

AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 105

THURSDAY, 16 OCTOBER 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 Bonnett, Mr K. M. Cairns, Mr D. M. Cameron, Mr Drury, Mr Hodges, Mr Killen and Mr E. L. Robinson—from certain citizens of Australia praying that the cadet corps be continued.

Mr Enderby (Attorney-General), Mr Clayton, Mr Mathews, Mr Morris and Mr O'Keefe—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 Armitage and Mr Reynolds—from certain citizens of Australia praying that the present system of uniform personal taxation be retained.

Mr Armitage and Mr Reynolds—from certain citizens of Australia praying that powers to vary income tax be not given to State Governments.

Mr Connolly and Mr Hyde—from certain citizens of Australia praying that the House reject the Australian Government Insurance Office Bill.

Mr Kelly and Mr Lucock—from certain citizens of Australia praying that postal rate increases be decreased or rejected and special rates be provided for Category A magazines.

Mr Hodges and Mr Ruddock—from certain citizens of Australia praying that no further measures be taken which will make home ownership unattractive to those who have a home and unachievable for those who have not.

Mr Ruddock and Mr Wentworth—from certain citizens of Australia praying that the House withdraw its confidence from the Prime Minister in order that there may be a speedy election.

Mr Bouchier—from certain students and staff of the State College of Victoria, Bendigo, praying that the allowance granted to students under the Tertiary Education Assistance Scheme be increased.

Mr Calder—from certain citizens of Australia praying that areas recommended by the Aboriginal Land Commission to be passed into Aboriginal ownership be subject to discussion and vote in the House and the Senate.

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 Corbett—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 Hodges—from certain citizens of Australia praying that the monopoly held by the Post Office be ended and free enterprise be given the right to compete with that service.

Mr Hurford—from certain citizens of Australia praying that the Post Office agency at Royston Park, South Australia, be restored.

Mr Morris—from certain citizens of Australia praying that (1) pensions be related to average weekly earnings and (2) no charge be made for the installation or rental of telephones for pensioners.

Mr Morris—from certain citizens of Australia praying that a system of double income tax on personal incomes be not re-introduced.

Petitions received.

Mr Wentworth informed the House that he proposed to take action in connection with the petition which he had lodged, and moved—That the petition lodged by the honourable Member for Mackellar be printed.

Question—put and negatived.

3 QUESTION: A question without notice was asked.

4 SUSPENSION OF STANDING ORDERS—MOTION WITHOUT NOTICE: Mr Bowen (Acting Leader of the House) moved, pursuant to notice—That so much of the standing orders be suspended as would prevent the Prime Minister moving forthwith a motion expressing confidence in the Government and asserting the role of the House of Representatives.

Closure: Mr Bowen 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, 61

Mr Armitage	Mr Crean	Dr Jenkins	Mr Reynolds
Mr Beazley	Mr Cross	Mr L. K. Johnson	Mr Riordan
Mr Bennett	Mr Davies	Mr L. R. Johnson	Mr Sherry
Mr Berinson	Mr Dawkins	Mr Jones	Mr Stewart
Mr Bowen	Mr Duthie	Mr Keating	Mr Thorburn
Mr Bryant	Mr Enderby	Mr Keogh	Mr Uren
Dr J. F. Cairns	Dr Everingham	Mr Kerin	Mr Wallis
Mr C. R. Cameron	Mr FitzPatrick	Dr Klugman	Mr Whan
Dr Cass	Mr Fry	Mr Lamb	Mr Whitlam
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	<i>Tellers:</i>
Mr Collard	Mr Hurford	Mr Morrison	Mr James
Mr Connor	Mr Innes	Mr Mulder	Mr Nicholls
Mr Cope	Mr Jacobi	Dr Patterson	

NOES, 57

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

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, 61

Mr Armitage	Mr Crean	Dr Jenkins	Mr Reynolds
Mr Beazley	Mr Cross	Mr L. K. Johnson	Mr Riordan
Mr Bennett	Mr Davies	Mr L. R. Johnson	Mr Sherry
Mr Berinson	Mr Dawkins	Mr Jones	Mr Stewart
Mr Bowen	Mr Duthie	Mr Keating	Mr Thorburn
Mr Bryant	Mr Enderby	Mr Keogh	Mr Uren
Dr J. F. Cairns	Dr Everingham	Mr Kerin	Mr Wallis
Mr C. R. Cameron	Mr FitzPatrick	Dr Klugman	Mr Whan
Dr Cass	Mr Fry	Mr Lamb	Mr Whitlam
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 Collard	Mr Hurford	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Innes	Mr Mulder	Mr James
Mr Cope	Mr Jacobi	Dr Patterson	Mr Nicholls

NOES, 57

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

And so it was resolved in the affirmative.

5 CONFIDENCE IN THE GOVERNMENT AND THE ROLE OF THE HOUSE OF REPRESENTATIVES:

Mr Whitlam (Prime Minister) moved—That—

CONSIDERING that this House is the House of the Australian Parliament from which the Government of Australia is chosen;

CONSIDERING moreover that on 2 December 1972 the Australian Labor Party was elected by judgment of the people to be the Government of Australia; that on 18 May 1974 the Australian Labor Party was re-elected by judgment of the people to be the Government of Australia; and that the Australian Labor Party continues to have a governing majority in this House;

RECOGNISING that the Constitution and the conventions of the Constitution vest in this House the control of the supply of money to the elected Government;

NOTING that this House on 27 August 1975 passed the Loan Bill 1975 and on 8 October 1975 passed the Appropriation Bill (No. 1) 1975-76 and the Appropriation Bill (No. 2) 1975-76 which, amongst other things, appropriate moneys for the ordinary annual services of the Government;

NOTING also that on 15 October 1975, in total disregard of the practices and conventions observed in the Australian Parliament since Federation, the Leader of the Opposition announced the intention of the Opposition to delay those Bills, with the object of forcing an election of this House; that on 15 October 1975 the Leader of the Opposition in the Senate announced that the Opposition parties in the Senate would delay the Bills; and that on 15 October 1975 the Senate, against the wishes of the Government, decided not to proceed further with consideration of the Loan Bill 1975;

CONSIDERING that the actions of the Senate and of the Leader of the Opposition will, if pursued, have the most serious consequences for Parliamentary democracy in Australia, will seriously damage the Government's efforts to counter the effect

of world-wide inflation and unemployment, and will thereby cause great hardship for the Australian people:

- (1) This House declares that it has full confidence in the Australian Labor Party Government;
- (2) This House affirms that the Constitution and the conventions of the Constitution vest in this House the control of the supply of moneys to the elected Government and that the threatened action of the Senate constitutes a gross violation of the roles of the respective Houses of the Parliament in relation to the appropriation of moneys;
- (3) This House asserts the basic principle that a Government that continues to have a majority in the House of Representatives has a right to expect that it will be able to govern;
- (4) This House condemns the threatened action of the Leader of the Opposition and of the non-government parties in the Senate as being reprehensible and as constituting a grave threat to the principles of responsible government and of Parliamentary democracy in Australia, and
- (5) This House calls upon the Senate to pass without delay the Loan Bill 1975, the Appropriation Bill (No. 1) 1975-76 and the Appropriation Bill (No. 2) 1975-76.

Paper: Mr Whitlam, during his speech, by leave, presented the following paper:

List of certain Appropriation and Supply Bills.

Mr Fraser (Leader of the Opposition) moved, as an amendment—That all words after “That” (first occurring) be omitted with a view to substituting the following words: “this House regrets the failure of the Prime Minister to apply the same standards to himself as he has demanded from his Ministers in that, having misled the Parliament and the people, he has refused to resign and subject his Government to the will of the Australian people”.

Debate continued.

Mr Lynch (Deputy Leader of the Opposition) 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, 61

Mr Armitage	Mr Crean	Dr Jenkins	Mr Reynolds
Mr Beazley	Mr Cross	Mr L. K. Johnson	Mr Riordan
Mr Bennett	Mr Davies	Mr L. R. Johnson	Mr Sherry
Mr Berinson	Mr Dawkins	Mr Jones	Mr Stewart
Mr Bowen	Mr Duthie	Mr Keating	Mr Thornburn
Mr Bryant	Mr Enderby	Mr Keogh	Mr Uren
Dr J. F. Cairns	Dr Everingham	Mr Kerin	Mr Wallis
Mr C. R. Cameron	Mr FitzPatrick	Dr Klugman	Mr Whan
Dr Cass	Mr Fry	Mr Lamb	Mr Whitlam
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 Collard	Mr Hurford	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Innes	Mr Mulder	Mr James
Mr Cope	Mr Jacobi	Dr Patterson	Mr Nicholls

NOES, 58

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

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 Scholes, in the Chair)—

AYES, 62

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

NOES, 57

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

And so it was resolved in the affirmative.

Question—That the motion be agreed to—put.

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

AYES, 62

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

NOES, 57

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

And so it was resolved in the affirmative.

- 6 **STATEMENT BY MINISTER:** Mr Crean (Deputy Prime Minister), by leave, made a statement referring to a remark made in debate earlier in the day by Mr Fraser (Leader of the Opposition).
- 7 **STATEMENTS BY MINISTERS—LEAVE TO MAKE NOT GRANTED:** Mr Enderby (Attorney-General) asked leave to make a statement.
 Objection being raised, leave not granted.
 Mr Jones (Minister for Transport) asked leave to make a statement.
 Objection being raised, leave not granted.
 Mr Riordan (Minister for Housing and Construction) asked leave to make a statement.
 Objection being raised, leave not granted.
 Dr Patterson (Minister for Northern Australia) asked leave to make a statement.
 Objection being raised, leave not granted.
 Mr Morrison (Minister for Defence) asked leave to make a statement.
 Objection being raised, leave not granted.
- 8 **CAPTAINS FLAT (ABATEMENT OF POLLUTION) AGREEMENT BILL 1975:** Mr Uren (Minister for Urban and Regional Development), pursuant to notice, presented a Bill for an Act relating to the Provision of Financial Assistance to New South Wales for the purpose of the Abatement of Pollution resulting from Mine Wastes at Captains Flat.
 Bill read a first time.
 Mr Uren 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.
- 9 **ABORIGINAL LAND (NORTHERN TERRITORY) BILL 1975:** Mr L. R. Johnson (Minister for Aboriginal Affairs), pursuant to notice, presented a Bill for an Act relating to the Provision of land in the Northern Territory for Aboriginals.
 Bill read a first time.
 Mr Johnson moved—That the Bill be now read a second time.
 Debate adjourned (Mr Ellicott), and the resumption of the debate made an order of the day for the next sitting.

10 CUSTOMS TARIFF BILL 1975: Mr Enderby (Minister representing the Minister for Police and Customs) presented a Bill for an Act relating to Duties of Customs.

Bill read a first time.

Mr Enderby 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 ORDER OF THE DAY NO. 1—GRIEVANCE DEBATE: It being past fifteen minutes to one o'clock p.m., order of the day No. 1 (Grievance debate—pursuant to standing order 106) was not called on.

12^a AUSTRALIAN SECURITY INTELLIGENCE 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.

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

NOES, 52

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

And so it was resolved in the affirmative.

And the question—That the Bill be now read a second time—was put accordingly, and passed—Bill read a second time.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 7, by leave, taken together, and agreed to.

Remainder of Bill, by leave, taken as a whole.

On the motion, by leave, of Mr Enderby (Attorney-General), the following amendments were made together, after debate:

Clause 8, page 3, at the end of the clause add the following sub-clause:

“(3) A determination made under section 8 or 9 of the Principal Act and in force immediately before the commencement of this Act shall, after the commencement of this Act, have effect as if it were a determination made under section 8 or 9, as the case may be, of the Principal Act as amended by this Act, and may be revoked or varied from time to time by a further determination under section 8 or 9, as the case may be, of the Principal Act as so amended.”.

The Schedule, page 3, after paragraph 3 insert the following paragraph:

“3A. The following provisions of the Principal Act are amended by omitting the word ‘Solicitor-General’ (wherever occurring) and substituting the words ‘Secretary to the Department of the Prime Minister and Cabinet’:—
Sections 8 and 9.”.

Remainder of Bill, as amended, 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.

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.

- 13 CONCILIATION AND ARBITRATION BILL (NO. 2) 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—

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

Message from the Governor-General: Message No. 205, dated 8 October 1975, 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 Enderby (Attorney-General), the Bill was read a third time.

- 14 TELEPHONIC COMMUNICATIONS (INTERCEPTION) 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Enderby (Attorney-General), the Bill was read a third time.

- 15 MESSAGE FROM THE SENATE—LOAN BILL 1975—SENATE'S RESOLUTION: The following message from the Senate was reported:

Message No. 275

MR SPEAKER,

Pursuant to a Resolution passed this day the Senate transmits to the House of Representatives the following Resolution agreed to by the Senate on 15 October 1975 during consideration of the Bill for “*An Act to Authorize the Raising and Expending of Moneys for Defence Purposes*”:

“That this Bill be not further proceeded with until the Government agrees to submit itself to the judgment of the people, the Senate being of the opinion that the Prime Minister and his Government no longer have the trust and confidence of the Australian people because of—

- (a) the continuing incompetence, evasion, deceit and duplicity of the Prime Minister and his Ministers as exemplified in the overseas loan scandal which was an attempt by the Government to subvert the Constitution, to by-pass Parliament and to evade its responsibilities to the States and the Loan Council;
- (b) the Prime Minister's failure to maintain proper control over the activities of his Ministers and Government to the detriment of the Australian nation and people; and

- (c) the continuing mismanagement of the Australian economy by the Prime Minister and this Government with policies which have caused a lack of confidence in this nation's potential and created inflation and unemployment not experienced for 40 years."

JUSTIN O'BYRNE,
President

The Senate,
Canberra, 16 October 1975

Ordered—That the message be taken into consideration at the next sitting.

16 LEGAL AID 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—*And on the amendment moved thereto by Mr Howard, viz.*—That all words after "That" be omitted with a view to substituting the following words: "the Bill be referred to a joint select committee of both Houses to inquire into and report upon:

- (a) the adequacy of existing legal aid services in Australia;
- (b) whether the provision made in the Bill is the most effective, efficient and economical method of providing legal advice and assistance;
- (c) which persons should be entitled to legal aid and what should be the basis on which advice and assistance are provided;
- (d) whether proper protection of the individual's right to obtain independent and confidential legal advice and assistance is provided for in existing legal aid arrangements and under the Bill;
- (e) the extent of duplication in the provision of legal advice and assistance throughout Australia and the means by which unnecessary duplication can be avoided;
- (f) the likely cost of providing legal aid services in Australia over the next five years and subsequently, and
- (g) the clauses of the Bill"—

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, 59

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

NOES, 51

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

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

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

Clause 3—

On the motion, by leave, of Mr Enderby (Attorney-General), the following amendments were made together:

Page 1, omit the definition of “Assistant National Director”, substitute the following definition:

“ ‘Assistant Director’ means an Assistant Director of the Office;”.

Page 2, after the definition of “Deputy Director” insert the following definition:

“ ‘Director’ means the Director of the Office;”.

Page 2, omit the definition of “external territory”.

Page 2, omit the definition of “National Director”.

Page 2, omit the definition of “statutory member of the Office”, substitute the following definition:

“ ‘statutory member of the Office’ means the Director, an Assistant Director or a Deputy Director;”.

Page 3, line 3, after “practitioner” insert “, or as a practitioner,”.

Clause, as amended, agreed to.

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

Clause 8—

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

Page 5, line 1, omit “voluntary”.

Page 5, line 5, omit “guidance”.

Clause, as amended, agreed to.

Clause 9—

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

Page 5, line 40, omit “National”.

Page 5, line 41, omit “National”.

Clause, as amended, agreed to.

Clause 10—

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

Page 6, line 6, at the end of sub-clause (2) add “with respect to matters of policy”.

Clause, as amended, agreed to.

Clause 11—

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

Page 6, line 9, omit “National”.

Page 6, line 11, omit “National”.

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13—

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

Page 6, lines 39 and 40, omit “in relation to any matter”.

Page 7, omit sub-clause (3), substitute the following sub-clause:

“(3) If the Attorney-General and the Board are unable to reach agreement as to the policy to be followed by the Board, the Governor-General may, by order, determine the policy to be followed by the Board.”.

Clause, as amended, agreed to.

Clauses 14 to 16, by leave, taken together, and agreed to, after debate.

Clause 17—

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

Page 8, line 25, before "private" insert "the Office,".

Page 8, line 39, omit "and".

Page 8, after paragraph (f) of sub-clause (1) insert the following paragraph:

"(fa) to advise the Attorney-General as to the educational programs that would be most effective in promoting an understanding by the public, or by sections of the public who have special needs in this respect, of their rights, powers, privileges and duties under the laws of Australia and of the Territories; and".

Clause, as amended, agreed to.

Clause 18 agreed to.

Clause 19—

On the motion of Mr Enderby, the following amendment was made:

Page 9, omit sub-clause (1), substitute the following sub-clauses:

"(1) The Commission 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 Commission during that year.

"(1A) In addition to reports referred to in sub-section (1), the Commission shall prepare and furnish to the Attorney-General such reports as the Attorney-General requires and may, from time to time, prepare and furnish to the Attorney-General such other reports as the Commission thinks fit.".

Clause, as amended, agreed to.

Clauses 20 to 25, by leave, taken together.

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

Clause 20—

Page 9, line 9, omit "National".

Page 9, line 10, omit "National".

Clause 21, page 9, line 14, omit "National" (wherever occurring).

Clause 22—

Page 9, line 34, omit "National".

Page 9, line 36, omit "National".

Page 9, line 37, omit "National".

Clause 23—

Page 10, line 3, omit "National".

Page 10, line 8, omit "National".

Clause 24—

Page 10, line 10, omit "National".

Page 10, line 13, omit "National".

Clause 25—

Page 10, line 18, omit "National".

Page 10, line 23, omit "National".

Page 10, line 26, omit "National".

Clauses, as amended, agreed to.

Clause 26—

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

Page 11, line 12, after "solicitor" insert "practising on his own account".

Page 11, after sub-clause (8) insert the following sub-clauses:

"(8A) This section applies in relation to a member of the staff of the Office who is in charge of a local office established by the Office in like manner as it applies in relation to a statutory member of the Office.

"(8B) A certificate given by a statutory member of the Office stating that the Office has established a local office in a locality specified in the certificate and that a person specified in the certificate is a member of the staff of the Office and is in charge of that local office is *prima facie* evidence of the matters certified.

“(8c) A document purporting to be a certificate given under sub-section (8b) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.”.

Clause, as amended, agreed to.

Clause 27 agreed to.

Clause 28—

On the motion of Mr Enderby, the following amendment was made: Page 11, line 32, omit “National”.

Clause, as amended, agreed to.

Clause 29—

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

Page 12, lines 35-37, omit paragraph (a) of sub-clause (3), substitute the following paragraph:

“(a) the nature and extent of any benefit that may accrue to the person, to the community or to any section of the community from the provision of the assistance or of any detriment that may be suffered by the person, by the community or by any section of the community if the assistance is not provided; and”.

Page 13, omit sub-clause (4), substitute the following sub-clause:

“(4) In a case involving—

(a) a question of public importance; or

(b) the protection, maintenance or preservation of the natural or cultural environment of Australia (including any place, being a component of that environment, that has aesthetic, historic, scientific or social significance or other special value for future generations as well as for the community),

if the provision of legal assistance under this Act to a person is not authorized by the preceding sub-sections of this section, legal assistance may nevertheless be provided to the person under this Act in such circumstances as are specified in, or ascertained in accordance with, the regulations.”.

Page 13, at the end of the clause add the following sub-clause:

“(6) Legal assistance shall not be provided under this Act to a person in or in connexion with an application made to the Administrative Appeals Tribunal under sub-section 36 (3).”.

Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31—

On the motion of Mr Enderby, the following amendment was made: Page 13, line 33, omit “National”.

Clause, as amended, agreed to.

Clause 32 debated and agreed to.

Clause 33—

On the motion of Mr Enderby, the following amendment was made:

Page 14, omit sub-clause (2), substitute the following sub-clauses:

“(2) Where an amount is recovered by a legally assisted person (whether in a proceeding or by virtue of a settlement or compromise) in respect of the matter in which the legal assistance is given, the person is liable to pay to the Office so much of that amount as the Office determines but the amount so determined shall not exceed the amount by which the sum of—

(a) the ordinary professional costs (including solicitor and client costs) of the legal services provided to the person in the proceeding or matter in respect of which legal assistance was provided; and

(b) any disbursements (including barristers' fees) and out-of-pocket expenses incurred in or in connexion with the provision of those services,

exceeds any amount, or the sum of any amounts, paid by the person to the Office under section 31 in relation to the legal assistance.

“(3) The amount that a person is liable to pay to the Office under sub-section (2) is recoverable by the Office by action in a court of competent jurisdiction as a debt due and payable to the Office.”.

Clause, as amended, agreed to.

Clause 34—

On the motion of Mr Enderby, the following amendment was made, after debate:
Page 15, line 5, omit “National”.

Clause, as amended, agreed to.

Clause 35—

On the motion of Mr Enderby, the following amendment was made:

Page 15, lines 17 and 18, omit “communicate the decision to any person affected by the decision”, substitute “, within 14 days after the decision is made, communicate the decision to the person who applied for the legal assistance or for the payment, as the case may be”.

Clause, as amended, agreed to.

Clause 36—

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

Page 15, line 38, omit “a person affected by the decision”, substitute “the person who applied for the legal assistance or for the payment”.

Page 16, line 7, omit “National”.

Page 16, omit sub-clause (3), substitute the following sub-clause:

“(3) Where a decision is confirmed or varied following a reconsideration of the decision under sub-section (2), the person who requested the reconsideration may make an application to the Administrative Appeals Tribunal for review of the decision.”.

Clause, as amended, agreed to.

Clauses 37 to 39, by leave, taken together, and agreed to.

Clause 40—

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

“40. Where the Office has established a local office, the Office shall encourage persons living, or carrying on a business, profession or trade, in the locality where the office is established to form a committee to serve as a basis for the establishment by the Attorney-General of a local consultative committee in that locality.”.

Facilitation of establishment of committees.

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

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.

17½ MESSAGE FROM THE SENATE—APPROPRIATION BILL (NO. 1) 1975-76 AND APPROPRIATION BILL (NO. 2) 1975-76—SENATE'S RESOLUTION: The following message from the Senate was reported:

MR SPEAKER,

Message No. 276

Pursuant to a Resolution passed this day the Senate transmits to the House of Representatives the following Resolution agreed to by the Senate on 16 October 1975 during consideration of each of the Bills intituled:

“A Bill for an Act to appropriate certain sums out of the Consolidated Revenue Fund for the service of the year ending on 30 June 1976”;

“A Bill for an Act to appropriate a sum out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on 30 June 1976”, viz.: “That this Bill be not further proceeded with until the Government agrees to submit itself to the judgment of the people, the Senate being of the opinion that the Prime Minister and his Government no longer have the trust and confidence of the Australian people because of—

- (a) the continuing incompetence, evasion, deceit and duplicity of the Prime Minister and his Ministers as exemplified in the overseas loan scandal which was an attempt by the Government to subvert the Constitution, to by-pass Parliament and to evade its responsibilities to the States and the Loan Council;
- (b) the Prime Minister’s failure to maintain proper control over the activities of his Ministers and Government to the detriment of the Australian nation and people; and
- (c) the continuing mismanagement of the Australian economy by the Prime Minister and this Government with policies which have caused a lack of confidence in this nation’s potential and created inflation and unemployment not experienced for 40 years.”.

JUSTIN O’BYRNE,
President

The Senate,
Canberra, 16 October 1975

Ordered—That the message be taken into consideration at the next sitting.

- 18 TRAVEL AGENTS 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.

- 19 ADJOURNMENT: It being half-past ten o’clock p.m.—The question was proposed—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 Tuesday next at fifteen minutes past two o’clock p.m.

PAPERS: The following papers were deemed to have been presented on 16 October 1975, pursuant to statute:

- Commonwealth Banks Act—Appointment certificate—H. Klockner.
- Norfolk Island Act—Ordinance—1975—No. 5—Administration.
- Postal Services Act—Australian Postal Commission—By-laws—Postal Staff (Salaries)—1975—Amendment No. 1.
- Seat of Government (Administration) Act—
Ordinances—1975—
No. 30—Children’s Flammable Nightwear.
- No. 31—Unit Titles.
- No. 32—City Area Leases.
- No. 33—Real Property.
- No. 34—Real Property (Unit Titles).
- No. 35—Police Offences.
- Regulations—1975—
No. 21 (Machinery Ordinance).
- No. 22 (Liquor Ordinance (No. 3)).
- No. 23 (Motor Traffic Ordinance).

States Grants (Nature Conservation) Act—Agreement, dated 7 October 1975, between the Australian and South Australian Governments relating to financial assistance to South Australia for land acquisition for nature conservation purposes (Murray's Lagoon).

Telecommunications Act—Australian Telecommunications Commission—By-laws—Telecommunications (General)—Amendment No. 1.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Corbett, Mr Daly, Mr England*, Mr Hewson and Mr Luchetti*.

* On leave

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