

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 65

TUESDAY, 7 NOVEMBER 1978

1 The House met, at 3 p.m., according to the terms of the resolution of 26 October last. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.

2 **DISTINGUISHED VISITORS:** Mr Speaker informed the House that the Honourable Mosesa Qionibaravi, M.P., Speaker of the House of Representatives of Fiji, was within the precincts. With the concurrence of Members, the distinguished visitor was provided with a seat on the floor of the House.

Mr Speaker then informed the House that Mr Qionibaravi was accompanied by the Honourable Ratu William Toganivalu, M.P., Minister of State for Information, and the Honourable D. Santa Singh, M.P., who were present in the gallery. On behalf of the House, Mr Speaker extended to the visitors a warm welcome.

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

Mr Cadman, Mr Dobie, Mr Fife, Mr Garland, Mr Howard, Mr Lucock, Mr McLean, Mr Martin and Mr Stewart—from certain citizens praying for the prohibition of pornographic material involving children.

Mr Anthony, Mr Carlton, Mr Ruddock and Mr Uren—from certain citizens praying for the award of a medal to members of the World War II *Jaywick* and *Rimau* commando expeditions.

Mr Bourchier, Mr Fife, Mr Hunt and Mr Street—from certain citizens praying that items which currently permit benefits for abortion be removed from the Standard Medical Benefits Table and that other funding of medical benefits schemes for the same purpose cease.

Mr N. A. Brown, Mr Burns, Mr Holding and Mr Staley—from certain citizens praying that the Medical Benefits Schedule be amended to preclude payment of benefits for abortions.

Mr Anthony, Mr Holding and Mr I. L. Robinson—from certain citizens praying for the rejection of any legislation introducing annual adjustments of pension rates.

Mr Uren and Mr Young—from certain citizens praying for the replacement of the 1978-79 Budget by a budget which increases the level of economic activity, lowers unemployment, assists the disadvantaged and revives business and consumer confidence.

Mr Aldred—from certain citizens praying that Radio 3CR Melbourne be required to adhere to the broadcasting standards laid down for all other radio stations and that legislation be enacted against incitement to racial hatred and violence.

Mr Falconer—from certain citizens praying that a commitment be made to reduce unemployment progressively.

- Mr Gillard—from certain citizens praying that no measures be taken to implement those recommendations of the Royal Commission on Human Relationships that will further undermine and weaken marriage, child-care or the family.
- Mr Humphreys—from certain citizens praying that pensions be increased twice yearly in line with rises in the consumer price index.
- Mr Hunt—from certain citizens praying that item 6469 on the Medical Benefits Schedule be maintained.
- Mr L. R. Johnson—from certain residents of the Electoral Division of Hughes praying that support be given to the general business motion of the honourable Member for Hume concerning medical benefits for abortion.
- Mr L. R. Johnson—from certain citizens praying that the decision to index pensions annually be reviewed and that all pensions be adjusted quarterly.
- Mr L. R. Johnson—from certain citizens praying for the provision of funds for the construction and maintenance of an aged persons complex in the Electoral Division of Hughes.
- Mr L. R. Johnson—from certain citizens praying that an additional reactor not be constructed at the Australian Atomic Energy Establishment at Lucas Heights, N.S.W.
- Mr B. O. Jones—from certain citizens praying that the Parliament debate the Report of the Royal Commission on Human Relationships, facilitate public debate and take certain other action in connection with the Report.
- Mr Kerin—from certain citizens praying that the decision not to proceed with the Vocational Employment Training Scheme at Green Valley, N.S.W., be reversed and that funds be provided for further vocational employment training schemes in high unemployment areas.
- Mr MacKenzie—from certain citizens praying for a halt in the automation of rural telephone exchanges pending a Parliamentary inquiry.
- Mr Millar—from certain citizens praying that the unofficial post office on the Elliott Heads Road, Kepnock, Bundaberg, Qld be retained.
- Mr Ruddock—from certain citizens praying that all officially planned visits to the U.S.S.R. be cancelled until Dr Yuri Orloff is released.
- Mr Ruddock—from certain citizens praying that diplomatic action be taken to secure permission for Igor Ogurtsov, Michael Sado and Vladimir Osipov to migrate from the U.S.S.R.
- Mr Staley—from certain citizens praying that Aboriginal land rights in the States be recognised in a manner similar to their recognition in the Northern Territory and that certain other action be taken in connection with Aboriginal and Torres Strait Islander affairs in Queensland.
- Mr Uren—from certain citizens praying that proposed changes to Medibank not be implemented and that there be consultation with the trade unions and the community.
- Mr Young—from the Parks Community Residents Committee Incorporated, Adelaide, praying for the provision of funds to complete, furnish and fit the Parks Community Centre.

Petitions received.

4 MINISTERIAL ARRANGEMENTS: Mr Fraser (Prime Minister) informed the House that, during the absence abroad of Mr Adermann (Minister for Veterans' Affairs), Mr Garland (Minister for Special Trade Representations) was acting as Minister for Veterans' Affairs and was representing the Minister for Science in this House.

5 QUESTIONS: Questions without notice were asked.

6 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Australian Wine Board—Interim report, for year 1977–78.

Commonwealth cars—Copy of letter, dated 7 November 1978, from Senator Chaney (Minister for Administrative Services) to Mr Armitage (Member for Chifley), concerning the use of Commonwealth cars by persons authorised by the Minister for Primary Industry.

Department of Health—Report of Director-General of Health, for year 1977–78.

Loan Council financing of development projects—Statement by Mr Fraser (Prime Minister), dated 6 November 1978, with attachments.

National Highway linking Hobart, Launceston and Burnie: Appraisal of Penguin to Burnie section, 1978—Report by Bureau of Transport Economics, Department of Transport, dated June 1978.

Snowy Mountains Council—20th Annual Report, for year 1977–78.

Pursuant to statute:

Anglo-Australian Telescope Agreement Act—Anglo-Australian Telescope Board—Report and financial statements, together with the Auditor-General's Report, for year 1976–77.

Chicken Meat Research Act—Australian Chicken Meat Research Committee—Annual Reports for years—

1975–76 (7th).

1976–77 (8th).

1977–78 (9th).

Commonwealth Grants Commission Act—Commonwealth Grants Commission—45th Report (1978) on special assistance for States.

Industries Assistance Commission Act—Industries Assistance Commission—Report for year 1977–78, accompanied by a statement by the Minister pursuant to sub-section 45 (5) of the Act.

Metric Conversion Act—Metric Conversion Board—8th Annual Report, for year 1977–78, together with Report by the Minister on the operation of the Act.

National Fitness Act—Reports for years—

1975–76.

1976–77.

7 RANGER URANIUM PROJECT—AGREEMENT BETWEEN THE COMMONWEALTH AND THE NORTHERN LAND COUNCIL—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS: Mr Viner (Minister for Aboriginal Affairs), by command of His Excellency the Governor-General, presented the following paper:

Ranger uranium project—Agreement, under section 44 of the *Aboriginal Land Rights (Northern Territory) Act* 1976, between the Commonwealth of Australia and the Northern Land Council, dated 3 November 1978, with annexures.

Mr Viner, by leave, made a ministerial statement in connection with the paper, and, by command of His Excellency the Governor-General, presented the following paper:

Ranger uranium project—Agreement between the Commonwealth of Australia and the Northern Land Council—Ministerial statement, 7 November 1978.

Mr Groom (Minister for Environment, Housing and Community Development) moved—That the House take note of the papers.

Debate ensued.

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

- 8 KAKADU NATIONAL PARK—AGREEMENT AND MEMORANDA OF LEASES—PAPERS AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS: Mr Groom (Minister for Environment, Housing and Community Development), by command of His Excellency the Governor-General, presented the following papers:

Kakadu National Park—

Agreement between the Northern Land Council and the Director of National Parks and Wildlife, dated 3 November 1978.

Memoranda of leases (3), dated 3 November 1978.

Mr Groom, by leave, made a ministerial statement in connection with the papers, and, by command of His Excellency the Governor-General, presented the following paper: Kakadu National Park—Agreement and leases—Ministerial statement, 7 November 1978.

Mr Viner (Minister for Aboriginal Affairs) moved—That the House take note of the papers.

Debate ensued.

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

- 9 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

26 October 1978—Message No. 83—

Social Services Amendment 1978.

Repatriation Acts Amendment 1978.

31 October 1978—Message—

No. 84—

Trade Marks Amendment 1978.

Patents Amendment 1978.

No. 85—

National Health Amendment (No. 2) 1978.

Health Insurance Amendment (No. 2) 1978.

Health Insurance Commission Amendment 1978.

- 10 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WAGES POLICY: Mr Deputy Speaker informed the House that both Mr Willis and Mr E. C. Cameron had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, Mr Speaker had given priority to the matter proposed by Mr Willis, namely, “The Government’s continuing policy of reducing the real level of wages”.

The proposed discussion having received the necessary support—

Mr Willis addressed the House.

Discussion ensued.

Discussion concluded.

- 11 EXPORT EXPANSION GRANTS BILL 1978: The order of the day having been read for the consideration of the report of the legislation committee—

SCHEDULE OF THE AMENDMENTS MADE IN LEGISLATION COMMITTEE

- (1) Clause 3, page 4, lines 26–31, omit sub-clause (4), substitute the following sub-clause:

“(4) For the purposes of this Act, a person shall be taken to have sold eligible goods if, and only if, the Board is satisfied that, under the contract of sale, the goods are clearly sold for export and are exported.”.

- (2) Clause 5, page 5, after sub-clause (2), insert the following sub-clause:
- “(2A) For the purposes of paragraph (1) (a)—
- (a) the date of export of goods exported under a bill of lading shall be deemed to be—
 - (i) the date shown on the bill of lading; or
 - (ii) the date on which they are received for shipment at the port or airport of export,
 whichever is the earlier;
 - (b) the date of export of goods sold as stores for use on ships or aircraft that are intended to leave Australia shall be deemed to be the date of the sale; and
 - (c) the date of export of any other goods shall be deemed to be the date on which they are received for shipment at the port or airport of export.”
- (3) Clause 8, page 7, lines 17 and 18, omit paragraphs (c) and (d), substitute the following paragraphs:
- “(c) a company which is incorporated in Australia, or which, not being incorporated in Australia, carries on business in Australia and is declared by the Minister, on the advice of the Board, by writing signed by him, to be a company to which this paragraph applies; or
- “(d) a partnership which carries on business in Australia and exists by virtue of the law of a State or Territory.”
- (4) Clause 16, page 9, lines 13–29, omit sub-clauses (1) and (2), substitute the following sub-clause:
- “16. (1) Where the Board is of the opinion that an act or thing ^{Adjustment} (including the making of an agreement, arrangement or payment, ^{of amounts} forming of a corporation or partnership or the distribution of income or activities as between different persons or different years) has been done that, if the powers of the Board under this section were not exercised, would result in an increase in the total of the amounts paid as grants without there being a corresponding increase in the total of the amounts of the export earnings of persons in the grant years, the Board, to the extent that it thinks it necessary to do so to prevent or limit that result, may, for the purposes of this Act, disregard or adjust all or any of the following amounts, that is to say, the amount of the export earnings, the amount of the export earnings increment, or the amount of the incentive grant entitlement, of a claimant for a year, being an amount that, in the opinion of the Board, has been affected by, or is an amount of anything resulting from, that act or thing.”
- (5) Clause 17, page 10, line 19, after “that” insert “, on or after a date to be fixed by Proclamation,”.
- (6) Clause 18, page 10, line 30, omit “6 months”, substitute “2 years, or both”.
- (7) Clause 18, page 10, add the following sub-clauses:
- “(3) An offence against sub-section (1) may be prosecuted upon indictment or, subject to sub-section (4), summarily, but an offender is not liable to be punished more than once in respect of the same offence.
- “(4) Where a person is charged with an offence against sub-section (1), a court of summary jurisdiction may, with the consent of the defendant and of the prosecutor and if the court is satisfied that it is proper to do so, determine the charge summarily.
- “(5) Where a court of summary jurisdiction determines a charge summarily in accordance with sub-section (4), it shall not—
- (a) where the defendant is a corporation—impose a fine exceeding \$4,000; or
 - (b) in any other case—impose a fine exceeding \$2,000 or sentence the defendant to imprisonment for a period exceeding 1 year.”.

On the motion of Mr Garland (Minister Assisting the Minister for Trade and Resources) the following amendment was made to the Bill, after debate: Clause 3, page 4, line 12, omit paragraph (e) of the definition of “minerals”, substitute the following paragraph and words:

“(e) precious and semi-precious stones,
but does not include Portland cement in the form of clinker;”
Clause 3, as amended, agreed to.

Mr Garland moved—That amendment No. (1) made by the legislation committee be amended by omitting “the goods are clearly sold for export and are exported” and substituting “the property in the goods passed from that person to a buyer resident outside Australia”.

Debate ensued.

Amendment to amendment agreed to.

Amendment No. (1), as amended, agreed to.

On the motion of Mr Garland, the Bill as reported, and as further amended, was agreed to, and, by leave, the Bill was read a third time.

12 PUBLIC SERVICE AMENDMENT BILL 1978: The order of the day having been read for the consideration of the report of the legislation committee—

SCHEDULE OF THE AMENDMENTS MADE IN LEGISLATION COMMITTEE

- (1) Clause 20, page 10, line 26, omit “Sections 55 to 63”, substitute “Sections 55 to 62”.
- (2) Clause 20, page 11, lines 27 to 37, omit proposed sub-paragraphs (i) and (ii), substitute the following sub-paragraphs:
 - “(i) if, at any time after he last performed duty in the Service, he has, in accordance with section 87G, become the holder of an office in the Service—the last office of which he so became the holder;
 - “(ii) if he is not a person to whom sub-paragraph (i) applies but was the holder of an office when he last performed duty in the Service before his dismissal—that office; or
 - “(iii) if he is not a person to whom sub-paragraph (i) applies but was an unattached officer performing duty in a Department when he last performed duty in the Service before his dismissal—an office in that Department the duties of which correspond to the duties he was performing, and the classification of which is the same as the classification applicable to him, when he last performed duty in the Service before his dismissal;”.
- (3) Clause 20, page 19, lines 13–16, omit proposed sub-section (3), substitute the following sub-section:

“(3) An officer charged under sub-section (2) may request the Chief Officer to furnish copies of the charge to either or both of the following, that is to say—

 - (a) to an organization specified by the officer, being an organization within the meaning of the *Conciliation and Arbitration Act 1904*; or
 - (b) to a person specified by the officer, being a person whom the officer wishes to assist him in relation to the charge,

and, if the officer makes such a request, the Chief Officer shall comply with the request.”.
- (4) Clause 20, page 29, lines 38–40, omit proposed sub-section (4), substitute the following sub-section:

“(4) A person shall not be appointed as the Chairman of a Disciplinary Appeal Board unless he is or has been a Magistrate or is enrolled as a legal practitioner of the High Court, of another federal court or of the Supreme Court of a State or Territory and has been so enrolled for not less than 5 years.”.
- (5) Page 43, after clause 20 insert the following new clause:

“20A. Section 63 of the Principal Act is renumbered 63u.”. Renumbering
- (6) Clause 31, page 73, line 18, after “section 16” insert “or sub-paragraph 19 (2) (b) (iv)”.

- (7) Clause 31, page 96, line 9, after “section 16” insert “or sub-paragraph 19 (2) (b) (iv)”.
- (8) Clause 31, page 99, line 28, after sub-section (3) insert the following sub-section:
 “(3A) Where—
 (a) a person who was a person to whom Division 2 applied—
 (i) ceased to be such a person by reason of his having retired from employment by a public authority in order to become a candidate for election as a member of a House of the Parliament of the Commonwealth or of a State or of the Legislative Assembly of the Northern Territory or a prescribed legislative or advisory body for another Territory;
 (ii) retired also from the Service;
 (iii) was a candidate at the election; and
 (iv) failed to be elected;
 (b) those retirements took effect not earlier than 1 month before the date on which nominations for the election closed; and
 (c) the person has, upon applications made within 2 months after the declaration of the result of the election, been re-employed by that public authority and re-appointed to the Service under section 47C,
 he shall be deemed to have continued in the employment of that public authority as if he had not retired and had been on leave of absence without pay during the period from and including the day on which his retirement became effective to and including the day on which he was so re-employed.”
- (9) Clause 31, page 99, line 30, omit “applies”, substitute “applied”.
- (10) Clause 45, page 106, line 5, after sub-clause (1) insert the following sub-clause:
 “(1A) Section 22 of the *Commonwealth Legal Aid Commission Act 1977* is amended by omitting sub-section (2).”

Mr Hodgman moved the following amendment to the Bill: Clause 20, page 12, line 39, omit “or brings the Service into disrepute”.

Debate ensued.

Amendment negatived.

Mr Hodgman moved the following amendment to the Bill: Clause 20, page 13, lines 6 and 7, omit “whether by reason of an allegation made to him or otherwise,”, substitute “because of an allegation made to him,”.

Debate ensued.

Amendment negatived.

On the motion of Mr Viner (Minister Assisting the Prime Minister), the Bill as reported was agreed to, and, by leave, the Bill was read a third time.

- 13 TASMANIA GRANT (THE MOUNT LYELL MINING AND RAILWAY COMPANY LIMITED) AMENDMENT BILL (No. 2) 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.

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

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 86, dated 16 August 1978, recommending an appropriation of revenue for the purposes of the Bill, and

No. 87, dated 20 September 1978, recommending an appropriation of revenue for the purposes of an amendment to be moved to the Bill by a Minister.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr E. L. Robinson (Minister for Finance) addressing the committee—
 It being 10.30 p.m.—Progress to be reported.

The House resumed; Mr Armitage reported accordingly.

14 ADJOURNMENT: The question was accordingly proposed—That the House do now adjourn.

Question—put and passed.

And then the House, at 10.30 p.m., adjourned until tomorrow at 2.15 p.m.

PAPERS: The following papers were deemed to have been presented on 7 November 1978, pursuant to statute:

Australian National University Act—Statute—No. 128—Convocation Amendment No. 9.

Bounty (Polyester-Cotton Yarn) Act—Return for period 1 October 1977 to 30 September 1978.

Christmas Island Act—Ordinance—1978—No. 9—Police Force (Amendment).

Customs Act—Regulations—Statutory Rules 1978, No. 195.

Defence Act—Regulations—Statutory Rules 1978, No. 207.

Health Insurance Act—Regulations—Statutory Rules 1978, No. 206.

Lands Acquisition Act—Statement of lands acquired by agreement authorised under sub-section 7 (1).

National Health Act—Regulations—Statutory Rules 1978, No. 208.

Nursing Homes Assistance Act—Regulations—Statutory Rules 1978, No. 209.

Public Service Act—Regulations—Statutory Rules 1978, No. 211.

Seat of Government (Administration) Act—

Ordinance—1978—No. 34—Festival Australia Incorporation (Amendment).

Regulations—1978—No. 18 (Health Commission Ordinance).

Student Assistance Act—Regulations—Statutory Rules 1978, No. 199.

Superannuation Act—Regulation—Statutory Rules 1978, No. 210.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Adermann, Mr Bryant*, Mr C. R. Cameron, Mr Jacobi*, Mr L. K. Johnson, Mr Lucock*, Mr Lynch, Sir William McMahon and Mr Shipton*.

* On leave

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