

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 25

MONDAY, 13 MAY 1985

- 1 The House met, at 2 p.m., pursuant to adjournment. The Acting Speaker (Mrs Child) took the Chair, and read Prayers.
- 2 **PRIVILEGE—COMPLAINT OF BREACH:** Mr Cadman raised as a matter of privilege the distinction existing between the Members of the House of Representatives and Senators serving on joint committees in respect of the requirement to declare certain interests.  
The Acting Speaker stated that she would consider the matter and advise the House of her decision in due course.
- 3 **QUESTIONS:** Questions without notice were asked.
- 4 **AUSTRALIA'S TRADE SITUATION AND POLICIES—MINISTERIAL STATEMENT AND PAPER:** Mr Dawkins (Minister for Trade), by leave, made a ministerial statement outlining Australia's trade situation and Government policies to improve trade performance, and presented the following paper:  
Australia's trade performance and prospects—Department of Trade background paper, dated May 1985.  
Mr McVeigh, by leave, also made a statement in connection with the matter.
- 5 **MESSAGE FROM THE SENATE—AUTOMOTIVE INDUSTRY AUTHORITY AMENDMENT BILL 1985:** Message No. 35, dated 8 May 1985, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the 'Automotive Industry Authority Act 1984' to promote the development of motor vehicles, and motor vehicle components, of Australian design, and for related purposes*".  
Bill read a first time.  
Mr Dawkins (Minister representing the Minister for Industry, Technology and Commerce), by leave, moved—That the second reading be made an order of the day for a later hour this day.  
Question—put and passed.
- 6 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:
  - 10 May 1985—Message—
    - No. 36—Banks (Shareholdings) Amendment 1985.
    - No. 37—Export Inspection Charge 1985 (*without requests*).
    - No. 38—Export Inspection Charge Collection 1985.
    - No. 39—Export Inspection Legislation (Consequential Amendments) 1985.

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

Mr Aldred, Mr E. C. Cameron, Mr Chynoweth, Mr Hawker, Mr Peacock and Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.

Mr Fife and Mr Ruddock—from certain citizens in similar terms.

Mr Cadman—from certain citizens praying that the Social Security and Repatriation Assets Test Abolition Bill be passed.

Mr E. C. Cameron—from certain citizens praying that the Territory Education Assistance allowance be raised to the level of the unemployment benefit.

Mr E. C. Cameron—from certain citizens praying that certain action be taken against the importation and distribution of pornographic and obscene materials.

Mr E. C. Cameron—from certain citizens praying that young Australians who have undertaken employment while at school be eligible for Tertiary Education Assistance allowances.

Mr Goodluck—from certain citizens praying that the price of petrol be reduced by 3 cents per litre.

Mr Hawker—from certain citizens praying that the assets test on pensions be repealed.

Mr Porter—from certain residents of South Australia praying that commercial television reception in Pinnaroo, SA, and adjacent areas be upgraded.

Mr Rocher—from certain citizens praying that the existing national flag remain sacrosanct.

Mr Slipper—from certain residents of the Division of Fisher in similar terms to the last preceding petition.

Mr Rocher—from certain citizens praying that the Australia Post agency at Joondanna, WA, continue to operate.

Mr Scholes—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 Slipper—from certain citizens praying that family allowance payments be restored to their former level.

Mr Slipper—from certain residents of the Division of Fisher praying that the Government reconsider the assets test.

Petitions received.

**8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ABORIGINAL POLICIES AND ADMINISTRATION:** The Deputy Speaker informed the House that Mr Shipton had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The damage done to Aboriginal Australians by the failure of the Government's Aboriginal affairs policies and administration".

The proposed discussion having received the necessary support—Mr Shipton addressed the House.

Discussion ensued.

*Paper:* Mr Cobb, by leave, presented the following paper:

Aboriginal Secondary Grants Scheme 1985—Department of Education and Youth Affairs information booklet.

Discussion continued.

Discussion concluded.

**9 COUNCIL OF EUROPE AND INTER-PARLIAMENTARY UNION—PAPERS:** Mr Jacobi, by leave, presented the following papers:

Council of Europe—Parliamentary Assembly—36th ordinary session, Strasbourg, France, 1-4 October 1984—Report of the Australian Delegation.

Inter-Parliamentary Union—72nd Conference, Geneva, Switzerland, 24-29 September 1984—Report of the Australian Delegation.

10 NATIONAL CAPITAL DEVELOPMENT COMMISSION AMENDMENT BILL 1985: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

The House resolved itself into a committee of the whole.

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*In the committee*

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6—

Mr Everingham moved the following amendment: Page 2, proposed section 4, after sub-section (2) insert the following sub-section:

“(2A) Of the members referred to in paragraph (1) (c), 3 shall be persons nominated by the House of Assembly of the Australian Capital Territory by a resolution agreed to by not less than two-thirds of the members of that House.”.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 61

Mr Adermann	Mr Conquest	Mr Hunt	Mr Shack
Mr Aldred	Mr Cowan	Mr Jull	Mr Sharp
Mr Andrew	Mr Dobie	Mr Katter	Mr Shipton
Mr Beale	Mr Downer	Mr Lloyd	Mr Sinclair
Mr Blunt	Mr Drummond	Mr McArthur	Mr Slipper
Mr Braithwaite	Dr H. R. Edwards	Mr MacKellar	Mr Smith
Mr N. A. Brown	Mr Everingham	Mr McVeigh	Mr Spender
Mr Burr	Mr Fife	Mr Macphee	Mrs Sullivan
Mr Cadman	Mr T. A. Fischer	Mr Miles	Mr Tuckey
Mr D. M. Cameron	Mr Goodluck	Mr Millar	Dr Watson
Mr E. C. Cameron*	Mr Hall	Mr Moore	Mr Webster
Mr I. M. D. Cameron	Mr Halverson	Mr Nehl	Mr White
Mr Carlton	Mr Hawker	Mr Porter	Mr Wilson
Mr Cobb	Mr Hicks*	Mr Reith	
Mr Coleman	Mr Hodgman	Mr Rocher	
Mr Connolly	Mr Howard	Mr Ruddock	

NOES, 71

Mr Baldwin	Mr Dawkins	Mrs Jakobsen	Mr O'Keefe
Mr Beazley	Mr Dubois	Mr Jones	Mr O'Neil
Mr Beddall	Mr Duffy	Mrs Kelly	Mr Price
Mr Bilney	Mr R. F. Edwards	Mr Kent	Mr Punch
Mr Blanchard	Ms Fatin	Mr Keogh	Mr Saunderson
Dr Blewett	Mr Fitzgibbon	Dr Klugman	Mr Scholes
Mr Bowen	Mr Free	Mr Lamb	Mr Scott
Mr J. J. Brown	Mr Gayler	Mr Langmore	Mr Simmons
Mr R. J. Brown	Mr Gear	Mr Lee	Mr Snow
Mr Brumby	Mr Gorman	Mr Lindsay	Mr Staples
Mr Campbell	Mr Griffiths	Ms McHugh	Dr Theophanous
Mr Charles	Mr Hand	Mr McLeay	Mr Tickner
Dr Charlesworth	Mr Holding	Mr Maher	Mr Uren
Mr Chynoweth	Mr Hollis	Mr Martin	Mr West
Mr Cleeland	Mr Howe	Mrs Mayer	Mr Willis
Mr Cohen	Mr Humphreys*	Mr Milton	Mr Wright
Mr Cross	Mr Hurford	Mr A. A. Morris	Mr Young
Mr Cunningham*	Mr Jacobi	Mr P. F. Morris	

\* Tellers

And so it was negatived.

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

Page 2, proposed section 4, omit sub-sections (5) to (7) (both inclusive), substitute the following sub-section:

“(5) A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are prescribed.”

Page 3, line 22, omit “interest”, substitute “pecuniary interest such as may conflict with the proper performance of that member’s functions as a member,”.

Page 3, at the end of proposed section 7 add the following sub-section:

“(4) For the purposes of this section a member shall not be taken to have an interest in a matter by reason only of that member having an interest which that member has in common with more than 25 other persons.”.

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 7—

Mr Everingham moved the following amendment: Page 7, proposed section 12A, after sub-section (3) insert the following sub-sections:

“(3A) Where the Commission has received a direction from the Minister under sub-section (2), the Commission shall furnish to the Minister a memorandum setting out the Commission’s views in relation to that direction.

“(3B) The Minister shall cause to be laid before each House of the Parliament—

(a) within 6 sitting days of that House after the giving of a direction under sub-section (2), other than a direction to which sub-section (3C) applies, a copy of that direction; and

(b) within 6 sitting days of that House after the Minister has received a memorandum under sub-section (3A), other than a memorandum to which sub-section (3C) applies, a copy of that memorandum.

“(3C) Where the Minister is of the opinion that a direction given under sub-section (2) or a memorandum furnished under sub-section (3A) is such that it should not be disclosed for reasons of national interest or commercial confidentiality, the Minister shall cause to be laid before each House of the Parliament, within 6 sitting days of that House after the giving of that direction or the furnishing of that memorandum, as the case may be, a statement setting out the reasons for not disclosing that direction or that memorandum.

“(3D) Where, after a statement has been laid before each House of the Parliament under sub-section (3C), the Minister determines that there are no reasons of national interest or commercial confidentiality such that the direction or the memorandum to which that statement relates should not be disclosed, that direction or that memorandum, as the case may be, shall be laid before each House of the Parliament within 6 sitting days of that House after the Minister so determines.”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clauses 8 to 10, by leave, taken together, and agreed to.

*Proposed new clause—*

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

**Cessation of operation of Act**

“10A. The Principal Act is amended by adding after section 27 the following section:

“28. (1) This Act, unless sooner repealed, shall cease to be in force at the expiration of 10 years after the date of commencement of this Act.

(2) For the purposes of section 8 of the *Acts Interpretation Act 1901*, when this Act ceases to be in force by virtue of sub-section (1), it shall thereupon be deemed to have been repealed by an Act other than this Act.

- '(3) On the date on which this Act ceases to be in force by virtue of sub-section (1)—
- (a) any property or rights that, immediately before that date, were vested in the Commission shall, by force of this section, be vested in the Commonwealth;
  - (b) any liabilities or obligations to which, immediately before that date, the Commission was subject, shall, by force of this section, become liabilities and obligations of the Commonwealth; and
  - (c) if the Commission was a party to a contract or agreement immediately before that date, the contract or agreement shall continue in full force and effect but, in its operation on and after that date, shall have effect as if—
    - (i) the Commonwealth were substituted for the Commission as a party to the contract or agreement, and
    - (ii) any reference in the contract or agreement to the Commission were a reference to the Commonwealth.'”

Debate ensued.

Proposed new clause negatived.

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

Bill to be reported without amendment.

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The House resumed; Mr Mountford reported accordingly.

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

- 11 **ASHMORE AND CARTIER ISLANDS ACCEPTANCE AMENDMENT BILL 1985:** The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

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

Leave granted for third reading to be moved forthwith.

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

- 12 **MESSAGE FROM THE SENATE—WHEAT MARKETING AMENDMENT BILL 1985:** Message No. 40, dated 10 May 1985, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act relating to the marketing of wheat*”.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

- 13 **AUTOMOTIVE INDUSTRY AUTHORITY AMENDMENT BILL 1985:** The order of the day having been read for the second reading—Mr Jones (Minister representing the Minister for Industry, Technology and Commerce) moved—That the Bill be now read a second time.

Debate, by leave, ensued.

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

The House resolved itself into a committee of the whole.

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*In the committee*

Bill, by leave, taken as a whole.

Mr Connolly moved the following amendment: Clause 8, page 10, proposed section 26M, after sub-section (3) insert the following sub-section:

“(3A) Section 48 (except paragraphs (1) (a) and (b) and sub-section (2)) and section 49 of the *Acts Interpretation Act 1901* apply to directions given under sub-section (1) as if the references in those sections to regulations were references to directions and the references to the making of regulations were references to the giving of directions.”

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 57

Mr Adermann	Mr Conquest	Mr Howard	Mr Sharp
Mr Aldred	Mr Cowan	Mr Hunt	Mr Shipton
Mr Andrew	Mr Dobie*	Mr Jull	Mr Sinclair
Mr Beale	Mr Downer	Mr Lloyd	Mr Slipper
Mr Blunt	Mr Drummond	Mr McArthur	Mr Smith
Mr Braithwaite	Dr H. R. Edwards	Mr McVeigh	Mr Spender
Mr N. A. Brown	Mr Everingham	Mr Miles	Mrs Sullivan
Mr Burr	Mr Fife	Mr Millar	Mr Tuckey
Mr Cadman	Mr T. A. Fischer	Mr Moore	Dr Watson
Mr D. M. Cameron	Mr Goodluck	Mr Nehl	Mr Webster
Mr I. M. D. Cameron	Mr Hall	Mr Porter	Mr White
Mr Carlton	Mr Halverson	Mr Reith	Mr Wilson
Mr Cobb	Mr Hawker	Mr Robinson	
Mr Coleman	Mr Hicks*	Mr Rocher	
Mr Connolly	Mr Hodgman	Mr Ruddock	

NOES, 72

Mr Baldwin	Mr Dawkins	Mr Hurford	Mr P. F. Morris
Mr Beazley	Mr Dubois	Mr Jacobi	Mr O'Keefe
Mr Beddall	Mr Duffy	Mrs Jakobsen	Mr O'Neil
Mr Biliney	Mr Duncan	Mr Jones	Mr Price
Mr Blanchard	Mr R. F. Edwards	Mrs Kelly	Mr Punch
Dr Blewett	Ms Fatin	Mr Kent	Mr Saunderson
Mr Bowen	Mr Fitzgibbon	Mr Keogh	Mr Scholes
Mr J. J. Brown	Mr Free	Mr Lamb	Mr Scott
Mr R. J. Brown	Mr Gayler	Mr Langmore	Mr Simmons
Mr Brumby	Mr Gear	Mr Lee	Mr Snow
Mr Campbell	Mr Gorman	Mr Lindsay	Mr Staples
Mr Charles	Mr Grace	Ms McHugh	Dr Theophanous
Dr Charlesworth	Mr Griffiths	Mr McLeay	Mr Tickner
Mr Chynoweth	Mr Hand	Mr Maher	Mr Uren
Mr Cleeland	Mr Holding	Mr Martin	Mr West
Mr Cohen	Mr Hollis	Mrs Mayer	Mr Willis
Mr Cross	Mr Howe	Mr Milton	Mr Wright
Mr Cunningham*	Mr Humphreys*	Mr A. A. Morris	Mr Young

\* Tellers

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Mountford reported accordingly.

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

14 **ADJOURNMENT:** It being past 10.15 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

*Privilege—Statement by Acting Speaker:* The Acting Speaker referred to the matter raised earlier this day by Mr Cadman as a matter of privilege concerning the distinction existing between Members of the House of Representatives and Senators serving on joint committees in respect of the requirement to declare certain interests.

The Acting Speaker informed the House that, although there was a distinction between Members of the House and Senators serving on joint committees, the arrangements applying had come about by decision of the House itself, and it was open to Members to seek in the ordinary way to change any provisions with which they disagreed.

The Acting Speaker stated that a *prima facie* case of breach of privilege had not been established and she was not prepared to accord any precedence to a motion in respect of the matter.

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Debate continued.

*Debate extended:* It being 11 p.m., the debate was interrupted.

Mr Holding (Minister for Aboriginal Affairs) required the debate to be extended.

The debate continuing until 11.10 p.m., the Acting Speaker adjourned the House until tomorrow at 2 p.m.

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**PAPERS:** The following papers were deemed to have been presented on 13 May 1985:

Commonwealth Teaching Service Act—Determination—1985—No. 1.

Public Service Act—

Appointment—Department of Employment and Industrial Relations—Durnford, R. F.

Determinations—1985—Nos. 27, 32.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mrs Darling, Mr Hayden, Mr Hodges, Dr Jenkins, Mr McGauran and Mr Mildren.

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**D. M. BLAKE**

Clerk of the House of Representatives