

AUSTRALIA
HOUSE OF REPRESENTATIVES
VOTES AND PROCEEDINGS

No. 61

WEDNESDAY, 9 APRIL 1975

1 The House met, at ten o'clock a.m., pursuant to adjournment. Mr Speaker (the Honourable G. G. D. Scholes) took the Chair, and read Prayers.

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

Mr Anthony (Leader of the Australian Country Party), Mr Sinclair (Deputy Leader of the Australian Country Party), Mr Bourchier, Mr Drury, Mr Erwin, Mr Fisher, Mr Lusher, Mr Oldmeadow and Mr Staley—from certain citizens of Australia praying that (1) the Metric Conversion Act be repealed and (2) the Government take urgent steps to cause the traditional and familiar units to be restored in those areas where the greatest inconveniences and distress are occurring.

Mr Morrison (Minister for Science), Mr Armitage, Mr Hurford, Mr James and Mr Oldmeadow—from certain citizens of Australia praying that the House amend the Family Law Bill.

Mr Drury and Mr Staley—from certain citizens of Australia praying that the Government reduce the cost of the subscription to *Hansard*.

Mr Fry—from certain citizens of Australia praying for divorce law reform.

Mr Oldmeadow—from an elector of the Division of Holt praying that the imperial system of measurement be restored.

Mr Sherry—from certain residents and landowners of Ridgeway, Tasmania, praying that the House make available to the Hobart City Council a special grant under the Regional Employment Development Scheme for urgent labour intensive works.

Mr Staley—from certain citizens of Australia praying that the House take immediate steps to restore education benefits to parents, at least to the 1973-74 level, either by increasing taxation deductions or through taxation rebates.

Mr Staley—from certain citizens of Australia praying that the House oppose the Family Law Bill.

Petitions received.

3 **QUESTIONS:** Questions without notice were asked.

4 **PAPERS:** The following papers were presented, by command of His Excellency the Governor-General:

National Coal Research Advisory Committee—Tenth Annual Report, for period December 1973 to November 1974.

South Australian non-metropolitan railway system—Principles to govern transfer to the Australian Government.

United Nations—World Food Conference, Rome, 5-17 November 1974—Report of Australian Delegation.

The following papers were presented, pursuant to statute:

Dairy Adjustment Act—Marginal Dairy Farms Reconstruction Scheme—Agreements between Australia and—

New South Wales, dated 13 December 1974.

Queensland, dated 11 December 1974.

South Australia, dated 11 December 1974.

Tasmania, dated 11 December 1974.

Victoria, dated 11 December 1974.

Western Australia, dated 11 December 1974.

Industries Assistance Commission Act—Temporary Assistance Authority—
Reports—

Precision ground steel ball bearings, dated 4 March 1975.

Sheets and plates of iron or steel, dated 12 February 1975.

Spectacles, sunglasses, goggles and frames, etc., dated 18 February 1975.

5 DRIED FRUITS EXPORT CHARGES BILL 1975: Dr Patterson (Minister representing the Minister for Agriculture) presented a Bill for an Act to amend the *Dried Fruits Export Charges Act 1924–1970* for purposes of Metric Conversion.

Bill read a first time.

Dr Patterson moved—That the Bill be now read a second time.

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

6 DRIED FRUITS LEVY BILL 1975: Dr Patterson (Minister representing the Minister for Agriculture) presented a Bill for an Act to amend the *Dried Fruits Levy Act 1971* for purposes of Metric Conversion.

Bill read a first time.

Dr Patterson moved—That the Bill be now read a second time.

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

7 CONCILIATION AND ARBITRATION BILL 1975: Mr Daly (Minister for Services and Property), for Mr C. R. Cameron (Minister for Labor and Immigration), pursuant to notice, presented a Bill for an Act to amend the *Conciliation and Arbitration Act 1904–1974*.

Bill read a first time.

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

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

8 POSTPONEMENT OF NOTICE: Ordered—That notice No. 2, government business, be postponed until a later hour this day.

9 PARLIAMENTARY COUNSEL BILL 1975: Mr Enderby (Attorney-General), pursuant to notice, presented a Bill for an Act relating to the Office of Parliamentary Counsel.

Bill read a first time.

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

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

10 FAMILY LAW BILL 1974: 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—*And on the amendment moved thereto by Mr Stewart (Minister for Tourism and Recreation), viz.—* That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House is of the opinion that the Bill should give expression to the following principles—

(a) that the family is the basic and stable unit of the Australian society;

(b) that marriage should be buttressed;

(c) that marriage should be permanent and secure;

(d) that full and proper recognition be given to the status and rights of a woman as wife and mother;

(e) that there should be full and proper protection of the wife and children in the event of the dissolution of a marriage;

(f) that there is need for children to be reared and cared for by a present parent, and

(g) that marriage should be dissolved only when a Court is satisfied on objective grounds that the marriage has irretrievably broken down or that the parties have lived separately and apart for not less than two years”—

Debate resumed.

Question—That the words proposed to be omitted stand part of the question—put.
The House divided (the Speaker, Mr Scholes, in the Chair)—

AYES, 80

Mr Armitage	Mr Duthie	Mr Jones	Mr Riordan
Mr Barnard	Mr Ellicott	Mr Keating	Mr E. L. Robinson
Mr Bennett	Mr Enderby	Mr Kelly	Mr Sherry
Mr Bowen	Dr Everingham	Mr Keogh	Mr Sinclair
Mr Bryant	Mr Fisher	Mr Kerin	Mr Snedden
Mr Bungey	Dr Forbes	Mr Killen	Mr Staley
Dr J. F. Cairns	Mr Fulton	Dr Klugman	Mr Street
Mr Calder	Mr Garland	Mr Lamb	Mr Thorburn
Mr D. M. Cameron	Mr Garrick	Mr Lloyd	Mr Uren
Dr Cass	Mr Giles	Mr MacKellar	Mr Wallis
Mrs Child	Mr Gorton	Mr McKenzie	Mr Whan
Mr Chipp	Mr Graham	Mr McMahan	Mr Whitlam
Mr Clayton	Dr Gun	Mr Macphee	Mr Willis
Mr Coates	Mr Hayden	Mr Mathews	Mr Wilson
Mr Cohen	Mr Hurford	Mr Morris	Mr Young
Mr Crean	Mr Hyde	Mr Morrison	
Mr Cross	Mr Innes	Mr Mulder	
Mr Daly	Mr Jacobi	Mr Oldmeadow	
Mr Davies	Dr Jenkins	Dr Patterson	<i>Tellers:</i>
Mr Dawkins	Mr L. K. Johnson	Mr Peacock	Mr James
Mr Drummond	Mr L. R. Johnson	Mr Reynolds	Mr Nicholls

NOES, 41

Mr Adermann	Mr Erwin	Mr King	Mr I. L. Robinson
Mr Anthony	Mr Fairbairn	Mr Luchetti	Mr Ruddock
Mr Beazley	Mr FitzPatrick	Mr Lucock	Mr Stewart
Mr Bonnett	Mr Fraser	Mr Lusher	Mr Sullivan
Mr Cadman	Mr Hewson	Mr Lynch	Mr Viner
Mr K. M. Cairns	Mr Hodges	Mr McLeay	Mr Wentworth
Mr Connolly	Mr Holten	Mr McVeigh	
Mr Cope	Mr Howard	Mr Martin	
Mr Corbett	Mr Hunt	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Jarman	Mr Nixon	Mr Bouchier
Dr Edwards	Mr Katter	Mr O'Keefe	Mr England

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.

Message from the Governor-General: Message No. 137, dated 7 April 1975, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of an amendment to be made to a Bill for an Act Relating to Marriage and to Divorce and Matrimonial Causes and, in relation thereto, Parental Rights and the Custody and Guardianship of Infants, and certain other Matters.

Mr Lucock moved—That this Bill be referred to a select committee.

Debate ensued.

Mr Bouchier rising to address the House—

Closure: Mr D. M. Cameron moved—That the question be now put.

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

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 18

Mr Adermann	Mr Fairbairn	Mr Lucock	Mr Sullivan
Mr Barnard	Mr FitzPatrick	Mr McVeigh	
Mr Bouchier	Mr Jarman	Mr O'Keefe	<i>Tellers:</i>
Mr Cope	Mr Katter	Mr I. L. Robinson	Mr Drury
Mr England	Mr Luchetti	Mr Stewart	Mr Ruddock

NOES, 101

Mr Anthony	Dr Edwards	Dr Jenkins	Mr Nixon
Mr Armitage	Mr Ellicott	Mr L. K. Johnson	Mr Oldmeadow
Mr Bennett	Mr Enderby	Mr L. R. Johnson	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Jones	Mr Reynolds
Mr Bowen	Dr Everingham	Mr Keating	Mr Riordan
Mr Bryant	Mr Fisher	Mr Kelly	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Keogh	Mr Sherry
Mr Cadman	Mr Fraser	Mr Kerin	Mr Sinclair
Dr J. F. Cairns	Mr Fry	Mr Killen	Mr Snedden
Mr Calder	Mr Fulton	Mr King	Mr Staley
Mr D. M. Cameron	Mr Garland	Dr Klugman	Mr Street
Dr Cass	Mr Garrick	Mr Lamb	Mr Thorburn
Mrs Child	Mr Giles	Mr Lloyd	Mr Uren
Mr Chipp	Mr Gorton	Mr Lusher	Mr Viner
Mr Clayton	Mr Graham	Mr Lynch	Mr Wallis
Mr Coates	Dr Gun	Mr MacKellar	Mr Wentworth
Mr Cohen	Mr Hayden	Mr McKenzie	Mr Whan
Mr Connolly	Mr Hewson	Mr McLeay	Mr Whitlam
Mr Corbett	Mr Hodges	Mr McMahon	Mr Willis
Mr Crean	Mr Holten	Mr Macphee	Mr Wilson
Mr Cross	Mr Howard	Mr Martin	Mr Young
Mr Daly	Mr Hunt	Mr Mathews	
Mr Davies	Mr Hurford	Mr Millar	
Mr Dawkins	Mr Hyde	Mr Morris	<i>Tellers:</i>
Mr Drummond	Mr Innes	Mr Morrison	Mr James
Mr Duthie	Mr Jacobi	Mr Mulder	Mr Nicholls

And so it was negatived.

The House resolved itself into a committee of the whole.

In the committee

Clause 1—

Progress to be reported, and leave asked to sit again.

The House resumed; Mr Luchetti reported accordingly.

Ordered—That the House will, at the next sitting, again resolve itself into the said committee.

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

8 April 1975—Message—

No. 180—Sales Tax (Nos. 1 to 9) 1975 (*without requests*).

No. 181—Sales Tax (Exemptions and Classifications) 1975.

12 MESSAGE FROM THE SENATE—REFRIGERATION COMPRESSORS BOUNTY BILL 1974: The following message from the Senate was reported:

MR SPEAKER,

Message No. 178

The Senate returns to the House of Representatives the Bill for “*An Act to provide for the Payment of a Bounty on the Production of certain Refrigeration Compressors*”, and acquaints the House that the Senate has agreed to the Bill as amended by the House at the request of the Senate, with the Amendments indicated by the annexed Schedule.

The Senate requests the concurrence of the House in the Amendments made by the Senate.

The Senate,
Canberra, 8 April 1975

JUSTIN O'BYRNE,
President

Ordered—That the amendments be taken into consideration, in committee of the whole House, at the next sitting.

- 13 MESSAGE FROM THE SENATE—AUSTRALIAN HOUSING CORPORATION BILL 1975: The following message from the Senate was reported:

MR SPEAKER,

Message No. 179

The Senate returns to the House of Representatives the Bill for "*An Act to establish an Australian Housing Corporation*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

JUSTIN O'BYRNE,
President

The Senate,
Canberra, 8 April 1975

Ordered—That the amendments be taken into consideration, in committee of the whole House, at the next sitting.

- 14 RACIAL DISCRIMINATION BILL 1975: The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3—

On the motion of Mr Enderby (Attorney-General), the following amendment was made:

Page 2, lines 14–16, omit "the appointment of officers or the engagement of employees, the receipt, holding or payment of moneys or the acquisition, holding or disposal of other property", substitute "the acquisition, holding or disposal of property".

Clause, as amended, agreed to.

Clauses 4 to 7, by leave, taken together, and agreed to.

Clause 8—

On the motion of Mr Howard, the following amendment was made, after debate:

Page 4, omit sub-clause (3).

Clause, as amended, agreed to.

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

Clause 11—

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

Page 5, line 17, after "are" insert " or a section of the public is,".

Page 5, line 23, after "public" insert " or to a section of the public ".

Clause, as amended, agreed to.

Clause 12—

On the motion of Mr Enderby, the following amendment was made: Page 5, line 40, omit " a second person the right ", substitute " to permit a second person ".

Clause, as amended, agreed to.

Clauses 13 and 14, by leave, taken together, and agreed to, after debate.

Clause 15—

Mr Howard moved the following amendment: Page 6, after sub-clause (2) insert the following sub-clause:

" (2A) It is unlawful for a trade union or any person acting or purporting to act on behalf of a trade union to prevent another person from offering for employment or from continuing in employment by reason of the race, colour, or national or ethnic origin of that other person or of any relative or associate of that other person."

Debate continued.

Amendment negatived.

On the motion of Mr Enderby, the following amendment was made: Page 6, after sub-clause (2) insert the following sub-clause:

" (2A) It is unlawful for an organization of employers or employees, or a person acting or purporting to act on behalf of such an organization, to prevent, or to seek to prevent, another person from offering for employment or from continuing in

employment by reason of the race, colour or national or ethnic origin of that other person or of any relative or associate of that other person.”.

Clause, as amended, agreed to.

Clause 16 agreed to.

Proposed new clause—

Mr Howard moved—That the following new clause be inserted in the Bill:

“16A. It is unlawful for a person:

- (a) to incite the doing of an act that is unlawful by reason of a provision of this Part, or
- (b) to assist or promote whether by financial assistance or otherwise the doing of such an act.”.

Unlawful to incite doing of unlawful acts.

Debate ensued.

Proposed new clause negated.

Clause 17 debated and agreed to.

Clause 18—

Mr Howard moved the following amendment: Page 7, line 14, omit “whether or not”, substitute “provided”.

Debate continued.

Amendment negated.

Clause agreed to.

Clause 19 agreed to.

Clause 20—

Mr Howard moved the following amendment: Page 7, omit paragraph (b).

Debate continued.

Amendment negated.

Clause agreed to.

Clause 21—

On the motion of Mr Howard, the following amendment was made, after debate:

Page 7, line 36, after “complaint” insert “in writing”.

Clause, as amended, agreed to.

Clause 22—

On the motion of Mr Howard, the following amendment was made, after debate:

Page 8, line 25, omit “a person”, substitute “the persons”.

On the motion of Mr Enderby, the following further amendment was made: Page 8, lines 27 and 28, omit “an officer or employee”, substitute “a member of the staff”.

On the motion of Mr Howard, the following further amendment was made, after debate: Page 8, line 29, omit “may”, substitute “shall”.

On the motion of Mr Enderby, the following further amendment was made: Page 8, after sub-clause (2) insert the following sub-clause:

“(2A) A person who has been given a direction under sub-section (1) to attend at a conference is entitled to be paid by Australia a reasonable sum for the expenses of his attendance at the conference.”.

On the motion of Mr Enderby, the following further amendment was made: Page 8, at the end of the clause add the following sub-clause:

“(4) In any proceeding instituted under section 25, no evidence shall be given and no statements shall be made with respect to anything said or done at a conference held in pursuance of a direction given under this section.”.

Clause, as amended, agreed to.

Clause 23 debated.

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

Page 9, line 1, omit “a prescribed authority has reason to believe”, substitute “the Commissioner satisfies a prescribed authority”.

Page 9, line 4, omit “, if the Commissioner so requests.”.

Page 9, line 9, omit “out of the moneys of the Commissioner”, substitute “by Australia”.

Page 9, after sub-clause (4) insert the following sub-clause:

“(4A) Where a person appears before a prescribed authority in accordance with a notice served under this section, the person and the Commissioner are each entitled to be represented by a barrister or solicitor of the High Court or of the Supreme Court of a State or Territory.”.

Page 9, lines 20 and 21, omit “either the prescribed authority or the Commissioner”, substitute “the prescribed authority, the Commissioner or a person representing the Commissioner”.

Page 9, line 29, omit “\$1,000”, substitute “\$250”.

Clause, as amended, agreed to.

Clause 24 agreed to.

Clause 25—

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

“25. (1) A person aggrieved by an act that he considers to have been ^{Civil} unlawful by reason of a provision of Part II may, subject to this section, ^{proceedings.} institute a proceeding in relation to the act by way of civil action in a court of competent jurisdiction for any one or more of the remedies specified in section 26.

“(2) A proceeding may not be instituted under this section in respect of the doing of an act (other than an act that is unlawful by virtue of section 16) in relation to—

- (a) accommodation in a dwelling-house or flat, being accommodation shared or to be shared, in whole or in part, with the person who did the act or a person on whose behalf the act was done or with a relative of either of those persons; or
- (b) employment, or an application for employment, in a dwelling-house or flat occupied by the person who did the act or a person on whose behalf the act was done or by a relative of either of those persons.

“(3) No proceeding shall be instituted unless the person aggrieved has received prior to the institution of such proceeding a certificate signed by the Commission stating that the Commissioner, a conciliation committee or an officer or employee of the Commissioner has presided over a conference directed by the Commissioner under sub-section 22 (1) and has endeavoured to settle the matter and that at the date of the certificate the matter has not been settled.

“(4) No evidence shall be given or received and no statement shall be made in any proceeding instituted under this section with respect to anything said or done at a conference directed to be held pursuant to section 22.”.

Debate continued.

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

Clause 26—

Mr Howard moved the following amendment: Page 12, omit sub-clause (2).

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 27 agreed to.

Clause 28 debated.

On the motion of Mr Enderby, the following amendment was made: Page 12, line 34, after “access” insert “or any section of the public is invited or has access”.

Question—That the clause, as amended, be agreed to—put.

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

AYES, 60

Mr Armitage	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Dawkins	Mr Jones	Mr Sherry
Mr Bennett	Mr Duthie	Mr Keating	Mr Stewart
Mr Bowen	Mr Enderby	Mr Keogh	Mr Thorburn
Mr Bryant	Dr Everingham	Mr Kerin	Mr Uren
Dr J. F. Cairns	Mr FitzPatrick	Dr Klugman	Mr Wallis
Dr Cass	Mr Fry	Mr Lamb	Mr Whan
Mrs Child	Mr Fulton	Mr McKenzie	Mr Willis
Mr Clayton	Mr Garrick	Mr Martin	Mr Young
Mr Coates	Dr Gun	Mr Mathews	
Mr Cohen	Mr Hayden	Mr Morris	
Mr Connor	Mr Hurford	Mr Morrison	
Mr Cope	Mr Innes	Mr Mulder	<i>Tellers:</i>
Mr Crean	Mr Jacobi	Mr Oldmeadow	Mr James
Mr Cross	Dr Jenkins	Dr Patterson	Mr Nicholls

NOES, 56

Mr Adermann	Mr Fairbairn	Mr Kelly	Mr I. L. Robinson
Mr Anthony	Mr Fisher	Mr Killen	Mr Ruddock
Mr Bonnett	Dr Forbes	Mr King	Mr Sinclair
Mr Bouchier	Mr Garland	Mr Lloyd	Mr Snedden
Mr Bungey	Mr Giles	Mr Lucock	Mr Staley
Mr Cadman	Mr Gorton	Mr Lusher	Mr Street
Mr K. M. Cairns	Mr Graham	Mr McLeay	Mr Sullivan
Mr Calder	Mr Hewson	Mr McMahon	Mr Viner
Mr Connolly	Mr Hodges	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Holten	Mr Macphee	
Mr Drummond	Mr Howard	Mr Millar	
Mr Drury	Mr Hunt	Mr Nixon	
Dr Edwards	Mr Hyde	Mr O'Keefe	<i>Tellers:</i>
Mr Ellicott	Mr Jarman	Mr Peacock	Mr D. M. Cameron
Mr Erwin	Mr Katter	Mr E. L. Robinson	Mr England

And so it was resolved in the affirmative.

Clause 29—

On the motion of Mr Enderby, the clause was omitted, and the following clause substituted, after debate:

“29. A person shall not incite the doing of an act that is unlawful by reason of a provision of Part II. Inciting acts of racial discrimination.
Penalty: \$5,000.”

Clause 30—

On the motion of Mr Enderby, the following amendment was made: Page 13, line 8 omit “an officer or employee”, substitute “a member of the staff”.

Mr Howard, by leave, moved the following further amendments together:

Page 13, lines 9 and 10, omit “, a prescribed authority referred to in section 23”.

Page 13, sub-clause (2), omit paragraph (h).

Debate continued.

Amendments negatived.

Clause, as amended, agreed to.

Clauses 31 to 33, by leave, taken together, and agreed to.

Clause 34—

On the motion of Mr Enderby, the following amendment was made: Page 14, lines 32 and 33, omit “out of the moneys of the Commissioner”.

Clause, as amended, agreed to.

Clauses 35 to 39, by leave, taken together, and agreed to.

Clause 40—

On the motion of Mr Enderby, the following amendment was made: Page 16, omit sub-clause (1).

Clause, as amended, agreed to.

Clause 41—

On the motion of Mr Enderby, the clause was omitted, and the following clause substituted:

“ 41. (1) The staff of the Commissioner shall be persons appointed or employed under the *Public Service Act* 1922–1974. Staff of Commissioner.

“ (2) The Commissioner has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act* 1922–1974 so far as those powers relate to the branch of the Australian Public Service comprising the staff referred to in sub-section (1) as if that branch were a separate Department of the Australian Public Service.

“ (3) For the purposes of sub-sections 25 (5) and (6) of the *Public Service Act* 1922–1974, the Commissioner shall be deemed to be a Permanent Head.

“ (4) Notwithstanding sub-section (1), the Commissioner may, on terms and conditions approved by the Public Service Board, engage persons, not being persons appointed or employed as mentioned in that sub-section, to provide services for the Commissioner.”.

Clause 42—

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

Page 16, lines 27 and 28, omit “or as an officer of the Commissioner”.

Page 16, line 33, omit “or as an officer”.

Clause, as amended, agreed to.

Clauses 43 to 48, by leave, taken together, and omitted.

Clause 49—

On the motion of Mr Enderby, the following amendment was made: Page 18, line 22, omit “an officer or employee”, substitute “a member of the staff”.

Clause, as amended, agreed to.

Clauses 50 to 52, by leave, taken together, and agreed to.

Clause 53—

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

Page 19, omit sub-clause (1).

Page 20, omit sub-clauses (4) to (8).

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 54 debated and agreed to.

Clause 55—

On the motion of Mr Enderby, the clause was omitted, and the following clause substituted, after debate:

“ 55. (1) A person who—

(a) is required to appear at a proceeding before a prescribed authority under section 23; Legal and financial assistance.

(b) has instituted, or proposes to institute, a proceeding in a court under sub-section 25 (4) or is, in a proceeding instituted in a court by the Commissioner under sub-section 25 (1) joined by the court as a party to the proceeding in accordance with sub-section 25 (3);

(c) has done, or is alleged to have done, an act in respect of which a proceeding has been instituted in a court under sub-section 25 (1) or (4); or

(d) is prosecuted for an offence against this Act,

may apply to the Attorney-General for the provision of assistance under this section in respect of the proceeding.

“ (2) Where an application is made by a person under sub-section (1), the Attorney-General, or an officer of the Australian Public Service authorized in writing by the Attorney-General, may, if he is satisfied that it would involve hardship to that person to refuse the application and that, in all the circumstances, it is rea-

sonable that the application should be granted, authorize the provision by Australia to that person, either unconditionally or subject to such conditions as the Attorney-General or officer determines, of such legal or financial assistance in relation to the proceeding as the Attorney-General or officer determines.”.

Clause 56—

On the motion of Mr Enderby, the clause was omitted, and the following clause substituted:

“ 56. (1) The Commissioner shall, as soon as practicable after 30 June in each year, prepare and furnish to the Attorney-General a report of the operations of the Commissioner during that year. Annual report.

“ (2) The Attorney-General shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by him.”.

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

Bill to be reported with amendments.

The House resumed; Mr Luchetti reported accordingly.

On the motion of Mr Enderby, by leave, the House adopted the report.

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

Debate ensued.

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

15 ABORIGINAL AND TORRES STRAIT ISLANDERS (QUEENSLAND DISCRIMINATORY LAWS)

BILL 1974: 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.

Debate adjourned (Mr Cross), and the resumption of the debate made an order of the day for a later hour this day.

16 INTER-STATE COMMISSION BILL 1975: Mr Jones (Minister for Transport), pursuant to notice, presented a Bill for an Act relating to the Inter-State Commission.

Bill read a first time.

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

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

17 ABORIGINAL AND TORRES STRAIT ISLANDERS (QUEENSLAND DISCRIMINATORY LAWS)

BILL 1974: 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 and 2, by leave, taken together, and agreed to.

Clause 3 debated and agreed to.

Clause 4 debated and agreed to.

Clause 5 agreed to.

New clauses—

Mr Bryant (Minister representing the Minister for Aboriginal Affairs) moved, by leave—That the following new clauses be inserted in the Bill:

“5A. (1) An Aboriginal or Islander shall not be prevented from entering, residing on, visiting or otherwise being on, and shall not be ejected from, a Reserve by reason that a permit authorizing him to reside on, or visit, the Reserve is not in force in respect of him under a law of Queensland. Residence, &c., on Reserves.

“(2) It shall not be unlawful for an Aboriginal or an Islander to be on a Reserve by reason that he is a person in respect of whom a permit authorizing him to reside on, or visit, the Reserve, is not in force under a law of Queensland.

“5B. (1) An Aboriginal or Islander shall not be ejected from a Reserve, or be penalised in any other way, under any law of Queensland relating to a Reserve by reason only that he has conducted himself in a way that is not to the satisfaction of an authority or person established or appointed by, under or for the purposes of a law of Queensland, if his conduct was not unreasonable in all the circumstances of the case.

“(2) The burden of proving that the conduct of an Aboriginal or Islander was unreasonable in the circumstances of a particular case lies upon the person who alleges that the conduct was unreasonable.”.

Debate ensued.

Question—That the new clauses proposed to be inserted be so inserted—put.

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

AYES, 60

Mr Armitage	Mr Daly	Mr L. R. Johnson	Mr Riordan
Mr Barnard	Mr Davies	Mr Jones	Mr Scholes
Mr Beazley	Mr Dawkins	Mr Keating	Mr Sherry
Mr Bennett	Mr Duthie	Mr Keogh	Mr Stewart
Mr Bowen	Dr Everingham	Mr Kerin	Mr Thorburn
Mr Bryant	Mr FitzPatrick	Dr Klugman	Mr Uren
Dr J. F. Cairns	Mr Fry	Mr Lamb	Mr Wallis
Dr Cass	Mr Fulton	Mr McKenzie	Mr Whan
Mrs Child	Mr Garrick	Mr Martin	Mr Willis
Mr Clayton	Dr Gun	Mr Mathews	Mr Young
Mr Coates	Mr Hayden	Mr Morris	
Mr Cohen	Mr Hurford	Mr Morrison	
Mr Connor	Mr Innes	Mr Mulder	
Mr Cope	Mr Jacobi	Mr Oldmeadow	<i>Tellers:</i>
Mr Crean	Dr Jenkins	Dr Patterson	Mr James
Mr Cross	Mr L. K. Johnson	Mr Reynolds	Mr Nicholls

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Mr Adermann	Mr Fisher	Mr King	Mr E. L. Robinson
Mr Anthony	Dr Forbes	Mr Lloyd	Mr I. L. Robinson
Mr Bonnett	Mr Garland	Mr Lucock	Mr Ruddock
Mr Bouchier	Mr Giles	Mr Lusher	Mr Sinclair
Mr Bungey	Mr Graham	Mr Lynch	Mr Staley
Mr Cadman	Mr Hewson	Mr MacKellar	Mr Street
Mr K. M. Cairns	Mr Hodges	Mr McLeay	Mr Sullivan
Mr Calder	Mr Holten	Mr McMahan	Mr Viner
Mr Connolly	Mr Howard	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Hunt	Mr Macphee	Mr Wilson
Mr Drury	Mr Hyde	Mr Millar	
Dr Edwards	Mr Jarman	Mr Nixon	<i>Tellers:</i>
Mr Erwin	Mr Katter	Mr O'Keefe	Mr D. M. Cameron
Mr Fairbairn	Mr Kelly	Mr Peacock	Mr England

And so it was resolved in the affirmative.

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

Bill to be reported with amendments.

The House resumed; Mr Luchetti reported accordingly.

Mr Bryant moved, by leave—That the report be adopted.

Debate ensued.

Question—put and passed.

On the motion of Mr Bryant, by leave, the Bill was read a third time.

18 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—That orders of the day Nos. 4 to 10, government business; be postponed until a later hour this day.

19 AUSTRALIAN WAR MEMORIAL BILL 1975: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—Debate resumed.

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Bowen (Special Minister of State), the Bill was read a third time.

20 ADJOURNMENT: Mr Bowen (Special Minister of State) moved—That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at five minutes to eleven o'clock p.m., adjourned until tomorrow at ten o'clock a.m.

PAPERS: The following papers were deemed to have been presented on 9 April 1975, pursuant to statute:

Northern Territory (Administration) Act—

Cyclone Disaster Relief Fund Ordinance 1975, together with statement of reasons for withholding assent to the Ordinance.

Ordinances—1975—

No. 3—Caravan Parks.

No. 4—Workmen's Compensation.

No. 5—Traffic.

No. 6—Coroners.

No. 7—Real Property (Insurance Money Application).

No. 8—Local Government (Post-Cyclone Elections).

No. 9—Caravan Parks (No. 2).

No. 10—Explosives.

No. 11—Licensing.

Police and Police Offences Ordinance (No. 3) 1974, together with statement of reasons for withholding assent to the Ordinance.

Seat of Government (Administration) Act—

Ordinances—1975—

No. 6—Police (Administration).

No. 7—Police.

No. 8—Police (Disciplinary Provisions).

Regulations—1975—No. 7 (Police Ordinance).

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Berinson, Mr C. R. Cameron and Mr Collard.

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