

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES
VOTES AND PROCEEDINGS

No. 61

FRIDAY, 30 MARCH 1984

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

Mr Bilney, Mrs Child, Mr Cross, Mr Groom and Mr Hodgman—from certain citizens praying that chiropractic services be included in Medicare when it is introduced.

Mr Bilney, Mr Blanchard and Mr Cross—from certain citizens praying that the ban on the export of kangaroo products be re-applied.

Mr Cohen, Mr Groom and Mr Ruddock—from certain citizens praying that the Sex Discrimination Bill be amended to prevent inconsistencies with the principles of justice and equality and that a conscience vote on the Bill be permitted to all Members of Parliament.

Mr Blunt and Mr Lusher—from certain parents representing government schools in New South Wales praying that an adequate general recurrent resource base for government schools be created and a planned program of improvements in government schools throughout the coming decade be ensured.

Mr Groom—from certain citizens in similar terms to the last preceding petition.

Mr E. C. Cameron and Mr Lusher—from certain residents of the Divisions of Indi and Hume, respectively, praying that biological control of Paterson's Curse be implemented.

Mr Cross—from certain residents of Queensland praying that no action be taken to change the national flag.

Mr Groom—from certain citizens praying that the Sex Discrimination Bill be delayed and a joint parliamentary committee be established to examine the Bill and related matters.

Mr Groom—from certain citizens praying that the nation's total dependence on God the Creator in accordance with the Constitution and the standing orders of the House of Representatives be reaffirmed.

Mr Groom—from certain elected representatives and officers of local governments praying that the Local Government (Personal Income Tax Sharing) Act be amended to provide a real term minimum guarantee to local government general revenue sharing arrangements.

Mr Groom—from certain residents of Tasmania praying that the decision not to upgrade Wynyard Airport be reversed.

Mr Hodgman—from certain residents of Tasmania praying that legislation be enacted to ban the advertising of alcohol from commercial television and radio.

Mrs Kelly—from certain citizens praying that the traffic link between Coronation Drive and Kaye Place, Canberra, not be closed.

Mr Ruddock—from certain citizens praying that no further action be taken in respect of territorial or local government in the Australian Capital Territory until the findings of the inquiry into ACT finances have been made public and a further referendum of electors has been held.

Mr Tickner—from certain citizens praying that the decision to proceed with the development of uranium mining at Roxby Downs be reversed and all uranium mining and export cease.

Petitions received.

3 SUSPENSION OF STANDING ORDERS—MOTION OF APPRECIATION: Mr Hunt (Deputy Leader of the National Party of Australia) having given a notice of motion relating to the service to the Parliament of Mr Barrie Virtue—

Mr Young (Leader of the House) moved—That so much of the standing orders be suspended as would prevent Mr Hunt moving forthwith the motion of which he has given notice for the next sitting.

Question—put and passed, with the concurrence of an absolute majority.

4 MR BARRIE VIRTUE—VOTE OF APPRECIATION: Mr Hunt (Deputy Leader of the National Party of Australia) moved—That this House—

(1) notes that Mr Barrie Virtue, former press secretary and principal private secretary to the Rt Hon. J. D. Anthony, C.H., and currently senior private secretary to Mr Hunt, will be retiring from service to the Parliament after 20 years, and

(2) expresses its appreciation for the co-operation and courtesies he has extended to honourable Members on both sides of this Parliament and wishes him well in his new career.

Mr Sinclair (Leader of the National Party of Australia) seconded the motion.

Question—put and passed.

5 MESSAGE FROM THE GOVERNOR-GENERAL, PROPOSED ADDITIONAL EXPENDITURE AND APPROPRIATION FOR PAYMENT OF INCREASES IN SALARIES AND WAGES FOR YEAR 1983-84—APPROPRIATION BILL (NO. 3) 1983-84: Message No. 121, dated 29 March 1984, from His Excellency the Governor-General was announced:

(a) transmitting to the House of Representatives particulars of proposed additional expenditure from the Consolidated Revenue Fund for the service of the year ending on 30 June 1984, 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 wages 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 appropriate a sum out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation Act (No. 1) 1983-84*, 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 ADDITIONAL EXPENDITURE 1983-84—APPROPRIATION BILL (NO. 4) 1983-84: Message No. 122, dated 29 March 1984, from His Excellency the Governor-General was announced transmitting to the House of Representatives particulars of certain proposed additional expenditure from the Consolidated Revenue Fund in respect of the year

ending on 30 June 1984, and recommending an appropriation of the Consolidated Revenue Fund accordingly.

Mr Dawkins (Minister for Finance) presented a Bill for an Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sum appropriated by the *Appropriation Act (No. 2) 1983-84*, 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 ADDITIONAL EXPENDITURE AND APPROPRIATION FOR PAYMENT OF INCREASES IN SALARIES AND WAGES IN RELATION TO THE PARLIAMENTARY DEPARTMENTS, FOR YEAR 1983-84—APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (NO. 2) 1983-84: Message No. 123, dated 29 March 1984, from His Excellency the Governor-General was announced:

(a) transmitting to the House of Representatives particulars of proposed additional 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; and
- (v) the Joint House Department,

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 wages 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 appropriate certain sums out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation (Parliamentary Departments) Act 1983-84*, for certain expenditure, in relation to the Parliamentary Departments, 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.

8 INCOME TAX ASSESSMENT AMENDMENT BILL (NO. 5) 1983—SENATE'S AMENDMENTS: The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Pages 3 to 5, clause 5, leave out the clause.

No. 2—Page 5, clause 6, after proposed sub-section 26AH (1), insert the following new sub-section:

“(1A) Where a paid-up policy of life assurance is issued to a taxpayer in lieu of an eligible policy—

- (a) the paid-up policy shall, for the purposes of this section, be deemed to be a continuation of the eligible policy; and
- (b) no amount shall be taken for the purposes of sub-section (3) to have been re-invested or otherwise dealt with on behalf of the taxpayer or as he directs in connection with the issue of the paid-up policy to the taxpayer in lieu of the eligible policy.”

No. 3—Page 6, clause 6, after proposed sub-section 26AH (6), insert the following new sub-section:

“(6A) Where—

- (a) sub-section (5) would, but for this sub-section, apply to an amount (in this sub-section referred to as the “relevant amount”) received by a taxpayer by reason of the forfeiture, surrender or other termination of the whole or a part of an eligible policy; and
- (b) the Commissioner, having regard to—
 - (i) the total amount of premiums paid under the eligible policy;
 - (ii) the total amounts received by the taxpayer or by any other person under the eligible policy and the total amounts of bonuses included in the amounts so received;
 - (iii) the amount of the surrender value of the eligible policy at the time when the forfeiture, surrender or other termination occurred; and
 - (iv) such other matters as the Commissioner considers relevant, is of the opinion that it would be unreasonable for sub-section (5) to apply to the relevant amount or to a part of the relevant amount,

sub-section (5) does not apply to the relevant amount, or to that part of the relevant amount, as the case may be.”

No. 4—Page 46, clause 25, proposed section 160AAB, leave out the proposed section, insert the following section:

Rebate in respect of amounts assessable under section 26AH

“160AAB. (1) In this section, “eligible 26AH amount”, in relation to a year of income, means an amount included in assessable income under section 26AH in relation to an eligible policy within the meaning of that section issued by a life assurance company to which Division 8 applies in relation to the year of income, not being a life assurance company the whole of the income of which is exempt from tax.

‘(2) A taxpayer, not being a taxpayer in the capacity of trustee of a trust estate, is entitled in his assessment in respect of income of a year of income to a rebate of tax of an amount equal to 30 per cent of any eligible 26AH amount included in his assessable income of the year of income.

‘(3) Where—

- (a) an amount is included under section 97, 98A or 100 in the assessable income of a year of income of a taxpayer being a beneficiary of a trust estate otherwise than in the capacity of trustee of another trust estate; and
- (b) the whole or a part of the amount so included (which whole or part is in this sub-section referred to as the “rebateable amount”) is attributable to an eligible 26AH amount included in the assessable income of the year of income of the trust estate or of another trust estate,

the taxpayer is entitled in his assessment in respect of income of the year of income to a rebate of tax of an amount equal to 30% of the rebateable amount.

‘(4) Where—

- (a) a taxpayer being the trustee of a trust estate is liable to be assessed and to pay tax in pursuance of section 98 in respect of a share of the net income of the trust estate of a year of income; and

(b) the whole or part of that share (which whole or part is in this sub-section referred to as the “rebatale amount”) is attributable to an eligible 26AH amount included in the assessable income of the year of income of the trust estate or of another trust estate,
the taxpayer is entitled in that assessment to a rebate of tax of an amount equal to 30% of the rebatale amount.

‘(5) Where—

(a) a taxpayer being the trustee of a trust estate is liable to be assessed and to pay tax in pursuance of section 99 or 99A in respect of the whole or a part (which whole or part is in this sub-section referred to as the “relevant trust income”) of the net income of the trust estate of a year of income; and

(b) the whole or a part of the relevant trust income (which whole or part is in this sub-section referred to as the “rebatale amount”) is attributable to an eligible 26AH amount included in the assessable income of the year of income of the trust estate or of another trust estate,

the taxpayer is entitled in that assessment to a rebate of tax of an amount equal to 30% of the rebatale amount.

‘(6) Where an eligible 26AH amount is included in the assessable income of a partnership of a year of income in the calculation of the net income or partnership loss of the partnership of the year of income, a partner in the partnership is entitled in his assessment in respect of income of the year of income to a rebate of tax of an amount equal to 30% of the amount by which the taxable income of the partner of the year of income exceeds the amount that could reasonably be expected to be that taxable income if the eligible 26AH amount had not been included in the assessable income of the partnership of the year of income.

‘(7) In the application of this section in relation to the year of income that commenced on 1 July 1982, references in this section to 30% shall be read as references to 30.67%.’.

On the motion of Mr Hurford (Minister Assisting the Treasurer), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Drummond reported accordingly.

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

9 **BASS STRAIT FREIGHT ADJUSTMENT TRUST FUND BILL 1984:** 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.

Dr H. R. Edwards addressing the House—

It being 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.

10 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—MOTION OF CENSURE OF THE MINISTER FOR DEFENCE:** Mr Young (Leader of the House), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent the Leader of the National Party of Australia moving forthwith the motion of censure of the Minister for Defence of which he gave notice earlier today for the next sitting.

Question—put and passed.

11 **MINISTER FOR DEFENCE—MOTION OF CENSURE:** Mr Sinclair (Leader of the National Party of Australia) moved—That this House censures the Minister for Defence for his failure to maintain the confidence of the people of Australia in our defence security under his administration as reflected by—

(1) his failure to answer a series of charges on military deficiency in the Australian Army revealed by the honourable Members for Bass and McPherson in a discussion of a matter of public importance in the House yesterday;

- (2) his acknowledgment that he was not aware of the exchange of notes between the United States of America and Australia under which reciprocal repair rights for naval vessels are available between the 2 countries;
- (3) his decisions affecting the Fleet Air Arm;
- (4) his decisions affecting the training time for the 3 armed services;
- (5) his decisions affecting the reserve forces;
- (6) his decisions affecting the cadet corps, and
- (7) his failure to maintain the confidentiality of the strategic basis paper which sets new directions for Australian defence.

Debate ensued.

Paper: Mr Scholes (Minister for Defence), by leave, presented the following paper:

Docking facilities for nuclear-powered and other warships—Department of Foreign Affairs minute, dated 30 March 1984.

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

Advertisements from *The National Times* dated—

13-18 September 1976 headed "For an Independent and Non-Aligned Australia".

21 October 1978 headed "No military ties with ASEAN nations".

Article from the *Illawarra Mercury* of 16 March 1983 headed "Defence Supply Minister a pacifist".

Papers: Mr Beazley (Minister Assisting the Minister for Defence), by leave, presented the following papers:

Articles from—

The Bulletin of 12 June 1976 headed "Top secret: our defence planning".

The National Times of 22-28 March 1981 headed "Australia's next war—Our defence thinking revealed".

Debate continued.

Question—put.

The House divided (the Speaker, Dr Jenkins, in the Chair)—

AYES, 37

Mr Aldred	Mr Dobie	Mr Howard	Mr Porter
Mr Blunt	Mr Drummond	Mr Hunt	Mr Rocher
Mr Burr	Dr H. R. Edwards	Mr Lloyd	Mr Ruddock
Mr Cadman	Mr Fife	Mr McArthur	Mr Shipton
Mr D. M. Cameron	Mr Goodluck	Mr MacKellar	Mr Sinclair
Mr E. C. Cameron*	Mr Groom	Mr McVeigh	Mr Spender
Mr I. M. D. Cameron	Mr Hall	Mr Macphee	Mr White
Mr Carlton	Mr Hawker	Mr Millar	
Mr Connolly	Mr Hicks*	Mr Newman	
Mr Cowan	Mr Hodgman	Mr O'Keefe	

NOES, 65

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

* Tellers

And so it was negatived.

12 COASTAL SURVEILLANCE—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS: Mr Young (Special Minister of State), by leave, made a ministerial statement informing the House of the findings of a review of the structure of Australia's peacetime coastal surveillance, and presented the following papers:

Australia's peacetime coastal surveillance and protection arrangements—

Review by Mr Beazley, Minister Assisting the Minister for Defence.

Ministerial statement, 30 March 1984.

Mr Dawkins (Minister for Finance) moved—That the House take note of the papers.

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

13 PROPOSED DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—PRIMARY PRODUCERS—PROTECTION OF INTEREST: Mr Speaker informed the House that Mr McVeigh had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Federal Government's failure to protect the legitimate interest of primary producers".

The proposed discussion having received the necessary support—

Mr McVeigh rising to address the House—

Mr Young (Leader of the House) moved—That the business of the day be called on.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

And then the House, at 4.25 p.m., adjourned until Monday next at 2 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Adermann, Mr Andrew, Mr Braithwaite, Mr Coleman, Mr Cunningham, Mr Fisher, Mr Jacobi, Mr Katter, Dr Klugman, Mr Lusher, Mr O'Neil, Mr Reeves, Mr Tuckey and Mr Wilson.

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