

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 93

FRIDAY, 2 MAY 1986

- 1 The House met, at 10 a.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
- 2 **SOCIAL SECURITY LEGISLATION AMENDMENT BILL 1986:** 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 Blunt, viz.—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House condemns the Government for—*
- (1) implementing the amnesty for the clients of the Department of Social Security who have received overpayments as the proposal—
 - (a) establishes a double standard,
 - (b) disadvantages honest clients,
 - (c) undermines the work of Departmental field officers,
 - (d) sabotages field investigators' morale, and
 - (e) provides no guarantee that overpayment and fraud will not occur in the future, and
 - (2) its economic policies such as the capital gains tax and the prohibition on negative gearing which have increased the cost of housing and rent necessitating extending the rent subsidy to the long term unemployed”—

Debate resumed.

Amendment negatived.

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

Message from the Governor-General: Message No. 139, dated 17 April 1986, 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 Howe (Minister for Social Security), the following amendment was made, after debate: Clause 33, page 13, lines 20-30, omit proposed sub-section 133 (1), substitute the following sub-section:

“133. (1) Where a person is engaged, on a full-time basis, in a course of education at an educational institution, a benefit is not payable to the person in respect of any period during which—

- (a) a payment in respect of the person has been or may be made under a prescribed educational scheme; or

- (b) such a payment in respect of the person might have been made, or might be so made, but for—
- (i) the amount of any income or other support received by, or the amount of the assets of, the person or any other person;
 - (ii) the fact that a period, before the end of which the person is not entitled to receive a payment under the scheme, has not elapsed; or
 - (iii) the person's non-compliance with conditions upon which such a payment would be made, being conditions relating to the person's progress in the course of education or attendance at the educational institution."

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Drummond reported accordingly.

On the motion of Mr Howe, by leave, the House adopted the report.

Mr Howe, by leave, moved—That the Bill be now read a third time.

Debate ensued.

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

- 3 TRADE PRACTICES REVISION BILL 1986—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—Page 7, paragraph 17 (b), proposed sub-section 46 (7), line 21, after "notwithstanding that", insert ", after all the evidence has been considered,".

No. 2—Page 10, clause 21, proposed sub-section 51A (2), lines 30 to 32, leave out the sub-section, insert the following sub-section:

"(2) For the purposes of the application of sub-section (1) in relation to a proceeding concerning a representation made by a corporation with respect to any future matter, the corporation shall, unless it adduces evidence to the contrary, be deemed not to have had reasonable grounds for making the representation."

No. 3—Page 10, clause 21, proposed new sub-section 51A (3), line 33, leave out "shall not be taken", insert "shall be deemed not".

No. 4—Page 28, clause 35, at end of clause, add the following new section:

Cessation of Division in respect of foods and drinks

"65U. At the expiration of 2 years after the day on which this Division comes into operation, this Division shall cease to have effect in respect of goods which are foods and drinks intended for human consumption."

No. 5—Page 35, clause 38, lines 1 to 10, leave out the clause, insert the following clause:

Warranties in relation to the supply of services

"38. Section 74 of the Principal Act is amended—

- (a) by inserting in sub-section (2) '(other than services of a professional nature provided by a qualified architect or engineer)' after 'services' (first occurring); and
- (b) by omitting sub-section (3) and substituting the following sub-section:

'(3) A reference in this section to services does not include a reference to services that are, or are to be, provided, granted or conferred under—

- (a) a contract for or in relation to the transportation or storage of goods for the purposes of a business, trade, profession or occupation carried on or engaged in by the person for whom the goods are transported or stored; or
- (b) a contract of insurance.'

On the motion of Mr Bowen (Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Drummond reported accordingly.

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

4 QUESTIONS: Questions without notice being asked—

Paper: Mr Shipton, in accordance with standing order 321, having called for a document quoted from by Mr Willis (Minister for Employment and Industrial Relations)—

Mr Willis laid upon the Table the following paper:

Survey of employment and earnings—Table of growth in employed wage and salary earners, Australia.

Questions without notice continued.

5 PAPER: The following paper was presented:

Australian Capital Territory—Milk Authority—Report for 1984-85.

6 HUMAN RIGHTS COMMISSION—REPORT—MOTION TO TAKE NOTE OF PAPER:

Mr Bowen (Attorney-General) presented the following paper:

Human Rights Commission Act—Human Rights Commission—Report for 1984-85, including the report of the operations under the *Racial Discrimination Act 1975* and the *Sex Discrimination Act 1984* for 1984-85.

Mr Young (Leader of the House) moved—That the House take note of the paper. Debate adjourned (Mr N. A. Brown—Deputy Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

7 SUSPENSION OF STANDING AND SESSIONAL ORDERS—PRECEDENCE TO NOTICE: Mr Uren (Minister for Local Government and Administrative Services), by leave, moved—That so much of the standing and sessional orders be suspended as would prevent notice No. 1, government business, being called on forthwith.

Question—put and passed.

8 LOCAL GOVERNMENT (FINANCIAL ASSISTANCE) BILL 1986: Mr Uren (Minister for Local Government and Administrative Services), pursuant to notice, presented a Bill for an Act to provide financial assistance for local government by means of grants to the States and the Northern Territory.

Bill read a first time.

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

Paper: Mr Uren presented an explanatory memorandum to the Bill.

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

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

Mr Beale, Mr Blunt, Mr Dobie, Mr Halverson and Mr Ruddock—from certain citizens praying that no cut backs be made to the portfolio of Veterans' Affairs and certain action be taken to assist ex-servicemen and women.

Mr Beale, Mr Jones, Mr Lee, Mr Macphee and Mr Sharp—from certain citizens praying that the standard pension be raised to 25% of average weekly earnings and certain other action be taken to assist pensioners and low income earners.

Mr Beale, Dr H. R. Edwards, Mr McArthur and Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.

- Mr Ruddock—from certain citizens in similar terms to the last preceding petition.
- Mr Blunt, Mr T. A. Fischer, Mr Sharp and Mr Slipper—from certain residents of the Divisions of Richmond and Farrer and certain residents of Queensland praying that the Australian Bill of Rights Bill be repealed.
- Mr Slipper—from certain residents of the Division of Fisher in similar terms to the last preceding petition.
- Mr Braithwaite, Mr Connolly, Mr Ruddock and Mr Tuckey—from certain citizens praying that the commitment to the oil import parity pricing policy be honoured.
- Mr Free, Mr Grace and Mr Price—from certain residents of New South Wales praying that the Western Sydney State University be established in conjunction with the NSW Government.
- Mr Hollis, Mr Ruddock and Mr Staples—from certain citizens praying that the Government of Sri Lanka be persuaded to pursue a political solution to allow the Tamils to live in peace and dignity and certain other action be taken to aid the Tamils.
- Mr Kent, Mr Milton and Mr Staples—from certain citizens praying that the Government support the stand taken by the New Zealand Government on nuclear vessels and that the policy of developing zones of peace and nuclear free zones in the Indian and Pacific Oceans be implemented.
- Mr Milton and Mr Scott—from certain citizens praying for official recognition of the African National Congress and the South West Africa Peoples Organisation and that certain other financial and humanitarian support be given to the South African and Namibian people.
- Mr Beale—from certain citizens praying that any capital gains tax legislation be rejected.
- Mr Blunt—from certain residents of the Division of Richmond praying that a bi-partisan commitment to world-wide nuclear disarmament be made.
- Mr Braithwaite—from certain electors of the Division of Dawson praying that the Australian Bill of Rights Bill not be passed.
- Mr Fife—from certain citizens praying that interest rates be reduced and certain other action be taken with respect to the Australian dollar.
- Mr T. A. Fischer—from certain residents of the Division of Farrer praying that the proposed fringe benefits tax on company cars be opposed.
- Mr Jull—from certain citizens praying that home loan interest rates be frozen.
- Mr Lee—from certain citizens praying that a Medicare office be established in Wyong, NSW, as soon as possible.
- Ms McHugh—from certain citizens praying that an additional nuclear reactor not be constructed at Lucas Heights, NSW, or elsewhere within Australia.
- Ms McHugh and Mr Tickner—from certain residents of New South Wales and of Sutherland Shire, NSW, respectively, in similar terms to the last preceding petition.
- Mr Milton—from certain citizens praying that sufficient funds be allocated to the Australia Council to ensure ongoing funding of State arts councils.
- Mr Milton—from certain citizens praying that any proposal to legislate for the establishment of plant variety rights in Australia be rejected.
- Mr Robinson—from certain residents of the Division of Page praying that the superannuation claim of the trade union movement be rejected and superannuation be allowed to develop without trade union domination.
- Mr Scott—from certain citizens praying that importation of cobalt 60 and other radioactive substances be banned and regulations permitting irradiation of food in Australia be disallowed.
- Mr Shack—from certain citizens praying that sub-section 16 (2) of the Broadcasting and Television Act be amended so that the Australian Broadcasting Tribunal shall consult the public when determining television standards and screening hours.

- Mr Sharp—from certain electors of the Division of Cowper praying that the Australian Bill of Rights Bill and associated bills be rejected, the Human Rights and Equal Opportunity Commission be abolished and ratification of the Covenant on Civil and Political Rights be withdrawn.
- Mr Slipper—from certain citizens praying that measures be taken to reduce the burden of imposed costs and regulation on Australian horticultural growers.
- Mr Slipper—from certain citizens praying that family allowance payments be restored to their former level.
- Mr Slipper—from certain residents of Queensland praying that the total ban on entertainment expenses be abandoned and tax deductibility be allowed for legitimate and necessary expenses.
- Mr Slipper—from certain residents of Somerset Dam, Qld, praying that an additional public telephone be made available at Somerset Dam or the present one be resited.
- Mr Slipper—from certain residents of the Shire of Caboolture, Qld, praying that the capital gains tax proposal be abandoned.
- Mr Slipper—from certain residents of the Shire of Caboolture, Qld, praying that depreciation be allowed on all buildings used to produce rental income.
- Mr Slipper—from certain residents of the Division of Fisher praying that means be sought for the protection of the people's interest to reverse the decision to hand Ayers Rock over to an Aboriginal Land Council.
- Mr Slipper—from certain residents of the Division of Fisher praying that the existing national flag remain sacrosanct.
- Mr Slipper—from certain residents of the Division of Fisher praying that the 1985 tax proposals outlined in the Government's White Paper be rejected.
- Mr Slipper—from certain residents of the Division of Fisher praying that the assets test be reconsidered.
- Mr Slipper—from certain residents of the Division of Fisher praying that the right to work be acknowledged and protected and that certain other action be taken to protect workers.
- Mr Slipper—from certain residents of Queensland in the same terms as the last preceding petition.
- Mr Staples—from certain citizens praying that 1988 be proclaimed the first International Earth Repair Year.
- Mr Staples—from certain citizens praying that the export of koalas be discontinued, their habitats be revegetated and funding be made available for research into koala diseases.
- Mr Staples—from certain citizens praying that Australia use its influence to establish a nuclear test moratorium and comprehensive nuclear test ban treaty.
- Mr Tickner—from certain citizens praying that new initiatives be taken to encourage all member states of the United Nations to conclude a treaty banning all nuclear weapons tests and that certain other action be taken in relation to nuclear weapons tests.
- Mr Tickner—from certain citizens praying that anti-monopolisation measures and certain other action be taken to assist price control.
- Dr Watson—from certain residents of Queensland praying that no action be taken to change the national flag.

Petitions received.

- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ORGANISED CRIME:** The House was informed that Mr Spender had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The history of the Government's delay, failure and incompetence in coming to grips with organised crime".

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

Mr Young (Special Minister of State) addressing the House—

Adjournment negatived: It being 3.45 p.m.—The question was proposed—That the House do now adjourn.

Mr Young requiring the question to be put forthwith without debate—
Question—put and negatived.

Mr Young continued his speech.
Discussion concluded.

- 11 **POSTPONEMENT OF ORDER OF THE DAY:** Ordered—That order of the day No. 3, government business, be postponed until a later hour this day.
- 12 **FRINGE BENEFITS TAX ASSESSMENT BILL 1986:** Mr Keating (Treasurer) presented a Bill for an Act relating to the assessment and collection of the tax imposed by the *Fringe Benefits Tax Act 1986*, and for related purposes.
Bill read a first time.
Mr Keating moved—That the Bill be now read a second time.
Paper: Mr Keating presented an explanatory memorandum to the following Bills:
Fringe Benefits Tax Assessment 1986.
Fringe Benefits Tax 1986.
Fringe Benefits Tax (Application to the Commonwealth) 1986.
Fringe Benefits Tax (Miscellaneous Provisions) 1986.
Debate adjourned (Mr Carlton), and the resumption of the debate made an order of the day for the next sitting.
- 13 **FRINGE BENEFITS TAX BILL 1986:** Mr Keating (Treasurer) presented a Bill for an Act to impose a tax in respect of the value of certain fringe benefits provided in respect of the employment of employees.
Bill read a first time.
Mr Keating moved—That the Bill be now read a second time.
Debate adjourned (Mr Carlton), and the resumption of the debate made an order of the day for the next sitting.
- 14 **FRINGE BENEFITS TAX (APPLICATION TO THE COMMONWEALTH) BILL 1986:** Mr Keating (Treasurer), pursuant to notice, presented a Bill for an Act to provide for the notional application of fringe benefits tax in relation to benefits provided in respect of the employment of Commonwealth employees.
Bill read a first time.
Mr Keating moved—That the Bill be now read a second time.
Debate adjourned (Mr Carlton), and the resumption of the debate made an order of the day for the next sitting.
- 15 **FRINGE BENEFITS TAX (MISCELLANEOUS PROVISIONS) BILL 1986:** Mr Keating (Treasurer) presented a Bill for an Act to make certain amendments consequent upon the enactment of the *Fringe Benefits Tax Assessment Act 1986*, and for related purposes.
Bill read a first time.
Mr Keating moved—That the Bill be now read a second time.
Debate adjourned (Mr Carlton), and the resumption of the debate made an order of the day for the next sitting.
- 16 **MESSAGES FROM THE SENATE:** Messages from the Senate were reported returning the following Bills without amendment:
1 May 1986—Message—
No. 242—Barley Research Levy Amendment 1986 (*without requests*).
No. 243—Dried Fruits Levy Amendment 1986 (*without requests*).
No. 244—Live-stock Export Charge Amendment 1986 (*without requests*).
No. 245—Live-stock Slaughter Levy Amendment 1986 (*without requests*).

No. 246—Meat Chicken Levy Amendment 1986 (*without requests*).

No. 247—Pig Slaughter Levy Amendment 1986 (*without requests*).

No. 248—Dairying Industry Research and Promotion Levy Amendment 1985 (*without requests*).

2 May 1986—Message No. 250—Ministers of State Amendment 1986.

17 MESSAGE FROM THE SENATE—PROTECTION OF MOVABLE CULTURAL HERITAGE BILL 1986: The following message from the Senate was reported:

Message No. 249

Madam Speaker,

The Senate returns to the House of Representatives the Bill for "*An Act to protect Australia's heritage of movable cultural objects, to support the protection by foreign countries of their heritage of movable cultural objects, and for related purposes*", and acquaints the House that the Senate has agreed to the Bill with the Amendment indicated by the annexed Schedule, in which Amendment the Senate requests the concurrence of the House of Representatives.

D. MCCLELLAND
President

The Senate,
Canberra, 1 May 1986.

Ordered—That the amendment to be taken into consideration, in committee of the whole House, at the next sitting.

18 ADJOURNMENT: Mr Holding (Minister for Aboriginal Affairs) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 4.30 p.m.—Madam Speaker adjourned the House until Monday next at 2 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr Blewett, Mr Campbell, Mr Coleman, Mrs Darling, Mr R. F. Edwards, Mr T. A. Fischer, Mr Hurford, Mr Jones, Mr Nehl, Mr Porter and Mr Shack.

A. R. BROWNING
Clerk of the House of Representatives