

AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 75

THURSDAY, 22 MAY 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 Hayden (Minister for Social Security), Mr Barnard (Minister for Defence), Mr Bryant (Minister for the Capital Territory), Mr Lynch (Deputy Leader of the Opposition), Mr Bonnett, Mr Cadman, Mrs Child, Mr Chipp, Mr Coates, Mr Corbett, Mr Drury, Dr Edwards, Mr Ellicott, Mr Erwin, Mr Hodges, Mr Hunt, Mr Jarman, Mr Lamb, Mr Nixon, Mr Snedden, Mr Staley, Mr Street and Mr Wilson—from certain citizens of Australia praying that (1) the Metric Conversion Act be repealed and (2) the Government take urgent steps to cause the traditional and familiar units to be restored in those areas where the greatest inconveniences and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 Hayden, Mr D. M. Cameron, Dr Gun, Mr Hodges, Mr Jacobi, Mr Jarman, Mr Keogh, Mr Mathews, Mr Snedden, Mr Wilson and Mr Young—from certain employees and agents of the Australian insurance industry praying that the House reject the Australian Government Insurance Office Bill.

Dr Cass (Minister for Environment), Mr Sinclair (Deputy Leader of the National Country Party of Australia), Mr Dawkins, Mr Drury, Mr Ellicott, Mr MacKellar, Mr McLeay, Mr Ruddock and Mr Viner—from certain citizens of Australia in terms similar to the last preceding petition.

Mr Bennett, Mrs Child, Mr Coates, Mr Cohen, Mr Dawkins, Mr Garrick, Mr James, Mr L. K. Johnson, Mr Lamb, Mr Morris and Mr Young—from certain citizens of Australia praying that the House initiate international action against the use of nuclear power and implement a program of research into safe sources of energy.

Dr Gun and Mr Wilson—from certain citizens of Australia praying that the Government will (1) suspend mining, enrichment and selling of uranium until an inquiry is made into its effect on the environment and (2) begin research into alternative sources of energy.

Mr Bonnett—from certain electors of the Division of Leichhardt praying that the Government revise the death duty scales and suspend provisional taxation for primary producers for three years.

Mr Clayton—from certain citizens of Australia praying that the House take urgent steps to ensure that further mining and export from Australia of uranium, except for bio-medical purposes, be banned and that the Australian Atomic Energy Commission be transformed into an Australian Energy Commission.

Mr Drury—from certain citizens of Australia praying that the House amend the Family Law Bill.

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

Mr Jarman—from certain citizens of Australia praying that the Government increase its humanitarian aid to Vietnam.

Mr Morris—from certain citizens of Australia praying that the Government seek information from the Soviet Government concerning Leonid Plyushch.

Petitions received.

- 3 MINISTERIAL ARRANGEMENTS: Mr Whitlam (Prime Minister) informed the House that, during the absence abroad of Dr J. F. Cairns (Treasurer), Mr Hayden (Minister for Social Security) would act as Treasurer.

- 4 QUESTIONS: Questions without notice were asked.

- 5 PAPERS: The following papers were presented, by command of His Excellency the Administrator:

Fraser Island special mineral leases—Transcript of proceedings in Maryborough Warden's Court in relation to applications for and objections to the granting of special mineral leases to Dillingham Constructions Pty Ltd and Murphyores Incorporated Pty Ltd at Bundaberg and Maryborough under *The Mining Acts, 1895 to 1967*.

Ordered to be printed.

Multi-cultural society—Report of the National Seminar for Teacher Educators, held at Macquarie University, N.S.W., 28–31 August 1974.

National estate—Report of Interim Committee, dated May 1975.

- 6 ALTERATION OF DAY OF NEXT MEETING: Mr Daly (Leader of the House) moved—That the House, at its rising, adjourn until Monday next at fifteen minutes past two o'clock p.m. Question—put and passed.

- 7 ASSISTANCE TO RURAL INDUSTRIES: Mr Sinclair (Deputy Leader of the National Country Party of Australia) moved, pursuant to notice—That this House condemns the failure of the Government to meaningfully assist rural industries to adjust to the changing circumstances of world market demand and rising production costs.

Debate ensued.

Mr Bungey rising to address the House—

Closure: Mr Nicholls 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, 54

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

NOES, 58

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

And so it was negated.

- 8 PENSIONERS—SUPPLEMENTARY ASSISTANCE: The order of the day having been read for the resumption of the debate on the motion of Mr Wentworth—That, in the opinion of this House, restrictions upon the granting of supplementary assistance to pensioners are too severe—

Mr Wentworth concluded his speech.

Debate ensued.

Mr Reynolds addressing the House—

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

Question—That the question be now put—put.

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

AYES, 53

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

NOES, 57

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

And so it was negated.

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

- 9 INCOME TAX ASSESSMENT BILL 1975: Mr Stewart (Minister assisting the Treasurer) presented a Bill for an Act to amend the Law relating to Income Tax.

Bill read a first time.

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

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

- 10 FOREIGN TAKEOVERS BILL 1975: Mr Stewart (Minister assisting the Treasurer), for Dr J. F. Cairns (Treasurer), pursuant to notice, presented a Bill for an Act relating to the Foreign Control of certain Business Enterprises and of certain Rights relating to Minerals.

Bill read a first time.

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

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

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

- 12 GREAT BARRIER REEF MARINE PARK BILL 1975: Dr Cass (Minister for Environment), pursuant to notice, presented a Bill for an Act to establish a Great Barrier Reef Marine Park and for related purposes.

Bill read a first time.

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

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

- 13 ELECTORAL DIVISIONS OF QUEENSLAND—PROPOSED REDISTRIBUTION: Mr Daly (Minister for Services and Property) moved, pursuant to notice—That the House of Representatives approve of the redistribution of the State of Queensland into Electoral Divisions as proposed by Messrs I. F. Weise, A. B. Yeates and C. A. Hughes, the Commissioners appointed for the purpose of redistributing the said State into Divisions, in their Report laid before the House of Representatives on 17 April 1975, and that the names of the Divisions suggested in the Report and indicated in the map referred to therein, be adopted except that the name of “Kennedy” be substituted for “Flynn” and the name of “Forde” be substituted for “Glasgow”.

Debate ensued.

Mr K. M. Cairns rising to address the House—

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

Question—That the question be now put—put.

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

AYES, 59

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

NOES, 55

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

And so it was resolved in the affirmative.

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

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

AYES, 59

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

NOES, 55

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

And so it was resolved in the affirmative.

- 14 ELECTORAL DIVISIONS OF VICTORIA—PROPOSED REDISTRIBUTION: Mr Daly (Minister for Services and Property) moved, pursuant to notice—That the House of Representatives approves of the redistribution of the State of Victoria into Electoral Divisions as proposed by Messrs L. J. Abbott, J. E. Mitchell and D. W. Rawson, the Commissioners appointed for the purpose of redistributing the said State into Divisions, in their Report laid before the House of Representatives on 13 May 1975, and that the names of the Divisions suggested in the Report, and indicated in the map referred to therein, be adopted except that the name of “Menzies” be substituted for “Doncaster and Templestowe”.

Debate ensued.

Question—put.

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

AYES, 59

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

NOES, 55

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

And so it was resolved in the affirmative.

- 15 MESSAGE FROM THE SENATE—UNITED STATES NAVAL COMMUNICATION STATION AGREEMENT BILL 1975: Message No. 201, dated 22 May 1975, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act relating to the United States Naval Communication Station established at North West Cape in Western Australia*”.

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

- 16 ELECTORAL DIVISIONS OF NEW SOUTH WALES—PROPOSED REDISTRIBUTION: Mr Daly (Minister for Services and Property) moved, pursuant to notice—That the House of Representatives approves of the redistribution of the State of New South Wales into Electoral Divisions as proposed by Messrs R. F. Mallon, L. N. Fletcher and J. B. Enfield, the Commissioners appointed for the purpose of redistributing the said State into Divisions, in their Report laid before the House of Representatives on 13 May 1975, and that the names of the Divisions suggested in the Report, and indicated in the map referred to therein, be adopted except that the name of “Gilmore” be substituted for “Eastwood”, the name of “Evatt” be substituted for “Toongabbie” and the name of “Evans” be substituted for “Concord”.

Ordered—That Mr Anthony (Leader of the National Country Party of Australia) be granted an extension of time.

Debate continued.

Mr O'Keefe rising to address the House—

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

Question—That the question be now put—put.

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

AYES, 58

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

NOES, 49

Mr Adermann	Mr Fisher	Mr Lusher	Mr Sinclair
Mr Anthony	Dr Forbes	Mr MacKellar	Mr Snedden
Mr Bonnett	Mr Garland	Mr McLeay	Mr Staley
Mr Bouchier	Mr Giles	Mr McMahan	Mr Street
Mr Cadman	Mr Hewson	Mr McVeigh	Mr Sullivan
Mr Calder	Mr Hodges	Mr Macphee	Mr Viner
Mr Chipp	Mr Holten	Mr Millar	Mr Wentworth
Mr Drummond	Mr Hunt	Mr Nixon	Mr Wilson
Mr Drury	Mr Hyde	Mr O'Keefe	
Dr Edwards	Mr Jarman	Mr Peacock	<i>Tellers:</i>
Mr Ellicott	Mr Kelly	Mr E. L. Robinson	Mr D. M. Cameron
Mr Erwin	Mr Killen	Mr I. L. Robinson	Mr England
Mr Fairbairn	Mr Lloyd	Mr Ruddock	

And so it was resolved in the affirmative.

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

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

AYES, 59

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

NOES, 54

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

And so it was resolved in the affirmative.

- 17 ADMINISTRATIVE APPEALS TRIBUNAL BILL 1975: The order of the day having been read for the further consideration of the Bill in committee, the House resolved itself into a committee of the whole.

In the committee

Clauses 29 to 35, by leave, taken together, and agreed to.

Clause 36—

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

Page 14, line 33, omit “a Minister”, substitute “the Attorney-General”.

Page 14, omit paragraph (c).

Page 15, lines 32–34, omit “, but does affect any rules of law relating to privilege in relation to the disclosure of information or of the contents of documents in such proceedings”.

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 37 agreed to.

Clauses 38 and 39, by leave, taken together, and agreed to.

Clause 40—

Mr Howard moved the following amendment: Page 16, after sub-clause (3) insert the following sub-clauses:

“(3A) A person summoned to appear before the Tribunal may request that he be represented by counsel or a solicitor and upon such request being made the Tribunal shall allow such person to be represented and shall hear and decide upon such submissions as may be made by such counsel or solicitor,

“(3B) Evidence given by a person before the Tribunal is not admissible against him in any criminal proceedings other than proceedings for offences against this Act.”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clauses 41 to 43, by leave, taken together, and agreed to.

Clause 44—

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

Page 18, lines 31 and 32, omit “Superior Court of Australia”, substitute “Supreme Court of a State or a Territory”.

Page 18, line 39, omit “Superior Court of Australia”, substitute “Supreme Court of a State or a Territory”.

Page 18, omit sub-clause (3), substitute the following sub-clause:

“(3) The Supreme Courts of the States are invested with federal jurisdiction and jurisdiction is conferred on the several courts of the Territories within the limits of their several jurisdictions whether those limits are as to locality, subject matter or otherwise to hear and determine civil and criminal proceedings instituted in those courts under this Act.”.

Page 19, line 6, omit “Superior Court of Australia”, substitute “Supreme Court”.

Page 19, line 10, omit “Superior Court of Australia”, substitute “Supreme Court”.

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 45—

Mr Howard moved the following amendment: Page 19, omit “Superior Court of Australia” (wherever occurring), substitute “Supreme Court”.

Amendment negatived.

Clause agreed to.

Clause 46—

Mr Howard moved the following amendment: Pages 19 and 20, omit "Superior Court of Australia" (wherever occurring), substitute "Supreme Court".

Amendment negatived.

Clause agreed to.

Clause 47 debated and agreed to.

It being half-past ten o'clock p.m.—Progress to be reported.

The House resumed; Mr Martin reported accordingly.

Adjournment negatived: The question was accordingly proposed—That the House do now adjourn.

Mr Daly (Leader of the House) requiring the question to be put forthwith without debate—

Question—put and negatived.

The House again resolved itself into a committee of the whole.

In the committee

Proposed new Part—

Mr Howard moved, by leave—That the following new Part IVA (comprising clauses 47A to 47C) be inserted in the Bill:

"PART IVA—ADMINISTRATIVE REVIEW COUNCIL

"47A. There shall be an Administrative Review Council which shall consist of the President, the Ombudsman, the Chairman of the Australian Law Reform Commission, a senior administrative official and a Parliamentary draftsman.

"47B. The function of the Council shall be to advise and make recommendations to the Attorney-General from time to time as to the following matters:—

- (a) those decisions made in exercise of powers conferred by enactments which are not the subject of review by a Court or other body and which in the opinion of the Council ought to be and as to the appropriate Court or other body (including the Administrative Review Tribunal) to which a right of appeal or review should be given;
- (b) the sufficiency or otherwise of the procedures in use by tribunals engaged in the review of such decisions and the improvements which might be made in those procedures;
- (c) the sufficiency or otherwise of the procedures in use for the judicial review of such decisions and the improvements which might be made in those procedures;
- (d) the constitution of tribunals engaged in the administrative review of such decisions;
- (e) the desirability of decisions which are the subject of review by a special tribunal being made the subject of review by the Administrative Appeals Tribunal; and
- (f) generally as to ways and means of improving the procedures for administration and to ensure the adoption of a just and equitable system of review.

"47C. The Attorney-General shall provide the Council with such staff (including research staff) as the Council considers necessary for it to perform its functions."

Debate ensued.

Proposed new Part negatived.

Clauses 48 to 57, by leave, taken together, and agreed to.

New clause—

On the motion of Mr Enderby (Attorney-General), the following new clause was inserted in the Bill:

- “57A. (1) A person who—
- (a) has made, or proposes to make, an application to the Tribunal Legal assistance. for a review of a decision;
 - (b) is a party to a proceeding before the Tribunal instituted by another person; or
 - (c) proposes to institute a proceeding, or is a party to a proceeding instituted, before a court in respect of a matter arising under 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, the Director of the Australian Legal Aid Office or a person employed in the Australian Legal Aid Office authorized by the Director in writing in that behalf may (in the case of a person employed in the Australian Legal Aid Office, subject to any restriction specified in the authorization) authorize the provision to that person of legal assistance including assistance by way of the payment of any costs and expenses reasonably incurred by or on behalf of that person in connexion with the proceeding, in accordance with the means and needs test of the Australian Legal Aid Office for the giving of legal assistance.”.

Clause 58 agreed to.

New clause 57A reconsidered, by leave, and agreed to, after debate.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr Berinson reported accordingly.

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

18 MESSAGES FROM THE SENATE: Messages from the Senate, dated 22 May 1975, were reported—

- (a) returning the following Bills without amendment:

Message—

No. 202—Curriculum Development Centre 1975.

No. 203—Technical and Further Education Commission 1975.

- (b) concurring in the resolution of the House varying the resolution of appointment of the Joint Committee on Pecuniary Interests of Members of the Parliament—Message No. 204.

19 ADJOURNMENT: Mr Enderby (Attorney-General) 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 Monday next at fifteen minutes past two o'clock p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr J. F. Cairns, Dr Everingham, Mr Katter, Mr McKenzie, Mr Mulder and Mr Sherry.

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