

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 75

WEDNESDAY, 30 MAY 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 **DEATH OF FORMER MEMBER (MR E. N. DRURY):** Mr Speaker informed the House of the death, on 17 May 1984, of Mr Edward Nigel Drury, CBE, a Member of this House for the Division of Ryan from 1949 to 1975, and paid tribute to his memory. Mr Peacock (Leader of the Opposition), Mr Sinclair (Leader of the National Party of Australia), Mr Scholes (Minister for Defence) and other Members supported the remarks of Mr Speaker. As a mark of respect to the memory of the deceased all Members present stood, in silence.
- 3 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
- Mr Blunt, Mr Carlton, Mr Ruddock and Mr Snow—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 R. F. Edwards, Mr Hand, Mr Howe and Mr Milton—from certain citizens praying that confectionery be exempt from sales tax.
 - Mr Carlton and Ms Fatin—from certain citizens praying that regulations amending the Customs (Prohibited Imports) Regulations and Customs (Cinematograph Films) Regulations and the ordinance superseding the ACT Objectionable Publications Ordinance be disallowed and certain other action be taken in relation to censorship matters.
 - Mrs Darling and Mr Maher—from certain residents of Queensland and New South Wales, respectively, praying that legislation be enacted to ban the advertising of alcohol from commercial television and radio.
 - Mrs Darling and Mr Milton—from certain citizens praying that any proposal to legislate for the establishment of plant variety rights in Australia be rejected.
 - Dr Everingham and Mr Maher—from certain citizens praying that chiropractic services be included in Medicare when it is introduced.
 - Mr Adermann—from certain citizens praying that the decision to alter the ACT Classification of Publications Ordinance be abandoned.
 - Mrs Darling—from Br J. C. Grieshaber and K. H. Tracey, respectively, in similar terms to the last preceding petition.
 - Mr Blunt—from certain citizens praying that the existing national flag remain sacrosanct.
 - Mr Blunt—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 Braithwaite—from certain citizens praying that moves to change the Australian flag be resisted and any contemplated change be put to the Australian people by referendum.

Mr Braithwaite—from certain citizens praying that anomalies in ABC radio transmission in North Queensland be rectified.

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 Carlton—from certain citizens praying that the ban on the export of kangaroo products be re-applied.

Mr Carlton—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 Hand—from certain citizens praying that the Omega base in Victoria be closed.

Mr Jacobi—from certain citizens praying that religious and human rights persecution in the Soviet Union be condemned.

Mr Keating—from certain citizens praying that assurances be made that Qantas will not take any action that will lessen the effectiveness of flight attendants in an emergency.

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

Mr O'Keefe—from certain citizens praying that no military establishment be located in the Central Tablelands of New South Wales.

Petitions received.

4 PUBLIC SERVICE REFORM 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.

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

Message from the Governor-General: Message No. 151, dated 28 May 1984, 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.

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In the committee

Clause 1 debated and agreed to.

Clause 2—

On the motion of Mr Dawkins (Minister Assisting the Prime Minister for Public Service Matters), the following amendment was made: Page 1, line 7, omit “, 7, 29”, substitute “and 7, sub-sections 29 (1) and (3), sections”.

Clause, as amended, agreed to.

Clauses 3 and 4, by leave, taken together, and agreed to.

Clause 5 debated.

On the motion of Mr Dawkins, the following amendment was made: Page 2, lines 24 and 25, omit “and that have responsibilities of a similar level”, substitute “, that have responsibilities of a similar level, the performance of the duties of which requires work of similar value and the salary, or range of salaries, applicable to which are the same”.

Clause, as amended, agreed to.

Clauses 6 to 10, by leave, taken together, and agreed to.

Clause 11—

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Page 7, line 13, after “eliminate” insert “unjustified”.

Page 7, at the end of proposed sub-section 22B (1) add the following definition:

“‘unjustified discrimination’ includes discrimination that is unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*.”

Page 7, line 41, omit “or ameliorate any practices or patterns”, substitute “any practices, and eliminate or ameliorate any patterns.”

Page 8, line 1, after “Department” insert “, and relevant staff organizations in relation to offices in the Department.”

Page 8, line 13, before “cause” insert “after giving relevant staff organizations in relation to offices in the Department and such other persons as the Secretary considers appropriate an opportunity to put their views.”

Page 8, line 19, before “cause” insert “from time to time, after giving relevant staff organizations in relation to offices in the Department and such other persons as the Secretary considers appropriate an opportunity to put their views.”

Page 8, line 20, omit “from time to time”.

Clause, as amended, agreed to.

Clause 12—

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Page 10, line 27, omit “with appropriate consultation”, substitute “in consultation with relevant staff organizations in relation to offices in the Department and with such other persons as the Secretary considers appropriate”.

Page 10, line 33, before “cause” insert “in consultation with relevant staff organizations in relation to offices in the Department and with such other persons as the Secretary considers appropriate.”

On the motion of Mr Connolly, the following amendment was made: Page 12, at the end of sub-clause (3) add the following sub-clause:

“(4) The Secretary of each Department shall include in the Annual Report of the Department to be laid before each House of the Parliament information on the implementation and operation of industrial democracy plans in that Department under section 22C of the *Public Service Act 1922*.”

Clause, as amended, agreed to.

Clauses 13 to 16, by leave, taken together, and agreed to.

Clause 17—

On the motion of Mr Dawkins, the following amendment was made: Page 16, at the end of proposed section 28 add the following sub-section:

“(5) Nothing in sub-section (1) shall be taken as limiting in any way the provision that may be made by an industrial award to vary the salary applicable in relation to an office or an officer.”

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19—

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Page 19, line 5, omit “in writing to Secretaries of Departments”, substitute “published in the *Gazette*”.

Page 21, lines 1-8, omit proposed section 29E.

Clause, as amended, agreed to.

Clauses 20 to 22, by leave, taken together, and agreed to.

Clause 23—

Mr Connolly moved the following amendment: Page 23, proposed section 33, line 15, after sub-paragraph (1) (b) (ii), add the following word and sub-paragraph:

“and (iii) any relevant security consideration involving the protection of the Commonwealth from acts of espionage, sabotage or subversion.”

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Chairman, Mrs Child, in the Chair)—

AYES, 40

Mr Adermann	Mr Connolly	Mr Hicks*	Mr Moore
Mr Aldred	Mr Cowan	Mr Hodgman	Mr Newman
Mr Andrew	Mr Drummond	Mr Hunt	Mr O'Keefe
Mr Blunt	Dr H. R. Edwards	Mr Katter	Mr Porter
Mr Braithwaite	Mr Fife	Mr Lloyd	Mr Rocher
Mr Burr	Mr Fisher	Mr Lusher	Mr Ruddock
Mr D. M. Cameron	Mr Goodluck	Mr McArthur	Mr Shipton
Mr E. C. Cameron*	Mr Groom	Mr McGauran	Mr Spender
Mr I. M. D. Cameron	Mr Hall	Mr MacKellar	Mr White
Mr Coleman	Mr Hawker	Mr Millar	Mr Wilson

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

* Tellers

And so it was negatived.

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Page 23, line 24, omit "and".

Page 23, line 25, omit proposed paragraph 33 (3) (b), substitute the following paragraphs:

"(b) discrimination that is unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*; and

(c) any other unjustified discrimination."

Page 23, line 30, after "relates" insert ", is not unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984*".

Page 23, line 33, after "appointment" insert "that is not unlawful under the *Racial Discrimination Act 1975* or the *Sex Discrimination Act 1984* and is".

Clause 23, as amended, agreed to.

Clauses 24 to 26, by leave, taken together, and agreed to.

Clause 27—

On the motion of Mr Connolly, the following amendment was made: Page 27, after proposed sub-section 36 (3) insert the following sub-section:

"(3A) The Chairman shall, before preparing a report for the purposes of sub-section (3) in relation to the filling of a vacancy or expected vacancy in an office of Secretary of a Department, consult with the Minister administering that Department in relation to that matter."

It being 12.45 p.m., in accordance with sessional order 101A—Progress to be reported.

The House resumed; Mrs Child reported accordingly.

Ordered—That the House will, at a later hour this day, again resolve itself into the said committee.

5 **QUESTIONS:** Questions without notice being asked—

Paper: Mr Beazley (Minister for Aviation) presented the following paper:

Civil aviation—Text of amendment to Chicago Convention approved by 25th Extraordinary Session of the International Civil Aviation Organisation Assembly.

Questions without notice continued.

6 **AUSTRALIAN WATER RESOURCES COUNCIL—PAPERS—MOTION TO TAKE NOTE OF PAPERS:** Mr Jones (Minister representing the Minister for Resources and Energy) presented the following papers:

Australian Water Resources Council—

Activities for 1982-83.

Minutes of 25th meeting, Canberra, 1 July 1983.

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

Debate adjourned (Mr Hunt—Deputy Leader of the National Party of Australia), and the resumption of the debate made an order of the day for the next sitting.

7 **PAPERS:** The following papers were presented:

Coal Industry Act—Joint Coal Board—Auditor-General's Report on financial accounts for year 1982-83.

National Water Resources (Financial Assistance) Act—Document relating to financial assistance to South Australia for the Metropolitan Adelaide and Northern Towns Water Filtration Programs, dated 9 April 1984.

8 **IMMIGRATION PROGRAM 1984-85—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE NOTE OF PAPERS:** Mr West (Minister for Immigration and Ethnic Affairs), by leave, made a ministerial statement relating to the Government's immigration program for 1984-85 and presented the following papers:

Immigration program 1984-85—

Australia's migrant entry and selection system, dated May 1984, together with an attachment.

Ministerial statement, 30 May 1984.

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

Suspension of standing orders—Extended time for speech: Mr Young, by leave, moved—That so much of the standing orders be suspended as would prevent Mr Hodgman speaking for a period not exceeding 40 minutes.

Question—put and passed.

Debate ensued.

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

9 **SUSPENSION OF STANDING ORDER 48A AND STANDING ORDER 103:** Mr Young (Leader of the House), by leave, moved—That standing order 48A, as amended by the sessional order of 29 February 1984, relating to the adjournment of the House, and standing order 103 (11 o'clock rule) be suspended for this sitting.

Question—put and passed.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ASSETS TEST PROPOSALS:** The Deputy Speaker informed the House that Mr Peacock (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The continuing uncertainty and alarm felt by Australia's elderly because of the Government's reactions to the latest proposals for an assets test".

The proposed discussion having received the necessary support—

Mr Peacock addressed the House.

Discussion ensued.

Discussion concluded.

11 **POSTPONEMENT OF ORDERS OF THE DAY:** Ordered—That orders of the day Nos. 2 to 5, government business, be postponed until a later hour this day.

- 12 **AUSTRALIAN FEDERAL POLICE AMENDMENT BILL 1984:** Mr Young (Special Minister of State), pursuant to notice, presented a Bill for an Act to amend the *Australian Federal Police Act 1979*, and for related purposes.
 Bill read a first time.
 Mr Young moved—That the Bill be now read a second time.
 Debate adjourned (Mr Hall), and the resumption of the debate made an order of the day for the next sitting.
- 13 **INCOME TAX ASSESSMENT AMENDMENT BILL (NO. 3) 1984:** Mr Hurford (Minister Assisting the Treasurer) presented a Bill for an Act to amend the law relating to income tax.
 Bill read a first time.
Suspension of standing orders—Extended time for speech: Mr Young (Leader of the House), by leave, moved—That so much of the standing orders be suspended as would prevent the Minister Assisting the Treasurer, when moving the second reading of the Bill, speaking without limitation of time.
 Question—put and passed.
 Mr Hurford moved—That the Bill be now read a second time.
 Debate adjourned (Mr Connolly), and the resumption of the debate made an order of the day for the next sitting.
- 14 **INCOME TAX (COMPANIES, CORPORATE UNIT TRUSTS AND SUPERANNUATION FUNDS) AMENDMENT BILL 1984:** Mr Hurford (Minister Assisting the Treasurer) presented a Bill for an Act to amend the *Income Tax (Companies, Corporate Unit Trusts and Superannuation Funds) Act 1983*.
 Bill read a first time.
 Mr Hurford moved—That the Bill be now read a second time.
 Debate adjourned (Mr Ruddock), and the resumption of the debate made an order of the day for the next sitting.
- 15 **SUSPENSION OF STANDING AND SESSIONAL ORDERS—GENERAL BUSINESS NOTICE:** Mr Bowen (Minister for Trade), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 10, general business, given for Wednesday, 30 May 1984, being called on forthwith.
 Question—put and passed.
- 16 **DR ANDREI SAKHAROV AND DR BONNER—PERSECUTION BY SOVIET AUTHORITIES:** Mr Coleman, pursuant to notice, moved—That this House—
 (1) notes that on 30 May 1984 the International Coalition of Scientists for the Sakharovs, will deliver letters to Soviet Embassies throughout the world, including Canberra, expressing its concern at the continued persecution by Soviet authorities of Dr Andrei Sakharov and his wife, Dr Bonner, and
 (2) calls on the Government to follow the lead of the Coalition of Scientists for the Sakharovs and mobilise Australian public opinion against the Soviet Union's inhuman treatment of one of the world's most distinguished scientists and his wife.
 Mr Bowen (Acting Minister for Foreign Affairs) moved the following amendment: Omit paragraph (2), substitute the following paragraphs:
 "(2) recalls Australia's commitment to the ideals of the Universal Declaration of Human Rights and the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights;
 (3) notes further our commitment to constructive international action to promote the realisation of human rights and to combat gross violations of human rights wherever they might occur;
 (4) commends the Minister for Foreign Affairs for forthrightly and directly raising with the Soviet Government the concerns of the Australian Parliament, Government and people at the inhumane treatment of one of the world's most distinguished scientists and his wife, and

- (5) calls upon the Soviet authorities to release Academician Sakharov from internal exile and to permit Dr Bonner to leave for medical treatment abroad.”

Amendment agreed to.

Motion, as amended, agreed to.

- 17 **PUBLIC SERVICE REFORM BILL 1984:** The House, according to order, again resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Clause 27—

On the motion of Mr Dawkins (Minister Assisting the Prime Minister for Public Service Matters), by leave, the following further amendments were made together:

Page 28, after proposed sub-section 37 (6) insert the following sub-section:

“(6A) The Governor-General shall not direct under sub-section (6) that the appointment of a person to the Service be terminated by reason only of the fact that the person has done, or omitted to do, an act or thing in respect of which a charge could be laid against the person under Division 6, or on the ground that a court has convicted the person of a criminal offence within the meaning of that Division or found, without recording a conviction, that he has committed such an offence.”

Page 32, line 39, and page 33, lines 1 and 2, omit “is not qualified, by reason of his not satisfying a requirement for appointment specified in a notification under section 33A, to be appointed to that office”, substitute “does not have the academic or other qualifications required for appointment to the office by virtue of a notification under sub-section 33A (1)”.

Clause, as amended, agreed to.

Clause 28—

On the motion of Mr Dawkins, the following amendment was made: Page 33, after proposed sub-section 44 (3) insert the following sub-section:

“(3A) The Board shall not direct under sub-section (3) that the appointment of a person to the Service be terminated by reason only of the fact that the person has done, or omitted to do, an act or thing in respect of which a charge could be laid against the person under Division 6, or on the ground that a court has convicted the person of a criminal offence within the meaning of that Division or found, without recording a conviction, that the person has committed such an offence.”

Clause, as amended, agreed to.

Clauses 29 and 30, by leave, taken together, and agreed to.

Clause 31—

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Page 39, lines 19-26, omit proposed sub-section 49C (1), substitute the following sub-section:

“(1) In the selection of an officer for promotion to a vacant Senior Executive Service office consideration shall be given only to the relative efficiency of the officers available for promotion.”

Page 39, line 34, after “established” insert “and the need to ensure that the experience, training, qualifications and relevant personal qualities of Senior Executive Service officers in the Department in which the vacancy exists are such as to enable the Department, in both the short term and the long term, efficiently and economically to perform its functions”.

Mr Connolly moved the following amendment: Page 40, omit proposed section 49E, substitute the following section:

Division 5 not to apply

“49E. (1) The provisions of Division 5 (other than sections 51AA, 51A and 52) do not apply in relation to a promotion or transfer to a Senior Executive Service office.

'(2) Sub-section (1) has effect only in relation to promotions or transfers occurring after the expiration of the period of 2 years commencing on the day on which section 31 of the *Public Service Reform Act 1984* comes into operation.'".

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 32 to 34, by leave, taken together, and agreed to.

Clause 35—

Mr Connolly moved the following amendment: Page 41, line 5, after "omitting" insert "from sub-section (1)".

Amendment negatived.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole.

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Amendments—

Clause 44, page 44, lines 18-29, omit proposed sub-section 50DA (3), substitute the following sub-sections:

"(3) Where a Secretary proposes that a vacancy be filled by a transfer or promotion under this section, the Secretary shall—

- (a) give notice in writing of the proposal to the organization that is, in accordance with the regulations, the principal relevant staff organization in relation to the office; and
- (b) if there is another relevant staff organization or there are other relevant staff organizations—give notice in writing of the proposal to the other relevant staff organization or organizations, such notice to include a statement to the effect that a relevant staff organization may, by notice in writing to the Secretary before the expiration of the period prescribed by the regulations for the purposes of this paragraph, object to the proposal.

"(3A) Where the principal relevant staff organization consents to the proposal and—

- (a) there is no other relevant staff organization; or
- (b) in a case to which paragraph (a) does not apply—no other relevant staff organization objects to the proposal before the expiration of the period referred to in paragraph (3) (b),

the Secretary shall—

- (c) cause notification of the vacancy, being a notification indicating that the Secretary proposes that the vacancy be filled by a transfer or promotion under this section, to be given in the *Gazette*; and
- (d) arrange for the establishment of a Joint Selection Committee for the purposes of giving advice to the Secretary with respect to the filling of the vacancy."

Clause 84—

Page 64, lines 31-41, and page 65, lines 1-12, omit proposed sub-section 76L (1), substitute the following sub-section:

"(1) Where, in relation to a Senior Executive Service officer of a particular classification—

- (a) the Board, after having taken reasonable steps to identify Senior Executive Service offices—
 - (i) that are of the same or equal classification;
 - (ii) to which the officer could be transferred or the duties of which the officer could be directed to perform; and
 - (iii) the duties of which the officer, in the opinion of the Board, can or could, within a reasonable time, perform efficiently,
 is satisfied that the services of the officer cannot reasonably be, and will not within a reasonable time be able reasonably to be, used in the

- Service in the performance of the duties of, or duties appropriate to, a Senior Executive Service office of the same or equal classification; and
- (b) in a case where the officer is a declared officer—
- (i) the officer has waived his right to appeal against the declaration made in relation to him under sub-section 76K (1) or the time within which the officer may appeal against the declaration has expired and no such appeal has been instituted; or
 - (ii) if such an appeal has been instituted—
 - (A) the appeal has been determined and the declaration has been confirmed; or
 - (B) the appeal has been withdrawn,

the Board may give notice in relation to the officer under sub-section (3).”

Page 65, lines 29-38, omit proposed sub-section 76L (3), substitute the following sub-clause:

“(3) Where sub-section (1) applies in relation to an officer, the Board may give notice in writing to the officer that—

- (a) the officer is to be transferred to a specified office of lower classification; or
- (b) the officer is to be retired from the Service.”

Page 66, line 40, after “be” insert “deemed to be”.

Page 67, lines 28 and 29, omit “paragraphs (1) (b) and ”, substitute “paragraph”.

Page 67, at the end of proposed sub-section 76L (10) add “and as if ‘, in consequence of physical or mental incapacity of the officer,’ were inserted in paragraph (1) (a) after ‘is satisfied that’.”

Clause 90, page 71, lines 31-41, and page 72, lines 1-13, omit the clause, substitute the following clause:

Temporary employment

“90. Section 82 of the Principal Act is amended—

- (a) by omitting from sub-section (1) ‘necessary’ and substituting ‘required’; and
- (b) by omitting from sub-section (2) ‘If the Board is satisfied that such assistance is required’ and substituting ‘Where the Board is satisfied that the assistance required by a Department is of a temporary nature’.”

Clause 99, page 76, at the end of the clause add the following sub-clause:

“(4) Section 87M of the Principal Act is amended by omitting from paragraph (1) (b) ‘in the Division in which he was included immediately before he ceased, or last ceased, to be an officer, being an office’.”

Clause 141, page 88, after proposed section 18 insert the following section:

Annual Report

“18A. (1) The Official Secretary shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report on the performance of the functions and duties of the Official Secretary during that year.

“(2) The Minister shall cause a copy of a report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.’.”

New clause—

Page 91, after clause 153 insert the following new clause:

“153A. After section 6 of the *Freedom of Information Act 1982* the following section is inserted:

Official Secretary to the Governor-General

“6A. (1) This Act does not apply to any request for access to a document of the Official Secretary to the Governor-General unless the document relates to matters of an administrative nature.

“(2) For the purposes of this Act, a document in the possession of a person employed under section 13 of the *Governor-General Act 1974* that is in his possession by reason of his employment under that section shall be taken to be in the possession of the Official Secretary to the Governor-General.’.”

Amendments—

Schedule 2, page 95, at the end of the Schedule add the following item:

“Section 56A (definition of ‘Minister’) Omit ‘section 33D’, substitute ‘sub-section 33C (2)’.”.

Schedule 3, page 95, omit the item relating to section 56A of the *Public Service Act 1922*.

Schedule 4—

Page 96, after the item relating to the *Export Finance and Insurance Corporation Act 1974* insert the following item:

“*Freedom of Information Act 1982* Sub-section 4 (1) (definition of ‘principal officer’)”.

Page 100, proposed definition of “Secretary” to be inserted in sub-section 4 (1) of the *National Health Act 1953*, omit “to the Department of Health”, substitute “of the Department”.

Remainder of Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mrs Child reported accordingly.

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

- 18 MEMBERS OF PARLIAMENT (STAFF) 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—

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

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3—

On the motion of Mr Connolly, the following amendment was made: Page 2, at the end of the definition of “relevant office” add the following word and paragraph:

“or (f) an office of leader or deputy leader, in a House of the Parliament, of a recognized political party (other than an office that is held by a person who also holds an office referred to in any of the preceding paragraphs of this definition);”.

On the motion of Mr Dawkins (Minister Assisting the Prime Minister for Public Service Matters), the following amendment was made: Page 2, lines 31 and 32, omit “the Secretary under whose supervision the consultant is to perform tasks”, substitute “whichever Secretary the Minister considers appropriate”.

Clause, as amended, agreed to.

Clauses 4 to 30, by leave, taken together, and agreed to.

New clause—

Mr Connolly moved—That the following new clause be inserted in the Bill:

Annual report

“30A. As soon as practicable after 30 June in each year, the Prime Minister shall cause to be prepared a report—

- (a) setting out, in respect of each Minister who held office at any time during the year ending on that 30 June, the name of each consultant engaged by the Minister under section 4 during that year and the name of each consultant engaged by the Minister under section 4 before the commencement of that year who performed tasks during that year pursuant to the engagement; and
- (b) specifying, in respect of each consultant named pursuant to paragraph (a)—
 - (i) the period of engagement of the consultant;
 - (ii) which of the provisions referred to in sub-section 4 (2) is or are included in the agreement under which the consultant was engaged;

- (iii) where the agreement under which the consultant was engaged contained a provision of the kind referred to in paragraph 4 (2) (a) or (c)—the tasks specified in the agreement for the purposes of that provision;
- (iv) where the agreement under which the consultant was engaged contained a provision of the kind referred to in paragraph 4 (2) (b) or (d)—the general nature of the tasks that the consultant was engaged to perform; and
- (v) the terms and conditions of employment under which the consultant is employed of the kind referred to in section (5),
- and shall cause a copy of the report to be laid before each House of the Parliament.”
- Mr Dawkins moved the following amendment to the proposed new clause: Omit paragraph (b) (v).

Debate continued.

Question—That the paragraph proposed to be omitted stand part of the proposed new clause—put.

The committee divided (the Chairman, Mrs Child, in the Chair)—

AYES, 28

Mr Adermann	Mr E. C. Cameron*	Mr Fisher	Mr McVeigh
Mr Aldred	Mr Coleman	Mr Hall	Mr Millar
Mr Blunt	Mr Connolly	Mr Hicks*	Mr O'Keefe
Mr Braithwaite	Mr Cowan	Mr Katter	Mr Rocher
Mr Burr	Mr Drummond	Mr Lloyd	Mr Spender
Mr Cadman	Dr H. R. Edwards	Mr Lusher	Mr Tuckey
Mr D. M. Cameron	Mr Fife	Mr McGauran	Mr White

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Mr Baldwin	Dr Everingham	Mrs Kelly	Mr Saunderson
Mr Beddall	Ms Fatin	Mr Kent	Mr Scholes
Mr Bilney	Mr Free	Mr Keogh	Mr Scott
Mr Blanchard	Mr Fry	Dr Klugman	Mr Simmons
Dr Blewett	Mr Gayler	Ms McHugh	Mr Snow
Mr R. J. Brown	Mr Gear	Mr McLeay	Mr Staples
Mr Brumby	Mr Gorman	Mr Maher	Mr Steedman
Mr Charles	Mr Griffiths	Mrs Mayer	Dr Theophanous
Dr Charlesworth	Mr Hand	Mr Milton	Mr Tickner
Mr Cross	Mr Hollis	Mr A. A. Morris	Mr Uren
Mr Cunningham*	Mr Howe	Mr P. F. Morris	Mr Wells
Mrs Darling	Mr Humphreys*	Mr O'Neil	Mr Willis
Mr Dawkins	Mr Jacobi	Mr Punch	Mr Young
Mr Duffy	Mr Jones	Mr Reeves	

* Tellers

And so it was negatived.

New clause, as amended, agreed to.

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

Bill to be reported with amendments.

The House resumed; Mrs Child reported accordingly.

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

19 MERIT PROTECTION (AUSTRALIAN GOVERNMENT EMPLOYEES) 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—

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

Clause 4—

On the motion of Mr Dawkins (Minister Assisting the Prime Minister for Public Service Matters), the following amendment was made: Page 3, line 21, after “employee” insert “are fair and equitable and”.

Clause, as amended, agreed to.

Clauses 5 to 10, by leave, taken together, and agreed to.

Clause 11—

On the motion of Mr Dawkins, the clause was omitted and the following clause substituted:

Parties to appeal proceedings

“11. For the purposes of this Subdivision, the parties to particular appeal proceedings are the officer promoted or selected and the appellant or appellants.”.

Clauses 12 to 14, by leave taken together, and agreed to.

Clause 15 debated.

Paper: Mr Connolly, by leave, presented the following paper:

Statutory Authorities of the Commonwealth—Extract from the 2nd Report of the Senate Standing Committee on Finance and Government Operations, October 1979, headed, “List of Statutory Authorities—Category 1—Business Authorities”.

Debate continued.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole.

On the motion of Mr Dawkins, by leave, the following amendments were made together:

Clause 31, page 12, line 3, omit “Part”, substitute “Subdivision”.

Clause 37, page 13, before paragraph (1) (a) insert the following paragraph:

“(aa) the Committee shall make full inquiries into the matter before the Committee;”.

Clause 40, page 15, lines 8-12, omit the clause, substitute the following clause:

Persons who may apply to Agency

“40. Where an enactment provides that an application may be made to the Agency for a review of a decision, the application may be made by—

- (a) the Commonwealth employee in relation to whose employment the decision was made;
- (b) an organization that is registered under the *Conciliation and Arbitration Act 1904* and has been requested by the employee to make the application on behalf of the employee; or
- (c) in a case where the employee has died—the legal personal representative of the employee.”.

Clause 48, page 19, lines 36-40, omit the clause, substitute the following clause:

Persons who may apply to Agency

“48. Where an enactment provides that an application may be made to the Agency for investigation of an action, the application may be made by—

- (a) the Commonwealth employee in relation to whose employment the action was taken;
- (b) an organization that is registered under the *Conciliation and Arbitration Act 1904* and has been requested by the employee to make the application on behalf of the employee; or
- (c) in a case where the employee has died—the legal personal representative of the employee.”.

Clause 84, page 37, at the end of the clause add the following sub-clauses:

“(6) Subject to sub-sections (7) and (8), nothing in this Act shall be taken to preclude the Director from disclosing information, or making a statement, to any person or to the public or a section of the public with respect to the performance of a function of the Agency under this Act if, in the opinion of the Director, it is in the interests of any Department, Commonwealth authority or person, or is otherwise in the public interest, so to disclose that information or to make that statement.

“(7) The Director shall not disclose information or make a statement under sub-section (6) with respect to a particular review, investigation or inquiry where the disclosure of that information, or the making of that statement, is likely to interfere with the carrying out of that review, investigation or inquiry or of any other review, investigation or inquiry.

“(8) The Director shall not, in disclosing information or making a statement under sub-section (6) with respect to a particular review or investigation, disclose the name of an applicant or any other matter that would enable an applicant to be identified unless it is fair and reasonable in all the circumstances to do so.”

Remainder of Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mrs Child reported accordingly.

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

- 20 **REFORMING THE AUSTRALIAN PUBLIC SERVICE—PAPER—PAPER NOTED:** The order of the day having been read for the resumption of the debate on the motion of Mr Young (Leader of the House)—That the House take note of the paper (*presented on 28 February 1984*), viz.:

Reforming the Australian Public Service—Statement of the Government's intentions, dated December 1983—

Question—put and passed.

- 21 **REMUNERATION AND ALLOWANCES AMENDMENT 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.

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

Message from the Governor-General: Message No. 152, dated 28 May 1984, 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 Young (Special Minister of State), the following amendment was made, after debate: Clause 18, page 9, lines 8 and 9, omit proposed paragraph (2) (b), substitute the following paragraph:

“(b) decisions given from time to time by the Australian Conciliation and Arbitration Commission in National Wage Cases.”

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mrs Child reported accordingly.

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

- 22 **STATES GRANTS (SCHOOLS ASSISTANCE) AMENDMENT 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.

The House continuing to sit until after 12 midnight—

THURSDAY, 31 MAY 1984

Debate continued.

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

Message from the Governor-General: Message No. 153, dated 28 May 1984, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Holding (Minister for Aboriginal Affairs), the Bill was read a third time.

23 STATES GRANTS (TERTIARY EDUCATION ASSISTANCE) AMENDMENT 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—

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

Message from the Governor-General: Message No. 154, dated 28 May 1984, from His Excellency the Governor-General was announced recommending an appropriation of revenue and moneys for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Holding (Minister for Aboriginal Affairs), the Bill was read a third time.

24 STATES GRANTS (EDUCATION ASSISTANCE—PARTICIPATION AND EQUITY) AMENDMENT 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—

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

Message from the Governor-General: Message No. 155, dated 28 May 1984, 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 Holding (Minister for Aboriginal Affairs), the Bill was read a third time.

25 AUSTRALIAN NATIONAL UNIVERSITY AMENDMENT 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—

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 22, by leave, taken together.

Mr Fife, by leave, moved the following amendments together:

Clause 2, page 1, line 12, omit "Sections 18 and 23", substitute "Section 18".

Clause 16—

Page 4, after paragraph (b) insert the following paragraph:

"(ba) by inserting after 'fees' in sub-paragraph (1) (o) (ii) 'the payment of which shall be voluntary and which are'".

Page 4, paragraph (c), line 36, proposed sub-paragraph (1) (o) (iii), after "fees" insert "the payment of which shall be voluntary and which are".

Amendments negatived.

Clauses agreed to.

Clause 23 debated.

Question—That the clause be agreed to—put.

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

AYES, 60

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

NOES, 37

Mr Adermann	Mr Connolly	Mr Lloyd	Mr Robinson
Mr Aldred	Mr Cowan	Mr Lusher	Mr Rocher
Mr Andrew	Mr Drummond	Mr McArthur	Mr Shipton
Mr Blunt	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Spender
Mr D. M. Cameron	Mr Fisher	Mr McVeigh	Mr Tuckey
Mr E. C. Cameron *	Mr Hawker	Mr Millar	Mr White
Mr I. M. D. Cameron	Mr Hicks *	Mr Newman	
Mr Carlton	Mr Hodgman	Mr O'Keefe	
Mr Coleman	Mr Katter	Mr Porter	

* Tellers

And so it was resolved in the affirmative.

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

Bill to be reported without amendment.

The House resumed; Mr Keogh reported accordingly.

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

26 **CANBERRA COLLEGE OF ADVANCED EDUCATION AMENDMENT 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—

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 15, by leave, taken together.

Mr Fife moved the following amendment: Clause 2, page 1, line 11, omit "Sections 16 and 18", substitute "Section 18".

Amendment negatived.

Clauses agreed to.

Clause 16 debated.

Question—That the clause be agreed to—put.

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

AYES, 60

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

NOES, 37

Mr Adermann	Mr Connolly	Mr Lloyd	Mr Robinson
Mr Aldred	Mr Cowan	Mr Lusher	Mr Rocher
Mr Andrew	Mr Drummond	Mr McArthur	Mr Shipton
Mr Blunt	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Spender
Mr D. M. Cameron	Mr Fisher	Mr McVeigh	Mr Tuckey
Mr E. C. Cameron *	Mr Hawker	Mr Millar	Mr White
Mr I. M. D. Cameron	Mr Hicks *	Mr Newman	
Mr Carlton	Mr Hodgman	Mr O'Keefe	
Mr Coleman	Mr Katter	Mr Porter	

* Tellers

And so it was resolved in the affirmative.

Remainder of Bill, by leave, taken as a whole.

Mr Fife, by leave, moved the following amendments together:

Clause 17—

Page 6, line 5, after paragraph (a) insert the following paragraph:

“(aa) by inserting after ‘fees’ in paragraph 2 (b) ‘, the payment of which shall be voluntary.’”

Page 6, line 7, proposed paragraph (ba), after “fees” insert “, the payment of which shall be voluntary.”

Amendments negatived.

Remainder of Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Keogh reported accordingly.

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

27 **COMMONWEALTH SCHOOLS COMMISSION AMENDMENT 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—

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

Message from the Governor-General: Message No. 156, dated 7 May 1984, 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.

Mr Fife, by leave, moved the following amendments together:

Clause 23—

Page 7, line 28, omit “5”, substitute “3”.

Page 7, after proposed paragraph 14B (2) (c) insert the following paragraph:

“(ca) 1 member to represent the interests of non-government schools, selected and nominated by the Minister from nominations by bodies and authorities representing non-government schools, and 1 member to represent the interests of government schools, selected and nominated by the Minister from nominations by bodies and authorities representing government schools;”.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 37

Mr Adermann	Mr Connolly	Mr Lloyd	Mr Robinson
Mr Aldred	Mr Cowan	Mr Lusher	Mr Rocher
Mr Andrew	Mr Drummond	Mr McArthur	Mr Shipton
Mr Blunt	Dr H. R. Edwards	Mr McGauran	Mr Sinclair
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Spender
Mr D. M. Cameron	Mr Fisher	Mr McVeigh	Mr Tuckey
Mr E. C. Cameron*	Mr Hawker	Mr Millar	Mr White
Mr I. M. D. Cameron	Mr Hicks*	Mr Newman	
Mr Carlton	Mr Hodgman	Mr O’Keefe	
Mr Coleman	Mr Katter	Mr Porter	

NOES, 59

Mr Baldwin	Mr Dawkins	Mr Hurford	Mr O’Neil
Mr Beazley	Mr Duffy	Mr Jacobi	Mr Punch
Mr Beddall	Mr R. F. Edwards	Mr Jones	Mr Reeves
Mr Bilney	Dr Everingham	Mrs Kelly	Mr Saunderson
Mr Blanchard	Ms Fatin	Mr Kent	Mr Scholes
Dr Blewett	Mr Free	Mr Kerin	Mr Scott
Mr R. J. Brown	Mr Gayler	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 Tickner
Mrs Child	Mr Hand	Mrs Mayer	Mr Wells
Mr Cohen	Mr Holding	Mr Milton	Mr West
Mr Cross	Mr Hollis	Mr A. A. Morris	Mr Willis
Mr Cunningham*	Mr Howe	Mr P. F. Morris	Mr Young
Mrs Darling	Mr Humphreys*	Mr Mountford	

* Tellers

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Keogh reported accordingly.

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

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

Several Members rising to address the House—

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

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

And the question—That the House do now adjourn—was put accordingly, and passed.

And then the House, at 1.23 a.m., adjourned until this day at 10 a.m.

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

D. M. BLAKE
Clerk of the House of Representatives