia published by the Australian Statistician in respect of the December quarter of the calendar year immediately preceding the year in which the relevant period commenced.

Limitation of liability in respect of baggage

'31A. (1) Subject to the regulations relating to baggage checks, the liability of a carrier under this Part in respect of the destruction or loss of, or injury to, the baggage of any one passenger, being baggage that is, or includes, registered baggage, is limited to—

- (a) where neither paragraph (b) nor paragraph (c) applies—\$900;
- (b) where, at the date of the occurrence that caused the destruction, loss, or injury, a regulation was in force prescribing an amount other than \$900 for the purposes of this sub-section but paragraph (c) does not apply—the amount prescribed by that regulation; or
- (c) where an amount that exceeds—
 - (i) if, at the date of the occurrence referred to in paragraph (b), no regulation was in force as mentioned in that paragraph—\$900; or
 - (ii) if, at the date of the occurrence referred to in paragraph (b), a regulation prescribing an amount was in force as mentioned in that paragraph—the amount prescribed by the regulation,
 is specified, in the contract of carriage pursuant to which the passenger was carried, as the limit of the carrier's liability—the amount so specified.

'(2) The liability of a carrier under this Part in respect of the destruction or loss of, or injury to, the baggage, other than registered baggage, of any one passenger is limited to—

- (a) where neither paragraph (b) nor paragraph (c) applies—\$90;
- (b) where, at the date of the occurrence that caused the destruction, loss or injury, a regulation was in force prescribing an amount other than \$90 for the purposes of this sub-section but paragraph (c) does not apply—the amount prescribed by that regulation; or
- (c) where an amount that exceeds—
 - (i) if, at the date of the occurrence referred to in paragraph (b), no regulation was in force as mentioned in that paragraph—\$90; or
 - (ii) if, at the date of the occurrence referred to in paragraph (b), a regulation prescribing an amount was in force as mentioned in that paragraph—the amount prescribed by that regulation,
 is specified, in the contract of carriage pursuant to which the passenger was carried, as the limit of the carrier's liability—the amount so specified.'''

Question—That the sub-clause proposed to be omitted stand part of the clause—put.

The committee divided (the Deputy Chairman, Mr Jarman, in the Chair)—

AYES, 63

Mr Adermann	Mr Connolly	Mr Howard	Mr Peacock
Mr Anthony	Mr Cowan	Mr Hunt	Mr Porter
Mr Baume	Mr Dean	Mr Hyde	Mr Robinson
Mr Birney	Mr Dobie	Mr Katter	Mr Rocher
Mr Bourchier	Mr Drummond	Mr Killen	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Falconer	Mr Lusher	Mr Shipton
Mr N. A. Brown	Mr Fife	Sir Phillip Lynch	Mr Sinclair
Mr Bungey	Mr Giles	Mr MacKellar	Mr Spender
Mr Cadman	Mr Goodluck	Mr MacKenzie*	Mr Street
Mr D. M. Cameron	Mr Groom	Mr McLean	Mr Tambling
Mr E. C. Cameron	Mr Hall	Mr McVeigh	Mr Thomson
Mr I. M. D. Cameron	Mr Harris	Mr Moore	Mr Tuckey
Mr Carlton	Mr Hicks	Mr Newman	Mr Viner
Mr Chapman	Mr Hodges*	Mr Nixon	Mr Wilson
Mr Coleman	Mr Hodgman	Mr O'Keefe	

NOES, 46

Mr Armitage	Mr Duffy	Mr Johnson*	Mr Morrison
Mr Beazley	Dr Everingham	Mr B. O. Jones	Mr Mountford
Dr Blewett	Mr Free	Mr C. K. Jones	Mr Scholes
Mr J. J. Brown	Mr Fry	Mrs Kelly	Mr Scott
Mr R. J. Brown	Mr Hawke	Mr Kent	Dr Theophanous
Mr Campbell	Mr Holding	Mr Kerin	Mr Uren
Dr Cass	Mr Howe	Dr Klugman	Mr Wallis
Mr Cohen	Mr Humphreys*	Mr McLeay	Mr West
Mr Cross	Mr Hurford	Mr McMahon	Mr Willis
Mr Cunningham	Mr Innes	Mr Maher	Mr Young
Mrs Darling	Mr Jacobi	Mr Milton	
Mr Dawkins	Dr Jenkins	Mr Morris	

* Tellers

And so it was resolved in the affirmative.

Clause agreed to.

Proposed new clauses—

Mr Morris, by leave, moved—That the following new clauses be added to the Bill:

Servants and agents of carrier

“5. Section 33 of the Principal Act is amended by inserting in sub-section (1) ‘or 31A’ after ‘31’.

Regulations relating to passenger tickets and baggage checks

“6. Section 40 of the Principal Act is amended by inserting in paragraph (c) ‘or 31A’ after ‘31’.”.

Debate ensued.

Mr D. M. Cameron rising to address the committee—

Closure moved: Mr Tuckey moved—That the question be now put.

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

Debate continued.

Proposed new clauses negated.

Title agreed to.

Bill to be reported without amendment.

The House resumed; Mr Jarman reported accordingly.

On the motion of Mr Hunt (Minister for Transport), the House adopted the report.

Mr Hunt, by leave, moved—That the Bill be now read a third time.

Debate ensued.

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

28 AIR ACCIDENTS (COMMONWEALTH GOVERNMENT LIABILITY) AMENDMENT BILL

1982: 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.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5—

Mr Morris moved the following amendment: Page 2, lines 34—37 and page 3, lines 1—4, omit proposed sub-section (1), substitute the following sub-section:

“(1) The maximum liability of the Commonwealth or a Commonwealth authority under this Part in respect of any one person, by reason of his death or injury resulting from an accident, is the amount that is, for the purposes of section 31 of the *Civil Aviation (Carriers' Liability) Act 1959*, the applicable amount in relation to the period during which the accident took place.”.

Amendment negatived.

Clause agreed to.

Clauses 6 and 7, by leave, taken together, and agreed to.

Clause 8—

Mr Morris moved the following amendment: Page 3, lines 37—40 and page 4, lines 1—4, omit proposed sub-section (1), substitute the following sub-section:

“(1) The maximum liability of the Commonwealth or a Commonwealth authority under this Part in respect of any one person, by reason of his death or injury resulting from an accident, is the amount that is, for the purposes of section 31 of the *Civil Aviation (Carriers' Liability) Act 1959*, the applicable amount in relation to the period during which the accident took place.”.

It being 10 p.m.—Progress to be reported.

The House resumed; Mr Giles reported accordingly.

Adjournment negatived: The question was accordingly proposed—That the House do now adjourn.

Mr Hunt (Minister for Transport) requiring the question to be put forthwith without debate—

Question—put and negatived.

The House again resolved itself into a committee of the whole.

In the committee

Amendment negatived.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.

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

Mr Hunt, by leave, moved—That the Bill be now read a third time.

Debate ensued.

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

- 29 **RADIOCOMMUNICATIONS LICENCE FEES BILL 1982:** 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 Sinclair (Minister for Communications), the Bill was read a third time.

- 30 **RADIOCOMMUNICATIONS (MISCELLANEOUS PROVISIONS) BILL 1982:** 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. 155, dated 4 May 1982, 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 Sinclair (Minister for Communications), the Bill was read a third time.

- 31 **SUSPENSION OF STANDING ORDER 103:** Mr Sinclair (Leader of the House), by leave, moved—That standing order 103 (11 o'clock rule) be suspended for this sitting.

Question—put.

The House divided (the Deputy Speaker, Mr Armitage, in the Chair)—

AYES, 59

Mr Adermann	Mr Dean	Mr Hunt	Mr Robinson
Mr Baume	Mr Dobie	Mr Hyde	Mr Rocher
Mr Birney	Mr Drummond	Mr Katter	Mr Ruddock
Mr Bourchier	Dr Edwards	Mr Killen	Mr Sainsbury
Mr Bradfield	Mr Falconer	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Fife	Mr Lusher	Mr Shipton
Mr N. A. Brown	Mr Giles	Mr MacKellar	Mr Sinclair
Mr Bungey	Mr Goodluck	Mr MacKenzie*	Mr Spender
Mr Cadman	Mr Groom	Mr McLean	Mr Street
Mr D. M. Cameron	Mr Hall	Mr Moore	Mr Tambling
Mr E. C. Cameron	Mr Harris	Mr Newman	Mr Thomson
Mr Carlton	Mr Hicks	Mr Nixon	Mr Tuckey
Mr Chapman	Mr Hodges*	Mr O'Keefe	Mr Viner
Mr Connolly	Mr Hodgman	Mr Peacock	Mr Wilson
Mr Cowan	Mr Howard	Mr Porter	

NOES, 44

Mr Beazley	Mr Duffy	Mr Johnson*	Mr Morris
Dr Blewett	Dr Everingham	Mr B. O. Jones	Mr Morrison
Mr J. J. Brown	Mr Free	Mr C. K. Jones	Mr Mountford
Mr R. J. Brown	Mr Fry	Mrs Kelly	Mr Scholes
Mr Campbell	Mr Hawke	Mr Kent	Mr Scott
Dr Cass	Mr Holding	Mr Kerin	Dr Theophanous
Mr Cohen	Mr Howe	Dr Klugman	Mr Uren
Mr Cross	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cunningham	Mr Hurford	Mr McMahon	Mr West
Mrs Darling	Mr Jacobi	Mr Maher	Mr Willis
Mr Dawkins	Dr Jenkins	Mr Milton	Mr Young

* Tellers

And so it was resolved in the affirmative.

- 32 **INCOME TAX ASSESSMENT AMENDMENT BILL (NO. 3) 1982:** 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 Kerin who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House condemns the Government for creating the circumstance whereby tax exemption has to be given to the Australian Wool Testing Authority, now supposedly a private organisation”.

Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (the Deputy Speaker, Mr Millar, in the Chair)—

AYES, 64

Mr Adermann	Mr Connolly	Mr Howard	Mr Peacock
Mr Anthony	Mr Cowan	Mr Hunt	Mr Porter
Mr Baume	Mr Dean	Mr Hyde	Mr Robinson
Mr Birney	Mr Dobie	Mr Katter	Mr Rocher
Mr Bouchier	Mr Drummond	Mr Killen	Mr Ruddock
Mr Bradfield	Dr Edwards	Mr Lloyd	Mr Sainsbury
Mr Braithwaite	Mr Falconer	Mr Lusher	Mr Shack
Mr N. A. Brown	Mr Fife	Sir Phillip Lynch	Mr Shipton
Mr Bungey	Mr Giles	Mr MacKellar	Mr Sinclair
Mr Cadman	Mr Goodluck	Mr MacKenzie*	Mr Spender
Mr D. M. Cameron	Mr Groom	Mr McLean	Mr Street
Mr E. C. Cameron	Mr Hall	Mr McVeigh	Mr Tambling
Mr I. M. D. Cameron	Mr Harris	Mr Moore	Mr Thomson
Mr Carlton	Mr Hicks	Mr Newman	Mr Tuckey
Mr Chapman	Mr Hodges*	Mr Nixon	Mr Viner
Mr Coleman	Mr Hodgman	Mr O'Keefe	Mr Wilson

NOES, 44

Mr Armitage	Mr Dawkins	Dr Jenkins	Mr Milton
Mr Beazley	Mr Duffy	Mr Johnson*	Mr Morris
Dr Blewett	Dr Everingham	Mr B. O. Jones	Mr Morrison
Mr J. J. Brown	Mr Free	Mr C. K. Jones	Mr Mountford
Mr R. J. Brown	Mr Fry	Mrs Kelly	Mr Scholes
Mr Campbell	Mr Hawke	Mr Kent	Mr Scott
Dr Cass	Mr Holding	Mr Kerin	Dr Theophanous
Mr Cohen	Mr Howe	Dr Klugman	Mr Uren
Mr Cross	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cunningham	Mr Hurford	Mr McMahan	Mr Willis
Mrs Darling	Mr Jacobi	Mr Maher	Mr Young

* Tellers

And so it was resolved in the affirmative.

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

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.

On the motion of Mr Howard (Treasurer), by leave, the following amendments were made together, after debate:

Amendment—

Clause 2, page 1, lines 8—10, omit the clause, substitute the following clause:

Commencement

“2. (1) Subject to sub-section (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 2A shall come into operation, or shall be deemed to have come into operation, as the case requires, immediately after the commencement of the *Income Tax Assessment Amendment Act (No. 2) 1982*.”

New clause—

Page 1, after clause 2 insert the following new clause:

Officers to observe secrecy

“2A. Section 16 of the Principal Act is amended by adding at the end of paragraph (4A) (b) ‘, being an offence the punishment, or maximum punishment, for which is or includes imprisonment for life or for a period exceeding 6 months.’”

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Giles reported accordingly.

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

- 33 **R.A.A.F. BASE, WAGGA WAGGA, N.S.W.—CONSTRUCTION OF LIVING AND TRAINING ACCOMMODATION—APPROVAL OF WORK:** Mr McVeigh (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 living and training accommodation at R.A.A.F. Base, Wagga Wagga, N.S.W.

Debate ensued.

Question—put and passed.

- 34 **R.A.A.F. BASE, DARWIN—CONSTRUCTION OF FACILITIES FOR TACTICAL FIGHTER SQUADRON—APPROVAL OF WORK:** Mr McVeigh (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 elements of the work known as the construction of facilities for a tactical fighter squadron, R.A.A.F. Base, Darwin, N.T., which was referred to the Parliamentary Standing Committee on Public Works and on which the Committee has duly reported to Parliament: An operations domestic support building; ground support equipment shelters; refurbishment of hangars and ordnance storage buildings; sleeping quarters for junior officers and other ranks; 83 new married quarters, and a carpark, security fencing and engineering services.

Debate ensued.

Question—put and passed.

- 35 **PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—BRISBANE INTERNATIONAL AIRPORT—REDEVELOPMENT OF REMAINDER OF WORKS OF PHASE 1:** Mr McVeigh (Minister for Housing and Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Redevelopment of Brisbane international airport, remainder of works of phase 1.

Mr McVeigh presented plans in connection with the proposed work.

Question—put and passed.

- 36 **ADELAIDE AIRPORT—UPGRADING FOR INTERNATIONAL SERVICES—APPROVAL OF WORK:** Mr McVeigh (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: Adelaide Airport: Upgrading for international services.

Mr Morris moved, as an amendment—That the following words be added to the motion: “; provided that the international terminal is located at the site recommended by the Public Works Committee”.

Debate continued.

The House continuing to sit until after 12 midnight—

FRIDAY, 7 MAY 1982

Debate continued.

Mr McMahan addressing the House—

Closure: Mr Bouchier moved—That the question be now put.

Question—That the question be now put—put.

The House divided (the Deputy Speaker, Mr Millar, in the Chair)—

AYES, 61

Mr Adermann	Mr Cowan	Mr Hyde	Mr Rocher
Mr Anthony	Mr Dean	Mr Killen	Mr Ruddock
Mr Baume	Mr Dobie	Mr Lloyd	Mr Sainsbury
Mr Birney	Mr Drummond	Mr Lusher	Mr Shack
Mr Bouchier	Dr Edwards	Sir Phillip Lynch	Mr Shipton
Mr Bradfield	Mr Falconer	Mr MacKellar	Mr Sinclair
Mr Braithwaite	Mr Fife	Mr MacKenzie*	Mr Spender
Mr N. A. Brown	Mr Goodluck	Mr McLean	Mr Street
Mr Cadman	Mr Groom	Mr McVeigh	Mr Tambling
Mr D. M. Cameron	Mr Hall	Mr Moore	Mr Thomson
Mr E. C. Cameron	Mr Harris	Mr Newman	Mr Tuckey
Mr I. M. D. Cameron	Mr Hicks	Mr Nixon	Mr Viner
Mr Carlton	Mr Hodges*	Mr O'Keefe	Mr Wilson
Mr Chapman	Mr Hodgman	Mr Peacock	
Mr Coleman	Mr Howard	Mr Porter	
Mr Connolly	Mr Hunt	Mr Robinson	

NOES, 43

Mr Armitage	Mr Dawkins	Mr Johnson*	Mr Morris
Mr Beazley	Mr Duffy	Mr B. O. Jones	Mr Morrison
Dr Blewett	Dr Everingham	Mr C. K. Jones	Mr Mountford
Mr J. J. Brown	Mr Free	Mrs Kelly	Mr Scholes
Mr R. J. Brown	Mr Hawke	Mr Kent	Mr Scott
Mr Bungey	Mr Holding	Mr Kerin	Dr Theophanous
Mr Campbell	Mr Howe	Dr Klugman	Mr Uren
Dr Cass	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cohen	Mr Hurford	Mr McMahon	Mr Willis
Mr Cross	Mr Jacobi	Mr Maher	Mr Young
Mr Cunningham	Dr Jenkins	Mr Milton	

* Tellers

And so it was resolved in the affirmative.

And the question—That the words proposed to be added be so added—being accordingly put—

The House divided (the Deputy Speaker, Mr Giles, in the Chair)—

AYES, 43

Mr Armitage	Mr Dawkins	Mr Johnson*	Mr Morris
Mr Beazley	Mr Duffy	Mr B. O. Jones	Mr Morrison
Dr Blewett	Dr Everingham	Mr C. K. Jones	Mr Mountford
Mr J. J. Brown	Mr Free	Mrs Kelly	Mr Scholes
Mr R. J. Brown	Mr Hawke	Mr Kent	Mr Scott
Mr Bungey	Mr Holding	Mr Kerin	Dr Theophanous
Mr Campbell	Mr Howe	Dr Klugman	Mr Uren
Dr Cass	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cohen	Mr Hurford	Mr McMahon	Mr Willis
Mr Cross	Mr Jacobi	Mr Maher	Mr Young
Mr Cunningham	Dr Jenkins	Mr Milton	

NOES, 59

Mr Adermann	Mr Connolly	Mr Howard	Mr Robinson
Mr Anthony	Mr Cowan	Mr Hunt	Mr Rocher
Mr Baume	Mr Dean	Mr Hyde	Mr Ruddock
Mr Birney	Mr Dobie	Mr Killen	Mr Sainsbury
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Shack
Mr Bradfield	Dr Edwards	Mr Lusher	Mr Shipton
Mr Braithwaite	Mr Falconer	Mr MacKellar	Mr Sinclair
Mr N. A. Brown	Mr Fife	Mr MacKenzie*	Mr Spender
Mr Cadman	Mr Goodluck	Mr McLean	Mr Street
Mr D. M. Cameron	Mr Groom	Mr Moore	Mr Tambling
Mr E. C. Cameron	Mr Hall	Mr Newman	Mr Thomson
Mr I. M. D. Cameron	Mr Harris	Mr Nixon	Mr Tuckey
Mr Carlton	Mr Hicks	Mr O'Keefe	Mr Viner
Mr Chapman	Mr Hodges*	Mr Peacock	Mr Wilson
Mr Coleman	Mr Hodgman	Mr Porter	

* Tellers

And so it was negated.

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

37 **SUSPENSION OF STANDING ORDERS MOVED:** Mr Morris moved—That so much of the standing orders be suspended as would prevent the honourable Member for Canning making a statement forthwith relating to international flight facilities at Adelaide Airport.

Closure of Member: Mr Sinclair (Leader of the House) moved—That the honourable Member be not further heard.

Question—put and passed.

Mr Scholes (seconder) addressing the House—

Closure of Member: Mr Sinclair moved—That the honourable Member be not further heard.

Question—put and passed.

Question—That the motion for the suspension of the standing orders be agreed to—put.

The House divided (the Deputy Speaker, Mr Giles, in the Chair)—

AYES, 42

Mr Armitage	Mr Duffy	Mr B. O. Jones	Mr Morrison
Mr Beazley	Dr Everingham	Mr C. K. Jones	Mr Mountford
Dr Blewett	Mr Free	Mrs Kelly	Mr Scholes
Mr J. J. Brown	Mr Hawke	Mr Kent	Mr Scott
Mr R. J. Brown	Mr Holding	Mr Kerin	Dr Theophanous
Mr Campbell	Mr Howe	Dr Klugman	Mr Uren
Dr Cass	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cohen	Mr Hurford	Mr McMahan	Mr Willis
Mr Cross	Mr Jacobi	Mr Maher	Mr Young
Mr Cunningham	Dr Jenkins	Mr Milton	
Mr Dawkins	Mr Johnson*	Mr Morris	

NOES, 60

Mr Adermann	Mr Connolly	Mr Howard	Mr Porter
Mr Anthony	Mr Cowan	Mr Hunt	Mr Robinson
Mr Baume	Mr Dean	Mr Hyde	Mr Rocher
Mr Birney	Mr Dobie	Mr Killen	Mr Ruddock
Mr Bourchier	Mr Drummond	Mr Lloyd	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Lusher	Mr Shack
Mr Braithwaite	Mr Falconer	Mr MacKellar	Mr Slipton
Mr N. A. Brown	Mr Fife	Mr MacKenzie*	Mr Sinclair
Mr Cadman	Mr Giles	Mr McLean	Mr Spender
Mr D. M. Cameron	Mr Goodluck	Mr McVeigh	Mr Street
Mr E. C. Cameron	Mr Groom	Mr Moore	Mr Tambling
Mr I. M. D. Cameron	Mr Hall	Mr Newman	Mr Thomson
Mr Carlton	Mr Harris	Mr Nixon	Mr Tuckey
Mr Chapman	Mr Hicks	Mr O'Keefe	Mr Viner
Mr Coleman	Mr Hodges*	Mr Peacock	Mr Wilson

* Tellers

And so it was negatived.

38 **SUSPENSION OF STANDING ORDERS MOVED:** Dr Klugman moved—That so much of the standing orders be suspended as would prevent the honourable Member for Prospect moving—That this House commiserates with the honourable Member for Blaxland for not being able to be present in the House this morning.

Question—put.

The House divided (the Deputy Speaker, Mr Millar, in the Chair)—

AYES, 42

Mr Armitage	Mr Duffy	Mr B. O. Jones	Mr Morrison
Mr Beazley	Dr Everingham	Mr C. K. Jones	Mr Mountford
Dr Blewett	Mr Free	Mrs Kelly	Mr Scholes
Mr J. J. Brown	Mr Hawke	Mr Kent	Mr Scott
Mr R. J. Brown	Mr Holding	Mr Kerin	Dr Theophanous
Mr Campbell	Mr Howe	Dr Klugman	Mr Uren
Dr Cass	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cohen	Mr Hurford	Mr McMahon	Mr Willis
Mr Cross	Mr Jacobi	Mr Maher	Mr Young
Mr Cunningham	Dr Jenkins	Mr Milton	
Mr Dawkins	Mr Johnson*	Mr Morris	

NOES, 60

Mr Adermann	Mr Connolly	Mr Howard	Mr Porter
Mr Anthony	Mr Cowan	Mr Hunt	Mr Robinson
Mr Baume	Mr Dean	Mr Hyde	Mr Rocher
Mr Birney	Mr Dobie	Mr Killen	Mr Ruddock
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Lusher	Mr Shack
Mr Braithwaite	Mr Falconer	Mr MacKellar	Mr Shipton
Mr N. A. Brown	Mr Fife	Mr MacKenzie*	Mr Sinclair
Mr Cadman	Mr Giles	Mr McLean	Mr Spender
Mr D. M. Cameron	Mr Goodluck	Mr McVeigh	Mr Street
Mr E. C. Cameron	Mr Groom	Mr Moore	Mr Tambling
Mr I. M. D. Cameron	Mr Hall	Mr Newman	Mr Thomson
Mr Carlton	Mr Harris	Mr Nixon	Mr Tuckey
Mr Chapman	Mr Hicks	Mr O'Keefe	Mr Viner
Mr Coleman	Mr Hodges*	Mr Peacock	Mr Wilson

* Tellers

And so it was negatived.

39 DECLARATION OF PUBLIC SERVICE ACTS AMENDMENT BILL 1981 AS URGENT BILL—LIMITATION OF DEBATE: Mr Sinclair (Leader of the House) declared that the Public Service Acts Amendment Bill 1981 was an urgent Bill.

Question—That the Bill be considered an urgent Bill—put.

The House divided (the Deputy Speaker, Mr Millar, in the Chair)—

AYES, 63

Mr Adermann	Mr Cowan	Mr Howard	Mr Porter
Mr Anthony	Mr Dean	Mr Hunt	Mr Robinson
Mr Baume	Mr Dobie	Mr Hyde	Mr Rocher
Mr Birney	Mr Drummond	Mr Killen	Mr Ruddock
Mr Bouchier	Dr Edwards	Mr Lloyd	Mr Sainsbury
Mr Bradfield	Mr Falconer	Mr Lusher	Mr Shack
Mr Braithwaite	Mr Fife	Sir Phillip Lynch	Mr Shipton
Mr N. A. Brown	Mr Fraser	Mr MacKellar	Mr Sinclair
Mr Cadman	Mr Giles	Mr MacKenzie*	Mr Spender
Mr D. M. Cameron	Mr Goodluck	Mr McLean	Mr Street
Mr E. C. Cameron	Mr Groom	Mr McVeigh	Mr Tambling
Mr I. M. D. Cameron	Mr Hall	Mr Moore	Mr Thomson
Mr Carlton	Mr Harris	Mr Newman	Mr Tuckey
Mr Chapman	Mr Hicks	Mr Nixon	Mr Viner
Mr Coleman	Mr Hodges*	Mr O'Keefe	Mr Wilson
Mr Connolly	Mr Hodgman	Mr Peacock	

NOES, 43

Mr Armitage	Mr Duffy	Mr Johnson*	Mr Morris
Mr Beazley	Dr Everingham	Mr B. O. Jones	Mr Morrison
Dr Blewett	Mr Free	Mr C. K. Jones	Mr Mountford
Mr J. J. Brown	Mr Hawke	Mrs Kelly	Mr Scholes
Mr R. J. Brown	Mr Hayden	Mr Kent	Mr Scott
Mr Campbell	Mr Holding	Mr Kerin	Dr Theophanous
Dr Cass	Mr Howe	Dr Klugman	Mr Uren
Mr Cohen	Mr Humphreys*	Mr McLeay	Mr Wallis
Mr Cross	Mr Hurford	Mr McMahon	Mr Willis
Mr Cunningham	Mr Jacobi	Mr Maher	Mr Young
Mr Dawkins	Dr Jenkins	Mr Milton	

* Tellers

And so it was resolved in the affirmative.

Allotment of time: Mr Sinclair then moved—That the time allotted for the remaining stages of the Bill be until 1.30 a.m. this day.

Question—put and passed.

40 **PUBLIC SERVICE ACTS 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.

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 Hawke, by leave, moved the following amendments together:

Clause 2—

Page 1, sub-clause (1), omit “sections 28, 44, 45, 46, 47, 48, 52, 57, 68, 72 and 73, sub-section 75 (2), sections 76, 77A, 77B, 77C, 77D and 82 and Parts IV, V and VI”, substitute “28, 44, 47, 52, 57, 68 and 72, sub-section 75 (2), section 76, 77D and 82”.

Page 1, sub-clause (2), omit “section 24”.

Clause 20, page 10, after proposed section 33A insert the following section:

Appointment, transfer or promotion to preclude patronage, &c.

“33AA (1) Powers under this Act in respect of recruitment, appointment, transfer or promotion shall be exercised in a manner consistent with the attainment of recruitment and promotion procedures which rely on a careful assessment of those personal qualifications and capabilities likely to contribute to the efficient working of government administration, and which preclude patronage, favouritism, or unjustified discrimination.

“(2) Powers or discretions under this Act shall be exercised in a manner which does not discriminate in employment on grounds of race, creed, sex, age, marital status or political belief except where such discrimination is part of a program of affirmative action for disadvantaged groups.”.

Clause 27—

Page 20, at the end of proposed section 50C add the following sub-sections:

“(3) A Committee established for the purposes of an appeal made under section 50B shall report to the Board any matter which has hindered the Committee in making its inquiries.

“(4) Matters reported to the Board under sub-section (3) shall be included in the Board’s report to Parliament required under section 22.”.

Page 20, lines 30 and 31, proposed sub-section 50D (1), omit “the Committee shall inquire into the claims of each party to the appeal proceedings”, substitute “the Committee shall make full inquiries into the claims of the parties”.

Pages 20 and 21, proposed section 50D, omit sub-section (2), substitute the following sub-section:

“(2) In making inquiries into the claims of each party to the appeal proceedings, the Committee—

(a) may follow such procedure as it thinks fit; and

(b) is not bound by the rules of evidence and may inform itself in such manner as it thinks fit.”.

Page 21, proposed section 50D, omit sub-sections (3) and (4).

Page 24, proposed section 50H, omit sub-section (6).

Clause 30—

Page 31, omit proposed section 53H.

Page 32, proposed section 53J, omit paragraph (b).

Clause 92, page 55, omit sub-clause (3).

Clause 97, page 57, omit sub-clauses (3) and (4).

Debate continued.

Limitation of debate: At 1.30 a.m., the Deputy Chairman having called the attention of the committee to the fact that time allotted for the remaining stages of the Bill had expired—

Question—That the amendments be agreed to—put.

The committee divided (the Deputy Chairman, Mr Giles, in the Chair)—

AYES, 42

Mr Armitage	Mr Duffy	Mr Johnson*	Mr Morrison
Mr Beazley	Dr Everingham	Mr B. O. Jones	Mr Mountford
Dr Blewett	Mr Free	Mr C. K. Jones	Mr Scholes
Mr J. J. Brown	Mr Hawke	Mrs Kelly	Mr Scott
Mr R. J. Brown	Mr Hayden	Mr Kent	Dr Theophanous
Mr Campbell	Mr Holding	Dr Klugman	Mr Uren
Dr Cass	Mr Howe	Mr McLeay	Mr Wallis
Mr Cohen	Mr Humphreys*	Mr McMahon	Mr Willis
Mr Cross	Mr Hurford	Mr Maher	Mr Young
Mr Cunningham	Mr Jacobi	Mr Milton	
Mr Dawkins	Dr Jenkins	Mr Morris	

NOES, 60

Mr Adermann	Mr Connolly	Mr Howard	Mr Peacock
Mr Anthony	Mr Cowan	Mr Hunt	Mr Porter
Mr Baume	Mr Dean	Mr Hyde	Mr Robinson
Mr Birney	Mr Dobie	Mr Killen	Mr Rocher
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Ruddock
Mr Bradfield	Dr Edwards	Mr Lusher	Mr Sainsbury
Mr Braithwaite	Mr Falconer	Sir Phillip Lynch	Mr Shack
Mr N. A. Brown	Mr Fife	Mr MacKellar	Mr Shipton
Mr Cadman	Mr Goodluck	Mr MacKenzie*	Mr Sinclair
Mr D. M. Cameron	Mr Groom	Mr McLean	Mr Spender
Mr E. C. Cameron	Mr Hall	Mr McVeigh	Mr Street
Mr I. M. D. Cameron	Mr Harris	Mr Moore	Mr Tambling
Mr Carlton	Mr Hicks	Mr Newman	Mr Thomson
Mr Chapman	Mr Hodges*	Mr Nixon	Mr Tuckey
Mr Coleman	Mr Hodgman	Mr O'Keefe	Mr Viner

* Tellers

And so it was negatived.

Further question—That the Bill and the amendments and new clauses circulated by the Government be agreed to, and that the Bill be reported with amendments—put.

The committee divided (the Deputy Chairman, Mr Giles, in the Chair)—

AYES, 59

Mr Adermann	Mr Connolly	Mr Howard	Mr Porter
Mr Anthony	Mr Cowan	Mr Hunt	Mr Robinson
Mr Baume	Mr Dean	Mr Hyde	Mr Rocher
Mr Birney	Mr Dobie	Mr Killen	Mr Ruddock
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Lusher	Mr Shack
Mr Braithwaite	Mr Falconer	Mr MacKellar	Mr Shipton
Mr N. A. Brown	Mr Fife	Mr MacKenzie*	Mr Sinclair
Mr Cadman	Mr Goodluck	Mr McLean	Mr Spender
Mr D. M. Cameron	Mr Groom	Mr McVeigh	Mr Street
Mr E. C. Cameron	Mr Hall	Mr Moore	Mr Tambling
Mr I. M. D. Cameron	Mr Harris	Mr Newman	Mr Thomson
Mr Carlton	Mr Hicks	Mr Nixon	Mr Tuckey
Mr Chapman	Mr Hodges*	Mr O'Keefe	Mr Viner
Mr Coleman	Mr Hodgman	Mr Peacock	

NOES, 42

Mr Armitage	Mr Duffy	Mr Johnson*	Mr Morrison
Mr Beazley	Dr Everingham	Mr B. O. Jones	Mr Mountford
Dr Blewett	Mr Free	Mr C. K. Jones	Mr Scholes
Mr J. J. Brown	Mr Hawke	Mrs Kelly	Mr Scott
Mr R. J. Brown	Mr Hayden	Mr Kent	Dr Theophanous
Mr Campbell	Mr Holding	Dr Klugman	Mr Uren
Dr Cass	Mr Howe	Mr McLeay	Mr Wallis
Mr Cohen	Mr Humphreys*	Mr McMahon	Mr Willis
Mr Cross	Mr Hurford	Mr Maher	Mr Young
Mr Cunningham	Mr Jacobi	Mr Milton	
Mr Dawkins	Dr Jenkins	Mr Morris	

* Tellers

And so it was resolved in the affirmative.

The amendments and new clauses circulated by the Government were accordingly made in the Bill, and are as follows:

Amendments—

Clause 2, page 1, lines 7—11, omit sub-clause (1), substitute the following sub-clause:

“(1) Sections 1, 2 and 3, sub-section 4 (2), sections 6, 7, 8, 9, 10, 11, 15 and 16, sub-sections 17 (1) and 25 (1), sections 28, 44, 45, 46, 47, 48, 52, 57, 68, 72 and 73, sub-section 75 (2), sections 76, 77A, 77B, 77C, 77D and 82 and Parts IV, V and VI (other than sections 93, 94, 98 and 99) shall come into operation on the day on which this Act receives the Royal Assent.”

Clause 5, page 3, lines 16—18, omit the clause, substitute the following clause:

Officers of the Parliament

“5. (1) Section 9 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) ‘all appointments or promotions of officers of the Department’ and substituting ‘the appointment of a person to the office of Clerk’;
 - (b) by omitting from paragraph (1) (b) ‘all appointments or promotions of officers of the Department’ and substituting ‘the appointment of a person to the office of Clerk’;
 - (c) by omitting from paragraph (1) (c) ‘all appointments or promotions of officers of the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or’ and substituting ‘the appointment of a person to the office of Parliamentary Librarian, Principal Parliamentary Reporter or Secretary to’;
 - (d) by omitting sub-section (2) and substituting the following sub-sections:
 - ‘(2) Notwithstanding anything contained in this Act—
 - (a) the President of the Senate may appoint persons, or promote officers, to offices in the Department of the Senate (other than the office of Clerk of the Senate);
 - (b) the Speaker may appoint persons, or promote officers, to offices in the Department of the House of Representatives (other than the office of Clerk of the House of Representatives); and
 - (c) the President and the Speaker may appoint persons, or promote officers, to offices in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department (other than the offices of Parliamentary Librarian, Principal Parliamentary Reporter and Secretary to the Joint House Department).
- ‘(2AA) Subdivision F of Division 4 of Part III has effect as if—
- (a) any reference in section 53L to a decision by a Permanent Head under section 50 to promote an officer included a reference to a decision by the President or the Speaker, or the President and the

Speaker, under sub-section (2) of this section to promote an officer to an office of the Parliament; and

- (b) any reference to a decision by the Board under section 39 to appoint a person to an office the vacancy in which was advertised in the *Gazette* included a reference to a decision by the President or the Speaker, or the President and the Speaker, under sub-section (2) of this section to appoint a person to an office of the Parliament the vacancy in which was advertised in the *Gazette*.

‘(2AB) Subject to this section, unless inconsistent with the context, any action or approval required or authorized by this Act, the regulations or any determinations in force under section 82D to be taken or given by the Board shall or may, so far as officers and offices of the Parliament are concerned, be taken or given by the President or the Speaker, or the President and the Speaker, as the case may be, in substitution for the Board and any action (other than an action referred to in sub-section (2)) required or authorized by this Act, the regulations or any determination in force under section 82D to be taken by a Permanent Head or Chief Officer shall or may be taken—

- (a) in relation to officers of, and offices in, the Department of the Senate—by the Clerk of the Senate;
 - (b) in relation to officers of, and offices in, the Department of the House of Representatives—by the Clerk of the House of Representatives;
 - (c) in relation to officers of, and offices in, the Department of the Parliamentary Library—by the Parliamentary Librarian;
 - (d) in relation to officers of, and offices in, the Department of the Parliamentary Reporting Staff—by the Principal Parliamentary Reporter; and
 - (e) in relation to officers of, and offices in, the Joint House Department—by the Secretary to the Joint House Department.’;
- (e) by inserting ‘or authorized’ after ‘required’ in paragraph (2A) (a);
 - (f) by inserting ‘shall or’ before ‘may’ (first occurring) in paragraph (2A) (a);
 - (g) by omitting from paragraph (2A) (b) ‘Secretary of’ and substituting ‘Secretary to’;
 - (h) by omitting sub-section (5);
 - (j) by omitting from paragraph (8) (a) ‘and’; and
 - (k) by inserting after paragraph (8) (a) the following paragraph:
 - ‘(aa) a reference to offices of the Parliament shall be read as a reference to offices in the Department of the Senate, the Department of the House of Representatives, the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department; and’.

“(2) All offices that, immediately before the date of commencement of this section, were offices in the Department of the Senate, the Department of the House of Representatives, the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department shall, on and after that date, continue to be offices in that Department having the same designation and classification as they had immediately before that date as if they had been validly created under and in accordance with sub-section 9A (1), (2) or (3) of the Principal Act as amended by this Act and persons occupying those offices immediately before that date shall be entitled, on and after that date, to continue to occupy those offices as if they had been validly appointed, promoted or transferred, as the case may be, to those offices under and in accordance with sub-section 9 (1) or (2) of the Principal Act as amended by this Act.

New clause—

Page 3, after clause 5, insert the following new clause:

“5A. (1) After section 9 of the Principal Act the following sections are inserted in Part I:

Creation, &c., of offices in Parliamentary Departments

‘9A. (1) The President may, after obtaining a report from the Clerk of the Senate—

- (a) create an office in the Department of the Senate; or
- (b) abolish an office in the Department of the Senate.

‘(2) The Speaker may, after obtaining a report from the Clerk of the House of Representatives—

- (a) create an office in the Department of the House of Representatives; or
- (b) abolish an office in the Department of the House of Representatives.

‘(3) The President and the Speaker may, after obtaining a report from the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department, as the case may be—

- (a) create an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be; or
- (b) abolish an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be.

‘(4) The President may, after obtaining a report from the Clerk of the Senate—

- (a) raise or lower the classification of an office in the Department of the Senate; or

(b) alter the designation of an office in the Department of the Senate, other than the office of Clerk of the Senate.

‘(5) The Speaker may, after obtaining a report from the Clerk of the House of Representatives—

- (a) raise or lower the classification of an office in the Department of the House of Representatives; or
- (b) alter the designation of an office in the Department of the House of Representatives,

other than the office of Clerk of the House of Representatives.

‘(6) The President and the Speaker may, after obtaining a report from the Parliamentary Librarian, the Principal Parliamentary Reporter or the Secretary to the Joint House Department, as the case may be—

- (a) raise or lower the classification of an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be; or

- (b) alter the designation of an office in the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department, as the case may be,

other than the office of Parliamentary Librarian, Principal Parliamentary Reporter or Secretary to the Joint House Department.

‘(7) Where the classification of an office in a Department referred to in sub-section (4), (5) or (6) is altered, the office shall be deemed to be vacant and the officer who occupied the office immediately before the alteration becomes an unattached officer.

'(8) Where the President or the Speaker, or the President and the Speaker, as the case may be, makes or make the same alteration of the classification of all offices having the same designation and classification, the President or the Speaker, or the President and the Speaker, as the case may be, may, by notice published in the *Gazette*, direct that sub-section (7) shall not apply and, in that case, that sub-section does not apply.

'(9) Where—

- (a) the President or the Speaker, or the President and the Speaker, as the case may be, makes or make an alteration of the classification of an office in a case where there is no other office having the same designation and classification as that office; and
- (b) the President or the Speaker, or the President and the Speaker, as the case may be, declares or declare, by notice published in the *Gazette*, that that alteration is related to an alteration in respect of which a notice is or has been published under sub-section (8),

the President or the Speaker, or the President and the Speaker, as the case may be, may, in that first-mentioned notice, direct that sub-section (7) shall not apply in relation to that first-mentioned alteration and, in that case, that sub-section does not apply.

Annual report to Parliament by Presiding Officers

'9B. (1) In this section—

- (a) a reference to a Parliamentary Department shall be read as a reference to the Department of the Senate, the Department of the House of Representatives, the Department of the Parliamentary Library, the Department of the Parliamentary Reporting Staff or the Joint House Department;
- (b) a reference to the relevant Presiding Officer or the relevant Presiding Officers, in relation to a Parliamentary Department, shall be read as a reference to—
 - (i) in the case of the Department of the Senate—the President;
 - (ii) in the case of the Department of the House of Representatives—the Speaker; and
 - (iii) in the case of each other Parliamentary Department—the President and the Speaker; and
- (c) "officer of the Parliament" and "employee of the Parliament" have the same meanings as those expressions have in section 9.

'(2) The person who is the relevant Presiding Officer, or the persons who are the relevant Presiding Officers, in relation to a Parliamentary Department shall, as soon as practicable after 30 June in each year, cause a report concerning the operation of that Parliamentary Department during the year that ended on that 30 June to be prepared and to be laid before each House of the Parliament.

'(3) Nothing in this section shall be taken to affect any means by which a member of a House of the Parliament might seek information from the President or the Speaker, or the President and the Speaker, concerning any matter related to the administration of a Parliamentary Department.'

"(2) If this section comes into operation on a date after 30 June in any year and before the next following 1 January, the first report in relation to each Parliamentary Department under section 9B of the Principal Act as amended by this Act shall relate to the period commencing on the date of commencement of this section and ending on 30 June next following that date and shall so relate to that period as if that period were a year.

“(3) If this section comes into operation on a date after 31 December in any year and before the next following 1 July, the first report in relation to each Parliamentary Department under section 9B of the Principal Act as amended by this Act shall relate to the period commencing on the date of commencement of this section and ending on 30 June second occurring after that date and shall so relate to that period as if that period were a year.”.

Amendments—

Clause 9, page 3, lines 36—39, and page 4, lines 1—38, omit the clause, substitute the following clause:

“9. After section 12 of the Principal Act the following section is inserted:

Acting appointments of members of the Board

‘12A. (1) The Governor-General may appoint a person to act as Chairman—

- (a) during a vacancy in the office of Chairman; or
- (b) during a period, or during all periods, when the Chairman is suspended from office, is absent from duty or Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act after the expiration of 6 months after the occurrence of the vacancy.

‘(2) While a person is acting as Chairman in pursuance of an appointment under sub-section(1)—

- (a) he has and may exercise all the powers, and shall perform all the functions, of a member of the Board under this Act or any other law, and, in addition, he has and may exercise all the powers, and shall perform all the functions, of the Chairman under this Act; and
- (b) in a case where he is not a member of the Board—he shall be deemed to be a member of the Board for the purposes of sub-sections 11 (8A), (8B) and (9) and 15 (2) and (3) and section 16.

‘(3) The Governor-General may appoint a person to act as a member of the Board—

- (a) during a vacancy in the office of a member of the Board (other than the Chairman); or
- (b) during a period, or during all periods, when a member of the Board (other than the Chairman) is acting as Chairman, is suspended from office, is absent from duty or Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act after the expiration of 6 months after the occurrence of the vacancy.

‘(4) While a person is acting as a member of the Board in pursuance of an appointment under sub-section (3), he has and may exercise all the powers, and shall perform all the functions, of a member of the Board under this Act or any other law, and shall be deemed to be a member of the Board for the purposes of sub-sections 11 (8A), (8B) and (9) and 15 (2) and (3) and section 16.

‘(5) An appointment of a person under sub-section (1) or (3) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

‘(6) The Governor-General may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Chairman or as a member of the Board (other than the Chairman); and
- (b) terminate such an appointment at any time.

'(7) Where—

- (a) a person is acting in the office of Chairman in pursuance of an appointment made under paragraph (1) (b); or
 - (b) a person is acting in the office of a member of the Board (other than the Chairman) in pursuance of an appointment made under paragraph (3) (b),
- and that office becomes vacant while the person is so acting, then, subject to sub-section (5), that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 6 months from the date on which the vacancy occurred expires, whichever first happens.

'(8) The appointment of a person to act as Chairman, or as a member of the Board (other than the Chairman), ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Governor-General.

'(9) Section 18 does not apply to the making of an appointment under sub-section (1) or (3) or to the termination of such an appointment.

'(10) The validity of anything done by a person purporting to act in pursuance of an appointment under sub-section (1) or (3) shall not be called in question on the ground that—

- (a) the occasion for his appointment had not arisen;
- (b) there is a defect or irregularity in or in connection with his appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion for him to act had not arisen or had ceased.'

Clause 11, page 5, at the end of the clause, add the following sub-clauses:

"(3) Any delegation that the Public Service Board purported to make before the commencement of this section of all of its powers and functions under the *Public Service Act 1922* or under any other law shall be deemed to have been as valid as it would have been if the reference in sub-section 16 (1) of the *Public Service Act 1922* as in force at the time when the purported delegation was made to any of the Board's powers and functions under the *Public Service Act 1922* or under any other law had been a reference to all or any of the Board's powers and functions under that Act or under any other law.

"(4) The reference in sub-section (2) to an instrument of delegation in force under section 16 of the Principal Act immediately before the commencement of this section includes a reference to such an instrument that is to be taken to have been in force by reason of the operation of sub-section (3)."

Clause 17—

Page 7, lines 40—43 and page 8, lines 1—10, omit paragraph (b), substitute the following paragraph:

"(b) by inserting after sub-section (1) the following sub-sections:

'(1A) Where a Department is abolished, the Governor-General may, on the recommendation of the Board—

(a) create in another Department an office—

- (i) that has the same classification as an office that existed in the first-mentioned Department immediately before it was abolished; and
- (ii) the holder of which is required to perform substantially the same duties as the holder of the office referred to in sub-paragraph (i); and

(b) declare the office so created by him to be in substitution for the first-mentioned office.

‘(1B) Where, by virtue of administrative arrangements approved by the Governor-General, a matter is to be dealt with by a different Department from the Department by which that matter was dealt with immediately before those arrangements were approved, the Governor-General may, on the recommendation of the Board—

- (a) abolish an office in the last-mentioned Department the holder of which is required to perform duties that relate wholly or mainly to that matter;
- (b) create in the first-mentioned Department an office—
 - (i) that has the same classification as the office so abolished; and
 - (ii) the holder of which is required to perform substantially the same duties as the holder of the office so abolished; and
- (c) declare the office so created by him to be in substitution for the office so abolished.’; and”.

Page 8, at the end of the clause add the following sub-clause:

“(2) Section 29 of the Principal Act is further amended by adding at the end thereof the following sub-section:

‘(6) In this section, “office” does not include an office of the Parliament within the meaning of section 9.’”.

Clause 21—

Page 17, at the end of proposed section 38, add the following sub-section:

“ ‘(8) In this section, “office of Permanent Head” includes an office referred to in paragraph (a) of the definition of “office of Permanent Head” in sub-section 7 (1) that is an office to or in relation to which section 9 applies.”.

Page 17, before proposed Subdivision C insert the following proposed section:

“Dual appointments of Permanent Heads

‘38A. (1) A person who at any time holds an office of Permanent Head may be appointed to hold another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold the first-mentioned office.

‘(2) Sub-sections 36 (2) to (13), inclusive, do not apply in relation to an appointment to which sub-section (1) of this section applies.

‘(3) A person who at any time holds, or holds an appointment to act in, an office of Permanent Head may be appointed to act in another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold, or to hold the appointment to act in, the first-mentioned office.

‘(4) If a person who is appointed to hold, or to act in, an office of Permanent Head at a time when he holds, or holds an appointment to act in, another office of Permanent Head ceases for any reason to hold, or to hold the appointment to act in, the first-mentioned office, he thereupon also ceases, by force of this sub-section, to hold, or to hold the appointment to act in, the other office.

‘(5) If a person who holds, or holds an appointment to act in, an office of Permanent Head is appointed to hold, or to act in, another office of Permanent Head, he shall not be paid any remuneration, whether by way of salary, annual allowance or otherwise, in respect of his holding, or holding the appointment to act in, the other office.

‘(6) This section has effect notwithstanding anything contained in any other section of this Act or in the *Remuneration Tribunals Act 1973*.

'(7) Nothing in this section shall be construed as excluding the application of sub-section 19B (3) of the *Acts Interpretation Act* 1901 in relation to any provision of this section.'

Clause 27, page 24, lines 7 and 8, omit "(other than a promotion under sub-section 50D (8), 53 (1) or 53A (4))", substitute "under section 50".

Clause 30—

Page 26, line 35, omit "Subdivision", substitute "Subdivisions".

Page 27, line 36, after "office" insert "other than a training office that is an office of the Parliament within the meaning of section 9".

Page 32, after proposed section 53K insert the following proposed Subdivision:

"Subdivision F—Furnishing of Reports in respect of certain Decisions

Reports on transfers, promotions and appeals

'53L. (1) In this section—

"relevant decision" means—

- (a) a decision by a Permanent Head under section 50 to transfer an officer;
- (b) a decision by a Permanent Head under section 50 to promote an officer;
- (c) a decision by the Board under section 39 to appoint a person to an office the vacancy in which was advertised in the *Gazette*;
- (d) a decision, pursuant to regulations in force under section 51A, directing an officer to perform temporarily the duties of an office;
- (e) a decision by a Promotions Appeal Committee or the Board to allow or disallow an appeal or appeals made under section 50B, 50H or 53A;
- (f) a decision by a Promotions Appeal Committee or the Board to allow or disallow an appeal or appeals made, pursuant to regulations in force under section 51A, against the giving to an officer of a direction to perform temporarily the duties of an office; or
- (g) a decision by the Board under section 50G to cancel a promotion;

"report" means a report under sub-section (7);

"request" means a request under sub-section (5).

'(2) A reference in this section to a person to whom a relevant decision applies shall be construed as a reference to—

- (a) in the case of a decision by a Permanent Head under section 50 to transfer an officer—
 - (i) where the vacant office was advertised in the *Gazette*—
 - (A) if the officer who was transferred to the vacant office pursuant to the decision is aggrieved by the transfer—that officer; or
 - (B) any officer (other than the officer who was transferred to the vacant office pursuant to the decision) who applied for transfer or promotion to the vacant office; or
 - (ii) where the vacant office was not advertised in the *Gazette*—any officer who is aggrieved by the transfer;
- (b) in the case of a decision by a Permanent Head under section 50 to promote an officer—

- (i) where the vacant office was advertised in the *Gazette*—any officer (other than the officer who was promoted to the vacant office pursuant to the decision) who applied for transfer or promotion to the vacant office; or
 - (ii) where the vacant office was not advertised in the *Gazette*—any officer (other than the officer who was promoted to the vacant office pursuant to the decision) who is aggrieved by the promotion;
- (c) in the case of a decision by the Board under section 39 to appoint a person to an office the vacancy in which was advertised in the *Gazette*—any officer who applied for transfer or promotion to the vacant office;
- (d) in the case of a decision, pursuant to regulations in force under section 51A, directing an officer to perform temporarily the duties of an office, where the direction is subject to appeal—
- (i) where applications for the temporary performance of duties of the office were invited—
 - (A) if the officer who was directed pursuant to the decision to perform temporarily the duties of the office is aggrieved by the direction—that officer; or
 - (B) any officer (other than the officer who was directed pursuant to the decision to perform temporarily the duties of the office) who applied to be directed to perform temporarily those duties; or
 - (ii) where applications for the temporary performance of the duties of the office were not invited—
 - (A) if the officer who was directed pursuant to the decision to perform temporarily the duties of the office is aggrieved by the direction—that officer; or
 - (B) any officer of the Department in which the office is included (other than the officer who was directed pursuant to the decision to perform temporarily the duties of the office) who is aggrieved by the direction;
- (e) in the case of a decision, pursuant to regulations in force under section 51A, directing an officer to perform temporarily the duties of an office, where the direction is not subject to appeal—
- (i) if the officer who was directed pursuant to the decision to perform temporarily the duties of the office is aggrieved by the direction—that officer; or
 - (ii) any officer of the Department in which the office is included (other than the officer who was directed pursuant to the decision to perform temporarily the duties of the office) who is aggrieved by the direction;
- (f) in the case of a decision of a Promotions Appeal Committee or of the Board to allow or disallow an appeal or appeals made under section 50B, 50H or 53A—an officer who was an unsuccessful party to the appeal proceedings;
- (g) in the case of a decision of a Promotions Appeal Committee or of the Board to allow or disallow an appeal or appeals made, pursuant to regulations in force under section 51A, against the giving to an officer of a direction to perform temporarily the duties of an office—an officer who was an unsuccessful party to the appeal proceedings; or
- (h) in the case of a decision by the Board under section 50G to cancel a promotion—the officer whose promotion was cancelled.

'(3) For the purposes of this section—

- (a) a decision made by a person acting as the delegate of another person or of a body shall be deemed to be a decision of that other person or of that body, as the case may be; and
- (b) a decision made by a person for the time being acting in, or performing the duties of, an office or appointment shall be deemed to be a decision of the holder of that office or appointment.

'(4) Where—

- (a) a person has, in the performance of the duties of an office or appointment, made, or been a member of a body that made, a relevant decision; and
- (b) the person no longer holds, or, for whatever reason, is not performing the duties of, that office or appointment,

this section has effect as if—

- (c) the person for the time being holding or performing the duties of that office or appointment had, in the performance of the duties of that office or appointment, made, or been a member of the body that made, the decision; or
- (d) if there is no person for the time being holding or performing the duties of that office or appointment, or that office or appointment no longer exists—such person as the Board specifies had, in the performance of the duties of that office or appointment, made, or been a member of the body that made, the decision.

'(5) A person to whom a relevant decision applies may, by notice in writing given to the person who or body that made the decision, request that person or body to furnish to him a report under this section in relation to the decision.

'(6) For the purposes of sub-section (5), a notice in writing shall be taken to be given to a Promotions Appeal Committee if it is given in such manner as is prescribed.

'(7) Where a request is made for a report in relation to a relevant decision, the person who or body that made the decision shall, subject to this section, as soon as practicable, and in any event within 28 days, after receiving the request, prepare the report and furnish it to the person who made the request.

'(8) Where a report is required by sub-section (7) to be prepared by a Promotions Appeal Committee, the person who was the Chairman of the Committee may, if the other persons who were members of the Committee agree, prepare the report on behalf of the Committee and furnish it to the person who made the request.

'(9) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) where the vacant office was advertised in the *Gazette* is made by an officer other than the officer who was transferred to the vacant office;
- (b) a request for a report relating to a decision referred to in paragraph (2) (b) where the vacant office was advertised in the *Gazette* is made by an officer other than the officer who was promoted to the vacant office; or
- (c) a request for a report relating to a decision referred to in paragraph (2) (d) where applications for the temporary performance of the duties of the office were invited is made by an officer other than the officer who was directed temporarily to perform the duties of the office,

the report shall—

- (d) be accompanied by a statement of the duties of the office to which the transfer or promotion was made or of the duties that are to be performed temporarily, as the case may be;
- (e) set out the criteria that were used in selecting an officer to be transferred or promoted to, or to be directed to perform temporarily the duties of, the office;

- (f) set out the procedures that were followed in selecting the officer to be transferred, promoted or directed; and
- (g) state whether or not the officer who made the request was considered suitable for transfer or promotion to, or to perform the duties of, the office and set out the assessment made of that officer in relation to the criteria referred to in paragraph (e).

‘(10) Where a request is made for a report relating to a decision referred to in paragraph (2) (c), the report shall—

- (a) be accompanied by a statement of the duties of the office;
- (b) set out the criteria that were used in making the decision;
- (c) set out the procedures that were followed in making the decision; and
- (d) state whether or not the officer who made the request was considered suitable for transfer or promotion to the office and set out the assessment made of that officer in relation to the criteria referred to in paragraph (b).

‘(11) Where a request is made for a report relating to a decision referred to in paragraph (2) (f) or (g), the report shall—

- (a) be accompanied by a statement of the duties of the office to which the appeal relates;
- (b) be accompanied by a copy of a statement in respect of the officer who made the request that was furnished to the Promotions Appeal Committee or to the Board by the Department in which the office to which the appeal relates is included;
- (c) set out the criteria that were used in considering the claims of the parties to the appeal proceedings;
- (d) set out the procedures that were followed in considering those claims, including the names of such referees (if any) nominated by the officer who made the request as were consulted, or provided information, in relation to that officer; and
- (e) state whether or not the officer who made the request was considered suitable for transfer or promotion to, or to perform the duties of, the office and set out the assessment made of the officer in relation to the criteria referred to in paragraph (c).

‘(12) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) where the vacant office was not advertised in the *Gazette* is made by an officer who is neither an officer of the Department in which the office is included nor the officer who was transferred to the vacant office; or
- (b) a request for a report relating to a decision referred to in paragraph (2) (b) where the vacant office was not advertised in the *Gazette* is made by an officer who is neither an officer of the Department in which the office is included nor the officer who was promoted to the vacant office,

the report shall state the reasons why the decision was made without the vacant office being advertised.

‘(13) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) where the vacant office was not advertised in the *Gazette* is made by an officer of the Department in which the office is included other than the officer who was transferred to the vacant office;
- (b) a request for a report relating to a decision referred to in paragraph (2) (b) where the vacant office was not advertised in the *Gazette* is made by an officer

of the Department in which the office is included other than the officer who was promoted to the vacant office;

- (c) a request for a report relating to a decision referred to in paragraph (2) (d) where applications for the temporary performance of the duties of the office were not invited is made by an officer of the Department in which the office is included other than the officer who was directed to perform temporarily the duties of the office; or
- (d) a report relating to a decision referred to in paragraph (2) (e) is made by an officer of the Department in which the office is included other than the officer who was directed to perform temporarily the duties of the office,

the report shall—

- (e) be accompanied by a statement of the duties of the office to which the transfer or promotion was made or of the duties that are to be performed temporarily, as the case may be;
- (f) set out the criteria that were used in selecting an officer to be transferred or promoted to, or to be directed to perform temporarily the duties of, the office;
- (g) set out the procedures that were followed in selecting the officer to be transferred, promoted or directed; and
- (h) state the reasons why, having regard to those criteria, the officer who made the request was not transferred or promoted to, or directed to perform temporarily the duties of, the office.

'(14) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) is made by the officer who was transferred to the vacant office;
- (b) a request for a report relating to a decision referred to in paragraph (2) (d) or (e) is made by the officer who was directed to perform temporarily the duties of the office concerned; or
- (c) a request is made for a report relating to a decision referred to in paragraph (2) (h),

the report shall set out the findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for the decision.

'(15) Sub-sections 13 (3), (4) and (4A) of the *Administrative Decisions (Judicial Review) Act 1977* apply, with any necessary modifications, in relation to a request made to a person or body under this section for a report in relation to a relevant decision in like manner as they apply in relation to a request made to a person under sub-section 13 (1) of that Act for a statement in relation to a decision to which section 13 of that Act applies.

'(16) A person to whom or a body to which a request for a report in relation to a relevant decision is made may refuse to prepare and furnish the report where—

- (a) in the case of a decision of a kind referred to in paragraph (a) of the definition of "relevant decision" in sub-section (1) that relates to a transfer notification of which was published in the *Gazette*—the request was not made on or before the twenty-eighth day after the day on which the notification was so published;
- (b) in the case of a decision of a kind referred to in paragraph (b) of the definition of "relevant decision" in sub-section (1)—the request was not made on or before the twenty-eighth day after the day on which notification of the promotion to which the decision relates was published in the *Gazette*; or

- (c) in the case of any other relevant decision—
- (i) if the officer who made the request was furnished with written notice of the decision—the request was not made on or before the twenty-eighth day after the day on which the notice was furnished; or
 - (ii) in any other case—the request was not made within a reasonable time after the decision was made,

and, in any such case, the person to whom or the body to which the request was made shall give to the officer who made the request, within 14 days after receiving the request, notice in writing stating that the report will not be furnished to him by reason that the request was not made within the time prescribed by this sub-section.

‘(17) Sub-section 13 (6) of the *Administrative Decisions (Judicial Review) Act 1977* applies for the purposes of sub-paragraph (16) (c) (ii) of this section in relation to a request for a report in relation to a decision to which that sub-paragraph applies in like manner as that sub-section applies for the purposes of paragraph 13 (5) (b) of that Act in relation to a request for a statement in relation to a decision to which that paragraph applies.

‘(18) Where a relevant decision relating to a particular person takes into account information supplied to the person who or body that made the decision by a person other than the first-mentioned person on the basis that that information would not be disclosed to the first-mentioned person, then, unless the person who supplied the information has consented, either expressly or by implication, to the disclosure of that information to the first-mentioned person, the disclosure of that information in a report that is required by sub-section (7) to be furnished to the first-mentioned person shall, so far as practicable, not be made in such a form as would reveal the identity of the person who supplied the information.

Reports to promotees where appeals made

‘53M. (1) Where a decision is made by a Permanent Head under section 50 to promote an officer and an appeal is made against the promotion, the officer may, by notice in writing given to the Permanent Head, request the Permanent Head to furnish to him a report in relation to the decision.

‘(2) Where a request for a report is made to a Permanent Head under sub-section (1), the Permanent Head shall, subject to sub-section (3), as soon as practicable, and in any event within 28 days, after receiving the request, prepare the report and furnish it to the person who made the request.

‘(3) A Permanent Head to whom a request for a report is made by an officer under sub-section (1) may refuse to prepare and furnish the report if the request was not made on or before the twenty-eighth day after the day on which the officer received notice of the making of the appeal.

‘(4) A report under this section shall—

- (a) be accompanied by a statement of the duties of the office to which the promotion was made;
- (b) set out the criteria that were used in selecting the officer for promotion;
- (c) set out the procedures that were followed in selecting the officer for promotion; and
- (d) set out the assessment made of the officer in relation to the criteria referred to in paragraph (b).

‘(5) For the purposes of this section—

- (a) a decision to promote an officer that is made by a person acting as the delegate of a Permanent Head shall be deemed to be a decision of that Permanent Head; and

- (b) a decision to promote an officer that is made by a person for the time being acting in an office of Permanent Head shall be deemed to be a decision of the holder of that office.

‘(6) Where—

- (a) a person has, in the performance of the duties of an office of Permanent Head, made a decision to promote an officer; and
- (b) the person no longer holds, or, for whatever reason, is not performing the duties of, that office,

this section has effect as if the person for the time being holding or performing the duties of that office had, in the performance of the duties of that office, made the decision.

Period for making applications to Federal Court for order of review

‘53N. For the purposes of the *Administrative Decisions (Judicial Review) Act 1977*, sub-section 11 (3) of that Act applies as if a report furnished to a person under sub-section 53L (7) or sub-section 53M (2) of this Act were a statement of the kind referred to in sub-paragraph 11 (3) (b) (i) of that Act and had been furnished to the person requesting it within the period referred to in that sub-paragraph.’”.

Clause 38, page 34, after paragraph (b) insert the following paragraph:

“(ba) by omitting ‘and’ at the end of sub-paragraph (6) (vi) and substituting ‘or;’”.

Clause 58, page 43, line 23, omit “and 53”, substitute “, 53 and 53L”.

Clause 73, page 50, line 3, omit “report made in good faith”, substitute “oral or written report made in good faith for the purposes of this Act or the *Public Service Acts Amendment Act 1982*”.

Clause 75, page 50, after proposed paragraph 97 (1) (c) add the following paragraph:

“(d) for determining the allowances in respect of travelling expenses that are to be paid to members of the Joint Council who are not officers or employees;”.

New clauses—

Page 51, after clause 77 insert the following new clauses in Part II:

Reports on transfers, promotions and appeals under Principal Act

“77A. (1) In this section—

‘relevant decision’ means—

- (a) a decision by a Permanent Head under section 50 of the Principal Act to transfer an officer;
- (b) a decision by a Permanent Head under section 50 of the Principal Act to promote provisionally an officer;
- (c) a decision by the Board under section 33 of the Principal Act to appoint a person to an office the vacancy in which was advertised in the *Gazette*;
- (d) a decision, pursuant to regulations in force under section 51A of the Principal Act, directing an officer to perform temporarily the duties of an office;
- (e) a decision by a Promotions Appeal Committee or the Board to allow or disallow an appeal or appeals made under section 50 of the Principal Act;

(f) a decision by a Promotions Appeal Committee or the Board to allow or disallow an appeal or appeals made, pursuant to regulations in force under section 51A of the Principal Act, against the giving to an officer of a direction to perform temporarily the duties of an office; or

(g) a decision by the Board under sub-section 50 (11) of the Principal Act to cancel a provisional promotion,

being a decision made after the commencement of this section;

'report' means a report under sub-section (7);

'request' means a request under sub-section (5).

"(2) A reference in this section to a person to whom a relevant decision applies shall be construed as a reference to—

(a) in the case of a decision by a Permanent Head under section 50 of the Principal Act to transfer an officer—

(i) where the vacant office was advertised in the *Gazette*—

(A) if the officer who was transferred to the vacant office pursuant to the decision is aggrieved by the transfer—that officer; or

(B) any officer (other than the officer who was transferred to the vacant office pursuant to the decision) who applied for transfer or promotion to the vacant office; or

(ii) where the vacant office was not advertised in the *Gazette*—any officer who is aggrieved by the transfer;

(b) in the case of a decision by a Permanent Head under section 50 of the Principal Act to promote provisionally an officer—

(i) where the vacant office was advertised in the *Gazette*—any officer (other than the officer who was promoted provisionally to the vacant office pursuant to the decision) who applied for transfer or promotion to the vacant office; or

(ii) where the vacant office was not advertised in the *Gazette*—any officer (other than the officer who was provisionally promoted to the vacant office pursuant to the decision) who is aggrieved by the provisional promotion;

(c) in the case of a decision by the Board under section 33 of the Principal Act to appoint a person to an office the vacancy in which was advertised in the *Gazette*—any officer who applied for transfer or promotion to the vacant office;

(d) in the case of a decision, pursuant to regulations in force under section 51A of the Principal Act, directing an officer to perform temporarily the duties of an office, where the direction is subject to appeal—

(i) where applications for the temporary performance of the duties of the office were invited—

(A) if the officer who was directed pursuant to the decision to perform temporarily the duties of the office is aggrieved by the direction—that officer; or

(B) any officer (other than the officer who was directed pursuant to the decision to perform temporarily the duties of the office)

who applied to be directed to perform temporarily those duties;
or

- (ii) where applications for the temporary performance of the duties of the office were not invited—
 - (A) if the officer who was directed pursuant to the decision to perform temporarily the duties of the office is aggrieved by the direction—that officer; or
 - (B) any officer of the Department in which the office is included (other than the officer who was directed pursuant to the decision to perform temporarily the duties of the office) who is aggrieved by the direction;
- (e) in the case of a decision, pursuant to regulations in force under section 51A of the Principal Act, directing an officer to perform temporarily the duties of an office, where the direction is not subject to appeal—
 - (i) if the officer who was directed pursuant to the decision to perform temporarily the duties of the office is aggrieved by the direction—that officer; or
 - (ii) any officer of the Department in which the office is included (other than the officer who was directed pursuant to the decision to perform temporarily the duties of the office) who is aggrieved by the direction;
- (f) in the case of a decision of a Promotions Appeal Committee or of the Board to allow or disallow an appeal or appeals made under section 50 of the Principal Act—an officer who was an unsuccessful party to the appeal proceedings;
- (g) in the case of a decision of a Promotions Appeal Committee or of the Board to allow or disallow an appeal or appeals made, pursuant to regulations in force under section 51A of the Principal Act, against the giving to an officer of a direction to perform temporarily the duties of an office—an officer who was an unsuccessful party to the appeal proceedings; or
- (h) in the case of a decision by the Board under sub-section 50 (11) of the Principal Act to cancel a provisional promotion—the officer whose provisional promotion was cancelled.

“(3) For the purposes of this section—

- (a) a decision made by a person acting as the delegate of another person or of a body shall be deemed to be a decision of that other person or of that body, as the case may be; and
- (b) a decision made by a person for the time being acting in, or performing the duties of, an office or appointment shall be deemed to be a decision of the holder of that office or appointment.

“(4) Where—

- (a) a person has, in the performance of the duties of an office or appointment, made, or been a member of a body that made, a relevant decision; and
- (b) the person no longer holds, or, for whatever reason, is not performing the duties of, that office or appointment,

this section has effect as if—

- (c) the person for the time being holding or performing the duties of that office or appointment had, in the performance of the duties of that office or appointment, made, or been a member of the body that made, the decision; or
- (d) if there is no person for the time being holding or performing the duties of that office or appointment, or that office or appointment no longer exists—such person as the Board specifies had, in the performance of the duties of that office or appointment, made, or been a member of the body that made, the decision.

“(5) A person to whom a relevant decision applies may, by notice in writing given to the person who or body that made the decision, request that person or body to furnish to him a report under this section in relation to the decision.

“(6) For the purposes of sub-section (5), a notice in writing shall be taken to be given to a Promotions Appeal Committee if it is given in such manner as is prescribed.

“(7) Where a request is made for a report in relation to a relevant decision, the person who or body that made the decision shall, subject to this section, as soon as practicable, and in any event within 28 days, after receiving the request, prepare the report and furnish it to the person who made the request.

“(8) Where a report is required by sub-section (7) to be prepared by a Promotions Appeal Committee, the person who was the Chairman of the Committee may, if the other persons who were members of the Committee agree, prepare the report on behalf of the Committee and furnish it to the person who made the request.

“(9) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) where the vacant office was advertised in the *Gazette* is made by an officer other than the officer who was transferred to the vacant office;
- (b) a request for a report relating to a decision referred to in paragraph (2) (b) where the vacant office was advertised in the *Gazette* is made by an officer other than the officer who was provisionally promoted to the vacant office; or
- (c) a request for a report relating to a decision referred to in paragraph (2) (d) where applications for the temporary performance of the duties of the office were invited is made by an officer other than the officer who was directed temporarily to perform the duties of the office,

the report shall—

- (d) be accompanied by a statement of the duties of the office to which the transfer or provisional promotion was made or of the duties that are to be performed temporarily, as the case may be;
- (e) set out the criteria that were used in selecting an officer to be transferred or provisionally promoted to, or to be directed to perform temporarily the duties of, the office;
- (f) set out the procedures that were followed in selecting the officer to be transferred, provisionally promoted or directed; and
- (g) state whether or not the officer who made the request was considered suitable for transfer or promotion to, or to perform the duties of, the office and set out the assessment made of that officer in relation to the criteria referred to in paragraph (e).

“(10) Where a request is made for a report relating to a decision referred to in paragraph (2) (c), the report shall—

- (a) be accompanied by a statement of the duties of the office;
- (b) set out the criteria that were used in making the decision;
- (c) set out the procedures that were followed in making the decision; and
- (d) state whether or not the officer who made the request was considered suitable for transfer or promotion to the office and set out the assessment made of that officer in relation to the criteria referred to in paragraph (b).

“(11) Where a request is made for a report relating to a decision referred to in paragraph (2) (f) or (g), the report shall—

- (a) be accompanied by a statement of the duties of the office to which the appeal relates;

- (b) be accompanied by a copy of a statement in respect of the officer who made the request that was furnished to the Promotions Appeal Committee or to the Board by the Department in which the office to which the appeal relates is included;
- (c) set out the criteria that were used in considering the claims of the parties to the appeal proceedings;
- (d) set out the procedures that were followed in considering those claims, including the names of such referees (if any) nominated by the officer who made the request as were consulted, or provided information, in relation to that officer; and
- (e) state whether or not the officer who made the request was considered suitable for transfer or promotion to, or to perform the duties of, the office and set out the assessment made of the officer in relation to the criteria referred to in paragraph (c).

“(12) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) where the vacant office was not advertised in the *Gazette* is made by an officer who is neither an officer of the Department in which the office is included nor the officer who was transferred to the vacant office; or
- (b) a request for a report relating to a decision referred to in paragraph (2) (b) where the vacant office was not advertised in the *Gazette* is made by an officer who is neither an officer of the Department in which the office is included nor the officer who was provisionally promoted to the vacant office,

the report shall state the reasons why the decision was made without the vacant office being advertised.

“(13) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) where the vacant office was not advertised in the *Gazette* is made by an officer of the Department in which the office is included other than the officer who was transferred to the vacant office;
- (b) a request for a report relating to a decision referred to in paragraph (2) (b) where the vacant office was not advertised in the *Gazette* is made by an officer of the Department in which the office is included other than the officer who was provisionally promoted to the vacant office;
- (c) a request for a report relating to a decision referred to in paragraph (2) (d) where applications for the temporary performance of the duties of the office were not invited is made by an officer of the Department in which the office is included other than the officer who was directed to perform temporarily the duties of the office; or
- (d) a report relating to a decision referred to in paragraph (2) (e) is made by an officer of the Department in which the office is included other than the officer who was directed to perform temporarily the duties of the office,

the report shall—

- (e) be accompanied by a statement of the duties of the office to which the transfer or provisional promotion was made or of the duties that are to be performed temporarily, as the case may be;
- (f) set out the criteria that were used in selecting an officer to be transferred or provisionally promoted to, or to be directed to perform temporarily the duties of, the office;
- (g) set out the procedures that were followed in selecting the officer to be transferred, provisionally promoted or directed; and

- (h) state the reasons why, having regard to those criteria, the officer who made the request was not transferred or provisionally promoted to, or directed to perform temporarily the duties of, the office.

“(14) Where—

- (a) a request for a report relating to a decision referred to in paragraph (2) (a) is made by the officer who was transferred to the vacant office;
- (b) a request for a report relating to a decision referred to in paragraph (2) (d) or (e) is made by the officer who was directed to perform temporarily the duties of the office concerned; or
- (c) a request is made for a report relating to a decision referred to in paragraph (2) (h),

the report shall set out the findings on material questions of fact, refer to the evidence or other material on which those findings were based and give the reasons for the decision.

“(15) Sub-sections 13 (3), (4) and (4A) of the *Administrative Decisions (Judicial Review) Act 1977* apply, with any necessary modifications, in relation to a request made to a person or body under this section for a report in relation to a relevant decision in like manner as they apply in relation to a request made to a person under sub-section 13 (1) of that Act for a statement in relation to a decision to which section 13 of that Act applies.

“(16) A person to whom or a body to which a request for a report in relation to a relevant decision is made may refuse to prepare and furnish the report where—

- (a) in the case of a decision of a kind referred to in paragraph (a) of the definition of ‘relevant decision’ in sub-section (1) that relates to a transfer notification of which was published in the *Gazette*—the request was not made on or before the twenty-eighth day after the day on which the notification was so published;
- (b) in the case of a decision of a kind referred to in paragraph (b) of the definition of ‘relevant decision’ in sub-section (1)—the request was not made on or before the twenty-eighth day after the day on which notification of the provisional promotion to which the decision relates was published in the *Gazette*; or
- (c) in the case of any other relevant decision—
- (i) if the officer who made the request was furnished with written notice of the decision—the request was not made on or before the twenty-eighth day after the day on which the notice was furnished; or
 - (ii) in any other case—the request was not made within a reasonable time after the decision was made,

and, in any such case, the person to whom or the body to which the request was made shall give to the officer who made the request, within 14 days after receiving the request, notice in writing stating that the report will not be furnished to him by reason that the request was not made within the time prescribed by this sub-section.

“(17) Sub-section 13 (6) of the *Administrative Decisions (Judicial Review) Act 1977* applies for the purposes of sub-paragraph (16) (c) (ii) of this section in relation to a request for a report in relation to a decision to which that sub-paragraph applies in like manner as that sub-section applies for the purposes of paragraph 13 (5) (b) of that Act in relation to a request for a statement in relation to a decision to which that paragraph applies.

“(18) Where a relevant decision relating to a particular person takes into account information supplied to the person who or body that made the decision by a person other than the first-mentioned person on the basis that that information would not be

disclosed to the first-mentioned person, then, unless the person who supplied the information has consented, either expressly or by implication, to the disclosure of that information to the first-mentioned person, the disclosure of that information in a report that is required by sub-section (7) to be furnished to the first-mentioned person shall, so far as practicable, not be made in such a form as would reveal the identity of the person who supplied the information.

Reports to provisional promotees under Principal Act where appeals made

“77B. (1) Where a decision is made by a Permanent Head under section 50 of the Principal Act to promote provisionally an officer and an appeal is made against the provisional promotion, the officer may, by notice in writing given to the Permanent Head, request the Permanent Head to furnish to him a report in relation to the decision.

“(2) Where a request for a report is made to a Permanent Head under sub-section (1), the Permanent Head shall, subject to sub-section (3), as soon as practicable, and in any event within 28 days, after receiving the request, prepare the report and furnish it to the person who made the request.

“(3) A Permanent Head to whom a request for a report is made by an officer under sub-section (1) may refuse to prepare and furnish the report if the request was not made on or before the twenty-eighth day after the day on which the officer received notice of the making of the appeal.

“(4) A report under this section shall—

- (a) be accompanied by a statement of the duties of the office to which the provisional promotion was made;
- (b) set out the criteria that were used in selecting the officer for provisional promotion;
- (c) set out the procedures that were followed in selecting the officer for provisional promotion; and
- (d) set out the assessment made of the officer in relation to the criteria referred to in paragraph (b).

“(5) For the purposes of this section—

- (a) a decision to promote provisionally an officer that is made by a person acting as the delegate of a Permanent Head shall be deemed to be a decision of that Permanent Head; and
- (b) a decision to promote provisionally an officer that is made by a person for the time being acting in an office of Permanent Head shall be deemed to be a decision of the holder of that office.

“(6) Where—

- (a) a person has, in the performance of the duties of an office of Permanent Head, made a decision to promote provisionally an officer; and
- (b) the person no longer holds, or, for whatever reason, is not performing the duties of, that office,

this section has effect as if the person for the time being holding or performing the duties of that office had, in the performance of the duties of that office, made the decision.

Period for making applications to Federal Court for order of review

“77C. For the purposes of the *Administrative Decisions (Judicial Review) Act* 1977, sub-section 11 (3) of that Act applies as if a report furnished to a person under sub-section 77A (7) or sub-section 77B (2) of this Act were a statement of the kind

referred to in sub-paragraph 11 (3) (b) (i) of that Act and had been furnished to the person requesting it within the period referred to in that sub-paragraph.

Dual appointments of Permanent Heads

“77D. (1) A person who at any time holds an office of Permanent Head may be appointed to hold another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold the first-mentioned office.

“(2) Sub-sections 54 (4) to (15), inclusive, of the Principal Act do not apply in relation to an appointment to which sub-section (1) of this section applies.

“(3) A person who at any time holds, or holds an appointment to act in, an office of Permanent Head may be appointed to act in another office of Permanent Head and shall not, by reason only of being so appointed, cease to hold, or to hold the appointment to act in, the first-mentioned office.

“(4) If a person who is appointed to hold, or to act in, an office of Permanent Head at a time when he holds, or holds an appointment to act in, another office of Permanent Head ceases for any reason to hold, or to hold the appointment to act in, the first-mentioned office, he thereupon also ceases, by force of this sub-section, to hold, or to hold the appointment to act in, the other office.

“(5) If a person who holds, or holds an appointment to act in, an office of Permanent Head is appointed to hold, or to act in, another office of Permanent Head, he shall not be paid any remuneration, whether by way of salary, annual allowance or otherwise, in respect of his holding, or holding the appointment to act in, the other office.

“(6) This section has effect notwithstanding anything contained in the Principal Act or in the *Remuneration Tribunals Act 1973*.

“(7) Nothing in this section shall be construed as excluding the application of sub-section 19B (3) of the *Acts Interpretation Act 1901* in relation to any provision of this section.

“(8) This section ceases to have effect on the day on which section 30 of the *Public Service Acts Amendment Act 1982* comes into operation and it shall, when it so ceases to have effect, thereupon be deemed for the purposes of section 8 of the *Acts Interpretation Act 1901* to have been repealed by an Act other than this Act.”

Amendment—

Clause 93, page 56, lines 1—3, omit sub-clause (2), substitute the following sub-clause:

“(2) Schedule 2 to the Principal Act is amended—

(a) by inserting after paragraph (q) the following paragraph:

‘(qa) decisions that are relevant decisions for the purposes of section 53L of the *Public Service Act 1922* or section 77A of the *Public Service Acts Amendment Act 1982*;’; and

(b) by omitting paragraph (s) and substituting the following paragraph:

‘(s) decisions relating to transfers or promotions under section 53A of the *Public Service Act 1922*, and decisions relating to provisional promotions in accordance with section 53B or 53C of that Act as in force at a time before the commencement of section 30 of the *Public Service Acts Amendment Act 1982*;’.”

The House resumed; Mr Giles reported accordingly.

Question—That the report be adopted and the Bill be now read a third time—put and passed—Bill read a third time.

- 41 **DISCHARGE OF ORDERS OF THE DAY:** Mr Sinclair (Leader of the House), by leave, moved—That the following orders of the day, government business, be discharged:
- 15 **IMPORTATION OF COLOUR TELEVISION SET BY HON. M. J. R. MACKELLAR—PAPERS—MOTION TO TAKE NOTE OF PAPERS:** Resumption of debate.
- 17 **HOUSING POLICY REVIEW—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 18 **SINAI MULTINATIONAL FORCE AND OBSERVERS—AGREEMENT ON AUSTRALIA'S PARTICIPATION—PAPERS AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** Resumption of debate.
- 19 **AIRCRAFT CARRIER PURCHASE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate—And on the amendment moved by Mr Morrison.
- 20 **DEFENCE—GOVERNMENT DECISIONS—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 21 **TACTICAL FIGHTER AIRCRAFT—MEMORANDUM OF ARRANGEMENTS—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 22 **DRUG TRAFFICKING—COMMONWEALTH-NEW SOUTH WALES JOINT TASK FORCE—DRAFT PRESS RELEASE—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** Resumption of debate.
- 23 **STATE OF THE NATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 25 **ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT—MEETING OF EMPLOYMENT MINISTERS—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 27 **C.S.I.R.O.—ANNUAL REPORT, 1980-81—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** Resumption of debate.
- 29 **FEDERATED SHIP PAINTERS AND DOCKERS' UNION—INTERIM REPORT OF ROYAL COMMISSION—PAPERS AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** Resumption of debate.
- 30 **WAGE DETERMINATION AND INDUSTRIAL RELATIONS—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 34 **SINAI PEACE-KEEPING FORCE—AUSTRALIAN PARTICIPATION—MINISTERIAL STATEMENT, 22 OCTOBER 1981—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate—And on the amendment moved by Mr Bowen.
- 35 **ENVIRONMENT AND CONSERVATION—STANDING COMMITTEE—2ND REPORT ON ENVIRONMENTAL PROTECTION—ADEQUACY OF LEGISLATIVE AND ADMINISTRATIVE ARRANGEMENTS—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 36 **SALES TAX AMENDMENT BILLS (NOS. 1A TO 9A) 1981:** Consideration of further action in relation to the Bills.
- 40 **REVITALISATION OF AUSTRALIAN SHIPPING—REPORT AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS:** Resumption of debate.
- 41 **QANTAS AIRWAYS LIMITED—REPORT FOR YEAR ENDED 31 MARCH 1981—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 43 **COMMONWEALTH HEADS OF GOVERNMENT MEETING—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.
- 44 **SINAI PEACE-KEEPING FORCE—AUSTRALIAN PARTICIPATION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:** Resumption of debate.

45 ABORIGINAL AFFAIRS—STANDING COMMITTEE—REPORT ON ABORIGINAL HEALTH—GOVERNMENT RESPONSE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Resumption of debate—And on the amendment moved by Mr Holding.

Question—put and passed.

42 SPECIAL ADJOURNMENT: Mr Sinclair (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 17 August 1982, at 1.45 p.m., unless otherwise called together by Mr Speaker or, in the event of Mr Speaker being unavailable, by the Chairman of Committees.

Question—put and passed.

43 LEAVE OF ABSENCE TO ALL MEMBERS: Mr Sinclair (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

44 ADJOURNMENT: Mr Sinclair (Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 1.45 a.m., adjourned until Tuesday, 17 August 1982 at 1.45p.m. in accordance with the resolution agreed to this day.

PAPERS: The following papers were deemed to have been presented, on 6 May 1982, pursuant to statute:

Lands Acquisition Act—Statement of lands acquired by agreement authorised under sub-section 7(1).

Postal Services Act—Australian Postal Commission—By-laws—Postal—1982—Amendment No. 1.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mrs Child, Mr Jull and Mr Mildren.

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