

## AUSTRALIA

# HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 16

TUESDAY, 10 APRIL 1973

- 1 The House met, at two o'clock p.m., pursuant to adjournment. Mr Speaker (the Honourable J. F. Cope) took the Chair, and read Prayers.
- 2 MOTION WITHOUT NOTICE—LEAVE TO MOVE NOT GRANTED: Mr Daly (Leader of the House) asked leave to move a motion without notice. Objection being raised, leave not granted.
- 3 SUSPENSION OF STANDING ORDERS—MOTION OF CONFIDENCE IN ATTORNEY-GENERAL: Mr Daly (Leader of the House) moved—That so much of the standing orders be suspended as would prevent (a) the Prime Minister moving forthwith a motion of confidence in and support of the Attorney-General, (b) during the debate on the motion reference being made to the subject matter of order of the day No. 9 and (c) upon the conclusion of the consideration of the motion, order of the day No. 9 being then called on and disposed of without further debate.

Debate ensued.

The time allowed by standing order 91 for debate on the motion having expired—

Question—put.

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

AYES, 65

Mr Armitage	Mr Cross	Dr Jenkins	Mr Olley
Mr Ashley-Brown	Mr Daly	Mr L. K. Johnson	Dr Patterson
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Doyle	Mr Jones	Mr Scholes
Mr Bennett	Mr Duthie	Mr Keating	Mr Sherry
Mr Berinson	Mr Enderby	Mr Keogh	Mr Stewart
Mr Birrell	Dr Everingham	Mr Kerin	Mr Thorburn
Mr L. F. Bowen	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr Bryant	Mr Fulton	Mr Lamb	Mr Wallis
Dr Cairns	Mr Garrick	Mr Luchetti	Mr Whan
Mr C. R. Cameron	Mr Grassby	Mr McKenzie	Mr Whitlam
Dr Cass	Dr Gun	Mr Martin	Mr Willis
Mr Coates	Mr Hayden	Mr Mathews	
Mr Cohen	Mr Hurford	Mr Morris	<i>Tellers:</i>
Mr Collard	Mr Innes	Mr Morrison	Mr Hansen
Mr Connor	Mr Jacobi	Mr Mulder	Mr Nicholls
Mr Crean	Mr James	Mr Oldmeadow	

NOES, 55

Mr Adermann	Mr Edwards	Mr Katter	Mr E. L. Robinson
Mr Anthony	Mr Erwin	Mr Kelly	Mr I. L. Robinson
Mr Bonnett	Mr Fairbairn	Mr King	Mr Sinclair
Mr Bouchier	Mr Fisher	Mr Lloyd	Mr Snedden
Mr N. H. Bowen	Dr Forbes	Mr Lucock	Mr Staley
Mr Bury	Mr Fraser	Mr Lynch	Mr Street
Mr Calder	Mr Garland	Mr MacKellar	Mr Turner
Mr D. M. Cameron	Mr Gorton	Mr McLeay	Mr Viner
Mr Chipp	Mr Graham	Mr McMahon	Mr Wentworth
Mr Cooke	Mr Hallett	Mr McVeigh	Mr Whittorn
Mr Corbett	Mr Hamer	Mr Maisey	Mr Wilson
Sir J. Cramer	Mr Holten	Mr Nixon	<i>Tellers:</i>
Mr Drummond	Mr Hunt	Mr O'Keefe	Mr England
Mr Drury	Mr Jarman	Mr Peacock	Mr Giles

And so it was resolved in the affirmative by an absolute majority.

- 4 ATTORNEY-GENERAL—MOTION OF CONFIDENCE: Mr Whitlam (Prime Minister) moved—That this House (a) notes with concern the account, given by the Minister representing the Attorney-General in his statement of 27 March 1973, of terrorist activities carried out in Australia by certain Croatian groups, (b) commends the Government's efforts to bring such activities to an end and (c) expresses its full confidence in and support for the Attorney-General in these efforts.

Mr Whitlam asked leave to present a paper.

Objection being raised, leave not granted.

Mr Whitlam continued his speech.

*Paper:* Mr Whitlam, by leave, presented the following paper:

Australian Security Intelligence Organization—Terms and conditions of appointment of Mr Peter Barbour as Director-General of Security.

Mr Whitlam continued his speech.

*Paper:* Mr Whitlam, by leave, presented the following paper:

Incidents with connotations of violence within the Yugoslav community 1963–1972, dated 10 April 1973.

Mr Whitlam continued his speech.

The time allowed to Mr Whitlam by standing order 91 for his speech having expired—

*Suspension of standing orders—Extended time for speeches:* Mr Daly (Leader of the House) moved, by leave—That so much of the standing orders be suspended as would prevent Mr Whitlam and Mr Snedden (Leader of the Opposition) each speaking for a period not exceeding 45 minutes.

Question—put and passed.

Mr Whitlam continued his speech.

*Paper:* Mr Whitlam, by leave, presented the following paper:

List showing approaches by the Yugoslav Government and Australian Government responses, 1963–1972, concerning Croatian terrorism.

Mr Snedden moved, as an amendment—That all words after “That” be omitted with a view to inserting the following words in place thereof: “a judicial inquiry of three Judges be established to inquire into the following questions:

- (a) Are there any active Croatian terrorist organisations in Australia and have they been responsible for violence;
- (b) what is the legality of the Attorney-General's actions in relation to the events of 16 March at A.S.I.O. offices in Canberra and Melbourne and the way in which officers of A.S.I.O. were treated;
- (c) are the actions of the Attorney-General reasonable in the light of his knowledge and consideration of its consequences;
- (d) was propriety observed in the actions of public servants in providing information to the Government;
- (e) what were the real decisions of the 2 March Meeting, and
- (f) what will be the effects of the Attorney-General's actions upon the capacity of A.S.I.O. to discharge its statutory responsibilities”.

Debate continued.

Mr Wentworth rising to address the House—

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

Question—That the question be now put—put.

## The House divided (the Speaker, Mr Cope, in the Chair)—

AYES, 64

Mr Armitage	Mr Cross	Dr Jenkins	Mr Olley
Mr Ashley-Brown	Mr Daly	Mr L. K. Johnson	Dr Patterson
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Doyle	Mr Jones	Mr Scholes
Mr Bennett	Mr Duthie	Mr Keating	Mr Sherry
Mr Berinson	Mr Enderby	Mr Keogh	Mr Stewart
Mr Birrell	Dr Everingham	Mr Kerin	Mr Thorburn
Mr L. F. Bowen	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr Bryant	Mr Fulton	Mr Lamb	Mr Wallis
Dr Cairns	Mr Garrick	Mr Luchetti	Mr Whan
Mr C. R. Cameron	Mr Grassby	Mr McKenzie	Mr Willis
Dr Cass	Dr Gun	Mr Martin	
Mr Coates	Mr Hayden	Mr Mathews	
Mr Cohen	Mr Hurford	Mr Morris	
Mr Collard	Mr Innes	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Jacobi	Mr Mulder	Mr Hansen
Mr Crean	Mr James	Mr Oldmeadow	Mr Nicholls

NOES, 53

Mr Adermann	Mr Edwards	Mr Kelly	Mr I. L. Robinson
Mr Anthony	Mr Erwin	Mr King	Mr Sinclair
Mr Bonnett	Mr Fisher	Mr Lloyd	Mr Staley
Mr Bouchier	Dr Forbes	Mr Lucock	Mr Street
Mr N. H. Bowen	Mr Fraser	Mr Lynch	Mr Turner
Mr Bury	Mr Garland	Mr MacKellar	Mr Viner
Mr Calder	Mr Gorton	Mr McLeay	Mr Wentworth
Mr D. M. Cameron	Mr Graham	Mr McMahon	Mr Whittorn
Mr Chipp	Mr Hallett	Mr McVeigh	Mr Wilson
Mr Cooke	Mr Hamer	Mr Maisey	
Mr Corbett	Mr Holten	Mr Nixon	<i>Tellers:</i>
Sir J. Cramer	Mr Hunt	Mr O'Keefe	Mr England
Mr Drummond	Mr Jarman	Mr Peacock	Mr Giles
Mr Drury	Mr Katter	Mr E. L. Robinson	

And so it was resolved in the affirmative.

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

## The House divided (the Speaker, Mr Cope, in the Chair)—

AYES, 65

Mr Armitage	Mr Cross	Dr Jenkins	Mr Olley
Mr Ashley-Brown	Mr Daly	Mr L. K. Johnson	Dr Patterson
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Doyle	Mr Jones	Mr Scholes
Mr Bennett	Mr Duthie	Mr Keating	Mr Sherry
Mr Berinson	Mr Enderby	Mr Keogh	Mr Stewart
Mr Birrell	Dr Everingham	Mr Kerin	Mr Thorburn
Mr L. F. Bowen	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr Bryant	Mr Fulton	Mr Lamb	Mr Wallis
Dr Cairns	Mr Garrick	Mr Luchetti	Mr Whan
Mr C. R. Cameron	Mr Grassby	Mr McKenzie	Mr Whitlam
Dr Cass	Dr Gun	Mr Martin	Mr Willis
Mr Coates	Mr Hayden	Mr Mathews	
Mr Cohen	Mr Hurford	Mr Morris	
Mr Collard	Mr Innes	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Jacobi	Mr Mulder	Mr Hansen
Mr Crean	Mr James	Mr Oldmeadow	Mr Nicholls

## NOES, 54

Mr Adermann	Mr Edwards	Mr Kelly	Mr I. L. Robinson
Mr Anthony	Mr Erwin	Mr King	Mr Sinclair
Mr Bonnett	Mr Fisher	Mr Lloyd	Mr Snedden
Mr Bouchier	Dr Forbes	Mr Lucock	Mr Staley
Mr N. H. Bowen	Mr Fraser	Mr Lynch	Mr Street
Mr Bury	Mr Garland	Mr MacKellar	Mr Turner
Mr Calder	Mr Gorton	Mr McLeay	Mr Viner
Mr D. M. Cameron	Mr Graham	Mr McMahan	Mr Wentworth
Mr Chipp	Mr Hallett	Mr McVeigh	Mr Whittorn
Mr Cooke	Mr Hamer	Mr Maisey	Mr Wilson
Mr Corbett	Mr Holten	Mr Nixon	
Sir J. Cramer	Mr Hunt	Mr O'Keefe	<i>Tellers:</i>
Mr Drummond	Mr Jarman	Mr Peacock	Mr England
Mr Drury	Mr Katter	Mr E. L. Robinson	Mr Giles

And so it was resolved in the affirmative.

Question—That the motion be agreed to—put.

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

## AYES, 65

Mr Armitage	Mr Cross	Dr Jenkins	Mr Olley
Mr Ashley-Brown	Mr Daly	Mr L. K. Johnson	Dr Patterson
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Doyle	Mr Jones	Mr Scholes
Mr Bennett	Mr Duthie	Mr Keating	Mr Sherry
Mr Berinson	Mr Enderby	Mr Keogh	Mr Stewart
Mr Birrell	Dr Everingham	Mr Kerin	Mr Thorburn
Mr L. F. Bowen	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr Bryant	Mr Fulton	Mr Lamb	Mr Wallis
Dr Cairns	Mr Garrick	Mr Luchetti	Mr Whan
Mr C. R. Cameron	Mr Grassby	Mr McKenzie	Mr Whitlam
Dr Cass	Dr Gun	Mr Martin	Mr Willis
Mr Coates	Mr Hayden	Mr Mathews	
Mr Cohen	Mr Hurford	Mr Morris	<i>Tellers:</i>
Mr Collard	Mr Innes	Mr Morrison	Mr Hansen
Mr Connor	Mr Jacobi	Mr Mulder	Mr Nicholls
Mr Crean	Mr James	Mr Oldmeadow	

## NOES, 54

Mr Adermann	Mr Edwards	Mr Kelly	Mr I. L. Robinson
Mr Anthony	Mr Erwin	Mr King	Mr Sinclair
Mr Bonnett	Mr Fisher	Mr Lloyd	Mr Snedden
Mr Bouchier	Dr Forbes	Mr Lucock	Mr Staley
Mr N. H. Bowen	Mr Fraser	Mr Lynch	Mr Street
Mr Bury	Mr Garland	Mr MacKellar	Mr Turner
Mr Calder	Mr Gorton	Mr McLeay	Mr Viner
Mr D. M. Cameron	Mr Graham	Mr McMahan	Mr Wentworth
Mr Chipp	Mr Hallett	Mr McVeigh	Mr Whittorn
Mr Cooke	Mr Hamer	Mr Maisey	Mr Wilson
Mr Corbett	Mr Holten	Mr Nixon	
Sir J. Cramer	Mr Hunt	Mr O'Keefe	<i>Tellers:</i>
Mr Drummond	Mr Jarman	Mr Peacock	Mr England
Mr Drury	Mr Katter	Mr E. L. Robinson	Mr Giles

And so it was resolved in the affirmative.

- 5 CROATIAN TERRORISM—MINISTERIAL STATEMENT—PAPER NOTED: The order of the day having been read for the resumption of the debate on the motion of Mr Daly (Leader of the House)—That the House take note of the paper (*presented on 27 March*), viz.: Croatian terrorism—Ministerial statement, 27 March 1973.

Question—put and passed.

- 6 SUSPENSION OF STANDING ORDERS MOVED: Mr Gorton moved—That so much of the standing orders be suspended as would prevent the Right Honourable Member for Higgins moving that, in accordance with standing order 359, a message be sent to the Senate requesting that the Senate give leave to the Attorney-General to attend this House for examination.

Debate ensued.

*Paper:* Mr Gorton, in accordance with standing order 321, having called for a document quoted from by Mr Daly (Minister for Services and Property)—

Mr Daly laid upon the Table the following paper:

Croat terrorists in Australia—Minute dated 27 August 1964 from a First Assistant

Secretary, Department of External Affairs, to the Secretary of that Department.

The time allowed by standing order 91 for debate on the motion having expired—

Question—put.

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

AYES, 55

Mr Adermann	Mr Edwards	Mr Jarman	Mr Peacock
Mr Anthony	Mr Erwin	Mr Katter	Mr E. L. Robinson
Mr Bonnett	Mr Fairbairn	Mr Kelly	Mr I. L. Robinson
Mr Bouchier	Mr Fisher	Mr King	Mr Sinclair
Mr N. H. Bowen	Dr Forbes	Mr Lloyd	Mr Staley
Mr Bury	Mr Fraser	Mr Lucock	Mr Street
Mr Calder	Mr Garland	Mr Lynch	Mr Turner
Mr D. M. Cameron	Mr Giles	Mr MacKellar	Mr Viner
Mr Chipp	Mr Gorton	Mr McLeay	Mr Wentworth
Mr Cooke	Mr Graham	Mr McMahan	Mr Whittorn
Mr Corbett	Mr Hallett	Mr McVeigh	Mr Wilson
Sir J. Cramer	Mr Hamer	Mr Maisey	<i>Tellers:</i>
Mr Drummond	Mr Holten	Mr Nixon	Mr England
Mr Drury	Mr Hunt	Mr O'Keefe	Mr Fox

NOES, 64

Mr Armitage	Mr Cross	Dr Jenkins	Mr Olley
Mr Ashley-Brown	Mr Daly	Mr L. K. Johnson	Dr Patterson
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Doyle	Mr Jones	Mr Scholes
Mr Bennett	Mr Duthie	Mr Keating	Mr Sherry
Mr Berinson	Mr Enderby	Mr Keogh	Mr Stewart
Mr Birrell	Dr Everingham	Mr Kerin	Mr Thorburn
Mr L. F. Bowen	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr Bryant	Mr Fulton	Mr Lamb	Mr Wallis
Dr Cairns	Mr Garrick	Mr Luchetti	Mr Whan
Mr C. R. Cameron	Mr Grassby	Mr McKenzie	Mr Willis
Dr Cass	Dr Gun	Mr Martin	
Mr Coates	Mr Hayden	Mr Mathews	
Mr Cohen	Mr Hurford	Mr Morris	
Mr Collard	Mr Innes	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Jacobi	Mr Mulder	Mr Hansen
Mr Crean	Mr James	Mr Oldmeadow	Mr Nicholls

And so it was negatived.

- 7 **SUSPENSION OF STANDING ORDERS MOVED:** Mr Wentworth moved—That so much of the standing orders be suspended as would prevent reopening the debate on order of the day No. 9 on today's Notice Paper.

Debate ensued.

Question—put and negatived.

- 8 **PETITION:** The Clerk announced that Mr Garrick had lodged a petition for presentation from certain citizens of the Commonwealth praying that Australia's official development assistance in 1972–73 be increased to at least \$240 million, and that Australia's aid and trade policies be reviewed to benefit developing countries.

Petition received.

- 9 **MINISTERIAL ARRANGEMENTS:** Mr Whitlam (Prime Minister) informed the House that, during the absence abroad of Senator Willesee (Special Minister of State), Mr Stewart (Minister for Tourism and Recreation) was acting as Special Minister of State.

- 10 **PAPER:** The following paper was presented, by command of His Excellency the Governor-General:

Superannuation Pension Updating—Report of Enquiry by Professor A. H. Pollard, dated March 1973.

- 11 COMPENSATION (COMMONWEALTH EMPLOYEES) BILL 1973: 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.

The House resolved itself into a committee of the whole.

*In the committee*

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

Clause 7—

On the motion of Mr C. R. Cameron (Minister for Labour), the clause was omitted, and the following clause substituted:

“7. Section 25 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words ‘is intermittent or’; Average  
weekly  
earnings.
- (b) by omitting sub-section (9) and substituting the following sub-sections:—

‘(9) Subject to the following provisions of this section, if the minimum amount per week payable to the employee in respect of the employment by the Commonwealth in which he was engaged at the date of the injury is increased, or would if he had continued in that employment have been increased, by reason of—

- (a) the attainment by the employee of a particular age;
- (b) the completion by the employee of a particular period of service; or
- (c) the receipt by the employee of an increase in salary, wages or pay by way of an increment in a range of salary, wages or pay applicable to him or to the office, position or appointment held by him,

a reference in this Part to the average weekly earnings of the employee before the injury shall be read as a reference to the amount that is, by virtue of the foregoing provisions of this section, to be taken to be the amount of those average weekly earnings, increased by the same percentage as the percentage by which that minimum amount per week is increased, or would have been increased, as the case may be.

‘(9A) Subject to the following provisions of this section, if the employee continues after the date of the injury to be employed by the Commonwealth and the minimum amount per week payable to the employee in respect of that employment is increased by reason of the promotion of the employee, a reference in this Part to the average weekly earnings of the employee before the injury shall be read as a reference to the amount that is, by virtue of the foregoing provisions of this section, to be taken to be the amount of those average weekly earnings, increased by the same percentage as the percentage by which the minimum amount per week payable to the employee is increased by reason of that promotion.’;

- (c) by omitting from sub-section (10) the words ‘Subject to the next succeeding sub-section’ and substituting the words ‘Subject to the following provisions of this section’; and

- (d) by inserting after sub-section (11) the following sub-sections:—

‘(11A) Notwithstanding anything in the foregoing provisions of this section, if the amount of the average weekly earnings of an employee before the injury as calculated in accordance with those provisions would, but for this sub-section, exceed—

- (a) in the case of an employee who continues to be employed by the Commonwealth—the amount per week of the earnings that the employee would receive if the employee were not totally or partially incapacitated for work; or

(b) in the case of an employee whose employment by the Commonwealth has ceased by reason of his death or otherwise—

(i) the amount per week of the earnings that the employee would receive if the employee had continued to be employed by the Commonwealth in the employment in which he was engaged at the date of the injury; or

(ii) the amount per week of the earnings that the employee would receive if the employee had continued to be employed by the Commonwealth in the employment in which he was engaged at the date when his employment by the Commonwealth ceased, whichever is the greater,

the amount so calculated shall be deemed to be reduced by the amount of the excess.

(11B) If an employee causes to be furnished to the Commissioner a statutory declaration by him stating that a specified amount was, or specified amounts were, earned by him from employment during a specified period, that declaration is *prima facie* evidence that that amount was, or those amounts were, so earned by him.'.

Clause, as amended, agreed to.

Clauses 8 to 36, by leave, taken together, and agreed to.

Schedule—

On the motion of Mr Cameron, the following amendment was made: Page 21, omit from paragraph 1 the figures and word " 25 (6), (7) and (9) ", substitute " 25 (6) and (7) ".

Schedule, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr Scholes reported accordingly.

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

12 EXCISE TARIFF BILL (No. 2) 1973: 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 Dr Cairns (Minister representing the Minister for Customs and Excise), the Bill was read a third time.

13 EXCISE BILL 1973: 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 Dr Cairns (Minister representing the Minister for Customs and Excise), the Bill was read a third time.

14 PAPUA NEW GUINEA LOAN (ASIAN DEVELOPMENT BANK) BILL 1973: 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 Governor-General:* Message No. 13, dated 14 March 1973, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Morrison (Minister for External Territories), the Bill was read a third time.

15 ADJOURNMENT: Mr Morrison (Minister for Science) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until eleven o'clock p.m.—Mr Speaker adjourned the House until tomorrow at two o'clock p.m.

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

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