

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 139

TUESDAY, 18 NOVEMBER 1986

- 1 The House met, at 2 p.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
- 2 **PRIVILEGE—NEWSPAPER REPORTS ON PROCEEDINGS OF JOINT SELECT COMMITTEE ON TELECOMMUNICATIONS INTERCEPTION—REFERENCE TO COMMITTEE OF PRIVILEGES:** Madam Speaker referred to the matter of privilege raised yesterday by Mr Martin concerning press reports relating to purported contents of the report of the Joint Select Committee on Telecommunications Interception and stated that she was prepared to accord precedence to a motion in connection with the matter.
- Mr Martin then moved—That the matter of the printed references to the proceedings and prospective recommendations of the Joint Select Committee on Telecommunications Interception in *The Sun News-Pictorial* and *The Courier-Mail* of 17 November 1986, and similar references in other newspapers, be referred to the Committee of Privileges.
- Debate ensued.
- Question—put and passed.
- 3 **QUESTIONS:** Questions without notice being asked—
- Paper:* Mr Hawke (Prime Minister) presented the following paper:  
 Liberal Party of Australia—Meet Australia's next Prime Minister—Pamphlet authorised by Tony Eggleton, Federal Director, Liberal Party of Australia.  
 Questions without notice continued.
- 4 **AUDITOR-GENERAL'S REPORTS AND PAPERS—PUBLICATION OF PAPERS:** Madam Speaker presented the following papers:
- Audit Act—Report of the Auditor-General on the financial statements prepared by the Minister for Finance for 1985-86, incorporating a report of the independent auditor relating to the Auditor-General's Office, together with certificates concerning exempt accounts in respect of prescribed organisations and the financial statements prepared by the Minister for Finance.
- Efficiency audit—Department of Defence: Principal Item Stock Control and Entitlement System—Report of the Auditor-General, dated 17 November 1986.
- Mr Young (Leader of the House), by leave, moved—
- (1) That this House, in accordance with the provisions of the *Parliamentary Papers Act 1908*, authorises the publication of the reports of the Auditor-General on (a) financial statements prepared by the Minister for Finance for 1985-86, and (b) an efficiency audit of the Department of Defence: Principal Item Stock Control and Entitlement System, and
- (2) That the papers be printed.
- Question—put and passed.

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

Advance to the Minister for Finance—Statement for October 1986.  
Public Service Act—Department of Finance—Report for 1985–86.

**6 AUSTRALIAN FORESTRY COUNCIL—PAPER—MOTION TO TAKE NOTE OF PAPER:**

Mr Kerin (Minister for Primary Industry) presented the following paper:  
Australian Forestry Council—Summary of resolutions and recommendations—  
23rd meeting, Canberra, 12 June 1986.

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 TOWN CAMPERS ASSISTANCE PROGRAM—PAPERS—MOTION TO TAKE NOTE OF PAPERS:** Mr Holding (Minister for Aboriginal Affairs) presented the following papers:

Town Campers Assistance Program—Report for period 1 May 1985 to 30  
June 1986—  
Report.

Statement by Mr Holding, Minister for Aboriginal Affairs.

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

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.

**8 ABORIGINAL AND ISLANDER CONSULTATIVE ORGANISATION—PAPERS—MOTION TO TAKE NOTE OF PAPERS:** Mr Holding (Minister for Aboriginal Affairs) presented the following papers:

Aboriginal and Islander consultative organisation—Report of consultations by  
Miss Lois O'Donoghue—  
Report.

Statement by Mr Holding, Minister for Aboriginal Affairs.

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

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.

**9 PAPER:** Mr Webster, by leave, during a personal explanation, presented the following paper:

Income and expenditure comparison between a family with one income earner  
and a supporting parent beneficiary—Paper.

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

Mr Beale, Mr I. M. D. Cameron, Dr H. R. Edwards, Mr Hawker, Mr Nehl,  
Mr Ruddock, Mr Shipton and Mr Slipper—from certain citizens praying  
that the closure of post office agencies be prevented and their services be  
extended.

Mr Charles, Mr Hawker, Mr Reith and Mr Shipton—from certain citizens  
praying that the national flag not be changed except by a referendum.

Mrs Jakobsen, Mr Kent, Mr Milton and Mr Staples—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 Blunt, Mr Fife and Mr Hawker—from certain citizens praying that the  
fringe benefits tax legislation be repealed.

Mr I. M. D. Cameron and Mr Nehl—from certain citizens in similar terms  
to the last preceding petition.

Mr Blunt, Mr P. F. Morris and Mr Nehl—from certain citizens praying that  
the Anzac Rifle Range, Malabar, NSW, be retained.

- Mr Charles, Mr Chynoweth and Mr Lamb—from certain citizens praying that the Flags Amendment Bill receive a speedy passage.
- Mr Blunt—from certain citizens; and Mr Slipper—from certain residents of the Division of Fisher praying that the existing national flag remain sacrosanct.
- Dr H. R. Edwards and Mr Jull—from certain citizens praying that deletion of the 45 commonly prescribed drugs from the Pharmaceutical Benefits Scheme be reconsidered.
- Mr Hawker and Dr Watson—from certain citizens praying that the assets test, capital gains tax, fringe benefits tax and tax on lump sum superannuation be repealed.
- Mr Kent 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 Staples—from certain citizens praying that Australia use its influence to establish a nuclear test moratorium and comprehensive nuclear test ban treaty.
- Mr Aldred—from certain citizens praying that the decision to phase down the Glen Waverley Rehabilitation Centre, Vic., be reversed.
- Mr Blunt—from certain residents of the Division of Richmond praying that the proposal for an identification card be rejected.
- Mr Blunt—from certain residents of the Division of Richmond praying that the capital gains tax be repealed.
- Mr I. M. D. Cameron—from certain residents of the Division of Maranoa praying that the ABC's proposals to cease broadcasting certain country programs be reconsidered and that it not disregard its rural listeners.
- Mr Drummond—from certain citizens praying that the Extradition (Foreign States) Act be amended to protect the rights of accused persons.
- Mr Drummond—from certain citizens praying that the fringe benefits tax be cancelled.
- Mr Drummond—from certain residents of Western Australia praying that the 20% sales tax on wine be cancelled.
- Mr Everingham—from certain citizens praying that incentive and opportunity be restored to the Australian economy and certain restrictions on small business be abandoned.
- Mr Everingham—from certain residents of the Northern Territory praying that the Fringe Benefits Tax Assessment Act, the Fringe Benefits Tax Act, the Fringe Benefits Tax (Application to the Commonwealth) Act and the Fringe Benefits Tax (Miscellaneous Provisions) Act be rescinded.
- Mr Hawker—from certain citizens praying that family allowance payments be increased and proposed changes to the spouse rebate be rejected.
- Mr Hawker—from certain citizens praying that the Australian Bill of Rights Bill be opposed and certain other action be taken in relation to the Bill.
- Mr Hawker—from certain citizens praying that the commitment to the oil import parity pricing policy be honoured.
- Mr Hawker—from certain citizens praying that the assets test on pensions be repealed.
- Mr Hawker—from certain residents of the Division of Wannon praying that tertiary education remain free to all students.
- Mr Hodges—from certain citizens praying that price controls be applied to food and certain other items.
- Mr Hodgman—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 Kent—from certain citizens praying that the decisions to cut the English as a second language and multicultural education programs, amalgamate the

- SBS with the ABC and abolish the Australian Institute of Multicultural Affairs be reversed.
- Mr Kent—from certain citizens praying that any proposal for a national identification numbering system be rejected.
- Mr Lee—from certain citizens praying that the Summerland Point Post Office, NSW, be reopened.
- Mr Milton—from certain staff of the ABC and the SBS praying that certain action be taken in relation to the Staff Elected Director of the ABC following the ABC's amalgamation with the SBS.
- Mr Nehl—from certain citizens praying that the superannuation claim of the trade union movement be rejected and superannuation be allowed to develop without trade union domination.
- Mr Nehl—from certain citizens 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 Ruddock—from certain citizens praying that funding be restored to the English as a second language and multicultural education programs.
- Mr Shipton—from certain citizens praying that the Income Tax Assessment Amendment (Capital Gains) Act be repealed.
- 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 residents of the Division of Fisher praying that the capital gains tax proposal be abandoned.
- Mr Slipper—from certain residents of the Division of Fisher praying that means be sought for the protection of the people's interests 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 home loan interest rates be tax deductible.
- Mr Slipper—from certain residents of the Division of Fisher praying that the Australian Bill of Rights Bill be repealed.
- Mr Slipper—from certain residents of the Division of Fisher praying that pharmaceutical benefits be restored to their former level.
- Mr Slipper—from certain residents of the Division of Fisher praying that public funding for projects which are undesirable or of dubious worth be halted.
- Mr Slipper—from certain residents of Queensland praying that the fringe benefits tax be abandoned.
- Mr Slipper—from certain residents of Queensland praying that the right to work be acknowledged and protected and that certain other action be taken to protect workers.
- Mr Spender—from certain citizens praying that the amalgamation of the ABC and the SBS be opposed.
- Mr Staples—from certain citizens praying that certain action be taken to relieve housing-related poverty.
- Mr Staples—from certain citizens praying that the US Government be urged to join the Soviet Union's nuclear test ban.
- Mr Staples—from certain citizens praying that 1989 be proposed as the International Year for Repairing the Earth and certain other action be taken in support of world peace.
- Mr Staples—from certain residents of Victoria praying that the decision to sell uranium to France be reversed.
- Dr Watson—from certain residents of Queensland praying that no action be taken to change the national flag.
- Petitions received. .

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—SOCIAL SECURITY SYSTEM—INTEGRITY:** The House was informed that Mr Blunt had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s use of the ID card proposal to camouflage its failure to utilise effectively existing resources to maintain the integrity of the social security system”.

The proposed discussion having receiving the necessary support—

Mr Blunt addressed the House.

Discussion ensued.

Discussion concluded.

- 12 **CUSTOMS TARIFF AND EXCISE TARIFF PROPOSALS:** Mr Jones (Minister Assisting the Minister for Industry, Technology and Commerce) moved—

Customs Tariff Proposals No. 18 (1986), and  
Excise Tariff Proposals No. 13 (1986).

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

- 13 **BROADCASTING 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 Macphee, 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 expresses its concern at the equalisation of regional television services by way of aggregation of viewing areas, especially the ‘one-in all-in’ trigger mechanism and believes that equalisation would best be achieved by the immediate issue of supplementary licences to existing licensees subject to specified conditions”—

Debate resumed.

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

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

AYES, 66

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

## NOES, 56

Mr Adermann	Mr Conquest	Mr Jull	Mr Rocher
Mr Aldred	Mr Cowan	Mr Katter	Mr Ruddock
Mr Andrew*	Mr Downer	Mr Lloyd	Mr Shack
Mr Beale	Mr Drummond	Mr McArthur	Mr Sharp
Mr Blunt	Mr Everingham	Mr McGauran	Mr Shipton
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Sinclair
Mr N. A. Brown	Mr T. A. Fischer	Mr McVeigh	Mr Slipper
Mr Cadman	Mr Goodluck	Mr Macphee	Mr Smith
Mr D. M. Cameron	Mr Halverson	Mr Miles	Mr Spender
Mr E. C. Cameron	Mr Hawker	Mr Nehl	Mr Tuckey
Mr Carlton	Mr Hicks*	Mr Peacock	Dr Watson
Mr Cobb	Mr Hodges	Mr Porter	Mr Webster
Mr Coleman	Mr Hodgman	Mr Reith	Mr White
Mr Connolly	Mr Hunt	Mr Robinson	Mr Wilson

\* Tellers

And so it was resolved in the affirmative.

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

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 Duffy (Minister for Communications), by leave, the following amendments were made together, after debate:

Clause 16—

Page 13, line 13, omit “an approved”, substitute “a new approved”.

Page 13, at the end of proposed section 94F add the following sub-sections:

“(7) Before the Minister varies the Indicative Plan under sub-section (1) so as to specify an area that is to be a new approved market for the purposes of this Part, the Minister shall, in addition to publishing a notice under sub-section (6)—

(a) give each licensee in the area notice in writing—

- (i) specifying the variation proposed to be made by the Minister; and
- (ii) stating that the licensee may, not later than a specified day (not less than 21 days after the day on which notice is given), make representations to the Minister relating to the proposed variation; and

(b) the Minister shall have regard to any representations so made.

“(8) A reference in this section to a licensee in an area is a reference to the holder of a licence whose service area is within that first-mentioned area.”.

Page 16, line 41, omit “implementation plan”, substitute “proposed implementation plan, or the implementation plan as proposed to be varied.”.

Page 16, after proposed paragraph 94M (1) (c) insert the following paragraph:

“(ca) if—

- (i) the implementation plan is submitted by a licensee in respect of a licence in an approved market;
- (ii) the implementation plan includes a proposed timetable for ceasing to provide multi-channel services; and
- (iii) each of the implementation plans submitted by the other licensees in the approved market includes a proposed timetable for ceasing to provide multi-channel services that is the same as, or substantially the same as, the proposed timetable referred to in sub-paragraph (ii),

the desirability of the implementation plan that is to be applicable to the licensee in respect of the licence including the proposed timetable referred to in sub-paragraph (ii);”.

Page 21, line 9, omit “in accordance”, substitute “consistent”.

Page 21, line 19, omit “in accordance”, substitute “consistent”.

Page 21, lines 25 and 26, omit "by notice in writing to the licensee", substitute "pursuant to sub-section 89D (6)".

Page 22, line 33, omit "in accordance", substitute "consistent".

Page 23, line 33, omit "not".

Page 23, line 35, omit "inconsistent", substitute "consistent".

Page 25, lines 28-31, omit proposed sub-section 94ZA (3), substitute the following sub-sections:

"(3) The holder of an MCS permit granted in respect of a licence shall not, without the approval of the Tribunal, regularly engage in repetitive broadcasting.

'(3A) For the purposes of sub-section (3), the holder of an MCS permit granted in respect of a licence shall be taken to engage in repetitive broadcasting if and only if the permit holder—

- (a) televises pursuant to the permit a program that is being simultaneously televised pursuant to the licence or another MCS permit granted in respect of the licence;
- (b) televises pursuant to the permit a program that has been televised within the preceding 24 hours pursuant to the licence or another MCS permit granted in respect of the licence; or
- (c) televises pursuant to the licence or another MCS permit granted in respect of the licence a program that has been televised within the preceding 24 hours pursuant to the permit."

Page 25, line 32, omit "(3)", substitute "(3A)".

Page 30, line 27, omit ",(3) and (4),", substitute "and (3) and".

Page 30, line 28, omit "and sub-section 94Q (1)".

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The House resumed; Mr McLeay reported accordingly.

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

**14 TELEVISION LICENCE FEES 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—

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

Leave granted for third reading to be moved forthwith.

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

**15 STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 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—

Debate resumed.

Mr Bowen (Attorney-General) addressing the House—

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*Adjournment negatived:* It being 10.15 p.m.—The question was proposed—That the House do now adjourn.

Mr Bowen requiring the question to be put forthwith without debate—

Question—put and negatived.

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Mr Bowen continued his speech.

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.

On the motion of Mr Bowen, by leave, the following amendments were made together, after debate:

Schedule 1—

Amendments of *Insurance Contracts Act 1984*, page 25, omit proposed sub-section 11 (10), substitute the following sub-section:

“(10) Notwithstanding sub-section (9)—

- (a) subject to paragraph (c), where, after the commencement of this Act and at or before the original entering into, or the renewal, extension or reinstatement, of a contract of insurance, the insurer has given information to the insured as required by section 22, 35, 37, 40, 44, 49 or 68, the requirement by that section to give information to the insured shall be deemed to be satisfied at or before any subsequent renewal, extension or reinstatement of the contract;
- (b) sections 22 and 40 do not require an insurer to give information to the insured at or before a variation of the relevant contract of insurance except where the variation is involved in a renewal, extension or reinstatement of the contract; and
- (c) sections 35, 37, 44, 49 and 68 require an insurer to give information to the insured at or before a variation of the relevant contract of insurance, but only to the extent that the information relates to the provision or provisions varied or proposed to be varied.”

Amendments of *Insurance Contracts Act 1984*, page 25, omit the amendment of paragraph 37 (a), substitute—

“Section 37—

Omit all the words after ‘contract was entered into’, substitute ‘the insurer clearly informed the insured in writing of the effect of the provision (whether by providing the insured with a document containing the provisions, or the relevant provisions, of the proposed contract or otherwise)’.”

Amendments of *Interstate Road Transport Act 1985*, page 26, before the amendment of paragraph 11 (3) (b) insert the following amendment—

“Sub-section 3 (1)—

After the definition of ‘heavy motor vehicle’ insert the following definition:

“‘insurance’ includes participation in a scheme under a law of a State or Territory relating to motor vehicle accident compensation;”.

Schedule 2—

Page 33, omit “*Queensland Grant (Proserpine Flood Mitigation) Act 1976*”.

Page 33, omit “1979”, substitute “1976”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

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The House resumed; Mr McLeay reported accordingly.

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

16 ADJOURNMENT: Mr Bowen (Attorney-General) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—The Deputy Speaker adjourned the House until tomorrow at 10 a.m.

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**PAPERS:** The following papers were deemed to have been presented on 18 November 1986:

Australian National University Act—Statute—No. 189—Deputy Vice-Chancellorship Amendment No. 6.

Supported Accommodation Assistance Act—Agreement pursuant to sub-section 4 (2), dated 5 November 1986, between the Commonwealth and Victoria amending the principal agreement of 24 February 1986.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Mr Bilney, Mrs Darling, Mr Dobie, Mr Duncan, Mr P. S. Fisher, Mr Gorman, Mr Jacobi\*, Mr Keating, Mr Langmore, Mr Price and Mr Willis.

\* On leave

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