

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 28

WEDNESDAY, 1 JUNE 1977

1 The House met, at 10 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 Dobie and Dr Edwards—from certain citizens praying that steps be taken to end commercial whaling.

Mr Dobie—from certain members of the Service Station Association of N.S.W. Ltd and others praying that in implementing the findings of the Royal Commission on Petroleum the needs of the motoring public and the retail petroleum industry be given every consideration.

Dr Edwards—from certain citizens praying that the Broadcasting and Television Act be amended in relation to program standards.

Mr MacKellar—from certain citizens praying that representatives of the Rhodesian Government be invited to Australia.

Mr Morris—from certain citizens praying that the recommendations of the Committee of Inquiry into Public Libraries be implemented.

Mr Morris—from certain citizens praying that the House call on Sir John Kerr to resign as Governor-General.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented:

By command of His Excellency the Administrator:

Industries Assistance Commission—Report—Certain sheets and plates of iron or steel—Tariff quotas, dated 17 January 1977.

National Committee on Discrimination in Employment and Occupation—3rd Annual Report, for year 1975-76.

Pursuant to statute:

Coal Industry Act—Joint Coal Board—29th Annual Report and financial accounts, together with the Auditor-General's Report, for year 1975-76.

5 MR WILLIAM FREDERICK TOOMER—INQUIRY—PAPER NOTED: Mr Street (Minister Assisting the Prime Minister in Public Service Matters), by command of His Excellency the Administrator, presented the following paper:

Mr William Frederick Toomer—Proposed inquiry under the Public Service Act into certain matters relating to Mr Toomer.

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

Debate ensued.

Question—put and passed.

- 6 EXPENDITURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Garland (Chairman) presented the following report from the Standing Committee on Expenditure:
Accommodation for married servicemen, dated May 1977.
Ordered to be printed.
Mr Garland and Mr Stewart, by leave, made statements in connection with the report.
- 7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—“LITTLE RED BOOK FOR SOCIAL CHANGE”:
Mr Speaker informed the House that Mr Neil had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The publication and distribution of a booklet entitled ‘The Little Red Book for Social Change’ describing methods of attacking the democratic Australian society by violence and sabotage and enclosing target lists of prominent persons and premises in Australia”.
The proposed discussion having received the necessary support—
Mr Neil addressed the House.
Mr Neil asked leave to present a paper.
Objection being raised, leave not granted.
Discussion ensued.
Discussion concluded.
- 8 STEVEDORING INDUSTRY (TEMPORARY PROVISIONS) AMENDMENT BILL 1977: Mr Street (Minister for Employment and Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Stevedoring Industry (Temporary Provisions) Act 1967*.
Bill read a first time.
Mr Street moved—That the Bill be now read a second time.
Debate adjourned (Mr L. K. Johnson), and the resumption of the debate made an order of the day for the next sitting.
- 9 STEVEDORING INDUSTRY CHARGE AMENDMENT BILL 1977: Mr Street (Minister for Employment and Industrial Relations) presented a Bill for an Act to extend the operation of the *Stevedoring Industry Charge Amendment Act 1975*.
Bill read a first time.
Mr Street moved—That the Bill be now read a second time.
Debate adjourned (Mr L. K. Johnson), and the resumption of the debate made an order of the day for the next sitting.
- 10 HUMAN RIGHTS COMMISSION BILL 1977: Mr Ellicott (Attorney-General), pursuant to notice, presented a Bill for an Act relating to Human Rights.
Bill read a first time.
Mr Ellicott moved—That the Bill be now read a second time.
Debate adjourned (Mr Bowen), and the resumption of the debate made an order of the day for the next sitting.
- 11 PRECEDENCE TO GOVERNMENT BUSINESS: Mr Sinclair (Leader of the House), for Mr Adermann (Minister for the Northern Territory), pursuant to notice, moved—That government business take precedence of general business tomorrow.
Debate ensued.
Question—put and passed.
- 12 CUSTOMS TARIFF AMENDMENT BILL 1977: 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 Howard (Minister for Business and Consumer Affairs), the Bill was read a third time.

13 CUSTOMS TARIFF VALIDATION BILL (No. 2) 1977: 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 Howard (Minister for Business and Consumer Affairs), the Bill was read a third time.

14 PAPER: The following paper was presented, by command of His Excellency the Administrator:

Industries Assistance Commission—Interim report—Orange juice, dated 28 February 1977.

15 HEALTH INSURANCE AMENDMENT BILL 1977: 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.

Mr Hunt (Minister for Health) moved—That the Bill be now read a third time.

Debate ensued.

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

16 COMMONWEALTH LEGAL AID COMMISSION BILL 1977: 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 by Mr Bowen who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the Bill be withdrawn and redrafted to provide for (a) the establishment of an independent statutory Legal Aid Commission to finance, co-ordinate and provide legal assistance in Australia; and (b) the provision of such funds as are necessary to meet the needs of legal aid in Australia”.

Debate continued.

Amendment negatived.

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

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

AYES, 78

Mr Abel	Mr Drummond	Mr Jarman	Dr Richardson
Mr Adermann	Dr Edwards	Mr P. F. Johnson	Mr E. L. Robinson
Mr Aldred	Mr Ellicott	Mr Jull	Mr I. L. Robinson
Mr Baillieu	Mr Falconer	Mr Katter	Mr Ruddock
Mr Baume	Mr Fife	Mr Kelly	Mr Sainsbury
Mr Birney	Mr Fisher	Mr King	Mr Shipton
Mr Bonnett	Mr Garland	Mr Lloyd	Mr Short
Mr Bouchier	Mr Giles	Mr Lusher	Mr Simon
Mr Bradfield	Mr Gillard	Mr Lynch	Mr Sinclair
Mr Braithwaite	Mr Goodluck	Mr MacKellar	Mr Staley
Mr Bungey	Mr Graham	Mr McLean	Mr Street
Mr Burr	Mr Groom	Mr McLeay	Mr Sullivan
Mr Cadman	Mr Hamer	Mr McVeigh	Mr Thomson
Mr K. M. Cairns	Mr Haslem	Mr Macphee	Mr Wentworth
Mr Calder	Mr Hodges	Mr Martyr	Mr Wilson
Mr Carige	Mr Hodgman	Mr Millar	Mr Yates
Mr Chapman	Mr Holten	Mr Neil	
Mr Connolly	Mr Howard	Mr Newman	<i>Tellers:</i>
Mr Cotter	Mr Hunter	Mr O'Keefe	Mr D. M. Cameron
Mr Dobie	Mr Hyde	Mr Porter	Mr Corbett

NOES, 30

Mr Armitage	Mr FitzPatrick	Mr Jones	Mr Uren
Mr Beazley	Mr Fry	Mr Keating	Mr Wallis
Mr Bowen	Mr Garrick	Dr Klugman	Mr A. P. Whitlam
Dr J. F. Cairns	Mr Hayden	Mr J. L. McMahon	Mr Willis
Mr C. R. Cameron	Mr Innes	Mr Martin	
Dr Cass	Mr Jacobi	Mr Morris	<i>Tellers:</i>
Mr Cohen	Dr Jenkins	Mr Scholes	Mr James
Mr Crean	Mr L. K. Johnson	Mr Stewart	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.

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In the committee

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5—

Mr Bowen moved the following amendment: Page 2, sub-clause (1), at the end of paragraph (c) add “one of whom shall be engaged full-time in the provision of legal aid services”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 6—

Mr Bowen moved—That the clause be omitted, and the following clause be substituted:

“ 6. The functions of the Commission are—

- (a) to finance, co-ordinate and provide legal assistance in Functions of
Commission.
Australia including the establishment of legal aid offices and agencies and the employment of staff, and to make grants to schemes or agencies which seek financial assistance or support;
- (b) to enter into agreement with the States for the establishment of Legal Aid Commissions in such States provided the Commission is satisfied that the composition of such State Commissions comprise people who adequately represent the range of groups and individuals with an interest in and a contribution to make to the formulation of legal aid policies;
- (c) to make an annual report to Parliament as to the extent of funds required by the Commonwealth and the States to meet the needs of legal aid and to effectively provide legal assistance services;
- (d) to assess the effectiveness and efficiency of legal aid schemes which seek government finance and to consider proposals from groups, organizations and individuals within the community seeking funds to establish new legal aid services to formulate policies under which students within university law faculties or other educational institutions may be involved in legal aid services;
- (e) to collect and publish statistics concerning the operation of schemes for the provision of legal assistance in Australia;
- (f) to liaise and co-operate with Legal Aid Commissions and States and Territories and other bodies providing, or interested in the provision of, legal assistance;
- (g) to undertake research into all aspects of legal assistance including new methods of financing and providing legal assistance and aspects of law affecting disadvantaged individuals;
- (h) to finance educational programs and advertising campaigns that would be effective in promoting an understanding by the public, or by sections of the public that have special needs in this respect, of their rights, powers, privileges and duties under laws in force in Australia;

- (i) to determine applications for the provision of legal or financial assistance by the Commonwealth;
- (j) to advise the Attorney-General on the provision of legal assistance or financial assistance in any Commonwealth matter referred by the Attorney-General for advice; and
- (k) to advise the Attorney-General as to such other matters relating to the provision of legal assistance as the Attorney-General requests or the Commission considers appropriate.”.

Debate continued.

Mr A. P. Whitlam rising to address the committee—

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

Question—That the question be now put—put.

The committee divided (the Deputy Chairman, Mr Giles, in the Chair)—

AYES, 79

Mr Adermann	Mr Drummond	Mr Jull	Mr Porter
Mr Aldred	Dr Edwards	Mr Katter	Dr Richardson
Mr Baillieu	Mr Ellicott	Mr Kelly	Mr E. L. Robinson
Mr Baume	Mr Falconer	Mr Killen	Mr I. L. Robinson
Mr Birney	Mr Fife	Mr King	Mr Ruddock
Mr Bonnett	Mr Fisher	Mr Lloyd	Mr Sainsbury
Mr Bouchier	Mr Garland	Mr Lucock	Mr Shipton
Mr Bradfield	Mr Gillard	Mr Lusher	Mr Short
Mr Braithwaite	Mr Goodluck	Mr Lynch	Mr Simon
Mr Bungey	Mr Graham	Mr MacKellar	Mr Sinclair
Mr Burr	Mr Groom	Mr MacKenzie	Mr Staley
Mr Cadman	Mr Haslem	Mr McLean	Mr Street
Mr K. M. Cairns	Mr Hodges	Mr McLeay	Mr Thomson
Mr Calder	Mr Hodgman	Mr McVeigh	Mr Viner
Mr Carige	Mr Holten	Mr Macphee	Mr Wentworth
Mr Chapman	Mr Howard	Mr Martyr	Mr Wilson
Mr Chipp	Mr Hunt	Mr Millar	Mr Yates
Mr Connolly	Mr Hyde	Mr Neil	<i>Tellers:</i>
Mr Cotter	Mr Jarman	Mr Newman	Mr D. M. Cameron
Mr Dobie	Mr P. F. Johnson	Mr O'Keefe	Mr Corbett

NOES, 28

Mr Armitage	Mr Hayden	Dr Klugman	Mr A. P. Whitlam
Mr Bowen	Mr Hurford	Mr J. L. McMahon	Mr Willis
Dr Cass	Mr Innes	Mr Martin	
Mr Cohen	Mr Jacobi	Mr Morris	
Mr Crean	Dr Jenkins	Mr Scholes	
Mr FitzPatrick	Mr L. K. Johnson	Mr Stewart	<i>Tellers:</i>
Mr Fry	Mr Jones	Mr Uren	Mr James
Mr Garrick	Mr Keating	Mr Wallis	Mr L. R. Johnson

And so it was resolved in the affirmative.

And the question—That the clause proposed to be omitted stand part of the Bill—was put accordingly, and passed.

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

Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.

On the motion of Mr Ellicott (Attorney-General), the House adopted the report.

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

Question—put.

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

AYES, 77

Mr Adermann	Dr Edwards	Mr Jull	Dr Richardson
Mr Aldred	Mr Ellicott	Mr Katter	Mr E. L. Robinson
Mr Baillieu	Mr Falconer	Mr Kelly	Mr Ruddock
Mr Baume	Mr Fife	Mr Killen	Mr Sainsbury
Mr Birney	Mr Fisher	Mr King	Mr Shipton
Mr Bonnett	Mr Garland	Mr Lloyd	Mr Short
Mr Bouchier	Mr Giles	Mr Lusher	Mr Simon
Mr Bradfield	Mr Gillard	Mr Lynch	Mr Sinclair
Mr Braithwaite	Mr Goodluck	Mr MacKellar	Mr Staley
Mr Bungey	Mr Graham	Mr MacKenzie	Mr Street
Mr Burr	Mr Groom	Mr McLean	Mr Thomson
Mr Cadman	Mr Haslem	Mr McLeay	Mr Viner
Mr K. M. Cairns	Mr Hodges	Mr McVeigh	Mr Wentworth
Mr Calder	Mr Hodgman	Mr Macphee	Mr Wilson
Mr Carige	Mr Holten	Mr Martyr	Mr Yates
Mr Chapman	Mr Howard	Mr Millar	
Mr Connolly	Mr Hunt	Mr Neil	
Mr Cotter	Mr Hyde	Mr Newman	<i>Tellers:</i>
Mr Dobie	Mr Jarman	Mr O'Keefe	Mr D. M. Cameron
Mr Drummond	Mr P. F. Johnson	Mr Porter	Mr Corbett

NOES, 28

Mr Armitage	Mr Hayden	Dr Klugman	Mr A. P. Whitlam
Mr Bowen	Mr Hurford	Mr J. L. McMahon	Mr Willis
Dr Cass	Mr Innes	Mr Martin	
Mr Cohen	Mr Jacobi	Mr Morris	
Mr Crean	Dr Jenkins	Mr Scholes	
Mr FitzPatrick	Mr L. K. Johnson	Mr Stewart	<i>Tellers:</i>
Mr Fry	Mr Jones	Mr Uren	Mr James
Mr Garrick	Mr Keating	Mr Wallis	Mr L. R. Johnson

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

- 17 STATES GRANTS (ROADS INTERIM ASSISTANCE) BILL 1977: 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.

Message from the Administrator: Message No. 31, dated 1 June 1977, from His Excellency the Administrator 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 Macphee (Acting Minister for Transport), the Bill was read a third time.

- 18 REPATRIATION ACTS AMENDMENT BILL 1977: 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 Newman (Minister representing the Minister for Veterans' Affairs), the Bill was read a third time.

- 19 INCOME TAX ASSESSMENT AMENDMENT BILL 1977—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 4, clause 6, at end of clause, add the following new sub-clause:—
“(2) Section 36A of the Principal Act is amended by adding at the end thereof the following sub-section:—
‘(5) A notice for the purposes of sub-section (2) given on or after 24 May 1977 in respect of a change in the ownership of, or in the interests of persons in, property, being—
(a) a share or stock in the capital of a company;
(b) a debenture, note or other security issued in respect of a loan to a company; or
(c) any other chose in action,
does not have any effect unless the persons giving the notice establish to the satisfaction of the Commissioner that the change in ownership or interests occurred before that date.’”.
- No. 2—Page 16, clause 18, sub-clause (4), line 17, leave out “section 6”, insert “sub-section 6 (1)”.

On the motion of Mr Viner (Minister Assisting the Treasurer), the amendments were agreed to, after debate.
Resolution to be reported.

The House resumed; Mr Giles reported accordingly.
On the motion of Mr Viner, the House adopted the report.

- 20 ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 1977—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, clause 13, proposed paragraph 21A (3) (b), line 17, after “21”, insert “(1)”.
- No. 2—Page 15, clause 18, proposed sub-section 29 (6), line 37, leave out “(5)”, insert “(4)”.
- Mr Ellicott (Attorney-General) moved—That the amendments be agreed to.
Debate ensued.

The committee continuing to sit until after 12 midnight—

THURSDAY, 2 JUNE 1977

Debate continued.
Amendments agreed to.
Resolution to be reported.

The House resumed; Mr Giles reported accordingly.
On the motion of Mr Ellicott, the House adopted the report.

- 21 ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) BILL 1977—SENATE'S AMENDMENTS: The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.
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In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

No. 1—Page 4, clause 5, sub-clause (1), paragraph (d), line 4, after “it”, insert “was”.

No. 2—Page 11, clause 13, sub-clause (8), lines 32 to 35, leave out the sub-clause.

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

Resolution to be reported.

The House resumed; Mr Giles reported accordingly.

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

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

1 June 1977—Message—

No. 42—Conciliation and Arbitration Amendment 1977.

No. 43—National Labour Consultative Council 1977.

23 ADJOURNMENT: Mr Ellicott (Attorney-General) moved—That the House do now adjourn.
Question—put and passed.

And then the House, at 12.06 a.m., adjourned until this day at 10 a.m.

PAPERS: The following papers were deemed to have been presented on 1 June 1977, pursuant to statute:

Telecommunications Act—By-laws—

Telecommunications (Charging Zones and Charging Districts)—Amendment No. 12.

Telecommunications (General)—Amendment No. 9.

Telecommunications (Staff)—Amendment No. 12.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Brown, Mr Bryant, Mr Connor, Mr Fraser, Mr W. McMahon, Mr Moore, Mr Nicholls*, Mr Nixon and Mr Peacock.

* On leave

J. A. PETTIFER,
Clerk of the House of Representatives