

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 26

FRIDAY, 15 MAY 1970

1 The House met, at ten o'clock a.m., pursuant to adjournment. Mr Speaker (the Honourable Sir William Aston) took the Chair, and read Prayers.

2 PETITIONS: Mr Bennett presented a petition from certain citizens of the Commonwealth praying that this House make legal provision for (1) a joint Commonwealth-State inquiry into inequalities in Australian education, (2) the immediate financing of special programmes for low income earners and others and (3) the provision of pre-school opportunities for all children.

Petition received and read.

Mr England presented a petition from certain electors of the Division of Calare praying that the Australian Government take positive action as soon as possible to re-establish confidence in the Commonwealth arbitration system.

Petition received.

Sir Wilfrid Kent Hughes presented a petition from certain residents of Victoria praying that the export of all kangaroo products be banned immediately.

Petition received and read.

3 QUESTIONS: Questions without notice were asked.

4 OFF-SHORE LEGISLATION—COMMONWEALTH—STATE DISCUSSIONS—MINISTERIAL STATEMENT—PAPER NOTED: Mr Gorton (Prime Minister), by leave, made a ministerial statement with reference to Commonwealth-State talks on off-shore legislation and certain statements relating thereto made by the former Minister for National Development (Mr Fairbairn), and, by command of His Excellency the Governor-General, presented the following paper:

Off-shore legislation—Commonwealth-State discussions—Ministerial statement, 15 May 1970.

Mr Snedden (Leader of the House) moved—That the House take note of the paper.

Mr Patterson moved, as an amendment—That the following words be added to the motion: "and that the Prime Minister and his Cabinet lack the confidence of the House because they failed to honour a commitment made to the States by the previous Minister for National Development, acting for and on behalf of the Commonwealth Government, that there would be further consultation with the States before the Commonwealth Government introduced any legislation on the territorial sea and continental shelf".

Mr Gorton informed the House that he accepted the amendment as a want of confidence amendment for precedence under standing order 110.

Debate continued.

It being four o'clock p.m.—

Adjournment negatived: Mr Speaker, in accordance with the order of the House of 16 April, proposed the question—That the House do now adjourn.

Mr Hughes (Attorney-General) requiring the question to be put forthwith without debate—

Question—put and negatived.

Debate continued.

Mr Howson moved, as an amendment to the proposed amendment—That all words after “and” be omitted with a view to inserting the following words in place thereof: “that this House does not believe that there has been any failure on the part of the Government to honour any commitments.

The House acknowledges that when the Government decided to change its policy on off-shore authority by legislating to take control from the low-water mark to Continental Shelf, the Government did not, at that time, inform the States of this change in the policy which had been the subject of consultations between the Minister for National Development and State Ministers.

It is of the opinion that it is this fact which has led to the honourable Member for Farrer feeling justified in believing that an undertaking that there would be further consultations, which he gave to the States, has been dishonoured”.

Point of order: Mr Whitlam (Leader of the Opposition) raised a point of order that the amendment moved by Mr Howson was a direct negative of the amendment moved by Mr Patterson.

Speaker's ruling: Mr Speaker ruled that the amendment was not a direct negative and was not materially different in form from amendments which have been moved, and accepted, in previous years.

Dissent from ruling: Mr Barnard (Deputy Leader of the Opposition) moved—That the ruling be dissented from.

Debate ensued on the motion of dissent.

Mr Hughes addressing the House—

Closure: Mr J. F. Cairns moved—That the question be now put.

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

And the question—That the Speaker's ruling be dissented from—being accordingly put—

The House divided (the Speaker, Sir William Aston, in the Chair)—

AYES, 54

Mr Armitage	Mr Crean	Mr Jacobi	Mr Nicholls
Mr Barnard	Mr Cross	Mr Jenkins	Mr Patterson
Mr Beazley	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Bennett	Mr Everingham	Mr L. R. Johnson	Mr Scholes
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Sherry
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Stewart
Mr Bryant	Mr A. D. Fraser	Mr Kennedy	Mr Uren
Mr J. F. Cairns	Mr Garrick	Mr Keogh	Mr Wallis
Mr Calwell	Mr Grassby	Mr Kirwan	Mr Webb
Mr C. R. Cameron	Mr Griffiths	Mr Klugman	Mr Whitlam
Mr Cass	Mr Gun	Mr Luchetti	
Mr Cohen	Mr Hansen	Mr Martin	<i>Tellers:</i>
Mr Connor	Mr Hayden	Mr McIvor	Mr Duthie
Mr Cope	Mr Hurford	Mr Morrison	Mr James

NOES, 64

Mr Adermann	Mr England	Mr Jarman	Mr Pettitt
Mr Anthony	Mr G. D. Erwin	Mr Jess	Mr Reid
Mr Barnes	Mr Fairbairn	Mr Katter	Mr Robinson
Mr Bate	Mr Forbes	Mr Kelly	Mr Sinclair
Mr Bonnett	Mr J. M. Fraser	Sir W. Kent Hughes	Mr Snedden
Mr N. H. Bowen	Mr Garland	Mr Killen	Mr Solomon
Mr Brown	Mr Giles	Mr King	Mr Street
Mr Buchanan	Mr Gorton	Mr Lucock	Mr Swartz
Mr Bury	Mr Graham	Mr Lynch	Mr Turner
Mr K. M. K. Cairns	Mr Hallett	Mr Mackay	Mr Wentworth
Mr Calder	Mr Hamer	Mr MacKellar	Mr Whittorn
Mr D. M. Cameron	Mr Holten	Mr Maisey	
Mr Chipp	Mr Howson	Mr McEwen	
Mr Corbett	Mr Hughes	Mr McLeay	
Sir J. Cramer	Mr Hulme	Mr Nixon	<i>Tellers:</i>
Mr Dobie	Mr Hunt	Mr O'Keefe	Mr Fox
Mr Drury	Mr L. H. Irwin	Mr Peacock	Mr Turnbull

And so it was negatived.

Question proposed—That the words proposed to be omitted stand part of the proposed amendment—

Debate ensued.

Several Members rising to address the House—

Closure: Mr Hulme (Postmaster-General) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 63

Mr Adermann	Mr Drury	Mr Hunt	Mr O'Keefe
Mr Anthony	Mr England	Mr L. H. Irwin	Mr Peacock
Mr Barnes	Mr G. D. Erwin	Mr Jarman	Mr Pettitt
Mr Bate	Mr Fairbairn	Mr Jess	Mr Reid
Mr Bonnett	Mr Forbes	Mr Katter	Mr Robinson
Mr N. H. Bowen	Mr J. M. Fraser	Mr Kelly	Mr Sinclair
Mr Brown	Mr Garland	Sir W. Kent Hughes	Mr Snedden
Mr Buchanan	Mr Giles	Mr Killen	Mr Solomon
Mr Bury	Mr Gorton	Mr King	Mr Street
Mr K. M. K. Cairns	Mr Graham	Mr Lynch	Mr Swartz
Mr Calder	Mr Hallett	Mr Mackay	Mr Turner
Mr D. M. Cameron	Mr Hamer	Mr MacKellar	Mr Wentworth
Mr Chipp	Mr Holten	Mr Maisey	Mr Whittorn
Mr Corbett	Mr Howson	Mr McEwen	<i>Tellers:</i>
Sir J. Cramer	Mr Hughes	Mr McLeay	Mr Fox
Mr Dobie	Mr Hulme	Mr Nixon	Mr Turnbull

NOES, 57

Mr Armitage	Mr Cope	Mr Hurford	Mr Nicholls
Mr Barnard	Mr Crean	Mr Jacobi	Mr Patterson
Mr Beazley	Mr Cross	Mr Jenkins	Mr Reynolds
Mr Bennett	Mr Daly	Mr L. K. Johnson	Mr Scholes
Mr Berinson	Mr Everingham	Mr L. R. Johnson	Mr Sherry
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Stewart
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Uren
Mr Bryant	Mr A. D. Fraser	Mr Kennedy	Mr Wallis
Mr J. F. Cairns	Mr Fulton	Mr Keogh	Mr Webb
Mr Calwell	Mr Garrick	Mr Kirwan	Mr Whitlam
Mr C. R. Cameron	Mr Grassby	Mr Klugman	
Mr Cass	Mr Griffiths	Mr Luchetti	
Mr Cohen	Mr Gun	Mr Martin	<i>Tellers:</i>
Mr Collard	Mr Hansen	Mr McIvor	Mr Duthie
Mr Connor	Mr Hayden	Mr Morrison	Mr James

And so it was resolved in the affirmative.

And the question—That the words proposed to be omitted stand part of the proposed amendment—being accordingly put—

The House divided (the Speaker, Sir William Aston, in the Chair)—

AYES, 57

Mr Armitage	Mr Cope	Mr Hurford	Mr Nicholls
Mr Barnard	Mr Crean	Mr Jacobi	Mr Patterson
Mr Beazley	Mr Cross	Mr Jenkins	Mr Reynolds
Mr Bennett	Mr Daly	Mr L. K. Johnson	Mr Scholes
Mr Berinson	Mr Everingham	Mr L. R. Johnson	Mr Sherry
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Stewart
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Uren
Mr Bryant	Mr A. D. Fraser	Mr Kennedy	Mr Wallis
Mr J. F. Cairns	Mr Fulton	Mr Keogh	Mr Webb
Mr Calwell	Mr Garrick	Mr Kirwan	Mr Whitlam
Mr C. R. Cameron	Mr Grassby	Mr Klugman	
Mr Cass	Mr Griffiths	Mr Luchetti	
Mr Cohen	Mr Gun	Mr Martin	<i>Tellers:</i>
Mr Collard	Mr Hansen	Mr McIvor	Mr Duthie
Mr Connor	Mr Hayden	Mr Morrison	Mr James

NOES, 63

Mr Adermann	Mr Drury	Mr L. H. Irwin	Mr O'Keefe
Mr Anthony	Mr England	Mr Jarman	Mr Peacock
Mr Barnes	Mr G. D. Erwin	Mr Jess	Mr Pettitt
Mr Bate	Mr Forbes	Mr Katter	Mr Reid
Mr Bonnett	Mr J. M. Fraser	Mr Kelly	Mr Robinson
Mr N. H. Bowen	Mr Garland	Sir W. Kent Hughes	Mr Sinclair
Mr Brown	Mr Giles	Mr Killen	Mr Snedden
Mr Buchanan	Mr Gorton	Mr King	Mr Solomon
Mr Bury	Mr Graham	Mr Lucock	Mr Street
Mr K. M. K. Cairns	Mr Hallett	Mr Lynch	Mr Swartz
Mr Calder	Mr Hamer	Mr Mackay	Mr Turner
Mr D. M. Cameron	Mr Holten	Mr MacKellar	Mr Wentworth
Mr Chipp	Mr Howson	Mr Maisey	Mr Whittorn
Mr Corbett	Mr Hughes	Mr McEwen	<i>Tellers:</i>
Sir J. Cramer	Mr Hulme	Mr McLeay	Mr Fox
Mr Dobie	Mr Hunt	Mr Nixon	Mr Turnbull

And so it was negatived.

Question—That the words proposed to be inserted in the proposed amendment be so inserted—put.

The House divided (the Speaker, Sir William Aston, in the Chair)—

AYES, 63

Mr Adermann	Mr Drury	Mr L. H. Irwin	Mr O'Keefe
Mr Anthony	Mr England	Mr Jarman	Mr Peacock
Mr Barnes	Mr G. D. Erwin	Mr Jess	Mr Pettitt
Mr Bate	Mr Forbes	Mr Katter	Mr Reid
Mr Bonnett	Mr J. M. Fraser	Mr Kelly	Mr Robinson
Mr N. H. Bowen	Mr Garland	Sir W. Kent Hughes	Mr Sinclair
Mr Brown	Mr Giles	Mr Killen	Mr Snedden
Mr Buchanan	Mr Gorton	Mr King	Mr Solomon
Mr Bury	Mr Graham	Mr Lucock	Mr Street
Mr K. M. K. Cairns	Mr Hallett	Mr Lynch	Mr Swartz
Mr Calder	Mr Hamer	Mr Mackay	Mr Turner
Mr D. M. Cameron	Mr Holten	Mr MacKellar	Mr Wentworth
Mr Chipp	Mr Howson	Mr Maisey	Mr Whittorn
Mr Corbett	Mr Hughes	Mr McEwen	<i>Tellers:</i>
Sir J. Cramer	Mr Hulme	Mr McLeay	Mr Fox
Mr Dobie	Mr Hunt	Mr Nixon	Mr Turnbull

NOES, 57

Mr Armitage	Mr Cope	Mr Hurford	Mr Nicholls
Mr Barnard	Mr Crean	Mr Jacobi	Mr Patterson
Mr Beazley	Mr Cross	Mr Jenkins	Mr Reynolds
Mr Bennett	Mr Daly	Mr L. K. Johnson	Mr Scholes
Mr Berinson	Mr Everingham	Mr L. R. Johnson	Mr Sherry
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Stewart
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Uren
Mr Bryant	Mr A. D. Fraser	Mr Kennedy	Mr Wallis
Mr J. F. Cairns	Mr Fulton	Mr Keogh	Mr Webb
Mr Calwell	Mr Garrick	Mr Kirwan	Mr Whitlam
Mr C. R. Cameron	Mr Grassby	Mr Klugman	
Mr Cass	Mr Griffiths	Mr Luchetti	
Mr Cohen	Mr Gun	Mr Martin	<i>Tellers:</i>
Mr Collard	Mr Hansen	Mr McIvor	Mr Duthie
Mr Connor	Mr Hayden	Mr Morrison	Mr James

And so it was resolved in the affirmative.

Question—That the words, as amended, proposed to be added to the motion be so added—put.

The House divided (the Speaker, Sir William Aston, in the Chair)—

AYES, 63

Mr Adermann	Mr Drury	Mr L. H. Irwin	Mr O'Keefe
Mr Anthony	Mr England	Mr Jarman	Mr Peacock
Mr Barnes	Mr G. D. Erwin	Mr Jess	Mr Pettitt
Mr Bate	Mr Forbes	Mr Katter	Mr Reid
Mr Bonnett	Mr J. M. Fraser	Mr Kelly	Mr Robinson
Mr N. H. Bowen	Mr Garland	Sir W. Kent Hughes	Mr Sinclair
Mr Brown	Mr Giles	Mr Killen	Mr Snedden
Mr Buchanan	Mr Gorton	Mr King	Mr Solomon
Mr Bury	Mr Graham	Mr Lucock	Mr Street
Mr K. M. K. Cairns	Mr Hallett	Mr Lynch	Mr Swartz
Mr Calder	Mr Hamer	Mr Mackay	Mr Turner
Mr D. M. Cameron	Mr Holten	Mr MacKellar	Mr Wentworth
Mr Chipp	Mr Howson	Mr Maisey	Mr Whittorn
Mr Corbett	Mr Hughes	Mr McEwen	<i>Tellers:</i>
Sir J. Cramer	Mr Hulme	Mr McLeay	Mr Fox
Mr Dobie	Mr Hunt	Mr Nixon	Mr Turnbull

NOES, 57

Mr Armitage	Mr Cope	Mr Hurford	Mr Nicholls
Mr Barnard	Mr Crean	Mr Jacobi	Mr Patterson
Mr Beazley	Mr Cross	Mr Jenkins	Mr Reynolds
Mr Bennett	Mr Daly	Mr L. K. Johnson	Mr Scholes
Mr Berinson	Mr Everingham	Mr L. R. Johnson	Mr Sherry
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Stewart
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Uren
Mr Bryant	Mr A. D. Fraser	Mr Kennedy	Mr Wallis
Mr J. F. Cairns	Mr Fulton	Mr Keogh	Mr Webb
Mr Calwell	Mr Garrick	Mr Kirwan	Mr Whitlam
Mr C. R. Cameron	Mr Grassby	Mr Klugman	
Mr Cass	Mr Griffiths	Mr Luchetti	
Mr Cohen	Mr Gun	Mr Martin	<i>Tellers:</i>
Mr Collard	Mr Hansen	Mr McIvor	Mr Duthie
Mr Connor	Mr Hayden	Mr Morrison	Mr James

And so it was resolved in the affirmative.

Motion, as amended, viz.: That the House take note of the paper and that this House does not believe that there has been any failure on the part of the Government to honour any commitments.

The House acknowledges that when the Government decided to change its policy on off-shore authority by legislating to take control from the low-water mark to Continental Shelf, the Government did not, at that time, inform the States of this change in the policy which had been the subject of consultations between the Minister for National Development and State Ministers.

It is of the opinion that it is this fact which has led to the honourable Member for Farrer feeling justified in believing that an undertaking that there would be further consultations, which he gave to the States, has been dishonoured—agreed to.

- 5 ALTERATION OF HOUR OF NEXT MEETING: Mr Snedden (Leader of the House) moved—That the House, at its rising, adjourn until fifteen minutes to three o'clock p.m. on Tuesday next.

Question—put and passed.

- 6 ADJOURNMENT: Mr Snedden (Leader of the House) moved—That the House do now adjourn.

Mr Daly addressing the House—

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

Question—That the question be now put—put.

The House divided (the Speaker, Sir William Aston, in the Chair)—

AYES, 62

Mr Adermann	Mr Drury	Mr Hunt	Mr Peacock
Mr Anthony	Mr England	Mr L. H. Irwin	Mr Pettitt
Mr Barnes	Mr G. D. Erwin	Mr Jarman	Mr Reid
Mr Bate	Mr Fairbairn	Mr Jess	Mr Robinson
Mr Bonnett	Mr Forbes	Mr Katter	Mr Sinclair
Mr N. H. Bowen	Mr J. M. Fraser	Mr Kelly	Mr Snedden
Mr Brown	Mr Garland	Mr Killen	Mr Solomon
Mr Buchanan	Mr Giles	Mr King	Mr Street
Mr Bury	Mr Gorton	Mr Lucock	Mr Swartz
Mr K. M. K. Cairns	Mr Graham	Mr Lynch	Mr Turner
Mr Calder	Mr Hallett	Mr Mackay	Mr Wentworth
Mr D. M. Cameron	Mr Hamer	Mr MacKellar	Mr Whittorn
Mr Chipp	Mr Holten	Mr Maisey	
Mr Corbett	Mr Howson	Mr McLeay	<i>Tellers:</i>
Sir J. Cramer	Mr Hughes	Mr Nixon	Mr Fox
Mr Dobie	Mr Hulme	Mr O'Keefe	Mr Turnbull

NOES, 54

Mr Armitage	Mr Crean	Mr Hurford	Mr Nicholls
Mr Barnard	Mr Cross	Mr Jacobi	Mr Patterson
Mr Beazley	Mr Daly	Mr Jenkins	Mr Reynolds
Mr Bennett	Mr Everingham	Mr L. K. Johnson	Mr Scholes
Mr Berinson	Mr FitzPatrick	Mr L. R. Johnson	Mr Sherry
Mr Birrell	Mr Foster	Mr Jones	Mr Stewart
Mr L. F. Bowen	Mr A. D. Fraser	Mr Keating	Mr Uren
Mr Bryant	Mr Fulton	Mr Kennedy	Mr Wallis
Mr J. F. Cairns	Mr Garrick	Mr Keogh	Mr Webb
Mr C. R. Cameron	Mr Grassby	Mr Kirwan	Mr Whitlam
Mr Cohen	Mr Griffiths	Mr Klugman	
Mr Collard	Mr Gun	Mr Luchetti	<i>Tellers:</i>
Mr Connor	Mr Hansen	Mr Martin	Mr Duthie
Mr Cope	Mr Hayden	Mr Morrison	Mr James

And so it was resolved in the affirmative.

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

And then the House, at twenty-six minutes to eleven o'clock p.m., adjourned until Tuesday next at fifteen minutes to three o'clock p.m.

PAPER: The following paper was deemed to have been presented on 15 May 1970, pursuant to statute:

Naval Defence Act—Regulations—Statutory Rules 1970, No. 63.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Davies and Mr McMahon.

A. G. TURNER,
Clerk of the House of Representatives