

AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 86

WEDNESDAY, 20 AUGUST 1975

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- 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 **PRIVILEGE:** Mr Daly (Leader of the House) raised a matter of privilege based upon an article published in the *Daily Mirror* of Tuesday, 19 August 1975, under the heading "MPS BATTLE THE BUDGET FLIGHT RULE" and the leading articles of that newspaper and the *Daily Telegraph* of Wednesday, 20 August 1975. Mr Daly produced copies of the *Daily Mirror* and the *Daily Telegraph* containing the articles and gave the name of the printer and publisher of each newspaper.
Mr Speaker stated that he would consider whether the matter should have precedence and give a ruling at the earliest possible time.
 - 3 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Drury, Dr Gun, Mr Jarman and Mr McVeigh—from certain citizens of Australia praying that the House reject the Australian Government Insurance Office Bill.
 - Mr Drury and Mr Macphee—from certain employees and agents of the Australian insurance industry in terms similar to the preceding petition.
 - Mr K. M. Cairns, Mr Fry and Mr Jarman—from certain citizens of Australia praying that the House either decrease or reject proposed increases in postal and telephone charges.
 - Dr J. F. Cairns and Mr Hunt—from certain citizens of Australia praying that the House ensure that the Government (1) prohibit the export of mineral sands from Fraser Island and (2) assist the Queensland Government and other bodies to conserve the natural environment of Fraser Island for the benefit of the people of Australia.
 - Mr Jarman and Mr Street—from certain citizens of Australia praying that (1) the Metric Conversion Act be repealed and (2) the Government take urgent steps to cause the traditional and familiar units to be restored in those areas where the greatest inconveniences and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 Kerin and Mr Reynolds—from certain citizens of Australia praying that the House (1) support a moratorium on whaling, (2) support research into marine biology and alternatives to whale products, (3) close down whaling operations at Cheynes Beach, Western Australia, (4) ban the import of all whale products and (5) encourage the end of whaling throughout the World.
 - Mr Fraser (Leader of the Opposition)—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.
 - Mr Connolly—from certain citizens of Australia praying that the Government remove or substantially increase the \$300 limit on income tax deductibility on personal residential land and water rates.

Mr Garland—from certain citizens of Australia praying that Parliament continue and actively promote the school cadet movement.

Dr Gun—from certain officials of the Conservation Council of South Australia Incorporated praying that the House instruct the Standing Committee on the Environment to examine the boundaries of the proposed Kakadu National Park, Northern Territory, with a view to including the catchments of the East and South Alligator Rivers within the Park.

Mr Street—from certain citizens of Australia praying that the Government (1) seek the release of refugees from South Vietnam and allow those who wish to enter Australia to do so and (2) establish an inquiry into the Communist movement in Australia and publish intelligence assessments of Communist activity in Australia.

Mr Wallis—from certain electors of the Division of Grey praying that the House review the assistance given in the education of children living in isolated districts.

Petitions received.

4 QUESTIONS: Questions without notice were asked.

5 ADVANCE TO THE TREASURER 1974-75—STATEMENT OF EXPENDITURE: Mr Hayden (Treasurer), by command of His Excellency the Governor-General, presented the following paper:

Advance to the Treasurer for year 1974-75—Statement of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act* 1901-1973.

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

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

Alleged Payments to Maritime Unions—Royal Commission—Interim Report, dated July 1975.

Australian Postal Commission—Service and business outlook for year 1975-76.

Australian Telecommunications Commission—Service and business outlook for year 1975-76.

Environment—Public attitudes to the environment—Report of the Department of Environment by Spectrum International Marketing Services Pty Ltd, dated 30 April 1975.

Environmental law—Seminar on Australian Government's role, Canberra, 13 and 14 December 1974—Papers and summary of discussions.

Industries Assistance Commission—Reports—

Almonds (By-law), dated 7 February 1975.

Bags and sacks of man-made fibre, dated 29 March 1975.

Leather and leather substitute products, dated 10 June 1975.

Rural income fluctuations—Certain taxation measures, dated 30 June 1975.

Superphosphate—Interim Report, dated 31 July 1975.

Tanned and finished leather: Dressed fur, dated 24 April 1975.

7 POSTPONEMENT OF NOTICES: Ordered—That notices Nos. 1 to 6, government business, be postponed until a later hour this day.

8 RAILWAYS AGREEMENT (SOUTH AUSTRALIA) BILL 1975: Mr Jones (Minister for Transport), pursuant to notice, presented a Bill for an Act relating to the Acquisition by Australia, with the consent of South Australia, of certain Railways of South Australia and to the Construction and Extension by Australia, with the consent of South Australia, of Railways in South Australia, and for purposes connected therewith.

Bill read a first time.

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

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

9 NATIONAL HEALTH (PHARMACEUTICAL BENEFITS CHARGES) BILL 1975: Dr Everingham (Minister for Health), pursuant to notice, presented a Bill for an Act relating to Charges for Pharmaceutical Benefits.

Bill read a first time.

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

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

10 ELECTORAL 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.

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

AYES, 58

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

NOES, 54

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Anthony	Mr Fairbairn	Mr Lloyd	Mr E. L. Robinson
Mr Bonnett	Mr Fisher	Mr Lucock	Mr I. L. Robinson
Mr Bouchier	Mr Garland	Mr Lusher	Mr Sinclair
Mr Bungey	Mr Gorton	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 Chipp	Mr Howard	Mr McVeigh	Mr Wentworth
Mr Connolly	Mr Hunt	Mr Macphee	Mr Wilson
Mr Corbett	Mr Hyde	Mr Millar	
Mr Drummond	Mr Jarman	Mr Newman	<i>Tellers:</i>
Mr Drury	Mr Katter	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Daly (Minister for Services and Property), the Bill was read a third time.

11 OMBUDSMAN 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

Clause 9—

Consideration resumed of the clause and of the amendments moved together by Mr Enderby (Attorney-General), viz.:

Page 9, omit paragraph (b), substitute the following paragraph:

“(b) by reason that it would involve the disclosure of communications between a Minister and a Minister of a State, being a disclosure that would prejudice relations between the Australian Government and the Government of a State;”.

Page 9, omit sub-clause (4), substitute the following sub-clause:

“(4) Notwithstanding the provisions of any enactment, a person is not excused from furnishing any information, producing a document or other record or answering a question when required to do so under this Act on the ground that the furnishing of the information, the production of the document or record or the answer to the question—

(a) would contravene the provisions of any other Act, would be contrary to the public interest or might tend to incriminate him or make him liable to a penalty; or

(b) would disclose legal advice furnished to a Minister, a Department or a prescribed authority,

but his answer to any such question is not admissible in evidence against him in proceedings other than proceedings for an offence against section 36.”.

Page 9, omit sub-clause (6).

Amendments together agreed to.

Clause, as amended, agreed to.

Clause 10—

On the motion of Mr Enderby, the following amendment was made: Page 10, at the end of the clause add the following sub-clause:

“(2) Where a board, committee or other unincorporated body constituted by 2 or more persons is empowered by an enactment to make decisions, sub-section (1) applies as if the board, committee or other body were a person empowered to make those decisions.”.

Clause, as amended, agreed to.

Clauses 11 to 13, by leave, taken together, and agreed to.

Clause 14—

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

Page 12, line 1, after “entering” insert “, for the purposes of an investigation under this Act,”.

Page 12, omit sub-clause (4), substitute the following sub-clauses:

“(4) For the purposes of an investigation under this Act, an authorized person is entitled to inspect any documents relevant to the investigation kept at premises entered by him under this section, other than documents in respect of which a Minister has furnished a certificate under sub-section 9 (3), at a reasonable time of the day arranged with the principal officer of the Department or prescribed authority concerned.

“(4A) Sub-section (4) shall not be taken to restrict the operation of section 9.”.

Clause, as amended, agreed to.

Clauses 15 to 18, by leave, taken together, and agreed to.

Clause 19—

On the motion of Mr Enderby, the following amendment was made: Page 16, line 2, omit “1975”, substitute “1976”.

Clause, as amended, agreed to.

New clause—

On the motion of Mr Enderby, the following new clause was inserted in Part II of the Bill:

“19A. (1) The Ombudsman may, from time to time, submit to the Minister, for presentation to the Parliament, a report of the operations of the Ombudsman during a part of a year or a report concerning a particular investigation or particular investigations carried out under this Act.

Additional
reports to
Parliament.

“(2) The Ombudsman shall not, in a report submitted to the Minister under sub-section (1), refer to an investigation in relation to which he has made a report in accordance with sub-section 15 (2) unless he is of the opinion that action that is adequate and appropriate in the circumstances has been taken with respect to the matters and recommendations included in that report.

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

“(4) Where an Ombudsman refers in a report submitted under sub-section (1) to an investigation made by him under this Act, the Ombudsman shall not, in referring to the investigation, set out opinions that are, either expressly or impliedly, critical of a Department, prescribed authority or person unless the Ombudsman has complied with sub-section 8 (5) in relation to the investigation.”.

Clause 20 agreed to.

Clause 21—

Mr Howard moved the following amendment: Page 16, at the end of sub-clause (1) add “but shall not be appointed until each House of the Parliament has approved of the proposed appointment”.

Debate continued.

Amendment negatived.

On the motion of Mr Howard, the following amendment was made: Page 16, lines 18 and 19, omit “determined by the Governor-General”, substitute “prescribed”.

Clause, as amended, agreed to.

Clause 22 agreed to.

Clause 23—

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

Page 16, at the end of sub-clause (2) add “or 19A”.

Page 17, line 2, after “17” insert “or 19A”.

Clause, as amended, agreed to.

Clauses 24 to 32, by leave, taken together, and agreed to.

Clause 33—

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

Page 20, omit sub-clause (1).

Clause, as amended, agreed to.

Clause 34—

On the motion of Mr Enderby, the following amendment was made: Page 20, line 21, omit “18 or 19”, substitute “18, 19 or 19A”.

Clause, as amended, agreed to.

Clause 35—

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

Page 20, at the end of paragraph (d) add “or who is an authorized person”.

Page 21, line 2, omit “except in the performance of his duties as an officer,”.

Page 21, after sub-clause (2) insert the following sub-clause:

“(2A) Sub-section (2) does not prevent an officer—

(a) from making a record of, or divulging or communicating to any person, information acquired by him in the performance of his duties as an officer and for purposes connected with the performance of the functions of the Ombudsman under this Act; or

(b) from divulging or communicating information to a person—

(i) if the information was furnished by an officer of a Department or prescribed authority in the performance of his duties as such an officer—with the consent of the principal officer of the Department or authority or of the responsible Minister; or

(ii) if the information was furnished by a person otherwise than as set out in sub-paragraph (i)—with the consent of the person who furnished the information.”.

On the motion of Mr Enderby, the following further amendment was made, after debate: Page 21, lines 19 and 20, omit “be prejudicial to the defence or security of Australia or would otherwise”, substitute “, for a reason specified in the certificate, being a reason referred to in paragraph 9 (3) (a), (b), (c) or (d),”.

Clause, as amended, agreed to.

Clause 36 agreed to.

New clause—

On the motion of Mr Enderby, the following further new clause was inserted in the Bill, after debate:

“36A. Civil proceedings do not lie against a person in respect of loss, Protection from civil actions.
damage or injury of any kind suffered by another person by reason of—

(a) the making of a complaint to the Ombudsman under this Act;

or

(b) the making of a statement to, or the furnishing of a document or information to, a person, being an officer within the meaning of section 35, for the purposes of this Act.”.

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

Bill to be reported with amendments.

The House resumed; Dr Jenkins 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.

12 FOREIGN TAKEOVERS 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.

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

13 PAPUA NEW GUINEA INDEPENDENCE BILL 1975: Mr Whitlam (Prime Minister), pursuant to notice, presented a Bill for an Act relating to the attainment of Independence by Papua New Guinea.

Bill read a first time.

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

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

14 PAPUA NEW GUINEA BILL 1975: Mr Whitlam (Prime Minister), pursuant to notice, presented a Bill for an Act relating to the Pocklington Reef Islands.

Bill read a first time.

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

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

15 PAPUA NEW GUINEA LOANS GUARANTEE BILL 1975: Mr Whitlam (Prime Minister), pursuant to notice, presented a Bill for an Act to provide for a Statutory Guarantee by Australia in respect of the repayment, on and after the date on which Papua New Guinea attains Independence, of certain Public Loans raised before that date by the Government of Papua New Guinea.

Bill read a first time.

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

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

16 PAPUA NEW GUINEA (STAFFING ASSISTANCE) BILL 1975: Mr Whitlam (Prime Minister), pursuant to notice, presented a Bill for an Act to amend the *Papua New Guinea (Staffing Assistance) Act 1973*.

Bill read a first time.

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

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

- 17 SOCIAL SERVICES BILL (No. 2) 1975: Mr Whitlam (Prime Minister), pursuant to notice, presented a Bill for an Act relating to Eligibility for Social Services by reason of Residence in certain External Territories.
 Bill read a first time.
 Mr Whitlam moved—That the Bill be now read a second time.
 Debate adjourned (Mr Peacock), and the resumption of the debate made an order of the day for the next sitting.
- 18 LOAN BILL 1975: Mr Hayden (Treasurer), pursuant to notice, presented a Bill for an Act to Authorize the Raising and Expending of Moneys for Defence Purposes.
 Bill read a first time.
 Mr Hayden moved—That the Bill be now read a second time.
 Debate adjourned (Mr Peacock), and the resumption of the debate made an order of the day for the next sitting.
- 19 CUSTOMS TARIFF PROPOSALS No. 25 (1975): Mr Enderby (Minister representing the Minister for Police and Customs) moved Customs Tariff Proposals No. 25 (1975).
 Debate adjourned (Dr Edwards), and the resumption of the debate made an order of the day for the next sitting.
- 20 FOREIGN TAKEOVERS 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 Hayden (Treasurer), the Bill was read a third time.
- 21 DEFENCE FORCE RE-ORGANIZATION 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 by Mr Killen who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the Bill be referred to a Select Committee of the House for a consideration of, and a report on, the clauses of the Bill”.
 Debate continued.
Paper: Mr Morrison (Minister for Defence), during his speech, by leave, presented the following paper:
 Defence Force re-organization—Copy of letter, dated July 1975, from Admiral Sir Victor Smith, Chairman, Chiefs of Staff Committee, Department of Defence, to Dr T. B. Millar, Director, Australian Institute of International Affairs.
 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, 61

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

NOES, 54

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

The House resolved itself into a committee of the whole.

In the committee

Clause 1 agreed to.

Clauses 2 and 3, by leave, taken together, and agreed to.

Clause 4 debated and agreed to.

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

The House resumed; Dr Jenkins reported accordingly.

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

Question—put and passed.

And then the House, at twenty-nine 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 20 August 1975, pursuant to statute:

Apple and Pear Stabilization Act—Regulation—Statutory Rules 1975, No. 153.

Defence Act, Naval Defence Act and Air Force Act—Regulations—Statutory Rules 1975, No. 149.

Public Service Act—Regulations—Statutory Rules 1975, Nos. 150, 151.

Stevedoring Industry Charge Act—Regulation—Statutory Rules 1975, No. 152.

Trade Commissioners Act—Regulations—Statutory Rules 1975, No. 155.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Coates, Mr Erwin, Dr Forbes, Mr Giles and Mr Hurford.

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