

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 23

THURSDAY, 4 MAY 1978

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- 1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
 - 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Bowen, Dr Edwards, Mr James, Mr L. K. Johnson and Dr Klugman—from certain citizens praying for the establishment of a fund whereby loans can be made to means tested pensioners for the necessary maintenance of their homes.
 - Mr Bowen—from certain members and ex-members of the citizens forces of Australia praying for the resumption of the award of several distinctive reserve forces decorations and medals for long service and good conduct.
 - Mr Wallis—from certain citizens praying that the television transmission strength of A.B.N.S. Channel 3 near Tumby Bay, S.A., be upgraded.Petitions received.
 - 3 QUESTIONS: Questions without notice were asked.
 - 4 ROYAL AUSTRALIAN AIR FORCE—No. 34 SQUADRON—ACQUISITION OF AIRCRAFT—MINISTERIAL STATEMENT: Mr Killen (Minister for Defence), by leave, made a ministerial statement informing the House of the Government's decision to acquire 2 additional aircraft to be operated by No. 34 Squadron of the Royal Australian Air Force.
Mr Scholes, by leave, also made a statement with reference to the matter.
 - 5 DEFENCE SERVICE HOUSING—MINISTERIAL STATEMENT: Mr McLeay (Minister Assisting the Minister for Defence), by leave, made a ministerial statement informing the House of the Government's decision to institute an interdepartmental committee to carry out a comprehensive inquiry covering all aspects of defence service housing as a response to the report by the House of Representatives Standing Committee on Expenditure on accommodation for married servicemen.
Mr Scholes and Mr L. R. Johnson, by leave, also made statements with reference to the matter.
 - 6 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:
 - 3 May 1978—Message—
 - No. 26—Airline Equipment (Loan Guarantee) 1978.
 - No. 27—Qantas Airways Limited (Loan Guarantee) 1978.
 - 7 ABORIGINAL VOTING RIGHTS AND OBLIGATIONS—PROPOSED SELECT COMMITTEE: Dr Everingham, pursuant to notice, moved—That a select committee of this House be established to inquire into and report on extending and guaranteeing Aboriginal voting rights and obligations for the Federal, State and Territory Parliaments.
Debate ensued.

It being 2 hours after the time fixed for the meeting of the House, the debate was interrupted in accordance with standing order 109.

Ordered—That the time for the discussion of notices be extended until 12.45 p.m.

Debate continued.

Paper: Mr Killen (Minister for Defence), by leave, presented the following paper: Overseas travel by the Prime Minister—Assessment of aircraft security considerations—Copy of memorandum to the Prime Minister from Mr P. J. Lawler, Secretary, Department of Administrative Services, and Mr G. J. Yeend, Secretary, Department of the Prime Minister and Cabinet, dated 27 April 1978.

Mr Scholes, by leave, made a statement with reference to the paper.

Debate continued.

Question—put.

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

AYES, 35

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Stewart
Dr Blewett	Mr Fry	Mr B. O. Jones	Mr Uren
Mr Bowen	Mr Holding	Mr C. K. Jones	Mr Wallis
Mr J. J. Brown	Mr Howe	Mr Keating	Mr West
Mr Bryant	Mr Humphreys	Dr Klugman	Mr Willis
Mr C. R. Cameron	Mr Hurford	Mr J. L. McMahon	Mr Young
Dr Cass	Mr Innes	Mr Martin	<i>Tellers:</i>
Mr Cohen	Mr Jacobi	Mr Morris	Mr L. K. Johnson
Mr Dawkins	Mr James	Mr Scholes	Mr L. R. Johnson

NOES, 67

Mr Adermann	Mr Dobie	Mr Jarman	Mr Newman
Mr Aldred	Mr Drummond	Mr P. F. Johnson	Mr O'Keefe
Mr Baume	Dr Edwards	Mr Johnston	Mr Porter
Mr Bouchier	Mr Ellicott	Mr Jull	Mr I. L. Robinson
Mr Bradfield	Mr Falconer	Mr Katter	Mr Ruddock
Mr Braithwaite	Mr Fife	Mr Lloyd	Mr Sainsbury
Mr N. A. Brown	Mr Fisher	Mr Lucock	Mr Shack
Mr Bungey	Mr Giles	Mr Lusher	Mr Short
Mr Burns	Mr Gillard	Mr MacKellar	Mr Simon
Mr Burr	Mr Goodluck	Mr MacKenzie	Mr Sinclair
Mr Cadman	Mr Graham	Mr McLean	Mr Staley
Mr Cairns	Mr Groom	Mr McLeay	Mr Street
Mr Calder	Mr Haslem	Sir William McMahon	Mr Thomson
Mr E. C. Cameron	Mr Hodgman	Mr McVeigh	Mr Wilson
Mr Carlton	Mr Howard	Mr Macphee	<i>Tellers:</i>
Mr Chapman	Mr Hunt	Mr Moore	Mr Corbett
Mr Dean	Mr Hyde	Mr Neil	Mr Hodges

And so it was negatived.

- 8 AUSTRALIA'S POPULATION GROWTH: Mr Cairns, pursuant to notice, moved—That this House is of the opinion that the development of Australia should be accompanied by the development of the Australian people and that an ageing population growing at zero growth is not in the best interests of this country's contribution to the prosperity of its own people and the South East Asian region and that, therefore, policies be adopted concerning immigration and the Australian family, which remedy the present trend of events having regard to the development, employment and social justice obligations of Government.

The time allotted for precedence to general business having expired, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting.

- 9 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—REPORT: Mr Bryant presented the following report from the Joint Committee on Foreign Affairs and Defence:

Observations and history of the Committee, dated May 1978.

Ordered to be printed.

- 10 **WOOL INDUSTRY AMENDMENT BILL 1978:** Mr Sinclair (Minister for Primary Industry), for Mr Adermann (Minister Assisting the Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend section 28A of the *Wool Industry Act 1972*.
Bill read a first time.
Mr Sinclair moved—That the Bill be now read a second time.
Debate adjourned (Dr Klugman), and the resumption of the debate made an order of the day for the next sitting.
- 11 **SUSPENSION OF STANDING ORDERS—WOOL TAX AMENDMENT BILLS:** Mr Sinclair (Leader of the House), pursuant to notice, moved—That so much of the standing orders be suspended as would prevent 5 Wool Tax Amendment Bills—
(a) being presented and read a first time together and one motion being moved without delay and one question being put in regard to, respectively, the second readings, the committee's report stage, and the third readings, of all the Bills together, and
(b) the consideration of the Bills in one committee of the whole.
Question—put and passed.
- 12 **WOOL TAX AMENDMENT BILLS (Nos. 1 to 5) 1978:** Mr Sinclair (Minister for Primary Industry) presented the following Bills:
A Bill for an Act to amend the *Wool Tax Act (No. 1) 1964*;
A Bill for an Act to amend the *Wool Tax Act (No. 2) 1964*;
A Bill for an Act to amend the *Wool Tax Act (No. 3) 1964*;
A Bill for an Act to amend the *Wool Tax Act (No. 4) 1964*, and
A Bill for an Act to amend the *Wool Tax Act (No. 5) 1964*.
Bills together read a first time.
Mr Sinclair moved—That the Bills be now read a second time.
Debate adjourned (Dr Klugman), and the resumption of the debate made an order of the day for the next sitting.
- 13 **CONCILIATION AND ARBITRATION AMENDMENT (FEDERAL COURT OF AUSTRALIA) BILL 1978:** Mr Street (Minister for Employment and Industrial Relations), pursuant to notice, presented a Bill for an Act to amend the *Conciliation and Arbitration Act 1904* in respect of the jurisdiction of the Federal Court of Australia.
Bill read a first time.
Mr Street 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.
- 14 **STATES (PERSONAL INCOME TAX SHARING) AMENDMENT BILL 1978:** Mr Howard (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *States (Personal Income Tax Sharing) Act 1976*.
Bill read a first time.
Mr Howard moved—That the Bill be now read a second time.
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 15 **COMMONWEALTH GRANTS COMMISSION AMENDMENT BILL 1978:** Mr Howard (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Commonwealth Grants Commission Act 1973*.
Bill read a first time.
Mr Howard moved—That the Bill be now read a second time.
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 16 **POSTPONEMENT OF ORDERS OF THE DAY:** Ordered—That orders of the day Nos. 1 and 2, government business, be postponed until a later hour this day.

17 ENVIRONMENT PROTECTION (ALLIGATOR RIVERS REGION) BILL 1978: 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.

Suspension of standing orders moved: Mr Keating moved—That so much of the standing orders be suspended as would prevent the honourable Member for Blaxland moving that the House condemns the Prime Minister and the Government for applying double standards in the equipping of the V.I.P. Flight with 2 Boeing 727 jet aircraft for the comfort and convenience of the Prime Minister and for the insensitivity shown by the Prime Minister and the Government in embarking on a \$40 million V.I.P. equipment program at a time when 1100 workers are to be displaced in industry and when unemployment and deprivation in the community is at record levels.

Closure of Member: Mr Fife (Minister for Business and Consumer Affairs) moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 72

Mr Adermann	Mr Connolly	Mr Jarman	Mr Newman
Mr Aldred	Mr Dean	Mr P. F. Johnson	Mr O'Keefe
Mr Baillieu	Mr Dobie	Mr Johnston	Mr Porter
Mr Baume	Mr Drummond	Mr Jull	Mr I. L. Robinson
Mr Birney	Dr Edwards	Mr Katter	Mr Ruddock
Mr Bouchier	Mr Ellicott	Mr Killen	Mr Sainsbury
Mr Bradfield	Mr Falconer	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Fife	Mr Lucock	Mr Short
Mr N. A. Brown	Mr Fisher	Mr Lusher	Mr Simon
Mr Bungey	Mr Giles	Mr MacKellar	Mr Staley
Mr Burns	Mr Gillard	Mr MacKenzie	Mr Street
Mr Burr	Mr Goodluck	Mr McLean	Mr Thomson
Mr Cadman	Mr Graham	Mr McLeay	Mr Wilson
Mr Cairns	Mr Groom	Sir William McMahon	
Mr Calder	Mr Haslem	Mr McVeigh	
Mr D. M. Cameron	Mr Hodgman	Mr Macphee	
Mr E. C. Cameron	Mr Howard	Mr Millar	<i>Tellers:</i>
Mr Carlton	Mr Hunt	Mr Moore	Mr Corbett
Mr Chapman	Mr Hyde	Mr Neil	Mr Hodges

NOES, 32

Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr Bowen	Mr Fry	Mr C. K. Jones	Mr Willis
Mr J. J. Brown	Mr Holding	Mr Keating	Mr Young
Mr Bryant	Mr Howe	Dr Klugman	
Mr C. R. Cameron	Mr Humphreys	Mr J. L. McMahon	
Dr Cass	Mr Hurford	Mr Martin	
Mr Cohen	Mr Jacobi	Mr Morris	<i>Tellers:</i>
Mr Dawkins	Mr James	Mr Scholes	Mr L. K. Johnson
Dr Everingham	Dr Jenkins	Mr Wallis	Mr L. R. Johnson

And so it was resolved in the affirmative.

Mr Morris (seconder) addressing the House—

Closure of Member: Mr Fife moved—That the honourable Member be not further heard.

Question—put.

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

AYES, 72

Mr Adermann	Mr Dean	Mr Johnston	Mr Porter
Mr Aldred	Mr Dobie	Mr Jull	Mr I. L. Robinson
Mr Baillieu	Mr Drummond	Mr Katter	Mr Ruddock
Mr Baume	Dr Edwards	Mr Killen	Mr Sainsbury
Mr Birney	Mr Ellicott	Mr Lloyd	Mr Shack
Mr Bouchier	Mr Falconer	Mr Luccock	Mr Short
Mr Bradfield	Mr Fife	Mr Lusher	Mr Simon
Mr N. A. Brown	Mr Fisher	Mr MacKellar	Mr Sinclair
Mr Bungey	Mr Giles	Mr MacKenzie	Mr Staley
Mr Burns	Mr Gillard	Mr McLean	Mr Street
Mr Burr	Mr Goodluck	Mr McLeay	Mr Thomson
Mr Cadman	Mr Graham	Sir William McMahon	Mr Wilson
Mr Cairns	Mr Groom	Mr McVeigh	Mr Yates
Mr Calder	Mr Haslem	Mr Macphee	
Mr D. M. Cameron	Mr Hodgman	Mr Millar	
Mr E. C. Cameron	Mr Hunt	Mr Moore	
Mr Carlton	Mr Hyde	Mr Neil	<i>Tellers:</i>
Mr Chapman	Mr Jarman	Mr Newman	Mr Corbett
Mr Connolly	Mr P. F. Johnson	Mr O'Keefe	Mr Hodges

NOES, 32

Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr Bowen	Mr Fry	Mr C. K. Jones	Mr Willis
Mr J. J. Brown	Mr Holding	Mr Keating	Mr Young
Mr Bryant	Mr Howe	Dr Klugman	
Mr C. R. Cameron	Mr Humphreys	Mr J. L. McMahon	
Dr Cass	Mr Hurford	Mr Martin	
Mr Cohen	Mr Jacobi	Mr Morris	<i>Tellers:</i>
Mr Dawkins	Mr James	Mr Scholes	Mr L. K. Johnson
Dr Everingham	Dr Jenkins	Mr Wallis	Mr L. R. Johnson

And so it was resolved in the affirmative.

Question—That the motion for the suspension of the standing orders be agreed to—put.

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

AYES, 32

Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr Bowen	Mr Fry	Mr C. K. Jones	Mr Willis
Mr J. J. Brown	Mr Holding	Mr Keating	Mr Young
Mr Bryant	Mr Howe	Dr Klugman	
Mr C. R. Cameron	Mr Humphreys	Mr J. L. McMahon	
Dr Cass	Mr Hurford	Mr Martin	
Mr Cohen	Mr Jacobi	Mr Morris	<i>Tellers:</i>
Mr Dawkins	Mr James	Mr Scholes	Mr L. K. Johnson
Dr Everingham	Dr Jenkins	Mr Wallis	Mr L. R. Johnson

NOES, 72

Mr Adermann	Mr Dean	Mr Johnston	Mr Porter
Mr Aldred	Mr Dobie	Mr Jull	Mr I. L. Robinson
Mr Baillieu	Mr Drummond	Mr Katter	Mr Ruddock
Mr Baume	Dr Edwards	Mr Killen	Mr Sainsbury
Mr Birney	Mr Ellicott	Mr Lloyd	Mr Shack
Mr Bouchier	Mr Falconer	Mr Luccock	Mr Short
Mr Bradfield	Mr Fife	Mr Lusher	Mr Simon
Mr N. A. Brown	Mr Fisher	Mr MacKellar	Mr Sinclair
Mr Bungey	Mr Giles	Mr MacKenzie	Mr Staley
Mr Burns	Mr Gillard	Mr McLean	Mr Street
Mr Burr	Mr Goodluck	Mr McLeay	Mr Thomson
Mr Cadman	Mr Graham	Sir William McMahon	Mr Wilson
Mr Cairns	Mr Groom	Mr McVeigh	Mr Yates
Mr Calder	Mr Haslem	Mr Macphee	
Mr D. M. Cameron	Mr Hodgman	Mr Millar	
Mr E. C. Cameron	Mr Hunt	Mr Moore	
Mr Carlton	Mr Hyde	Mr Neil	<i>Tellers:</i>
Mr Chapman	Mr Jarman	Mr Newman	Mr Corbett
Mr Connolly	Mr P. F. Johnson	Mr O'Keefe	Mr Hodges

And so it was negatived.

Debate continued on the question—That the Bill be now read a second time.
Mr Howe rising to address the House—

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

Question—That the question be now put—put.

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

AYES, 71

Mr Adermann	Mr Dean	Mr P. F. Johnson	Mr Newman
Mr Aldred	Mr Dobie	Mr Johnston	Mr O'Keefe
Mr Baillieu	Dr Edwards	Mr Jull	Mr Porter
Mr Baume	Mr Ellicott	Mr Katter	Mr I. L. Robinson
Mr Birney	Mr Falconer	Mr Killen	Mr Ruddock
Mr Bouchier	Mr Fife	Mr Lloyd	Mr Sainsbury
Mr Bradfield	Mr Fisher	Mr Lucock	Mr Shack
Mr N. A. Brown	Mr Giles	Mr Lusher	Mr Short
Mr Bungey	Mr Gillard	Mr MacKellar	Mr Simon
Mr Burns	Mr Goodluck	Mr MacKenzie	Mr Sinclair
Mr Burr	Mr Graham	Mr McLean	Mr Staley
Mr Cadman	Mr Groom	Mr McLeay	Mr Street
Mr Cairns	Mr Haslem	Sir William McMahon	Mr Thomson
Mr D. M. Cameron	Mr Hodgman	Mr McVeigh	Mr Wilson
Mr E. C. Cameron	Mr Howard	Mr Macphee	Mr Yates
Mr Carlton	Mr Hunt	Mr Millar	<i>Tellers:</i>
Mr Chapman	Mr Hyde	Mr Moore	Mr Corbett
Mr Connolly	Mr Jarman	Mr Neil	Mr Hodges

NOES, 32

Mr Armitage	Mr FitzPatrick	Mr B. O. Jones	Mr West
Dr Blewett	Mr Fry	Mr C. K. Jones	Mr Willis
Mr Bowen	Mr Holding	Mr Keating	Mr Young
Mr J. J. Brown	Mr Howe	Mr J. L. McMahon	
Mr Bryant	Mr Humphreys	Mr Martin	
Dr Cass	Mr Hurford	Mr Morris	
Mr Cohen	Mr Innes	Mr Scholes	<i>Tellers:</i>
Mr Dawkins	Mr James	Mr Stewart	Mr L. K. Johnson
Dr Everingham	Dr Jenkins	Mr Wallis	Mr L. R. Johnson

And so it was resolved in the affirmative.

And the question—That the Bill be now read a second time—being accordingly put—

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

AYES, 70

Mr Adermann	Mr Dean	Mr Johnston	Mr O'Keefe
Mr Aldred	Mr Dobie	Mr Jull	Mr Porter
Mr Baillieu	Dr Edwards	Mr Katter	Mr I. L. Robinson
Mr Baume	Mr Ellicott	Mr Killen	Mr Ruddock
Mr Birney	Mr Falconer	Mr Lloyd	Mr Sainsbury
Mr Bouchier	Mr Fife	Mr Lucock	Mr Shack
Mr Bradfield	Mr Fisher	Mr Lusher	Mr Short
Mr N. A. Brown	Mr Giles	Mr MacKellar	Mr Simon
Mr Bungey	Mr Gillard	Mr MacKenzie	Mr Sinclair
Mr Burns	Mr Goodluck	Mr McLean	Mr Staley
Mr Burr	Mr Graham	Mr McLeay	Mr Street
Mr Cadman	Mr Groom	Sir William McMahon	Mr Thomson
Mr Cairns	Mr Haslem	Mr McVeigh	Mr Wilson
Mr D. M. Cameron	Mr Hodgman	Mr Macphee	Mr Yates
Mr E. C. Cameron	Mr Hunt	Mr Millar	
Mr Carlton	Mr Hyde	Mr Moore	<i>Tellers:</i>
Mr Chapman	Mr Jarman	Mr Neil	Mr Corbett
Mr Connolly	Mr P. F. Johnson	Mr Newman	Mr Hodges

NOES, 33

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Wallis
Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr Bowen	Mr Fry	Mr C. K. Jones	Mr Willis
Mr J. J. Brown	Mr Holding	Mr Keating	Mr Young
Mr Bryant	Mr Howe	Mr J. L. McMahon	
Mr Calder	Mr Humphreys	Mr Martin	
Dr Cass	Mr Hurford	Mr Morris	<i>Tellers:</i>
Mr Cohen	Mr Innes	Mr Scholes	Mr L. K. Johnson
Mr Dawkins	Mr James	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.

In the committee

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6—

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

- “6. (1) The Supervising Scientist has power to do all things that are necessary or convenient to be done for, or in connexion with, ^{Powers of Supervising Scientist} the performance of his functions.
- (2) Any recommendations for action shall be made in writing to the Minister, who shall, as soon as practicable after he has received them, cause the recommendations to be laid before both Houses of Parliament.
- (3) Either House of Parliament, within 15 sitting days after the recommendations have been laid before that House, may, in pursuance of a motion upon notice, pass a resolution disallowing the recommendations for action.
- (4) If neither House of the Parliament passes a resolution in accordance with sub-section (3) disallowing the recommendations for action, the recommendations for action become a mandatory requirement from the day immediately following the last day upon which such a resolution could have been passed by either House.
- (5) If, at the expiration of 15 sitting days after notice of a motion to disallow an order, either wholly or in so far as it related to a part of the code or of the variations of a code approved by the order, has been given in a House of the Parliament, being notice given within 15 sitting days after a copy of the order has been laid before that House—
- (a) the notice has not been withdrawn and the motion has not been called on; or
- (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,
- this Act has effect as if the order had been made, or as if that part of the code or of the variations of the code had been approved by the order, as the case requires.”

Debate continued.

Question—That the clause proposed to be omitted stand part of the Bill—put and passed.

Clauses 7 to 17, by leave, taken together, and agreed to.

Clause 18—

Mr Cohen moved the following amendment: Page 8, after sub-clause (2) insert the following sub-clause:

- “(2A) The list to be prepared by the Minister under sub-section (2) shall include—
- (a) the Australian Academy of Science;
- (b) the Australian Conservation Foundation;
- (c) the Australian Institute of Aboriginal Studies;
- (d) the Northern Land Council; and
- (e) the Northern Territory Environment Council.”

Debate continued.

Amendment negatived.

Clause agreed to.

Clauses 19 to 30, by leave, taken together, and agreed to.

Clause 31 debated and agreed to.

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

Bill to be reported without amendment.

The House resumed; Mr Millar reported accordingly.

On the motion of Mr Groom (Minister for Environment, Housing and Community Development), the House adopted the report, and, by leave, the Bill was read a third time.

18 NATIONAL PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 1978: 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 Cohen who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the second reading of this Bill the House (a) opposes mining in the catchment area of the Alligator Rivers, portion of which is within the proposed boundaries of the Kakadu National Park and (b) urges the Government to proceed forthwith to acquire the Goodparla and Gimbat pastoral leases”.

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

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

AYES, 69

Mr Adermann	Mr Dobie	Mr Johnston	Mr Porter
Mr Aldred	Mr Drummond	Mr Jull	Mr I. L. Robinson
Mr Baume	Dr Edwards	Mr Katter	Mr Ruddock
Mr Bouchier	Mr Ellicott	Mr Lloyd	Mr Sainsbury
Mr Bradfield	Mr Falconer	Mr Lucock	Mr Shack
Mr N. A. Brown	Mr Fife	Mr Lusher	Mr Short
Mr Bungey	Mr Fisher	Mr MacKellar	Mr Simon
Mr Burns	Mr Giles	Mr MacKenzie	Mr Sinclair
Mr Burr	Mr Gillard	Mr McLean	Mr Staley
Mr Cadman	Mr Graham	Mr McLeay	Mr Street
Mr Cairns	Mr Groom	Sir William McMahan	Mr Thomson
Mr Calder	Mr Haslem	Mr McVeigh	Mr Wilson
Mr D. M. Cameron	Mr Hodgman	Mr Macphee	Mr Yates
Mr E. C. Cameron	Mr Howard	Mr Millar	
Mr Carlton	Mr Hunt	Mr Moore	
Mr Chapman	Mr Hyde	Mr Neil	<i>Tellers:</i>
Mr Connolly	Mr Jarman	Mr Newman	Mr Corbett
Mr Dean	Mr P. F. Johnson	Mr O’Keefe	Mr Hodges

NOES, 30

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Wallis
Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr Bowen	Mr Fry	Mr C. K. Jones	Mr Willis
Mr J. J. Brown	Mr Holding	Dr Klugman	Mr Young
Mr Bryant	Mr Howe	Mr J. L. McMahon	
Dr Cass	Mr Humphreys	Mr Morris	<i>Tellers:</i>
Mr Cohen	Mr Innes	Mr Scholes	Mr L. K. Johnson
Mr Dawkins	Mr James	Mr Stewart	Mr L. R. Johnson

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

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

Clause 5—

Dr Everingham moved the following amendment: Page 3, lines 17 and 18, omit proposed paragraph (aa).

Debate continued.

Amendment negatived.

Clause further debated and agreed to.

Clause 6—

Dr Everingham moved the following amendment: Page 7, after sub-section (2) of proposed section 8C insert the following sub-section:

“(2A) A township shall not be established or developed by the Director on Aboriginal land except after consultation with the Aboriginal Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* for the area in which the land is situated.”.

Amendment negatived.

Clause agreed to.

Clause 7—

Dr Everingham moved the following amendment: Page 8, line 23, omit “may”, substitute “shall”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 8 agreed to.

Clause 9—

On the motion of Mr Groom (Minister for Environment, Housing and Community Development), by leave, the following amendments were made together:

Page 9, lines 28 and 29, omit “and substituting ‘general’”.

Page 10, lines 5 to 39, omit paragraphs (g), (h) and (j), substitute the following word and paragraph:

“and (g) by omitting sub-sections (13) to (16) (inclusive) and substituting the following sub-sections:

‘(13) Subject to sub-section (20)—

(a) in a case where the Minister is satisfied that, in relation to a plan of management in respect of a park or reserve wholly or partly within a prescribed area, there is a substantial difference of opinion between the relevant Chairman and the Director, the Minister shall refer the plan to the Director, together with his suggestions, for further consideration; or

(b) in any other case, the Minister may—

(i) accept the plan of management as submitted under sub-section (12); or

(ii) refer it to the Director, together with his suggestions, for further consideration.

‘(14) Where, under sub-section (13), the Minister refers to the Director the plan of management in respect of a park or reserve wholly or partly within a prescribed area, he shall cause a copy of his suggestions referred to the Director with the plan to be served on the relevant Chairman, and the Chairman may, within the period of 14 days after receiving a copy of the suggestions, make representations to the Director in connexion with the suggestions.

‘(15) Where the plan of management has been referred to the Director under sub-section (13), the Director shall, as soon as practicable after receipt of the plan or, in a case to which sub-section (14) applies, after the expiration of the period referred to in that sub-section, give further consideration to the plan, having regard to the suggestions of the Minister and any representations received under sub-section (14), and again submit the plan, with or without alterations, to the Minister, together with—

(a) his comments on the suggestions of the Minister; and

(b) a copy of any representations received under sub-section (14), together with his comments on those representations.

‘(16) Where, under sub-section (15), the Director submits a plan of management, with or without alterations, to the Minister and the

plan is in respect of a park or reserve wholly or partly within a prescribed area, the Director shall, not later than the date on which the plan is so submitted to the Minister, serve on the relevant Chairman copies of the plan and of any comments and representations submitted to the Minister under sub-section (15), and the Chairman may, within the period of 14 days after receiving the copies, submit to the Minister representations in connexion with the plan.

'(17) Where the Minister receives representations under sub-section (16) and he is satisfied that there is a substantial difference of opinion between the relevant Chairman and the Director in relation to the plan of management, the Minister may appoint a person (being a person whom the Minister considers to be suitably qualified and in a position to deal with the matter impartially) to inquire into the matter.

'(18) A person appointed under sub-section (17) shall inquire into the matter and submit a report, together with his recommendations, to the Minister.

'(19) Subject to sub-section (20), as soon as practicable after the plan of management is submitted to the Minister under sub-section (15) or, in a case to which sub-section (16) applies, after the expiration of the period referred to in that sub-section, the Minister shall accept the plan as so submitted or, if he is of the opinion that the plan as so submitted should be altered, the plan as so submitted and altered by him in such manner as he thinks fit.

'(20) The Minister shall not take any action—

- (a) under sub-section (13)—except after giving due consideration to any representations or comments submitted to him under sub-section (12); or
- (b) under sub-section (19)—except after giving due consideration to any representations or comments submitted to him under sub-section (15) or (16), and to any report and recommendations submitted to him under sub-section (18).

'(21) When a plan of management is laid before both Houses of Parliament under section 12, the Minister shall cause the plan to be accompanied by—

- (a) copies of any representations and comments, and of any report and recommendations, submitted to him under this section in connexion with the plan, other than those that have been given effect to in the plan; and
- (b) in a case where he has made alterations to the plan under sub-section (19)—a report specifying the alterations and setting out any views expressed by the Director, and, in the case of a plan of management in respect of a park or reserve wholly or partly within a prescribed area, by the relevant Chairman, in respect of matters to which the alterations relate.

'(22) In this section—

“prescribed area” means an area wholly or partly within the Region, being an area for which an Aboriginal Land Council has been established under the *Aboriginal Land Rights (Northern Territory) Act 1976*;

“relevant Chairman”, in relation to a prescribed area, means the Chairman of the Aboriginal Land Council for the area;

“traditional Aboriginal owners” has the same meaning as in the *Aboriginal Land Rights (Northern Territory) Act 1976*.’.”.

Clause, as amended, agreed to.

Clause 10—

On the motion of Mr Groom, the following amendment was made: Page 11, lines 9–11, omit all words after “shall” to the end of proposed sub-section (2), substitute “appoint a person (being a person whom he considers to be suitably qualified and in a position to deal with the matter impartially) to inquire into the matter”.

Dr Everingham moved the following further amendment: Page 11, line 17, omit “he thinks fit”, substitute “he thinks necessary to ensure that the Director complies with the plan of management”.

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Clauses 11 and 12, by leave, taken together, and agreed to.

Clause 13—

Dr Everingham moved the following amendment: Page 12, lines 22-25, omit sub-section (3) of proposed section 17A.

Debate continued.

Amendment negatived.

Dr Everingham moved the following amendment: Page 13, lines 12–15, omit sub-section (4) of proposed section 17c.

Debate continued.

Amendment negatived.

Clause agreed to.

Clauses 14 and 15, by leave, taken together, and agreed to.

Clause 16 debated and agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.

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

19 ENVIRONMENT PROTECTION (NUCLEAR CODES) BILL 1978: 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 Cohen who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the House declines to give the Bill a second reading (a) until the Minister initiates consultations and provides all necessary material to relevant Ministers of all States and the Northern Territory on the hazards and dangers associated with uranium mining and nuclear activities and (b) until such time as any State Government determines that it is safe to mine uranium and that proper international safeguards exist, no action should be initiated by the Commonwealth to make provision to enable mining to take place within that State or Territory”.

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

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

AYES, 65

Mr Adermann	Mr Chapman	Mr P. F. Johnson	Mr I. L. Robinson
Mr Aldred	Mr Connolly	Mr Johnston	Mr Ruddock
Mr Anthony	Mr Dean	Mr Jull	Mr Sainsbury
Mr Baume	Mr Dobie	Mr Katter	Mr Shack
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Short
Mr Bradfield	Dr Edwards	Mr Lusher	Mr Simon
Mr Braithwaite	Mr Fife	Mr MacKellar	Mr Sinclair
Mr N. A. Brown	Mr Fisher	Mr MacKenzie	Mr Staley
Mr Bungey	Mr Gillard	Mr McLean	Mr Street
Mr Burns	Mr Graham	Mr McLeay	Mr Thomson
Mr Burr	Mr Groom	Mr McVeigh	Mr Wilson
Mr Cadman	Mr Haslem	Mr Macphee	Mr Yates
Mr Cairns	Mr Hodgman	Mr Millar	
Mr Calder	Mr Howard	Mr Neil	
Mr D. M. Cameron	Mr Hunt	Mr Newman	<i>Tellers:</i>
Mr E. C. Cameron	Mr Hyde	Mr O'Keefe	Mr Corbett
Mr Carlton	Mr Jarman	Mr Porter	Mr Hodges

NOES, 32

Mr Armitage	Mr FitzPatrick	Mr C. K. Jones	Mr West
Dr Blewett	Mr Fry	Mr Keating	Mr Willis
Mr Bowen	Mr Holding	Dr Klugman	Mr Young
Mr J. J. Brown	Mr Howe	Mr J. L. McMahan	
Mr C. R. Cameron	Mr Humphreys	Mr Martin	
Dr Cass	Mr Hurford	Mr Morris	
Mr Cohen	Mr James	Mr Scholes	<i>Tellers:</i>
Mr Dawkins	Dr Jenkins	Mr Stewart	Mr L. K. Johnson
Dr Everingham	Mr B. O. Jones	Mr Wallis	Mr L. R. Johnson

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

Clause 1 agreed to.

Clause 2 debated and agreed to.

Clause 3 debated and agreed to.

Clause 4—

Mr Cohen, by leave, moved the following amendments together:

Page 1, after the definition of "Australia" insert the following definitions:

" 'Chairman' means the Chairman of the Council;

" 'Council' means the Environment Protection (Nuclear Activities) Advisory Council established by this Act;".

Page 2, after the definition of "international organization" insert the following definition: " 'member of the Council' or 'member' includes the Chairman;".

Amendments negatived.

Clause agreed to.

Clauses 5 and 6, by leave, taken together, and agreed to.

Clause 7—

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

"7. (1) The Minister—

- (a) shall cause to be furnished to the appropriate Minister of each State, and to the Minister for the time being administering the *Environment Protection (Impact of Proposals) Act 1974* and, on and after 1 July 1978, to the appropriate Minister for the Northern Territory and shall cause to be published in the *Gazette*—

Minister to furnish proposed codes of practice to States etc.

- (i) proposed codes of practice for regulating or controlling nuclear activities in Australia (including codes of practice to replace existing codes of practice approved by orders under sub-section 8 (1)); and
 - (ii) proposed variations of codes of practice, being codes of practice approved by order under sub-section 8 (1); and
- (b) shall ensure that each Minister to whom a proposed code of practice is furnished under paragraph (a), or a person nominated by the Minister concerned, is afforded an opportunity to consult with the Minister or another Minister, or with a person nominated by the Minister, in relation to the proposed code of practice.

(2) The Minister for the time being administering the *Environment Protection (Impact of Proposals) Act 1974* shall, within 1 month of being furnished with a proposed code of practice, make a direction under sub-section 11 (1) of the Act that an inquiry be conducted in respect of the environmental aspects (if any) of the proposed code, and the provisions of the Act shall apply to that inquiry.

(3) Where the Minister for the time being administering the *Environment Protection (Impact of Proposals) Act 1974* is furnished with a proposed code of practice or a proposed variation of a code and an inquiry is currently in progress under the Act in respect of a proposed code or variation, the Minister may direct that the first-mentioned proposed code or variation be referred to the Commission conducting the inquiry, and the provisions of the Act shall apply as if that Commission was appointed to consider that proposed code or variation.”.

Debate continued.

Question—That the clause proposed to be omitted stand part of the Bill—put and passed.

Proposed new clauses—

Mr Cohen, by leave, moved that the following new clauses be inserted in the Bill:

“7A. There shall be an Environment Protection (Nuclear Activities) Advisory Council
Advisory Council.

“7B. The functions of the Council are—

- (a) to examine, and make recommendations to the Minister with Functions of Council
respect to—
 - (i) proposed codes of practice for regulating and controlling nuclear activities in Australia (including codes to replace existing codes of practices approved by orders under sub-section 17 (1)); and
 - (ii) proposed variations of codes of practice, being codes of practice approved by orders under sub-section 17 (1);
- (b) to keep under review codes of practice approved by orders under sub-section 17 (1) and to propose to the Minister any variations of those codes that the Council considers desirable; and
- (c) to advise the Minister with respect to any other matters relating to the protection of the health and safety of the people of Australia, and the environment, from possible harmful effects associated with nuclear activities in Australia.

“7C. (1) The Council shall consist of—

- (a) a Chairman; and Membership of Council
- (b) not less than 11, or more than 14, other members.

(2) The members of the Council shall be appointed by the Minister and shall hold office on a part-time basis.

(3) A member shall be appointed for such period, not exceeding 3 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

(4) A member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Minister.

(5) No more than one quarter of the members of the Council shall have a direct or indirect pecuniary or professional interest in the promotion of nuclear activities.

(6) Where a member of the Council has or acquires any direct or indirect pecuniary or professional interest in the promotion of nuclear activities, the member shall, to the best of his knowledge, disclose that interest to the Minister.

(7) The Minister shall cause a statement containing details of each interest disclosed to him under sub-section (6) to be published in the *Gazette*.

“7D. (1) The Council shall furnish to the Minister such reports on Reports matters coming within its functions as the Council considers desirable or as the Minister directs.

(2) The Minister shall cause a copy of any report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after receipt of the report by the Minister.

“7E. (1) A member of the Council shall be paid such remuneration Remuneration and allowances of members of Council as is determined by the Remuneration Tribunal, but if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

(2) A member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

“7F. A member of the Council may resign his office by writing under Resignation of member of Council his hand delivered to the Minister.

“7G. (1) The Minister may terminate the appointment of a member Termination of appointment of member of Council of the Council by reason of the misbehaviour, or the physical or mental incapacity, of the member.

(2) If a member of the Council is absent, except with the permission of the Minister, from 3 consecutive meetings of the Council, the Minister shall terminate his appointment.

“7H. (1) The Council shall hold such meetings as are necessary for Meetings of Council the performance of its functions.

(2) Subject to this section, meetings of the Council shall be held at such times and places as the Council from time to time determines.

(3) The Minister or the Chairman may at any time convene a meeting of the Council.

(4) At a meeting of the Council, a majority of the members of the Council constitutes a quorum.

(5) The Chairman shall preside at all meetings of the Council at which he is present.

(6) If the Chairman is not present at a meeting of the Council, the members present shall elect one of their number to preside at the meeting.

(7) Questions arising at a meeting of the Council shall be determined by a majority of the votes of the members present and voting.

(8) The person presiding at a meeting of the Council has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(9) The Council shall cause a record of its proceedings to be kept.

(10) The Council may invite a person to attend a meeting of the Council for the purpose of advising or informing the Council on any matter.

“7I. (1) The Council may, with the approval of the Minister, Committees appoint a committee to furnish advice to the Council in relation to a matter specified in the request.

(2) A committee appointed under sub-section (1) shall consist of such persons, whether members of the Council or not, as the Council, with the approval of the Minister, determines.

(3) Subject to the *Remuneration Tribunals Act 1973*, a member of a committee appointed under sub-section (1) shall be paid such fees and allowances as are prescribed, and shall hold office on such other terms and conditions as the Council, with the approval of the Minister, determines.”

Proposed new clauses negatived.

Clause 8—

Mr Cohen moved the following amendment: Page 3, after sub-clause (1) insert the following sub-clause:

“(1A) The Governor-General shall not make an order under paragraph (1) (a) before the time at which the public inquiry to be held under sub-section 7 (2) or 7 (3) has reported its findings to the Minister for the time being administering the *Environment Protection (Impact of Proposals) Act 1974*.”.

Amendment negatived.

Clause agreed to.

Clauses 9 and 10, by leave, taken together, and agreed to.

Clause 11—

Mr Groom (Minister for Environment, Housing and Community Development) moved the following amendment: Page 7, at the end of the clause add the following sub-clause:

“(10) Until such date as is fixed by Proclamation for the purposes of this sub-section, regulations shall not be made in pursuance of sub-section (1) or (2) for carrying out or giving effect to, or for securing the observance of, a code of practice in any State.”.

Debate continued.

Mr Howe rising to address the committee—

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

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

And the question—That the sub-clause proposed to be added be so added—was put accordingly, and passed.

Clause, as amended, agreed to.

Clause 12 agreed to.

Proposed new Part—

Mr Bowen (Deputy Leader of the Opposition), by leave, moved—That the following new Part IVA (comprising clauses 12A to 12E) be inserted in the Bill:

“PART IVA—ENFORCEMENT AND REMEDIES

“12A. In this Part, ‘the Court’ means the Federal Court of Australia. Definition

“12B. The Court may on the application of the Minister or any Orders of Court
other person, make such orders as it thinks necessary for or in relation
to the enforcement of, or to prevent or restrain the contravention of—

(a) a provision of this Act, including the power of the Governor-General to authorize a Minister to make orders in pursuance of section 13 and the power of a Minister to make orders; and

(b) a provision of a code of practice that has the force of law—

(i) pursuant to a law of the Commonwealth; or

(ii) in a State or Territory pursuant to a regulation made under sub-section 11 (1) or 11 (2).

“12C. (1) A person who suffers loss or damage by conduct of another Person suffering loss or damage
person that was done in contravention of a provision of a code of
practice that has the force of law—

(a) pursuant to a law of the Commonwealth; or

(b) in a State or Territory pursuant to a regulation made under sub-section 11 (1) or 11 (2),

may recover the amount of the loss or damage by action against that other person or against any person involved in the contravention.

(2) An action under sub-section (1) may be commenced at any time within 6 years after the date on which the cause of action accrued unless, in the opinion of the Court, it would be unfair to preclude a person from commencing an action after the expiration of that time.

"12D. In any proceedings arising under this Part, the Court shall not make an order that the costs of the proceedings, or a part of those costs, incurred by the defendant shall be paid by the plaintiff. Costs of proceedings

"12E. Jurisdiction is conferred on the Court to hear and determine actions and other proceedings under this Part and that jurisdiction is exclusive of the jurisdiction of any other court, other than the jurisdiction of the High Court under section 75 of the Constitution." Jurisdiction of Court

Proposed new Part negatived.

Clause 13—

Mr Bowen moved the following amendment: Pages 8 and 9, omit sub-clauses (1) to (5), substitute the following sub-clauses:

"(1) Where a situation exists where the health or safety of persons, or the environment is likely to be harmed by a nuclear activity that exists in a State or Territory and the laws of the Commonwealth (other than this section) and of the State or Territory do not make provision for protecting the health or safety of persons likely to be affected by that situation or for protecting the environment in so far as it is likely to be affected by that situation, the Governor-General may, by order, authorize a Minister, during the period that the order remains in force, to give such directions and take such action as, subject to sub-section (2), are strictly necessary to control and eliminate hazards associated with the situation.

"(2) An order under sub-section (1) may specify terms and conditions to which the authority given by the order is to be subject.

"(3) An order shall only remain in force for such time as is necessary to control the situation which has given rise to the making of the order.

"(4) A person who unreasonably refuses or fails to comply with any direction given by a Minister in pursuance of an order under sub-section (1), or hinders or obstructs the taking of any action in pursuance of such an order, is guilty of an offence and is punishable, upon conviction, by a fine not exceeding \$1,000, or imprisonment for a period not exceeding 6 months, or both."

Debate continued.

Mr Bowen addressing the committee—

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

Question—That the question be now put—put.

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

AYES, 68

Mr Adermann	Mr Connolly	Mr P. F. Johnson	Mr I. L. Robinson
Mr Aldred	Mr Cotter	Mr Johnston	Mr Ruddock
Mr Baillieu	Mr Dean	Mr Jull	Mr Sainsbury
Mr Baume	Mr Dobie	Mr Katter	Mr Shack
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Shipton
Mr Bradfield	Dr Edwards	Mr Lucock	Mr Short
Mr Braithwaite	Mr Ellicott	Mr Lusher	Mr Simon
Mr N. A. Brown	Mr Falconer	Mr MacKenzie	Mr Staley
Mr Bungey	Mr Fife	Mr McLean	Mr Thomson
Mr Burns	Mr Fisher	Mr McLeay	Mr Viner
Mr Burr	Mr Gillard	Mr McVeigh	Mr Wilson
Mr Cadman	Mr Graham	Mr Macphee	Mr Yates
Mr Cairns	Mr Groom	Mr Moore	
Mr Calder	Mr Haslem	Mr Neil	
Mr D. M. Cameron	Mr Hodgman	Mr Newman	
Mr E. C. Cameron	Mr Howard	Mr Nixon	<i>Tellers:</i>
Mr Carlton	Mr Hunt	Mr O'Keefe	Mr Corbett
Mr Chapman	Mr Hyde	Mr Porter	Mr Hodges

NOES, 33

Mr Armitage	Dr Everingham	Mr B. O. Jones	Mr Wallis
Dr Blewett	Mr FitzPatrick	Mr C. K. Jones	Mr West
Mr Bowen	Mr Holding	Mr Keating	Mr Willis
Mr J. J. Brown	Mr Howe	Dr Klugman	Mr Young
Mr Bryant	Mr Humphreys	Mr J. L. McMahon	
Mr C. R. Cameron	Mr Hurford	Mr Martin	
Dr Cass	Mr Innes	Mr Morris	<i>Tellers:</i>
Mr Cohen	Mr James	Mr Scholes	Mr L. K. Johnson
Mr Dawkins	Dr Jenkins	Mr Stewart	Mr L. R. Johnson

And so it was resolved in the affirmative.

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

On the motion of Mr Groom, the following amendment was made: Page 9, at the end of the clause add the following sub-clause:

“(8) Until such date as is fixed by Proclamation for the purposes of this sub-section, directions given by a Minister in pursuance of an order under sub-section (1) do not have effect in a State and a Minister shall not, in pursuance of such an order, take any action in a State.”.

Clause, as amended, agreed to.

Clause 14—

Mr Bowen, by leave, moved the following amendments together:

Page 9, sub-clause (1), omit paragraphs (a) and (b).

Page 10, sub-clause (1), omit paragraph (d).

Page 10, sub-clause (1), omit paragraphs (g) and (h).

Mr Howe addressing the committee—

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

Question—That the question be now put—put.

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

AYES, 68

Mr Adermann	Mr Connolly	Mr P. F. Johnson	Mr I. L. Robinson
Mr Aldred	Mr Cotter	Mr Johnston	Mr Ruddock
Mr Baillieu	Mr Dean	Mr Jull	Mr Sainsbury
Mr Baume	Mr Dobie	Mr Katter	Mr Shack
Mr Bouchier	Mr Drummond	Mr Lloyd	Mr Shipton
Mr Bradfield	Dr Edwards	Mr Lucock	Mr Short
Mr Braithwaite	Mr Ellicott	Mr Lusher	Mr Simon
Mr N. A. Brown	Mr Falconer	Mr MacKellar	Mr Sinclair
Mr Bungey	Mr Fife	Mr MacKenzie	Mr Staley
Mr Burns	Mr Fisher	Mr McLean	Mr Thomson
Mr Burr	Mr Gillard	Mr McLeay	Mr Wilson
Mr Cadman	Mr Graham	Mr McVeigh	Mr Yates
Mr Cairns	Mr Groom	Mr Macphee	
Mr Calder	Mr Haslem	Mr Moore	
Mr D. M. Cameron	Mr Hodgman	Mr Neil	
Mr E. C. Cameron	Mr Howard	Mr Newman	<i>Tellers.</i>
Mr Carlton	Mr Hunt	Mr O'Keefe	Mr Corbett
Mr Chapman	Mr Hyde	Mr Porter	Mr Hodges

NOES, 32

Mr Armitage	Mr FitzPatrick	Mr C. K. Jones	Mr West
Dr Blewett	Mr Holding	Mr Keating	Mr Willis
Mr Bcwen	Mr Howe	Dr Klugman	Mr Young
Mr J. J. Brown	Mr Humphreys	Mr J. L. McMahon	
Mr Bryant	Mr Hurford	Mr Martin	
Dr Cass	Mr Innes	Mr Morris	
Mr Cohen	Mr James	Mr Scholes	<i>Tellers:</i>
Mr Dawkins	Dr Jenkins	Mr Stewart	Mr L. K. Johnson
Dr Everingham	Mr B. O. Jones	Mr Wallis	Mr L. R. Johnson

And so it was resolved in the affirmative.

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

Clause agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.

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

20 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL 1978: 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 Holding addressing the House—

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

Question—That the question be now put—put.

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

AYES, 66

Mr Adermann	Mr Connolly	Mr Hyde	Mr O'Keefe
Mr Aldred	Mr Cotter	Mr P. F. Johnson	Mr Porter
Mr Baillieu	Mr Dean	Mr Johnston	Mr I. L. Robinson
Mr Baume	Mr Dobie	Mr Jull	Mr Ruddock
Mr Bouchier	Mr Drummond	Mr Katter	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Ellicott	Mr Lusher	Mr Shipton
Mr N. A. Brown	Mr Falconer	Mr MacKellar	Mr Short
Mr Bungey	Mr Fife	Mr MacKenzie	Mr Simon
Mr Burns	Mr Fisher	Mr McLean	Mr Sinclair
Mr Burr	Mr Gillard	Mr McLeay	Mr Staley
Mr Cadman	Mr Graham	Mr McVeigh	Mr Wilson
Mr Cairns	Mr Groom	Mr Macphee	Mr Yates
Mr D. M. Cameron	Mr Haslem	Mr Millar	
Mr E. C. Cameron	Mr Hodgman	Mr Moore	<i>Tellers:</i>
Mr Carlton	Mr Howard	Mr Neil	Mr Corbett
Mr Chapman	Mr Hunt	Mr Newman	Mr Hodges

NOES, 31

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Stewart
Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr Wallis
Mr Bowen	Mr Holding	Mr C. K. Jones	Mr West
Mr J. J. Brown	Mr Howe	Mr Keating	Mr Willis
Mr Bryant	Mr Humphreys	Dr Klugman	Mr Young
Dr Cass	Mr Hurford	Mr J. L. McMahon	<i>Tellers:</i>
Mr Cohen	Mr Innes	Mr Morris	Mr L. K. Johnson
Mr Dawkins	Mr James	Mr Scholes	Mr L. R. Johnson

And so it was resolved in the affirmative.

And the question—That the Bill be now read a second time—was put accordingly, and passed—Bill read a second time.

Message from the Governor-General: Message No. 25, dated 10 April 1978, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Mr Fife (Minister for Business and Consumer Affairs) asked leave to move a motion. Objection being raised, leave not granted.

Suspension of standing order 48A and standing order 103: Mr Fife moved—That standing order 48A (Adjournment of House) and standing order 103 (11 o'clock rule) be suspended for this sitting.

Mr Young addressing the House—

Closure: Mr Sinclair (Leader of the House) moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 69

Mr Adermann	Mr Connolly	Mr Jarman	Mr O'Keefe
Mr Aldred	Mr Cotter	Mr P. F. Johnson	Mr Porter
Mr Baillieu	Mr Dean	Mr Johnston	Mr I. L. Robinson
Mr Baume	Mr Dobie	Mr Jull	Mr Ruddock
Mr Bouchier	Mr Drummond	Mr Katter	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Ellicott	Mr Lusher	Mr Shipton
Mr N. A. Brown	Mr Falconer	Mr MacKellar	Mr Short
Mr Bungey	Mr Fife	Mr MacKenzie	Mr Simon
Mr Burns	Mr Fisher	Mr McLean	Mr Sinclair
Mr Burr	Mr Gillard	Mr McLeay	Mr Staley
Mr Cadman	Mr Graham	Mr McVeigh	Mr Wilson
Mr Cairns	Mr Groom	Mr Macphee	Mr Yates
Mr Calder	Mr Haslem	Mr Millar	
Mr D. M. Cameron	Mr Hodgman	Mr Moore	
Mr E. C. Cameron	Mr Howard	Mr Neil	<i>Tellers:</i>
Mr Carlton	Mr Hunt	Mr Newman	Mr Corbett
Mr Chapman	Mr Hyde	Mr Nixon	Mr Hodges

NOES, 31

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Stewart
Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr Wallis
Mr Bowen	Mr Holding	Mr C. K. Jones	Mr West
Mr J. J. Brown	Mr Howe	Mr Keating	Mr Willis
Mr Bryant	Mr Humphreys	Dr Klugman	Mr Young
Dr Cass	Mr Hurford	Mr J. L. McMahon	<i>Tellers:</i>
Mr Cohen	Mr Innes	Mr Morris	Mr L. K. Johnson
Mr Dawkins	Mr James	Mr Scholes	Mr L. R. Johnson

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—was put accordingly, and passed, with the concurrence of an absolute majority.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 7, by leave, taken together, and agreed to.

Clause 8—

Dr Everingham moved the following amendment: Pages 3 and 4, omit proposed sections 12B and 12C.

Question—That the sections proposed to be omitted stand part of the clause—put.

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

AYES, 65

Mr Adermann	Mr Connolly	Mr Hyde	Mr O'Keefe
Mr Aldred	Mr Cotter	Mr Jarman	Mr Porter
Mr Baillieu	Mr Dean	Mr P. F. Johnson	Mr I. L. Robinson
Mr Baume	Mr Dobie	Mr Johnston	Mr Ruddock
Mr Bouchier	Mr Drummond	Mr Jull	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Katter	Mr Shack
Mr Braithwaite	Mr Ellicott	Mr Lloyd	Mr Shipton
Mr N. A. Brown	Mr Falconer	Mr Lusher	Mr Short
Mr Bungey	Mr Fife	Mr MacKellar	Mr Sinclair
Mr Burns	Mr Fisher	Mr MacKenzie	Mr Staley
Mr Burr	Mr Gillard	Mr McLean	Mr Wilson
Mr Cadman	Mr Graham	Mr McLeay	Mr Yates
Mr Calder	Mr Groom	Mr McVeigh	
Mr D. M. Cameron	Mr Haslem	Mr Macphee	
Mr E. C. Cameron	Mr Hodgman	Mr Moore	<i>Tellers:</i>
Mr Carlton	Mr Howard	Mr Neil	Mr Corbett
Mr Chapman	Mr Hunt	Mr Newman	Mr Hodges

NOES, 28

Mr Armitage	Mr Holding	Mr Keating	Mr Willis
Mr Bowen	Mr Howe	Dr Klugman	Mr Young
Mr J. J. Brown	Mr Humphreys	Mr J. L. McMahon	
Dr Cass	Mr Hurford	Mr Martin	
Mr Cohen	Mr Innes	Mr Morris	
Mr Dawkins	Mr James	Mr Stewart	<i>Tellers:</i>
Dr Everingham	Mr B. O. Jones	Mr Wallis	Mr L. K. Johnson
Mr FitzPatrick	Mr C. K. Jones	Mr West	Mr L. R. Johnson

And so it was resolved in the affirmative.

Clause agreed to.

Clauses 9 and 10, by leave, taken together, and agreed to.

Clause 11—

Dr Everingham moved the following amendment: Pages 7 and 8, omit proposed section 23E.

Question—That the section proposed to be omitted stand part of the clause—put.
The committee divided (the Chairman, Mr Millar, in the Chair)—

AYES, 66

Mr Adermann	Mr Connolly	Mr Hyde	Mr O'Keefe
Mr Aldred	Mr Cotter	Mr Jarman	Mr Porter
Mr Baillieu	Mr Dean	Mr P. F. Johnson	Mr I. L. Robinson
Mr Baume	Mr Dobie	Mr Johnston	Mr Ruddock
Mr Bourchier	Mr Drummond	Mr Jull	Mr Sainsbury
Mr Bradfield	Dr Edwards	Mr Katter	Mr Shack
Mr Braithwaite	Mr Ellicott	Mr Lloyd	Mr Shipton
Mr N. A. Brown	Mr Falconer	Mr Lusher	Mr Short
Mr Bungey	Mr Fife	Mr MacKellar	Mr Simon
Mr Burns	Mr Fisher	Mr MacKenzie	Mr Sinclair
Mr Burr	Mr Gillard	Mr McLean	Mr Staley
Mr Cadman	Mr Graham	Mr McLeay	Mr Wilson
Mr Calder	Mr Groom	Mr McVeigh	Mr Yates
Mr D. M. Cameron	Mr Haslem	Mr Macphee	
Mr E. C. Cameron	Mr Hodgman	Mr Moore	<i>Tellers:</i>
Mr Carlton	Mr Howard	Mr Neil	Mr Corbett
Mr Chapman	Mr Hunt	Mr Newman	Mr Hodges

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Mr Armitage	Mr FitzPatrick	Mr C. K. Jones	Mr Willis
Dr Blewett	Mr Holding	Dr Klugman	Mr Young
Mr Bowen	Mr Howe	Mr J. L. McMahon	
Mr J. J. Brown	Mr Humphreys	Mr Martin	
Dr Cass	Mr Hurford	Mr Morris	
Mr Cohen	Mr Innes	Mr Stewart	<i>Tellers:</i>
Mr Dawkins	Mr James	Mr Wallis	Mr L. K. Johnson
Dr Everingham	Mr B. O. Jones	Mr West	Mr L. R. Johnson

And so it was resolved in the affirmative.

Clause agreed to.

Proposed new clause—

Dr Everingham moved—That the following new clause be inserted in the Bill:

“11A. Section 42 of the Principal Act is amended by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections: Proclamations to be laid before Houses of Parliament

‘(2) If a Proclamation referred to in paragraph 40 (1) (b) or 41 (1) (b) is not laid before each House of the Parliament within 15 sitting days of that House after the making of the Proclamation, this Act has effect, and shall be deemed to have had effect, as if the Proclamation had not been made.

‘(3) If either House of the Parliament, in pursuance of a motion of which notice has been given, within 15 sitting days after a copy of a Proclamation has been laid before that House, passes a resolution disallowing the Proclamation, this Act has effect, and shall be deemed to have had effect, as if the Proclamation had not been made.

‘(4) If, at the expiration of 15 sitting days after notice of a motion to disallow a Proclamation has been given in a House of the Parliament, being notice given within 15 sitting days after a copy of the Proclamation has been laid before that House—

(a) the Proclamation has not been withdrawn and the motion has not been called on; or

(b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

this Act has effect, and shall be deemed to have had effect as if the Proclamation had not been made.

‘(5) If, before the expiration of 15 sitting days after notice of a motion to disallow a Proclamation has been given in a House of the Parliament—

(a) that House is dissolved or, being the House of Representatives, expires or the Parliament is prorogued; and

(b) at the time of the dissolution, expiry or prorogation, as the case may be—

(i) the notice has not been withdrawn and the motion has not been called on; or

(ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of, the copy of the Proclamation shall, for the purposes of sub-sections (3) and (4), be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.'".

Debate ensued.

Proposed new clause negatived.

Clause 12 agreed to.

New clause—

On the motion of Mr Groom (Minister for Environment, Housing and Community Development), the following new clause was inserted in the Bill:

"12A. Section 46 of the Principal Act is amended by omitting from sub-section (1) all the words after 'Commonwealth, as the case may be,' Arbitration on required agreement (second occurring) and substituting 'for the purposes of sub-section 43 (2) or 44 (2), as the case may be'."

Clauses 13 to 26, by leave, taken together, and agreed to.

Schedule 1—

On the motion of Mr Groom, the following amendment was made: Page 11, omit all the words of the description of land set out under the heading "ALLIGATOR RIVERS (NO. 2)", substitute—

"All that piece of land in the Northern Territory of Australia containing an area of 390 square kilometres more or less and bounded by a line commencing at the northwestern corner of Pastoral Lease 739 (Mudginberri); thence southerly by part of the western boundary of the said Pastoral Lease to the northeastern corner of Pastoral Lease 737 (Munmarlary); thence northwesterly by a line from the said corner of the said Pastoral Lease to the intersection of the parallel of south latitude 12 degrees 5 minutes 30 seconds with the meridian of east longitude 132 degrees 33 minutes 28 seconds; thence northwesterly by the northwesterly prolongation of the said line to its intersection with the sea coast of Van Diemen Gulf at Point Farewell; thence by the said seacoast and the left bank of the East Alligator River to its intersection with the northern boundary of Pastoral Lease 739 (Mudginberri); thence westerly by the northern boundary of the said Pastoral Lease to the point of commencement."

Schedule, as amended, agreed to.

Schedule 2—

On the motion of Mr Groom, by leave, the following amendments were made together:

Page 11, insert "Firstly," before "All", being the first word in the description of land set out under the heading "ALLIGATOR RIVERS AREA (NO. 3)".

Page 12, omit—

"thence northeasterly by a line to the southwestern corner of Reserve No. 1227 (Woolwonga Aboriginal Reserve) as notified in *Commonwealth of Australia Gazette* No. 60 of 4 July 1968; thence generally northerly and easterly by the western and northern boundaries of the said Reserve to the northeastern corner of the said Reserve; thence easterly by part of the southern boundary of Pastoral Lease 739 (Mudginberri) to its intersection with the meridian of each longitude 132 degrees 53 minutes;".

substitute—

"thence northeasterly by a line to the intersection of the right bank of the South Alligator River with the westerly prolongation of a surveyed line as shown on Survey Plan A.913 lodged with the Surveyor-General for the Northern Territory; thence generally northerly by the right bank of the South Alligator River to the southwestern corner of Pastoral Lease 737 (Munmarlary); thence easterly by the southern boundary of the said Pastoral Lease and part of the southern boundary of Pastoral Lease 739 (Mudginberri) to the meridian of east longitude 132 degrees 53 minutes;".

Page 12, add to the schedule—

“Secondly, all that piece of land in the Northern Territory of Australia containing an area of 324 square kilometres more or less bounded by lines described as follows: Commencing at the most eastern northeastern corner of Pastoral Lease 668 (Gimbat); thence westerly and northerly by northern and eastern boundaries of the said Pastoral Lease to the most northern northeastern corner of the said Pastoral Lease; thence easterly by the easterly prolongation of the most northern boundary of Pastoral Lease 668 (Gimbat) to its intersection with the meridian of east longitude 133 degrees; thence south to the point of commencement.”.

Schedule, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr Millar reported accordingly.

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

21 ENVIRONMENT PROTECTION (NORTHERN TERRITORY SUPREME COURT) BILL 1978: 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.

Mr Bowen (Deputy Leader of the Opposition), by leave, moved the following amendments together:

Amendments—

Clause 3, page 2, after the definition of “requirement” insert the following definition:

“ ‘Supervising Scientist’ means the Supervising Scientist as defined in the *Environment Protection (Alligator Rivers Region) Act 1978*;”.

Clause 4—

Pages 2 and 3, sub-clause (1), omit “at the suit of the Director or of a Land Council, to make orders for or in relation to the enforcement, in relation to uranium mining operations in the Alligator Rivers Region,” substitute “at the suit of the Director, the Supervising Scientist, a Land Council or any person or persons whose interests are affected by uranium mining operations in the Alligator Rivers Region, to make orders for or in relation to the enforcement, in relation to uranium mining operations in the Region.”.

Page 3, after sub-clause (1) insert the following sub-clauses:

“(1A) An organisation of persons, whether incorporated or not, shall be taken to have interests that are affected by uranium mining operations in the Region if concern with the environment in the Region is a matter included in the objects or purposes of the organisation or association.

“(1B) Sub-section (1A) does not apply in relation to a particular happening, incident or transaction occurring as part of uranium mining operations in the Region if the matter occurred before the organisation or association was formed or before the objects or purposes of the association included concern with the environment in the Region.”.

Clause 6, page 4, line 2, after “Director,” insert “the Supervising Scientist.”.

Proposed new clause—

Page 4, after clause 6 add the following new clause:

“7. In any proceedings before the Court arising under this Act, the Court shall not make an order that the costs of the proceedings incurred by the defendant or a part of those costs shall be paid by the plaintiff.”.

Costs of
proceedings

Debate continued.
Amendments negatived.
Bill agreed to.
Bill to be reported without amendment.

The House resumed; Mr Millar reported accordingly.
On the motion of Mr Groom (Minister for Environment, Housing and Community Development), the House adopted the report, and, by leave, the Bill was read a third time.

22 ADJOURNMENT: Mr Fife (Minister for Business and Consumer Affairs) moved—That the House do now adjourn.
Question—put and passed.

And then the House, at 11.11 p.m., adjourned until tomorrow at 10 a.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Garland, Mr Lynch, Mr Martyr, Mr E. L. Robinson and Mr Whitlam.

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