

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 7

THURSDAY, 12 MAY 1983

- 1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Honourable Dr H. A. Jenkins) took the Chair, and read Prayers.
- 2 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Adermann, Mr Braithwaite, Mr Burr, Mr Cadman, Mr Cowan, Mr Fisher, Mr Goodluck, Mr Groom, Mr Hicks, Mr McGauran, Mr Porter, Mr Ruddock and Mr Shipton—from certain citizens praying that the Government refrain from ratifying the Convention on the Elimination of All Forms of Discrimination Against Women.
 - Mr Kent and Dr Theophanous—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 Braithwaite—from certain residents of Mackay, Qld, praying that the Mackay Directory Assistance Centre not be closed.
 - Mr Cadman—from certain citizens praying that the findings of the Major Airport Needs of Sydney Committee be endorsed and proposals for an airport at Scheyville, N.S.W., be rejected.
 - Mr Dobie—from certain citizens praying that funds not be allocated for the development of roads or dams in south-west Tasmania but be provided instead for the preservation of the area.
 - Mr Howard—from certain citizens praying that the Broadcasting and Television Act be amended in relation to program standards.
 - Mr Howard—from certain citizens praying that no measures be taken to implement those recommendations of the Royal Commission on Human Relationships that will further undermine and weaken marriage, child-care or the family.
 - Mr Jacobi—from certain citizens praying that the Government extend the provisions of the Pharmaceutical Benefits Scheme to cover syringes and needles required by diabetics.
 - Mrs Kelly—from certain citizens praying that the construction of Radford College, A.C.T., proceed and that a basic education grant be provided for all Australian children.
 - Mr Kent—from certain citizens praying that the Macedonian language be used in Government multi-lingual publications and be taught in secondary schools and tertiary institutions.
 - Mr Punch—from certain residents of New South Wales praying that podiatry services be extended to cover all pensioners.
 - Mr Scott—from certain residents of South Australia praying that the Parliament require General Motors-Holden to continue its operations at the Woodville Plant, S.A.

Dr Theophanous—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.

Petitions received.

- 3 **MESSAGES FROM THE SENATE:** Messages from the Senate, dated 11 May 1983, were reported concurring in the resolutions of the House relating to the appointment of the following joint committees, and agreeing that the provisions of the resolutions have effect notwithstanding anything contained in the standing orders:

Message—

No. 10—Joint Committee on Foreign Affairs and Defence.

No. 11—Joint Select Committee on Electoral Reform.

- 4 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—MR V. IVANOV—EXPULSION FROM AUSTRALIA:** Mr Speaker informed the House that Mr Anthony (Leader of the National Party of Australia) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The grave concern arising from the Government’s handling of matters related to the expulsion from Australia of Mr Valeriy Ivanov”.

The proposed discussion having received the necessary support—

Mr Anthony addressed the House.

Discussion ensued.

Discussion concluded.

- 5 **MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED EXPENDITURE FOR SERVICE OF THE YEAR 1983-84—INTERIM PROVISION—SUPPLY BILL (NO.1) 1983-84:** Message No. 12, dated 10 May 1983, from His Excellency the Governor-General was announced—

- (a) transmitting to the House of Representatives particulars of proposed expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1984, for which interim provision is necessary and recommending an appropriation of the Consolidated Revenue Fund accordingly; and
- (b) further recommending to the House of Representatives an appropriation of the Consolidated Revenue Fund for the service of the year ending on 30 June 1984, for the payment of such increases in salaries and payments in the nature of salary, for which provision is made in the attached particulars of proposed expenditure, as have become payable or become payable, or have commenced or commence to be paid, during that year in accordance with any law, or in accordance with an award, order or determination made under a law.

Mr Dawkins (Minister for Finance) presented a Bill for an Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1984.

Bill read a first time.

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

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

- 6 **MESSAGE FROM THE GOVERNOR-GENERAL, CERTAIN PROPOSED EXPENDITURE 1983-84—INTERIM PROVISION—SUPPLY BILL (NO. 2) 1983-84:** Message No. 13, dated 10 May 1983, from His Excellency the Governor-General was announced transmitting to the House of Representatives particulars of certain proposed expenditure from the Consolidated Revenue Fund in respect of the year ending on 30 June 1984, for which interim provision is necessary and recommending an appropriation of the Consolidated Revenue Fund accordingly.

Mr Dawkins (Minister for Finance) presented a Bill for an Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on 30 June 1984.

Bill read a first time.

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

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

7 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED EXPENDITURE IN RELATION TO THE PARLIAMENTARY DEPARTMENTS FOR SERVICE OF THE YEAR 1983-84—INTERIM PROVISION—SUPPLY (PARLIAMENTARY DEPARTMENTS) BILL 1983-84: Message No. 14, dated 10 May 1983, from His Excellency the Governor-General was announced—

- (a) transmitting to the House of Representatives particulars of proposed expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1984, in relation to
- (i) the Department of the Senate;
 - (ii) the Department of the House of Representatives;
 - (iii) the Department of the Parliamentary Reporting Staff;
 - (iv) the Department of the Parliamentary Library;
 - (v) the Joint House Department;
- for which interim provision is necessary and recommending an appropriation of the Consolidated Revenue Fund accordingly; and
- (b) further recommending to the House of Representatives an appropriation of the Consolidated Revenue Fund for the service of the year ending on 30 June 1984, in relation to the Departments referred to in paragraph (a), for the payment of such increases in salaries and payments in the nature of salary, for which provision is made in the attached particulars of proposed expenditure, as have become payable, or have commenced or commence to be paid, during that year in accordance with any law, or in accordance with an award, order or determination made under a law.

Mr Dawkins (Minister for Finance) presented a Bill for an Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1984.

Bill read a first time.

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

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

8 AUSTRALIAN BROADCASTING CORPORATION BILL 1983: 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—*And on the amendment moved thereto by Mr Lloyd, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House is of the opinion that the Bill should not be proceeded with until—

- (1) the legal action against the Australian Broadcasting Commission instituted by the Premier of New South Wales is concluded, and
- (2) an assurance is given by the Government—
 - (a) that no action will be taken to alter the existing membership of the Commission until the Bill is again before the House at the conclusion of those legal proceedings, and
 - (b) that there will be no Government interference with the independence of the Australian Broadcasting Commission in its programming policy”—

Debate resumed.

Ordered—That Mr Duffy (Minister for Communications) be granted an extension of time.

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

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

AYES, 68

Mr Baldwin	Mrs Darling	Mr Hurford	Mr Morrison
Mr Beazley	Mr Dawkins	Mr Jacobi	Mr Mountford
Mr Beddall	Mr Duffy	Mr Jones	Mr O'Neil
Mr Bilney	Mr R. F. Edwards	Mr Keating	Mr Punch
Mr Blanchard	Dr Everingham	Mrs Kelly	Mr Reeves
Dr Blewett	Ms Fatin	Mr Kent	Mr Saunderson
Mr J. J. Brown	Mr Free	Mr Keogh	Mr Scholes
Mr R. J. Brown	Mr Fry	Mr Kerin	Mr Scott
Mr Brumby	Mr Gayler	Dr Klugman	Mr Simmons
Mr Campbell	Mr Gear	Mr Lindsay	Mr Snow
Mr Charles	Mr Gorman	Mr McLay	Mr Staples
Dr Charlesworth	Mr Griffiths	Mr Maher	Mr Steedman
Mrs Child	Mr Hand	Mrs Mayer	Mr Uren
Mr Chynoweth	Mr Holding	Mr Mildren	Mr Wells
Mr Cohen	Mr Hollis	Mr Milton	Mr West
Mr Cross	Mr Howe	Mr A. A. Morris	Mr Willis
Mr Cunningham*	Mr Humphreys*	Mr P. F. Morris	Mr Young

NOES, 41

Mr Adermann	Mr Dobie	Sir James Killen	Mr Rocher
Mr Andrew	Mr Drummond	Mr Lloyd	Mr Ruddock
Mr Braithwaite	Dr H. R. Edwards	Mr Lusher	Mr Shipton
Mr Burr	Mr Fife	Mr MacKellar	Mr Sinclair
Mr Cadman	Mr Fisher	Mr Macphee	Mr Spender
Mr E. C. Cameron*	Mr Goodluck	Mr Millar	Mr Tuckey
Mr I. M. D. Cameron	Mr Groom	Mr Moore	Mr White
Mr Carlton	Mr Hall	Mr Newman	Mr Wilson
Mr Coleman	Mr Hicks*	Mr O'Keefe	
Mr Connolly	Mr Hodgman	Mr Porter	
Mr Cowan	Mr Howard	Mr Robinson	

* 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.

Message from the Governor-General: Message No. 15, dated 4 May 1983, from his Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 45, by leave, taken together, and agreed to.

Proposed new Division—

Mr Lloyd, by leave, moved—That the following new Division 2A (comprising clauses 45A and 45B) be inserted in Part V of the Bill:

“Division 2A—Failure to work as directed

No work as directed—no pay.

“45A. (1) Where an officer or temporary employee refuses or fails to comply with a direction given by a person having authority to give the direction, being a lawful direction with respect to work that he is performing or is to perform, the Managing Director may declare that the officer or employee is not to be paid salary.

“(2) A declaration under sub-section (1) in relation to the refusal or failure of an officer or temporary employee to comply with a direction—

- (a) shall specify the time (which may be a time before the declaration is made but not earlier than the time when the officer or employee refused or failed, or first refused or first failed, to comply with the direction) from which the declaration is to have effect, or is to be deemed to have had effect; and
- (b) has effect and shall be deemed to have had effect, according to its tenor, from the time so specified until it is revoked in accordance with this section.

“(3) An officer or temporary employee is not entitled to be paid salary in respect of any period in respect of which a declaration under sub-section (1) has effect, or is to be deemed to have had effect, in relation to him.

“(4) The Managing Director—

- (a) may, at any time, vary or revoke a declaration in force under sub-section (1) either wholly or in relation to a specified officer or temporary employee; and
- (b) shall, upon becoming satisfied that an officer or temporary employee in respect of whom a declaration under sub-section (1) is in force has been complying, or will comply, from a particular time, with all relevant directions with respect to the work that he is performing, or is to perform, given by persons having authority to give those directions, revoke, as from that time, that declaration, or that declaration in its application to that officer or employee, as the case requires.

“(5) A declaration made under sub-section (1) in respect of a refusal or failure of an officer or temporary employee to comply with a particular direction, or with particular directions, has effect in accordance with sub-section (2) notwithstanding that, at any time while it is in force, the officer or employee—

- (a) attends for duty and performs work other than work to which that direction, or any of those directions, as the case requires, relates; or
- (b) attends for duty and, in the performance of his work, complies with that direction, or with some or all of those directions, as the case requires, in part only.

“(6) A declaration under sub-section (1), and a variation or revocation of such a declaration—

- (a) shall be made in writing; and
- (b) shall be signed—
 - (i) by the Managing Director; or
 - (ii) by a person to whom the Managing Director has delegated his powers under this section.

“(7) Subject to sub-sections (8) and (9), the powers conferred on the Managing Director by this section are in addition to, and not in substitution for, any other powers conferred by or under this Act on the Corporation, on the Board, on the Managing Director or on any other person in relation to an officer or temporary employee.

“(8) While a declaration under sub-section (1) is in force in respect of the refusal or failure of an officer or temporary employee to comply with a direction, or with 2 or more directions, proceedings shall not be taken against the officer or employee under section 64 in respect of any refusal or failure of the officer or employee in respect of which that declaration was made.

“(9) Where proceedings are taken against an officer or temporary employee under section 64 in respect of any refusal or failure of the officer or employee to comply with a direction, or with directions, of the kind referred to in sub-section (1), a declaration shall not be made under sub-section (1) in respect of any refusal or failure of the officer or employee in respect of which those proceedings have been taken unless those proceedings have been finally determined or otherwise terminated.

“(10) Where a declaration is made under sub-section (1) in respect of an officer or temporary employee, or such a declaration is varied or revoked, the Managing Director shall cause such notice as he deems appropriate to be given of the making of the declaration or of the variation or revocation of the declaration, as the case may be.

“(11) The period during which a declaration under sub-section (1) has effect in respect of an officer or employee forms part of his period of service or employment under this Act for the purposes of the *Superannuation Act 1976* but does not, unless the Managing Director otherwise determines, form part of his period of service or employment under this Act for any purpose of this Act or of any other Act.

“(12) In this section, unless the contrary intention appears—
 ‘direction’ includes an order and an instruction;
 ‘salary’ includes wages or other remuneration and any allowances that are
 declared by the rules to be included in salary for the purposes of this
 definition.

Declarations to prevail over awards

“45B. (1) Section 45A has full force and effect, and declarations in force under
 sub-section 45A (1) have full force and effect according to their tenor,
 notwithstanding any inconsistency—

- (a) with any other provision of this Act;
- (b) with any other law of the Commonwealth enacted before the commencing
 day; or
- (c) with any award made before, on or after the commencing day.

“(2) Section 45A shall be deemed to be a prescribed provision of the *Australian
 Broadcasting Corporation Act 1982* for the purposes of—

- (a) sub-section 22 (2) of the *Public Service Arbitration Act 1920*; and
- (b) sub-section 41A (1) of the *Conciliation and Arbitration Act 1904*.

“(3) Except as provided in sub-section (1), nothing in a declaration in force
 under sub-section 45A (1) shall be taken as affecting—

- (a) the application of any law, or of any award, to or in relation to an officer or
 temporary employee; or
- (b) the terms and conditions of employment of an officer or temporary
 employee.”.

Debate ensued.

Mr Duffy addressing the committee—

It being 12 noon, the debate was interrupted in accordance with sessional order 101A.

Progress to be reported.

The House resumed; Mr Millar reported accordingly.

9 QUESTIONS: Questions without notice being asked—

Paper: Mr Connolly, in accordance with standing order 321, having called for a
 document quoted from by Mr Cohen (Minister for Home Affairs and Environment)—

Mr Cohen laid upon the Table the following paper:

Great Barrier Reef Marine Park—Declaration of further areas of the Great Barrier
 Reef—Minister’s notes.

Questions without notice continued.

10 PAPERS: The following papers were presented:

Australian Capital Territory Schools Authority—Report for year 1981-82.

Australian Overseas Projects Corporation Act—Australian Overseas Projects
 Corporation—4th Annual Report and financial statements, together with the
 Auditor-General’s Report, for year 1981-82.

Commonwealth Legal Aid Act—Commonwealth Legal Aid Council—Report for
 year 1981-82.

High Court of Australia Act—High Court of Australia—Report and financial
 statements, together with the Auditor-General’s Report, for year 1981-82.

Marine Sciences and Technologies Grants Scheme and Queen’s Fellowships
 Scheme—Report by Queen’s Fellowships and Marine Research Allocations
 Advisory Committee of grants approved and fellowships awarded for 1982-83.

Royal Australian Air Force—Schedules of special flights for period 1 July to 31
 December 1982.

11 RECOGNITION OF OVERSEAS QUALIFICATIONS IN AUSTRALIA—REPORT OF COMMITTEE OF INQUIRY—MOTION TO TAKE NOTE OF PAPERS: Mr West (Minister for Immigration and Ethnic Affairs) presented the following papers:

Recognition of Overseas Qualifications in Australia—Report of Committee of Inquiry, dated December 1982—

Volume I—Report.

Volume II—Appendixes.

Mr Young (Leader of the House) moved—That the House take note of the papers.

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

12 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE: Mr Speaker informed the House of the following nominations of Senators and Members to be members of the Joint Committee on the Australian Capital Territory:

Senators Giles and Reynolds had been nominated by the Leader of the Government in the Senate and Senators Lajovic and Reid had been nominated by the Leader of the Opposition in that House.

Mr Fry, Mr Hollis, Mrs Kelly and Mr Snow had been nominated by the Government Whip, Mr Ruddock had been nominated by the Opposition Whip and Mr McGauran had been nominated by the National Party Whip.

13 ELECTORAL REFORM—JOINT SELECT COMMITTEE: Mr Speaker informed the House of the following nominations of Senators and Members to be members of the Joint Select Committee on Electoral Reform:

Senators Ray and Richardson had been nominated by the Leader of the Government in the Senate, Senator Carrick had been nominated by the Leader of the Opposition in that House and Senator Macklin had been nominated by the Leader of the Australian Democrats.

Mr Griffiths, Dr Klugman and Mr Scott had been nominated by the Government Whip, Mr Hall had been nominated by the Opposition Whip and Mr Hunt had been nominated by the National Party Whip.

14 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE: Mr Speaker informed the House of the following nominations of Senators and Members to be members of the Joint Committee on Foreign Affairs and Defence:

Senators Elstob, Jones, Sibraa and Tate had been nominated by the Leader of the Government in the Senate and Senators Hill, Lewis and MacGibbon had been nominated by the Leader of the Opposition in that House.

Mr Bilney, Mr Charles, Mr Cross, Mr R. F. Edwards, Mr Gayler, Mr Jacobi, Dr Klugman and Mr Morrison had been nominated by the Government Whip, Mr Coleman, Mr Groom, Mr MacKellar and Mr Shipton had been nominated by the Opposition Whip and Mr Katter and Mr Lusher had been nominated by the National Party Whip.

15 NEW PARLIAMENT HOUSE—JOINT STANDING COMMITTEE: Mr Speaker informed the House of the following nominations of Senators and Members to be members of the Joint Standing Committee on the New Parliament House:

Senators Colston, Georges and Sibraa had been nominated by the Leader of the Government in the Senate and Senators Martin, Reid and Teague had been nominated by the Leader of the Opposition in that House.

Mrs Kelly, Mr McLeay and Mrs Mayer had been nominated by the Government Whip and Mr Dobie, Mr Lloyd and Mr Ruddock had been nominated by the Opposition Whip.

- 16 **PARLIAMENTARY PRIVILEGE—JOINT SELECT COMMITTEE:** Mr Speaker informed the House of the following nominations of Senators and Members to be members of the Joint Select Committee on Parliamentary Privilege:

Senators Evans and Georges had been nominated by the Leader of the Government in the Senate, Senators Jessop and Rae had been nominated by the Leader of the Opposition in that House and Senator Macklin had been nominated by the Leader of the Australian Democrats.

Mr Griffiths, Mr Holding and Mr Jones had been nominated by the Government Whip and Mr Adermann and Mr Spender had been nominated by the Opposition Whip.

- 17 **AUSTRALIAN BROADCASTING CORPORATION BILL 1983:** The order of the day having been read for the further consideration of the Bill in committee, the House resolved itself into a committee of the whole.

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In the committee

Proposed new Division—

Consideration resumed of proposed new Division 2A moved by Mr Lloyd (*see pages 86-8*).

Question—That the new Division proposed to be inserted be so inserted—put.

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

AYES, 35

Mr Adermann	Mr Dobie	Mr Hodgman	Mr Robinson
Mr Andrew	Mr Drummond	Mr Howard	Mr Rocher
Mr Braithwaite	Dr H. R. Edwards	Sir James Killen	Mr Ruddock
Mr Burr	Mr Fife	Mr Lloyd	Mr Shipton
Mr E. C. Cameron*	Mr Fisher	Mr McGauran	Mr Sinclair
Mr Carlton	Mr Goodluck	Mr McVeigh	Mr Tuckey
Mr Coleman	Mr Groom	Mr Macphee	Mr White
Mr Connolly	Mr Hall	Mr Newman	Mr Wilson
Mr Cowan	Mr Hicks*	Mr Porter	

NOES, 64

Mr Baldwin	Mr Cunningham*	Mr Hurford	Mr Morrison
Mr Beazley	Mrs Darling	Mr Jacobi	Mr Mountford
Mr Beddall	Mr Dawkins	Mr Johnson	Mr O'Neil
Mr Bilney	Mr Duffy	Mr Jones	Mr Punch
Mr Blanchard	Mr R. F. Edwards	Mr Keating	Mr Reeves
Dr Blewett	Dr Everingham	Mr Keogh	Mr Saunderson
Mr Bowen	Ms Fatin	Mr Kerin	Mr Scholes
Mr J. J. Brown	Mr Free	Dr Klugman	Mr Scott
Mr R. J. Brown	Mr Fry	Mr Lindsay	Mr Simmons
Mr Brumby	Mr Gear	Ms McHugh	Mr Snow
Mr Charles	Mr Gorman	Mr McLeay	Mr Staples
Dr Charlesworth	Mr Griffiths	Mr Maher	Mr Steedman
Mrs Child	Mr Hand	Mrs Mayer	Dr Theophanous
Mr Chynoweth	Mr Holding	Mr Mildren	Mr West
Mr Cohen	Mr Hollis	Mr Milton	Mr Willis
Mr Cross	Mr Humphreys*	Mr P. F. Morris	Mr Young

* Tellers

And so it was negatived.

Clauses 46 to 77, by leave, taken together, and agreed to.

Proposed new Part—

Mr Lloyd, by leave, moved—That the following new Part VIIA (comprising clauses 77A to 77Q) be inserted in the Bill:

“PART VIIA—COMPLAINTS ABOUT PROGRAMS

“Division 1—Preliminary

Interpretation

“77A. In this Part, unless the contrary intention appears—

‘Commission’ means the Australian Broadcasting Corporation Complaints Commission;

‘Commissioner’ means a member of the Commission;

‘complaint’, in relation to a program, means a complaint as to any one or more of the following matters:

- (a) that the program was unjust or unfair;
- (b) that an unwarranted intrusion into the privacy of a person took place in the course of obtaining matter for inclusion in the program;
- (c) that the program constituted an unwarranted intrusion into the privacy of a person;

‘person affected’, in relation to a complaint, means the person by whom, or on whose behalf, as the case may be, the complaint is made;

‘program’ means a broadcasting or television program of the Corporation broadcast or televised, as the case may be, after the commencement of this Part.

“Division 2—Establishment, Functions and Powers of Australian Broadcasting Corporation Complaints Commission

Establishment of Commission

“77B. For the purposes of this Act there shall be an Australian Broadcasting Corporation Complaints Commission.

Functions of Commission

“77C. The functions of the Commission are to consider and adjudicate upon complaints with respect to programs.

Making of complaints

“77D. (1) A complaint made to the Commission shall be in writing and shall identify the person affected.

“(2) Subject to sub-section (3), a complaint shall not be entertained by the Commission unless made by the person affected or by a person authorized by him to make the complaint.

“(3) Where the person affected is a deceased person or is a natural person who for any reason is both unable to make a complaint himself and unable to authorize another person to do so for him, a complaint may be made by the personal representative of the person affected, or by a member of his family, or by some other person or body closely connected with him.

Entertainment of complaints

“77E. (1) The Commission is not required to entertain a complaint if, in the opinion of the Commission—

- (a) the complaint is with respect to the broadcasting or televising of the relevant program on an occasion more than 5 years after the death of the person affected;
- (b) the subject matter of the complaint is the subject of proceedings in any court;
- (c) the subject matter of the complaint is a matter in respect of which the person affected has a remedy by way of proceedings in any court, and in the particular circumstances it is not appropriate for the Commission to consider the complaint;
- (d) the complaint is frivolous or vexatious, or was not made in good faith;
- (e) the person affected does not have a sufficient interest in the subject matter of the complaint;

- (f) in the case of a complaint made under sub-section 77D (3) by a person other than the person affected or a person authorized by him—the complainant's connection with the person affected is not sufficiently close; or
- (g) the complaint has not been made within a reasonable time.

“(2) Where the Commission does not, for any of the reasons specified in sub-section (1), entertain a complaint, it shall, as soon as practicable and in such manner as it thinks fit, inform the complainant and the Corporation of the Commission's decision and of the reasons for the decision.

“(3) Where the Commission does not entertain a matter that is the subject of several complaints, sub-section (2) does not require it to notify each of the complainants if the Commission is of the opinion that, having regard to the number of complainants, it would be unduly burdensome to do so.

Consideration of complaints

“77F. (1) Subject to section 77E before proceeding to consider a complaint, the Commission shall send a copy of the complaint to the Corporation.

“(2) A complaint may be considered by the Commission at a hearing or without a hearing, as the Commission thinks fit, and, at a hearing, the Commission is not bound by the rules of evidence and may inform itself on any matter in such manner as it thinks fit.

“(3) A hearing under this section shall be held in private, and each of the following persons shall be given the opportunity to attend and be heard:

- (a) the complainant;
- (b) the Managing Director or an officer of the Corporation authorized by him in writing for the purpose;
- (c) any other person who, in the opinion of the Commission, is responsible for the making or provision of the program concerned.

“(4) Where the Corporation receives from the Commission a copy of a complaint, the Managing Director shall, if so required by the Commission—

(a) make suitable arrangements for enabling the complainant and any Commissioner or member of the staff referred to in sub-section 77K (1) to view or hear the relevant program, or any specified part of it, if and so far as the Corporation has in its possession a visual or sound record of it;

(b) provide the Commission and the complainant with a transcript of so much of the relevant program, or of any specified part of it, as consisted of speech, if and so far as the Corporation is able to do so;

(c) provide the Commission and the complainant with copies of any documents in the possession of the Corporation, being the originals or copies of any correspondence between the Corporation and the person affected or the complainant in connection with the complaint; and

(d) furnish to the Commission and the complainant a written statement in answer to the complaint.

“(5) Where the Commission proposes to consider a complaint, the Corporation shall, if so required by the Commission, arrange for one or more of the Directors, officers or employees of the Corporation to attend and assist the Commission in its consideration of the complaint.

Reports by Commission

“77G. (1) Where the Commission has considered and adjudicated upon a complaint, the Commission shall furnish a report on the complaint to—

- (a) the complainant or, if there is more than one complainant, each of the complainants; and
- (b) the Corporation.

“(2) Where the Commission has considered and adjudicated upon a matter that is the subject of several complaints, sub-section (1) does not require it to notify each of the complainants if the Commission is of the opinion that, having regard to the number of complainants, it would be unduly burdensome to do so.

“(3) Where the Commission furnishes a report to the Corporation under sub-section (1), it may require the Corporation to publish, in a manner specified by the Commission, a summary of, and of its findings on, the subject matter of the complaint and may, if it thinks fit, require the summary to be in a form prepared or approved by the Commission.

“(4) The Corporation shall comply with any requirements made of it by the Commission under sub-section (3).

Duty to publicize Commission and its functions

“77H. The Corporation shall make (by means of broadcasting or television or otherwise) regular announcements publicizing the Commission and its functions of considering and adjudicating upon complaints.

Delegation by Commission

“77J. (1) The Commission may, by resolution, either generally or as otherwise provided by the resolution, delegate to a Commissioner or to a member of the staff referred to in sub-section 77K (1) all or any of its powers under this Part (other than this power of delegation and its powers to consider and adjudicate upon complaints and to furnish reports upon complaints).

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Part, be deemed to have been exercised by the Commission.

“(3) A delegation of a power under this section—

- (a) may be revoked by resolution of the Commission (whether or not constituted by the persons constituting the Commission at the time the power was delegated);
- (b) does not prevent the exercise of the power by the Commission; and
- (c) continues in force notwithstanding a change in the membership of the Commission.

“(4) Section 34A of the *Acts Interpretation Act 1901* applies in relation to a delegation under this section as if the Commission were a person.

“(5) A certificate purporting to bear the signature, or a facsimile of the signature, of the Chairman and stating any matter with respect to a delegation of a power under this section is, upon mere production, *prima facie* evidence of that matter.

Staff

“77K. (1) The staff required for the purposes of this Part shall be persons appointed or employed under the *Public Service Act 1922*.

“(2) The Chairman has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act 1922* so far as those powers relate to the branch of the Public Service comprising the staff referred to in sub-section (1) as if that branch were a separate Department of the Public Service.

“(3) For the purposes of sub-sections 25 (5) and (6) of the *Public Service Act 1922*, the Chairman shall be deemed to be a Permanent Head.

Division 3—Constitution and Meetings of Australian Broadcasting Corporation Complaints Commission

Membership of Commission

“77L. (1) The Commission shall consist of not less than 3 nor more than 5 Commissioners.

“(2) A Commissioner shall be appointed by the Governor-General on a part-time basis for such period, not exceeding 5 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

“(3) The Governor-General shall appoint one Commissioner to be the Chairman of the Commission and another to be the Deputy Chairman of the Commission.

“(4) The performance of the functions or the exercise of the powers of the Commission is not affected by reason that there is no Chairman or Deputy Chairman or by reason of the number of Commissioners falling below 3 for not longer than 6 months.

Remuneration and allowances

"77M. (1) A Commissioner shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed by the regulations.

"(2) A Commissioner shall be paid such allowances as are prescribed by the regulations.

"(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

Leave of absence

"77N. (1) The Minister may grant leave to the Chairman to be absent from a meeting of the Commission upon such conditions as to remuneration or otherwise as the Minister thinks fit.

"(2) The Chairman may grant leave to any other Commissioner to be absent from a meeting of the Commission upon such conditions as to remuneration or otherwise as the Chairman thinks fit.

"(3) References in sub-sections (1) and (2) to the Chairman shall, if a Commissioner is acting as Chairman, be construed as references to the Commissioner so acting.

Resignation of Commissioners

"77O. A Commissioner may resign his office by writing signed by him delivered to the Governor-General.

Disclosure of interests

"77P. (1) Where a Commissioner has or acquires any interest, pecuniary or otherwise, that could conflict with the proper performance of his functions in relation to a complaint made to the Commission—

- (a) he shall disclose the interest to the parties; and
- (b) except with the consent of the parties, he shall not take part in any deliberation or decision of the Commission with respect to the complaint.

"(2) Where the Chairman becomes aware that a Commissioner has, in relation to a complaint, such an interest as is mentioned in sub-section (1)—

- (a) if the Chairman considers that the Commissioner should not take part, or continue to take part, in any deliberation or decision of the Commission with respect to the complaint—he shall give a direction accordingly; or
- (b) in any other case—he shall cause the interest to be disclosed to the parties.

"(3) In this section, 'party', in relation to a complaint, means the complainant or the Corporation.

"(4) References in this section to a Commissioner shall, if a person is acting as a Commissioner, be construed as including references to the person so acting.

Termination of appointment of Commissioners

"77Q. The Governor-General may terminate the appointment of a Commissioner for misbehaviour or physical or mental incapacity."

Debate ensued.

Question—That the new Part proposed to be inserted be so inserted—put.

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

AYES, 39

Mr Adermann	Mr Cowan	Mr Hodgman	Mr Robinson
Mr Andrew	Mr Dobie	Mr Howard	Mr Rocher
Mr Anthony	Mr Drummond	Sir James Killen	Mr Ruddock
Mr Braithwaite	Dr H. R. Edwards	Mr Lloyd	Mr Shipton
Mr Burr	Mr Fife	Mr McGauran	Mr Sinclair
Mr E. C. Cameron*	Mr Fisher	Mr McVeigh	Mr Spender
Mr I. M. D. Cameron	Mr Goodluck	Mr Macphee	Mr Tuckey
Mr Carlton	Mr Groom	Mr Newman	Mr White
Mr Coleman	Mr Hall	Mr O'Keefe	Mr Wilson
Mr Connolly	Mr Hicks*	Mr Porter	

NOES, 69

Mr Baldwin	Mr Dawkins	Mr Johnson	Mr Punch
Mr Beazley	Mr Duffy	Mr Jones	Mr Reeves
Mr Beddall	Mr R. F. Edwards	Mr Keating	Mr Saunderson
Mr Bilney	Dr Everingham	Mr Kent	Mr Scholes
Mr Blanchard	Ms Fatin	Mr Keogh	Mr Scott
Dr Blewett	Mr Free	Dr Klugman	Mr Simmons
Mr Bowen	Mr Fry	Mr Lindsay	Mr Snow
Mr J. J. Brown	Mr Gayler	Ms McHugh	Mr Staples
Mr R. J. Brown	Mr Gear	Mr McLeay	Mr Steedman
Mr Brumby	Mr Gorman	Mr Maher	Dr Theophanous
Mr Charles	Mr Griffiths	Mrs Mayer	Mr Uren
Dr Charlesworth	Mr Hand	Mr Mildren	Mr Wells
Mrs Child	Mr Holding	Mr Milton	Mr West
Mr Chynoweth	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Cohen	Mr Howe	Mr P. F. Morris	Mr Young
Mr Cross	Mr Humphreys*	Mr Morrison	
Mr Cunningham*	Mr Hurford	Mr Mountford	
Mrs Darling	Mr Jacobi	Mr O'Neil	

* Tellers

And so it was negatived.

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

Bill to be reported without amendment.

The House resumed; Mr Millar reported accordingly.

On the motion of Mr Duffy (Minister for Communications), the House adopted the report, and, by leave, the Bill was read a third time.

- 18 **AUSTRALIAN BROADCASTING CORPORATION (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1983:** 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 Duffy (Minister for Communications), the Bill was read a third time.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY:** Ordered—That orders of the day Nos. 3 and 4, government business, be postponed until a later hour this day.

- 20 **ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH:** The order of the day having been read for the resumption of the debate on the question—That the following Address in Reply to the Speech of His Excellency the Governor-General be agreed to:

MAY IT PLEASE YOUR EXCELLENCY:

We, the House of Representatives of the Commonwealth of Australia, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech which you have been pleased to address to Parliament—

Debate resumed.

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

- 21 **BOUNTY (ROOM AIR CONDITIONERS) BILL 1983:** 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. 16, dated 4 May 1983, 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 J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the Bill was read a third time.

- 22 **BOUNTY (STEEL PRODUCTS) BILL 1983:** 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. 17, dated 4 May 1983, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

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 J. J. Brown (Minister Assisting the Minister for Industry and Commerce), the following amendment was made, after debate: Clause 14, page 11, line 17, omit paragraph (1) (c), substitute the following paragraph and words:

“(c) officers included in a specified class of officers,
to be an authorized officer, or authorized officers, for the purposes of this Act.”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Johnson reported accordingly.

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

- 23 **ADDRESS IN REPLY TO THE GOVERNOR-GENERAL'S SPEECH:** The order of the day having been read for the resumption of the debate on the question—That the following Address in Reply to the Speech of His Excellency the Governor-General be agreed to:

MAY IT PLEASE YOUR EXCELLENCY:

We, the House of Representatives of the Commonwealth of Australia, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech which you have been pleased to address to Parliament—

Debate resumed.

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

- 24 **ADJOURNMENT:** Mr Uren (Minister for Territories and Local Government) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m., Mr Speaker adjourned the House until Tuesday next at 2.15 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Hayden, Mr Katter and Mr Street.

D. M. BLAKE

Clerk of the House of Representatives