

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 74

THURSDAY, 2 DECEMBER 1976

1 The House met, at 10.30 a.m., pursuant to adjournment. Mr Speaker (the Right Honourable B. M. Snedden) took the Chair, and read Prayers.

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

Mr Howard (Minister for Business and Consumer Affairs), Mr E. G. Whitlam (Leader of the Opposition), Mr Abel, Mr Bradfield, Mr Connolly, Mr Dobie, Dr Edwards, Mr Hurford, Mr Jones and Mr A. P. Whitlam—from certain citizens praying that the continuation and growth of symphony orchestras throughout Australia be ensured.

Mr J. L. McMahon, Mr Stewart and Mr A. P. Whitlam—from certain citizens praying that the 1976-77 Budget be redrafted to provide for economic recovery within the guidelines laid down in the 1975-76 Budget.

Mr E. G. Whitlam and Mr Hurford—from certain citizens praying that the freeze on the alienation of vacant Crown land in the Northern Territory be extended and the Aboriginal Land Rights (Northern Territory) Bill 1976 be amended.

Mr Howard—from certain citizens praying that the States Grants (Schools) legislation recommended by the Schools Commission be passed and the Commission's functions, independence and parent and teacher representation be maintained.

Mr D. M. Cameron—from certain citizens praying that the Government (1) cease the mining and export of uranium until safe disposal methods have been guaranteed, (2) increase expenditure on research into safe, clean and inexhaustible sources of energy and (3) aid under developed countries in their efforts to secure a share of world energy resources.

Mr Hurford—from certain citizens praying that all present services provided by the Australian Broadcasting Commission be continued.

Mr Jarman—from certain citizens praying that the imperial system of weights and measures be restored.

Mr Jones—from certain citizens of the Hunter Valley Region, N.S.W., praying that funds be provided for the establishment and maintenance of a Hunter Symphony Orchestra.

Mr Millar—from certain citizens praying that the Prime Minister investigate the impact of the Government's decision relating to mining on Fraser Island.

Mr J. L. McMahon—from certain citizens praying that the freeze on European claims to unalienated Crown lands of the Northern Territory be extended and the Aboriginal Land Rights (Northern Territory) Bill 1976 be amended.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Australian Capital Territory Police—Report for year 1975–76.

Darwin Disaster Welfare Council—Final report, dated March 1976—
Report.

Statement by Senator Guilfoyle (Minister for Social Security).

Local Government Grants—

Statement by Senator Carrick (Minister Assisting the Prime Minister in Federal
Affairs).

Statistical information relating to—

Commonwealth and State Government contributions to New South Wales
local government authorities for year 1976–77.

Distribution of Commonwealth funds for year 1976–77 to local government
authorities in—

Queensland.

Western Australia.

Pursuant to statute:

Local Government (Personal Income Tax Sharing) Act—

New South Wales Local Government Grants Commission—Report for year
1976–77.

South Australian Interim State Grants Commission—Report for year 1976–77.

Victorian State Grants Committee—Report for year 1976–77.

Metric Conversion Act—Metric Conversion Board—Sixth Annual Report, for
year 1975–76, together with Report by the Minister on the operation of the Act.

Trade Practices Act—Trade Practices Commission—Report on Consumer Edu-
cation, dated 28 October 1976.

5 MESSAGE FROM THE SENATE: A message from the Senate was reported returning the following Bill without amendment:

1 December 1976—Message No. 145—Income Tax Laws Amendment (Royalties)
1976.

6 ALTERATION OF DAY OF NEXT MEETING: Mr Sinclair (Leader of the House) moved—That the House, at its rising, adjourn until tomorrow at 10 a.m.

Question—put and passed.

7 GRIEVANCE DEBATE: Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

8 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—LEBANON CRISIS—INTERIM REPORT AND STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Beazley (Deputy Chairman) brought up the following report from the Joint Committee on Foreign Affairs and Defence:

The Lebanon crisis—Humanitarian aspects—Interim report, December 1976.

Ordered to be printed.

Mr Beazley, by leave, made a statement in connection with the report.

Mr Sinclair (Leader of the House), by leave, moved—That the House take note of the
paper.

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

9 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

2 December 1976—Message—

No. 146—Customs Tariff (Coal Export Duty) Amendment 1976 (*without requests*).

No. 147—Asian Development Fund 1976.

No. 148—Asian Development Bank (Special Funds Contributions) Amendment
1976.

10 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—LEBANON CRISIS—INTERIM REPORT—
 MINISTERIAL STATEMENT: Mr MacKellar (Minister for Immigration and Ethnic
 Affairs), by leave, made a ministerial statement in connection with Australia's
 response to the problems referred to in the interim report of the Joint Committee
 of Foreign Affairs and Defence on the Lebanon crisis.

Mr Jacobi, by leave, also made a statement with reference to the matter.

11 STATES GRANTS (RURAL ADJUSTMENT) BILL 1976: Mr Sinclair (Minister for Primary
 Industry), pursuant to notice, presented a Bill for an Act relating to an Agreement
 between the Commonwealth and one or more of the States in respect of a Scheme
 to provide Assistance to Persons engaged in Rural Industries.

Bill read a first time.

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

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

12 ACTS INTERPRETATION AMENDMENT BILL 1976—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 1, clause 2, sub-clause (1), line 7, after “sub-section (2)”, insert “of
 this section and to sub-section 8 (5)”.

No. 2—Page 7, clause 8, sub-clause (1), after proposed section 19BA, insert the
 following new section:

“ ‘ 19BAA. Where a Department of State of the Commonwealth is
 abolished and, immediately after its abolition, a Department with
 the same name as the abolished Department is established—

Application
of sections 19B
and 19BA
where
Department
abolished and
Department
with same
name
established.

- (a) the first-mentioned Department shall, for the purposes of
 section 19B, be deemed not to have been abolished; and
- (b) that Department and the other Department shall, for the
 purposes of section 19BA, be deemed to be the same Depart-
 ment.”.

No. 3—Page 8, clause 8, after sub-clause (2) insert the following new sub-clauses:

“ (3) After the commencement of this sub-section—

- (a) section 40 of the *Audit Act* 1901 shall have effect as if the words ‘ at the
 Treasury ’ were not included in the section;
- (b) sub-section 55 (1) of the *Audit Act* 1901 shall have effect as if the words
 ‘ in the Treasury ’ were not included in the sub-section;
- (c) section 60 of the *Audit Act* 1901 shall have effect as if, in place of the words
 ‘ in the Treasury ’ in the section, there were substituted the words ‘ by the
 Treasurer ’;
- (d) sub-section 71 (2) of the *Audit Act* 1901 shall have effect as if, in place of
 the words ‘ Secretary to the Department of the Treasury ’ in paragraph (a)
 of the sub-section, there were substituted the words ‘ Secretary to the
 Department of Finance ’;
- (e) the Treasury Regulations in force immediately before the commencement
 of this sub-section, or those Regulations as amended and in force from time
 to time after the commencement of this sub-section, may be cited as the
 Finance Regulations or in such other manner as is provided by the Regu-
 lations;
- (f) any reference in a law of the Commonwealth or of a Territory, or in an
 instrument under or having effect for the purposes of such a law, to the
 Treasury Regulations shall be read as a reference to the Regulations referred
 to in paragraph (e); and

(g) any reference in a law of the Commonwealth or of a Territory, or in an instrument under or having effect for the purposes of such a law, to a Commonwealth Sub-Treasury (whether by that name or a similar name) shall, if the Treasurer, after the commencement of this sub-section, establishes under the Regulations referred to in paragraph (e) offices by the name of Accounting Offices, be read, in the case of a reference that is not a reference to a particular Sub-Treasury, as a reference to an Accounting Office so established and, in the case of a reference to a particular Sub-Treasury, as a reference to the Accounting Office established in place of that Sub-Treasury.

“(4) Provision may be made by regulations under the *Audit Act* 1901 for and in relation to the application and effect, after the commencement of this sub-section, of any directions given before the commencement of this sub-section by the Secretary to the Department of the Treasury under the Regulations referred to in paragraph (3) (e) and of any instrument issued, or act or thing done, before the commencement of this sub-section, being an instrument, act or thing under or having effect for the purposes of the Regulations referred to in paragraph (3) (e) or of those directions.

“(5) If a Department of State of the Commonwealth by the name of the Department of Finance is not established on or before the day on which this Act receives the Royal Assent, sub-sections (3) and (4) shall not come into operation until the day on which such a Department is established.”

No. 4—Page 1, Title, after “1901”, insert “, and for other purposes”.

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

Resolution to be reported.

The House resumed; Mr Lucock reported accordingly.

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

- 13 STEVEDORING INDUSTRY (TEMPORARY PROVISIONS) AMENDMENT BILL (NO. 2) 1976: 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.

Distinguished visitors: Mr Speaker informed the House that a Parliamentary delegation from Turkey, led by Senator Mehmet Unaldi, Vice President of the Senate, was present in the gallery. On behalf of the House, Mr Speaker extended to the visitors a very warm welcome and expressed to them the sympathy of the House in the tragic loss of life and property which occurred as a result of the recent earthquake in Turkey.

Debate continued.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Street (Minister for Employment and Industrial Relations), the Bill was read a third time.

- 14 STEVEDORING INDUSTRY AMENDMENT BILL 1976: 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 Street (Minister for Employment and Industrial Relations), the Bill was read a third time.

- 15 STEVEDORING INDUSTRY CHARGE AMENDMENT BILL (NO. 2) 1976: 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 Street (Minister for Employment and Industrial Relations), the Bill was read a third time.

- 16 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

2 December 1976—Message No. 137—

Australian Heritage Commission Amendment 1976.
Queensland Grant (Proserpine Flood Mitigation) 1976.
New South Wales Grant (Namoi River Weirs) 1976.
Air Force Amendment 1976.
Qantas Airways Limited (Loan Guarantee) 1976.
Airline Equipment (Loan Guarantee) 1976.

- 17 CUSTOMS TARIFF PROPOSALS No. 26 (1976): Mr Howard (Minister for Business and Consumer Affairs) moved Customs Tariff Proposals No. 26 (1976).

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

- 18 CUSTOMS TARIFF VALIDATION BILL (No. 2) 1976: Mr Howard (Minister for Business and Consumer Affairs) presented a Bill for an Act to provide for the Validation of certain Collections of Duties of Customs.

Bill read a first time.

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

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

- 19 PRICES JUSTIFICATION AMENDMENT BILL 1976: 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.

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

AYES, 66

| | | | |
|-----------------|-------------|---------------|-------------------|
| Mr Abel | Mr Ellicott | Mr Kelly | Dr Richardson |
| Mr Aldred | Mr Falconer | Mr King | Mr E. L. Robinson |
| Mr Baillieu | Mr Fife | Mr Lloyd | Mr I. L. Robinson |
| Mr Baume | Mr Fisher | Mr Lusher | Mr Ruddock |
| Mr Bonnett | Mr Giles | Mr MacKellar | Mr Shipton |
| Mr Bouchier | Mr Goodluck | Mr MacKenzie | Mr Short |
| Mr Brown | Mr Graham | Mr McLeay | Mr Simon |
| Mr Bungey | Mr Groom | Mr W. McMahon | Mr Sinclair |
| Mr Cadman | Mr Hamer | Mr McVeigh | Mr Sullivan |
| Mr K. M. Cairns | Mr Haslem | Mr Macphee | Mr Thomson |
| Mr Calder | Mr Hodges | Mr Martyr | Mr Wentworth |
| Mr Carige | Mr Hodgman | Mr Millar | Mr Wilson |
| Mr Chapman | Mr Howard | Mr Moore | Mr Yates |
| Mr Chipp | Mr Hunt | Mr Neil | |
| Mr Connolly | Mr Hyde | Mr Newman | <i>Tellers:</i> |
| Mr Cotter | Mr Jarman | Mr O'Keefe | Mr D. M. Cameron |
| Mr Drummond | Mr Jull | Mr Porter | Mr Corbett |

NOES, 26

| | | | |
|-----------------|------------------|------------------|------------------|
| Mr Armitage | Mr FitzPatrick | Mr Keating | Mr A. P. Whitlam |
| Mr Beazley | Mr Fry | Mr J. L. McMahon | Mr Willis |
| Mr Bryant | Mr Garrick | Mr Martin | Mr Young |
| Dr J. F. Cairns | Mr Hurford | Mr Morris | |
| Mr Cohen | Mr Innes | Mr Scholes | <i>Tellers:</i> |
| Mr Connor | Mr L. K. Johnson | Mr Stewart | Mr James |
| Mr Crean | Mr Jones | Mr Uren | Mr L. R. Johnson |

And so it was resolved in the affirmative—Bill read a second time.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 6, by leave, taken together, and agreed to, after debate.

Clause 7—

On the motion of Mr Howard (Minister for Business and Consumer Affairs), the following amendment was made: Page 4, line 40, omit "Commission", substitute "Tribunal".

Clause, as amended, agreed to.

Clauses 8 to 15, by leave, taken together, and agreed to.

Clause 16—

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

Page 8, before proposed sub-section (8c) insert the following sub-sections:—

“(8BA) For the purposes of this section—

(a) ‘market’ means a market in Australia; and

(b) ‘market’, in relation to any goods or services, includes a market for other goods or services that are substitutable for, or otherwise competitive with, the first-mentioned goods or services.

“(8BB) The grant of an exemption in pursuance of an authorization given under sub-section (8) shall not be made subject to any condition.”.

Page 8, line 15, omit “and”.

Page 8, line 21, at the end of paragraph (b) add “; and”.

Page 8, at the end of sub-clause (2) add the following paragraph:—

“(c) where an exemption granted in pursuance of an authorization given under sub-section 18 (8) of the Principal Act, being an exemption that was in force immediately before the commencement of this sub-section, is subject to a condition, that condition is of no effect.”.

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr Giles reported accordingly.

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

20 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

2 December 1976—Message—

No. 149—Estate Duty Assessment Amendment 1976.

No. 150—Export Finance and Insurance Corporation Amendment (No. 2) 1976.

No. 151—States Grants (Fruit-growing Reconstruction) 1976.

21 LONG SERVICE LEAVE (COMMONWEALTH EMPLOYEES) BILL 1976: 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 Staley (Minister for the Capital Territory), the Bill was read a third time.

22 PUBLIC SERVICE AMENDMENT BILL 1976: 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.

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 Staley (Minister for the Capital Territory), by leave, the following amendments were made together:

Schedule 1—

Page 8, after—

“ The Department of Environment, Housing and Community Development ”
in proposed Schedule 2 insert—

“ The Department of Finance ”.

Page 8, after—

“ The Department of the Prime Minister and Cabinet ”
in proposed Schedule 2 insert—

“ The Department of Productivity ”.

Page 8, after—

“ The Secretary to the Department of Environment, Housing and Community
Development ”

in proposed Schedule 3 insert—

“ The Secretary to the Department of Finance ”.

Page 9, after—

“ The Secretary to the Department of the Prime Minister and Cabinet ”
in proposed Schedule 3 insert—

“ The Secretary to the Department of Productivity ”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Dr Jenkins reported accordingly.

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

- 23 PUBLIC SERVICE AMENDMENT BILL (NO. 2) 1976: 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 Staley (Minister for the Capital Territory), the Bill was read a third time.

- 24 APPLE AND PEAR LEVY BILL 1976: 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 Sinclair (Minister for Primary Industry), the Bill was read a third time.

- 25 APPLE AND PEAR LEVY COLLECTION BILL 1976: 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 Sinclair (Minister for Primary Industry), the Bill was read a third time.

- 26 **APPLE AND PEAR EXPORT CHARGE BILL 1976:** 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 Sinclair (Minister for Primary Industry), the Bill was read a third time.
- 27 **APPLE AND PEAR EXPORT CHARGE COLLECTION BILL 1976:** 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 Sinclair (Minister for Primary Industry), the Bill was read a third time.
- 28 **AUSTRALIAN APPLE AND PEAR CORPORATION AMENDMENT BILL 1976:** 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.
Message from the Governor-General: Message No. 138, dated 18 November 1976, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.
 Leave granted for third reading to be moved forthwith.
 On the motion of Mr Sinclair (Minister for Primary Industry), the Bill was read a third time.
- 29 **MESSAGE FROM THE SENATE:** A message from the Senate was reported returning the following Bill without amendment:
 2 December 1976—Message No. 152—States Grants (Beef Industry) Amendment 1976.
- 30 **ADJOURNMENT:** Mr Sinclair (Leader of the House) moved—That the House do now adjourn.
 Debate ensued.
- The House continuing to sit until 11 p.m.—Mr Deputy Speaker adjourned the House until tomorrow at 10 a.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony*, Mr Burr, Mr C. R. Cameron*, Mr Garland, Mr Katter and Mr Nicholls*.

* On leave

N. J. PARKES,
 Clerk of the House of Representatives