

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 109

WEDNESDAY, 13 OCTOBER 1982



- 1 The House met, at 1.45 p.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
- 2 **MINISTERIAL ARRANGEMENTS:** Mr Anthony (Deputy Prime Minister) informed the House that, during the absence abroad of Mr Fraser (Prime Minister), he was acting as Prime Minister.
- 3 **PRIVILEGE:** Mr Hayden (Leader of the Opposition) raised as a matter of privilege an article published in *The Australian* of 13 October 1982 under the heading "ALP attack on tax avoidance suffers setback".
- Papers:* Mr Hayden, by leave, presented the following papers:
Copies of returns giving particulars in register of directors, managers and secretaries, and changes of particulars of—
- Ace Drive Yourself Pty Limited, dated 7 June 1977.
 - EXEAT Pty Limited, lodged in the office of the Registrar of Companies, A.C.T., on 16 June 1977.
 - Kenny's Drive Yourself Pty Limited, dated 7 June 1977.
 - Monty Holdings Pty Limited, lodged in the office of the Registrar of Companies, A.C.T., on 7 June 1977.
 - Paravane Pty Limited, dated 7 June 1977.
 - Printing Associates Pty Limited, dated 7 June 1977.
 - Shellbank Holdings Pty Limited, lodged in the office of the Registrar of Companies, A.C.T., on 7 June 1977.
- Mr Hayden produced a copy of *The Australian* containing the article.
- Mr Speaker stated that he would consider the matter and indicate later whether, in his opinion, a *prima facie* case of breach of privilege existed.
- 4 **QUESTIONS:** Questions without notice were asked.
- 5 **AUDITOR-GENERAL'S REPORT AND PAPERS—PUBLICATION OF PAPER:** Mr Speaker, pursuant to statute, presented the following paper:
- Audit Act—Report of the Auditor-General for year 1981-82, together with certificates of exempt accounts in respect of prescribed Departments and organisations, accompanied by the Minister for Finance's Statements.
- Sir James Killen (Leader of the House), by leave, moved—
- (1) That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the Report of the Auditor-General for the year 1981-82, and
 - (2) That the paper be printed.
- Question—put and passed.

6 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

- Attorney-General's Department—Report, for year 1981-82.
- Australian Wheat Board—Conference of 16 April 1982—Report.
- Australian Wool Corporation—Interim report for year 1981-82.
- Department of Home Affairs and Environment—Report, for year 1981-82.
- Department of the Treasury—4th Annual Report, for year 1981-82.
- Education and Training—Committee of Inquiry—Report on follow-up action during 1981, issued by Minister for Education and Minister for Employment and Industrial Relations, dated June 1982.
- Film Censorship Board—Report on activities, for 1981.
- Finance—Advance to Minister for Finance—Statement for August 1982.

Pursuant to statute:

- Family Law Act—Family Law (Institute of Family Studies) Regulations—Institute of Family Studies—2nd Annual Report, for year 1981-82.

7 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

24 September 1982—Message—

- No. 194—Live-stock Slaughter Levy Amendment 1982.
- No. 195—Live-stock Export Charge Amendment 1982.

6 October 1982—Message—

- No. 196—Air Navigation Legislation (Validation and Interpretation) 1982.
- No. 197—States (Tax Sharing and Health Grants) Amendment (No. 2) 1982.
- No. 198—

- Sales Tax Amendment (No. 1) 1982.
- Sales Tax Amendment (No. 2) 1982.
- Sales Tax Amendment (No. 3) 1982.
- Sales Tax Amendment (No. 4) 1982.
- Sales Tax Amendment (No. 5) 1982.
- Sales Tax Amendment (No. 6) 1982.
- Sales Tax Amendment (No. 7) 1982.
- Sales Tax Amendment (No. 8) 1982.
- Sales Tax Amendment (No. 9) 1982.
- Sales Tax (Exemptions and Classifications) Amendment 1982.

8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—UNEMPLOYMENT: Mr Speaker informed the House that Mr Hawke had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The tragedy of high and rising unemployment and the refusal of the Government to concede any responsibility for this threat to the economic and social welfare of Australia".

The proposed discussion having received the necessary support—

Mr Hawke addressed the House.

Discussion ensued.

Discussion concluded.

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

Mr Baume, Mr Bouchier, Mr R. J. Brown, Mr E. C. Cameron, Mr Giles, Mr Holding, Mr B. O. Jones, Mr Keating, Mr Kerin, Mr McLeay, Mr Nixon, Mr O'Keefe, Mr Ruddock, Mr Sainsbury, Mr Tuckey, Mr West, Mr White and Mr Young—from certain residents of the Electoral Divisions of Macarthur, Bendigo, Hunter, Indi, Wakefield, Melbourne Ports, Lalor, Blaxland, Werriwa, Grayndler, Gippsland, Paterson, Dundas, Eden-Monaro, O'Connor, Cunningham, McPherson and Port Adelaide, respectively, praying that an efficient, effective public telegram service be maintained.

- Mr Free and Mr Hicks—from certain residents of St Marys and Broken Hill, N.S.W., respectively, in the same terms.
- Mr Adermann, Mr Braithwaite, Mr D. M. Cameron, Mr Hodges, Mr McVeigh, Mr Moore, Mr Thomson and Mr White—from certain residents of Queensland praying that legislation be enacted to ban the advertising of alcohol from commercial television and radio.
- Mr N. A. Brown and Mr Cunningham—from certain citizens praying that the Federal Government take all possible steps to prevent the destruction of the lower Gordon and Franklin rivers in south-west Tasmania.
- Mrs Child and Mr Tuckey—from certain citizens praying that the powers of the Australian Postal Commission to carry letters for reward be strengthened to ensure that the national postal service is retained in the interests of all Australians.
- Mr MacKellar and Mr Mountford—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 Millar and Mr Thomson—from certain citizens praying that the imperial system of weights and measures be restored.
- 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 N. A. Brown—from certain citizens praying that the Income Tax Assessment Act be properly administered with regard to the provision of retirement benefits for private employees and that legislation be enacted to allow proper levels of retirement benefits.
- Mrs Darling—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.
- Mrs Darling—from certain citizens praying that the Office of Child Care be removed from the Department of Social Security and a Children's Commission be established.
- Mr Holding—from certain citizens praying that a Royal Commission be established to investigate the health and other problems of Australian Vietnam veterans exposed to toxic chemicals during the Vietnam war.
- Mr Howard—from certain citizens praying that action be taken to restore the lost value of family allowances and that the allowances be indexed for future price rises.
- Mrs Kelly—from certain residents of the Australian Capital Territory praying that the Children's Library, Curtin, A.C.T., not be closed.
- Mr Lloyd—from certain citizens praying that an attendant care allowance for disabled persons be introduced immediately.
- Mr McMahon—from certain citizens praying that Federal funding of Laurel Tree House, a child care centre at the University of Sydney, be granted immediately.
- 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 Mountford—from certain citizens praying that the value of family allowances be restored, then indexed and the spouse rebate be increased to \$1,392 per year.
- Mr Peacock—from certain citizens praying that steps be taken to allow child care expenses as a deductible item from taxpayers' assessable income.
- Mr Sainsbury—from certain citizens praying that salaries of technical and supervisory employees of the Snowy Mountains Hydro-Electric Authority be aligned with those of their counterparts in the electricity generating industry of New South Wales.

Mr Sinclair—from certain citizens praying that the Federal Government intervene to prevent the damming of the Franklin River, Tas.

Mr West—from certain citizens praying that immediate action be taken to lift the ban on Fretilin representatives entering Australia.

Petitions received.

- 10 **SOCIAL SECURITY LEGISLATION 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 Dr Blewett 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—

- (1) deplores the Government’s failure to protect the value of social security pensions, benefits and payments generally, and
- (2) is of the opinion that the Bill should also provide for—
 - (a) an end to the discrimination against the unemployed,
 - (b) greater increases in payments to the under-18 unemployed, and
 - (c) increases in payments for children to maintain their real value”.

Debate continued.

Amendment negatived.

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

Message from the Governor-General: Message No. 199, dated 23 September 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 Thomson (Minister for Science and Technology), the Bill was read a third time.

- 11 **REPATRIATION LEGISLATION 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 Dr Blewett 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 the Bill should provide for—

- (1) increased benefits for the wives of totally and permanently incapacitated veterans, and
- (2) an immediate independent judicial inquiry into the effect on Vietnam veterans of their exposure to herbicides and pesticides”.

Debate continued.

Amendment negatived.

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

Message from the Governor-General: Message No. 200, dated 23 September 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 Thomson (Minister representing the Minister for Veterans’ Affairs), the Bill was read a third time.

- 12 **DIESEL FUEL TAXES LEGISLATION 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.

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 201, dated 18 August 1982, recommending an appropriation of revenue for the purposes of the Bill, and

No. 202, dated 8 September 1982, recommending an appropriation of revenue for the purposes of amendments to be moved to the Bill by a Minister.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Fife (Minister for Aviation), by leave, moved the following amendments together:

Clause 5—

Page 2, lines 7-27, omit proposed sub-sections 164 (1) and (2), substitute the following sub-sections:

“(1) A rebate is, subject to sub-sections (2) and (2A) and to such conditions and restrictions as are prescribed (being conditions and restrictions that relate to goods generally, to goods included in a class of goods that includes diesel fuel or to diesel fuel only), payable to a person who purchases diesel fuel, being diesel fuel upon which duty has been paid, for use by him—

(a) in mining operations or primary production (otherwise than for the purpose of propelling a road vehicle on a public road);

(b) at residential premises in—

(i) providing food and drink for;

(ii) providing lighting, heating, air-conditioning, hot water or similar amenities for; or

(iii) meeting other domestic requirements of, residents of the premises;

(c) at a hospital or nursing home or at any other institution providing medical or nursing care; or

(d) at a home for aged persons.

“(2) Where a person—

(a) purchases diesel fuel for use by him in a manner referred to in sub-section (1); and

(b) uses the diesel fuel otherwise than in a manner referred to in that sub-section,

then—

(c) if rebate has not been paid under sub-section (1) to the person in respect of the diesel fuel—rebate is not payable to the person in respect of the diesel fuel; or

(d) if rebate has been paid under sub-section (1) to the person in respect of the diesel fuel—the person shall, on demand in writing made by a Collector, pay to the Commonwealth an amount equal to the amount of rebate paid to him in respect of the diesel fuel and, if the person fails to pay to the Commonwealth the amount demanded within such period as is specified in the demand, the amount may be recovered in a court of competent jurisdiction as a debt due to the Commonwealth.

“(2A) Subject to sub-section (2B), a Collector may refuse to consider an application for rebate under this section if—

(a) the application does not relate to diesel fuel purchased for use in a manner referred to in paragraph (b) of sub-section (1); and

(b) the quantity of diesel fuel in respect of which the application is made is less than 1,000 litres.

“(2B) A Collector shall not refuse to consider an application made by a person for rebate under this section by reason only that the quantity of

diesel fuel in respect of which the application is made is less than 1,000 litres if—

- (a) the application is the first application by the person for rebate under this section; or
- (b) a period of not less than 3 months has elapsed since the person last made an application for rebate under this section.”

Page 3, lines 21 and 22, omit “and includes the transporting, milling or processing, in a forest or plantation, of timber felled in the forest or plantation;”, substitute the following:

“and includes—

- (c) the transporting, milling or processing, in a forest or plantation, of timber felled in the forest or plantation;
- (d) the milling of timber at a sawmill that is not situated in the forest or plantation in which the timber was felled; or
- (e) where timber is milled at a sawmill that is not situated in the forest or plantation in which the timber was felled—the transporting of the timber from the forest or plantation in which it was felled to the sawmill;”

Clause 11—

Page 7, lines 4-24, omit proposed sub-sections 78A (1) and (2), substitute the following sub-sections:

“(1) A rebate is, subject to sub-sections (2) and (2A) and to such conditions and restrictions as are prescribed (being conditions and restrictions that relate to goods generally, to goods included in a class of goods that includes diesel fuel or to diesel fuel only), payable to a person who purchases diesel fuel, being diesel fuel upon which duty has been paid, for use by him—

- (a) in mining operations or primary production (otherwise than for the purpose of propelling a road vehicle on a public road);
- (b) at residential premises in—
 - (i) providing food and drink for;
 - (ii) providing lighting, heating, air-conditioning, hot water or similar amenities for; or
 - (iii) meeting other domestic requirements of, residents of the premises;
- (c) at a hospital or nursing home or at any other institution providing medical or nursing care; or
- (d) at a home for aged persons.

“(2) Where a person—

- (a) purchases diesel fuel for use by him in a manner referred to in sub-section (1); and
- (b) uses the diesel fuel otherwise than in a manner referred to in that sub-section,

then—

- (c) if rebate has not been paid under sub-section (1) to the person in respect of the diesel fuel—rebate is not payable to the person in respect of the diesel fuel; or
- (d) if rebate has been paid under sub-section (1) to the person in respect of the diesel fuel—the person shall, on demand in writing made by a Collector, pay to the Commonwealth an amount equal to the amount of rebate paid to him in respect of the diesel fuel and, if the person fails to pay to the Commonwealth the amount demanded within such period as is specified in the demand, the amount may be recovered in a court of competent jurisdiction as a debt due to the Commonwealth.

'(2A) Subject to sub-section (2B), a Collector may refuse to consider an application for rebate under this section if—

- (a) the application does not relate to diesel fuel purchased for use in a manner referred to in paragraph (b) of sub-section (1); and
- (b) the quantity of diesel fuel in respect of which the application is made is less than 1,000 litres.

'(2B) A Collector shall not refuse to consider an application made by a person for rebate under this section by reason only that the quantity of diesel fuel in respect of which the application is made is less than 1,000 litres if—

- (a) the application is the first application by the person for rebate under this section; or
- (b) a period of not less than 3 months has elapsed since the person last made an application for rebate under this section."

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.

Sir James Killen (Leader of the House) 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

Debate continued.

Amendments agreed to.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Giles reported accordingly.

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

- 13 **DIESEL FUEL TAX AMENDMENT BILL (NO. 1) 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Fife (Minister for Aviation), the Bill was read a third time.

- 14 **DIESEL FUEL TAX AMENDMENT BILL (NO. 2) 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Fife (Minister for Aviation), the Bill was read a third time.

- 15 **PRIVILEGE—STATEMENT BY MR SPEAKER:** Mr Speaker referred to the matter raised earlier this day by Mr Hayden (Leader of the Opposition) as a matter of privilege and ruled that, as there was no obstruction of, or impediment to, the performance of the duties of the Member, or a tendency to do so, there was no breach of privilege.

Mr Hayden addressed the House on the matter.

16 **ADJOURNMENT:** Mr Fife (Minister for Aviation) moved—That the House do now adjourn.

Debate ensued.

Papers: Mr Dawkins, by leave, presented the following papers:

Automotive Holdings Ltd—Copies of—

List of companies owned and sent to bottom of harbour.

List of shareholders.

Debate continued.

Debate extended: It being 10.30 p.m., the debate was interrupted.

Mr Fife required the debate to be extended.

The debate continuing until 10.37 p.m., Mr Deputy Speaker adjourned the House until tomorrow at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 13 October 1982, pursuant to statute:

Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal for collection of information—1982—No. 9—New topics to be included in population survey, November 1982.

Customs Tariff Act—Orders—

Developing Country—No. 8 (1982).

Forum Island Country—No. 2 (1982).

Defence Amendment Act—Interim Determinations—Statutory Rules 1982, Nos. 263, 264.

Parliament House Construction Authority Act—Regulations—Statutory Rules 1982, No. 265.

Trade Commissioners Act—Regulations—Statutory Rules 1982, No. 266.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Armitage, Mr Bradfield, Mr Braithwaite, Mr R. J. Brown, Mr Campbell, Dr Cass, Mr Chapman, Mr Charles, Mr Dobie*, Dr Everingham*, Mr Fraser, Mr Fry, Mr Hurford, Mr Innes, Mr Jacobi, Sir Phillip Lynch*, Mr Morrison, Mr Porter, Mr Street and Mr Young.

*On leave

A. R. BROWNING,
Acting Clerk of the House of Representatives