

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 81

MONDAY, 17 OCTOBER 1988

- 1 The House met, at 2 p.m., pursuant to adjournment. The Acting Speaker (Mr McLeay) took the Chair, and read Prayers.
- 2 **AUTHORITY TO ADMINISTER OATH OR AFFIRMATION OF ALLEGIANCE TO MEMBERS:** The Acting Speaker announced that he had received from His Excellency the Governor-General the following authority:  
I, SIR NINIAN MARTIN STEPHEN, Governor-General of the Commonwealth of Australia, pursuant to section 42 of the Constitution of the Commonwealth of Australia, hereby authorise LEO BOYCE MCLEAY, Acting Speaker of the House of Representatives, during any absence of the Speaker, at Parliament House, Canberra, in the Australian Capital Territory, to administer the oath or affirmation of allegiance to such Members of the House of Representatives as have not already made and subscribed that oath or affirmation since their election or last election to the House of Representatives.  
Dated 17 October 1988
- NINIAN STEPHEN  
Governor-General
- By His Excellency's Command  
BOB HAWKE  
Prime Minister
- 3 **RETURN TO WRIT—OXLEY DIVISION:** The Acting Speaker announced that he had received a return to the writ which Madam Speaker had issued on 5 September 1988 for the election of a Member to serve for the electoral division of Oxley, in the State of Queensland, to fill the vacancy caused by the resignation of the Honourable Bill Hayden, and that, by the endorsement on the writ, it was certified that Les Scott had been elected.
- 4 **OATH OF ALLEGIANCE BY MEMBER:** Les Scott was introduced, and made and subscribed the oath of allegiance required by law.
- 5 **QUESTIONS:** Questions without notice were asked.
- 6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—INDUSTRIAL RELATIONS—TAX CUTS AND WAGES:** The House was informed that Mr Reith had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The difficulties created for industrial relations by the careless rhetoric of the Prime Minister on tax cuts and wages".  
The proposed discussion having received the necessary support—  
Mr Reith addressed the House.  
Discussion ensued.  
Discussion concluded.

- 7 INDUSTRIAL RELATIONS BILL 1988—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 8, subclause 4 (1), definition of “public sector employment”, line 30, after “but”, insert “, other than in section 121,”.
- No. 2—Page 54, subclause 121 (1), line 25, after “award”, insert “or order”.
- No. 3—Page 54, subclause 121 (2), definition of “relevant law”, paragraph (a), lines 34 and 35, leave out “*Compensation (Commonwealth Government Employees) Act 1971*”, insert “*Commonwealth Employees' Rehabilitation and Compensation Act 1988*”.
- No. 4—Page 59, subclause 133 (2), line 2, after “organisations”, insert “and associations”.
- No. 5—Page 84, subparagraph 189 (1) (c) (i), line 13, leave out “3,000”, insert “1,000”.
- No. 6—Page 86, subclause 193 (7), definition of “small organisation”, line 40, leave out “3,000”, insert “1,000”.
- No. 7—Page 89, paragraph 197 (1) (c), line 8, leave out “technically”.
- No. 8—Page 89, subclause 197 (4), line 31, leave out “technically”.
- No. 9—Page 128, subclause 261 (1), line 31, after “employees”, insert “under the eligibility rules of the organisation that relate to the occupations in which, or the industry in relation to which, members are to be employed”.
- No. 10—Page 131, after clause 264, insert the following new clause:  
**Liability for arrears**  
 “264A. (1) Where a person has ceased to be eligible to become a member of an organisation and that person has not actively participated in the affairs of the organisation since that time, those circumstances shall be a defence to an action by the organisation for arrears of dues payable from the time when the person ceased to be so eligible.  
 “(2) Where such a defence is successful, that person shall be deemed to have ceased to be a member from the time that the person ceased to be so eligible.”.
- No. 11—Page 169, after subclause 333 (4), insert the following new subclause:  
 “(4A) An organisation shall not take, or threaten to take, industrial action against an employer because the employer is an officer, delegate or member of:  
 (a) an organisation; or  
 (b) an association that has applied to be registered as an organisation.  
 Penalty: \$1,000.”.
- No. 12—Page 169, subclause 333 (5), lines 43 and 44, leave out “or (4)”, insert “, (4) or (4A)”.
- No. 13—Page 170, after subclause 333 (6), insert the following new subclause:  
 “(6A) For the purposes of this section, action done by:  
 (a) the committee of management of an organisation or branch of an organisation;  
 (b) an officer, employee or agent of an organisation or branch of an organisation acting in that capacity;  
 (c) a member or group of members of an organisation or branch of an organisation acting under the rules of the organisation or branch; or  
 (d) a member of an organisation, who performs the function of dealing with an employer on behalf of the member and other members of the organisation, acting in that capacity;  
 shall be taken to have been done by the organisation.”.
- No. 14—Page 176, clause 344, line 35, after “appeared”, insert “, or are to appear,”.

Ordered—That the amendments be considered in the following groups: Amendments Nos. 1 to 9 together and 10 to 14 together.

Amendments Nos. 1 to 9—

On the motion of Mr P. F. Morris (Minister for Industrial Relations), the amendments were agreed to, after debate.

Amendments Nos. 10 to 14—

On the motion of Mr P. F. Morris, the amendments were agreed to, after debate. Resolution to be reported.

The House resumed; Mr Mountford reported accordingly.

On the motion of Mr P. F. Morris, the House adopted the report.

**8 INDUSTRIAL RELATIONS (CONSEQUENTIAL PROVISIONS) BILL 1988—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 43, Schedule 2, proposed amendment of the *Northern Territory (Self-Government) Act 1978*, after proposed subsection 53 (2), insert the following new subsection:

“(2A) Until provision to the contrary is made by an Act, the powers of the Australian Industrial Relations Commission do not extend to employment in respect of which a tribunal established by an enactment before 1 July 1978 has power to hear and determine disputes, claims or matters relating to the terms and conditions of the employment.’”.

No. 2—Page 44, Schedule 2, proposed amendments of the *Postal Services Act 1975*, proposed amendment to subsection 3 (1) (definition of “organization”), leave out the proposed amendment.

No. 3—Page 45, Schedule 2, proposed amendments of the *Remuneration Tribunals Act 1973*, proposed amendment to subsection 3 (1), leave out proposed definitions of “academic staff”, “college of advanced education” and “Commonwealth institution of tertiary education”, insert the following definition:

“‘Commonwealth higher education institution’ means a higher education institution established by or under a law of the Commonwealth or of a Territory (other than the Northern Territory);”.

No. 4—Page 46, Schedule 2, proposed amendments of the *Remuneration Tribunals Act 1973*, proposed amendment to subsection 3 (1), leave out the proposed definition of “university”, insert the following definition:

“‘higher education institution’ means an institution that is a higher education institution within the meaning of the *Employment, Education and Training Act 1988* (other than an institution declared by the regulations not to be a higher education institution for the purposes of this Act), and includes any other institution declared by the regulations to be a higher education institution for the purposes of this Act;”.

No. 5—Page 46, Schedule 2, proposed amendments of the *Remuneration Tribunals Act 1973*, after proposed amendment to subsection 3 (1), insert the following new amendment:

“**Subsection 3 (1) (definition of ‘institution of tertiary education’):**

Omit the definition.”.

No. 6—Page 46, Schedule 2, proposed amendments of the *Remuneration Tribunals Act 1973*, leave out the proposed amendment to paragraph 3 (4) (q), insert the following amendment:

“**Paragraph 3 (4) (q):**

Omit ‘an institution of tertiary education’, substitute ‘a higher education institution (other than an executive education office)’.”.

- No. 7—Page 46, Schedule 2, proposed amendments of the *Remuneration Tribunals Act 1973*, proposed subsection 6 (2A), leave out “institutions of tertiary education other than Commonwealth institutions of tertiary education”, insert “higher education institutions (other than Commonwealth higher education institutions)”.
- No. 8—Page 46, Schedule 2, proposed amendments of the *Remuneration Tribunals Act 1973*, proposed paragraph 7 (9) (ad), leave out “institution of tertiary education”, insert “higher education institution”.
- No. 9—Page 46, Schedule 2, proposed amendments of the *Telecommunications Act 1975*, proposed amendment to subsection 3 (1), (definition of “organization”), leave out the proposed amendment.
- On the motion of Mr P. F. Morris (Minister for Industrial Relations), the amendments were agreed to, after debate.
- Resolution to be reported.

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The House resumed; Mr Mountford reported accordingly.  
On the motion of Mr P. F. Morris, the House adopted the report.

- 9 **APPROPRIATION BILL (NO. 1) 1988–89:** The House, according to order, again resolved itself into a committee of the whole for the further consideration of the Bill.

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*In the committee*

Schedule 3—  
Proposed expenditure—Department of Foreign Affairs and Trade, \$1 302 690 000—debated and agreed to.  
Proposed expenditures—  
Department of Industry, Technology and Commerce, \$1 102 834 000—  
Department of Industrial Relations \$176 015 000—  
together debated and agreed to.  
Proposed expenditure—Department of the Arts, Sport, the Environment, Tourism and Territories, \$392 335 000—debated and agreed to.  
Proposed expenditure—Department of Immigration, Local Government and Ethnic Affairs, \$210 576 000—debated.  
Mr Wright addressing the committee—  
It being 10.30 p.m.—Progress to be reported.

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The House resumed; Mr Dobie reported accordingly.  
*Adjournment negatived:* The question was accordingly proposed—That the House do now adjourn.  
Mr Holding (Minister Assisting the Minister for Immigration, Local Government and Ethnic Affairs) requiring the question to be put forthwith without debate—  
Question—put and negatived.  
The House again resolved itself into a committee of the whole.

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*In the committee*

Debate continued.  
Progress to be reported, and leave asked to sit again.

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The House resumed; Mr Dobie reported accordingly.  
Ordered—That the House will, at the next sitting, again resolve itself into the said committee.

- 10 **ADJOURNMENT:** Mr Punch (Minister for Telecommunications and Aviation Support) moved—That the House do now adjourn.  
Debate ensued.

The House continuing to sit until 11 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 17 October 1988:

Export Control Act—Export Control (Orders) Regulations—Order—1988—No. 14—Export Control (Fresh Fruits and Vegetables) (Amendment).

Fisheries Act—Plan of Management—

No. 19—Southern Bluefin Tuna Fishery Management Plan (Amendment).

No. 20—Southern Shark Fishery (Amendment).

Overseas Telecommunications Act—Regulation—Statutory Rules 1988, No. 248.

Pig Slaughter Levy Act—Regulations—Statutory Rules 1988, No. 247.

Postal Services Act—Regulation—Statutory Rules 1988, No. 249.

Public Service Act—

Determinations—1988—Nos. 185, 187, 201, 209, 214, 216, 217, 219, 222.

Regulation—Statutory Rules 1988, No. 245.

Seat of Government (Administration) Act—Determination—1988—No. 51—  
Listing fees and charges for the purposes of the Community and Health Service Ordinance.

Superannuation Act—Regulations—Statutory Rules 1988, No. 246.

Veterans' Entitlements Act—Instrument, dated 8 September 1988, varying Treatment Principles.

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**MEMBERS PRESENT:** All Members were present (at some time during the sitting) except Dr Blewett, Mr Bowen, Mr J. J. Brown, Mr Brumby, Mr Burr, Mr D. M. Cameron, Mrs Child, Mrs Darling, Dr H. R. Edwards, Mr Gorman, Mr Halverson, Mr Katter, Dr Klugman, Mr McArthur, Mr Millar, Mr Webster and Dr Wooldridge.

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**A. R. BROWNING**

Clerk of the House of Representatives