

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 33

THURSDAY, 27 MAY 1976

1 The House met, at 10.30 a.m., pursuant to adjournment. Mr Speaker (the Right Honourable B. M. Snedden) took the Chair, and read Prayers.

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

Mr Viner (Minister for Aboriginal Affairs) and Mr Connolly—from certain citizens of Australia praying that a Commission of Inquiry be initiated into the Aurukun Associates Agreement Act, no mining take place on the Aurukun Aboriginal Reserve until a full environmental impact study has been made and an export licence to the consortium concerned be refused until negotiations are held with the Aurukun people and an agreement has been reached.

Mr J. L. McMahon and Mr Neil—from certain citizens of Australia praying that the Government reverse the decision to cut 1975-76 overseas development assistance, reaffirm Australia's commitment of assistance of a minimum of 0.7% of G.N.P. and establish an independent statutory authority to administer such assistance.

Mr Uren (Deputy Leader of the Opposition)—from certain citizens of Australia praying that social security payments be adjusted instantly and automatically with increases in the Consumer Price Index and certain other benefits be adjusted.

Mr Aldred—from certain students and staff of Christ College, Vic., praying that the immigration of teachers recruited outside Australia be prevented.

Dr Cass—from certain citizens of Australia praying that the Australian Assistance Plan be continued as recommended in the report tabled in Parliament on 4 March 1976.

Mr Connolly—from certain citizens of Australia praying that all current woodchip export licences be cancelled, more funds be provided for research into the recycling of used packaged material and future applications for woodchip leases be preceded by an environmental inquiry.

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 Falconer—from certain students and staff of Christ College and State Colleges of Victoria praying that the income tax exemption for teachers recruited outside Australia by the Victorian Education Department be cancelled.

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

Mr Neil—from certain electors of New South Wales praying that a fairer share of the income tax paid to the Federal Government by the State of N.S.W. be returned to it.

Mr Yates—from certain citizens of Australia praying that the Government reverse the decision to cut 1975–76 overseas development assistance and send some of our more productive cows to the Indian sub-continent.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Information and library needs of the citizens of the western region of Melbourne—
“The Westudy Report”—Urban Paper by Library Council of Victoria and
Victorian Council of Social Service.

Land tenures—Final Report of Commission of Inquiry, dated February 1976.

Pursuant to statute:

Wheat Research Act—Eighteenth Annual Report, for 1975.

5 CADET TRAINING SCHEME—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:

Mr Killen (Minister for Defence), by leave, made a ministerial statement with reference to a new scheme for the training of Army, Navy and Air cadets, and, by command of His Excellency the Governor-General, presented the following paper:
Cadet training scheme—Ministerial statement, 27 May 1976.

Mr Sinclair (Leader of the House) moved—That the House take note of the paper.

Debate ensued.

Debate adjourned (Mr McLeay—Minister Assisting the Minister for Defence), and the resumption of the debate made an order of the day for the next sitting.

6 AURUKUN AREA, QLD—RIGHTS AND STANDING OF ABORIGINAL PEOPLE: Mr Beazley, pursuant to notice, moved—That—

Whereas Section 51 paragraph 26 of the Constitution confers on the Parliament of Australia the power to make laws with respect to ‘The people of any race for whom it is deemed necessary to make special laws’; and

Whereas the Australian people at a referendum of May 1967 indicated overwhelmingly their view that this Australian Parliament has a special obligation to make laws for the advancement of the people of Aboriginal race; and

Whereas the State Parliament of Queensland has passed a law, the ‘Aurukun Associates Agreement Act of 1975’, disposing of Aboriginal land to Tipperary Corporation, Billiton Aluminium Australia B.V., and Aluminium Pechiney Holdings Limited without any reference in the Act to the Aboriginal inhabitants having a standing as parties to the Agreement, notwithstanding a reference to Aboriginal people in Queensland generally receiving the benefit of a royalty;

Therefore, in the opinion of this House, legislation should be introduced protecting the rights and standing of the Aboriginal people in the tribal lands affected by the Agreement, and providing for the recognition of traditional Aboriginal owners in the Aurukun area as those Aboriginal people who have common spiritual affiliations to a site on the land and who are entitled by Aboriginal tradition to forage as of right over that land; and providing for the recognition of traditions, observances, customs and beliefs as applied in relation to the people of Aboriginal race at Aurukun, and to sites and areas of land at Aurukun.

Debate ensued.

Mr L. R. Johnson rising to address the House—

Closure: Mr Viner (Minister for Aboriginal Affairs) 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—was put accordingly, and negatived.

7 RURAL INDUSTRIES—HARDSHIP: Mr Giles, pursuant to notice, moved—That the House condemns the previous Government’s economic mismanagement which has caused hardship and misery to a high proportion of those involved in rural industries.

The time allotted for precedence to general business having expired, the debate was interrupted, Mr Giles was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an order of the day for the next sitting.

- 8 DEFENCE FORCES RETIREMENT BENEFITS FUND (DISTRIBUTION OF SURPLUS TO PENSIONERS) BILL 1976: Mr Killen (Minister for Defence), pursuant to notice, presented a Bill for an Act to provide for the Distribution amongst certain Defence Force Pensioners of certain of the moneys paid out of the Defence Forces Retirement Benefits Fund into the Consolidated Revenue Fund.

Bill read a first time.

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

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

- 9 CRIMES (AIRCRAFT) AMENDMENT BILL 1976: Mr Ellicott (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Crimes (Aircraft) Act 1963–1973*. Bill read a first time.

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

Debate adjourned (Mr E. G. Whitlam—Leader of the Opposition), and the resumption of the debate made an order of the day for the next sitting.

- 10 SOCIAL SERVICES AMENDMENT BILL (No. 2) 1976: The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a third time—

Debate resumed.

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

- 11 HEALTH INSURANCE LEVY ASSESSMENT BILL 1976: 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.

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

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Mr Abel	Mr Drummond	Mr Killen	Mr Ruddock
Mr Adermann	Mr Falconer	Mr King	Mr Sainsbury
Mr Baillieu	Mr Fife	Mr Lucock	Mr Shipton
Mr Baume	Mr Fisher	Mr Lusher	Mr Short
Mr Birney	Mr Garland	Mr MacKenzie	Mr Simon
Mr Bonnett	Mr Gillard	Mr McLeay	Mr Sinclair
Mr Bouchier	Mr Goodluck	Mr W. McMahan	Mr Staley
Mr Bradfield	Mr Graham	Mr McVeigh	Mr Street
Mr Braithwaite	Mr Groom	Mr Macphee	Mr Sullivan
Mr Brown	Mr Hamer	Mr Martyr	Mr Thomson
Mr Bungey	Mr Hodges	Mr Millar	Mr Viner
Mr Cadman	Mr Hodgman	Mr Neil	Mr Wilson
Mr K. M. Cairns	Mr Hyde	Mr Newman	Mr Yates
Mr Calder	Mr Jarman	Mr Nixon	
Mr Carige	Mr P. F. Johnson	Mr O'Keefe	
Mr Chapman	Mr Jull	Mr Peacock	<i>Tellers:</i>
Mr Connolly	Mr Katter	Mr Porter	Mr D. M. Cameron
Mr Cotter	Mr Kelly	Mr E. L. Robinson	Mr Corbett

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Mr Armitage	Mr Crean	Mr L. R. Johnson	Mr Stewart
Mr Beazley	Mr FitzPatrick	Mr Jones	Mr Uren
Mr Bowen	Mr Fry	Mr Keating	Mr Willis
Mr Bryant	Mr Hayden	Dr Klugman	Mr Young
Dr J. F. Cairns	Mr Hurford	Mr J. L. McMahan	<i>Tellers:</i>
Dr Cass	Mr Innes	Mr Morris	Mr Martin
Mr Cohen	Mr Jacobs	Mr Scholes	Mr Nicholls

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

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole, and agreed to, after debate.
Bill to be reported without amendment.

The House resumed; Mr Lucock reported accordingly.

On the motion of Mr E. L. Robinson (Minister Assisting the Treasurer), the House adopted the report.

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

Debate ensued.

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

- 12 HEALTH INSURANCE LEVY BILL 1976: 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 E. L. Robinson (Minister Assisting the Treasurer), the Bill was read a third time.

- 13 INCOME TAX (INTERNATIONAL AGREEMENTS) AMENDMENT BILL (No. 2) 1976: 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 E. L. Robinson (Minister Assisting the Treasurer), the Bill was read a third time.

- 14 HEALTH INSURANCE AMENDMENT BILL 1976: 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.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6—

On the motion of Mr Hunt (Minister for Health), the following amendment was made, after debate: Page 5, omit paragraphs (a) and (b).

Clause, as amended, agreed to.

Clauses 7 to 10, by leave, taken together, and agreed to.

Clause 11 omitted, after debate.

Clauses 12 to 16, by leave, taken together, and agreed to, after debate.

Clause 17 omitted.

Schedule omitted.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr Lucock reported accordingly.

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

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

Debate ensued.

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

- 15 NATIONAL HEALTH AMENDMENT BILL 1976: 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. 52, dated 25 May 1976, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

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In the committee

Clauses 1 to 33, by leave, taken together, and agreed to, after debate.

Clause 34—

On the motion of Mr Hunt (Minister for Health), the following amendment was made:

Page 22, omit proposed section 82v, substitute the following section:

“ ‘ 82v. (1) An inspector may, with the consent of the occupier of any premises, enter the premises for the purpose of exercising the functions of an inspector under this section in relation to the organization concerned. Access to premises.

“ ‘ (2) Where—

- (a) an occupier of premises has refused or failed to grant upon request consent to the entry, at a reasonable time, on the premises of an inspector; and
- (b) an inspector has reason to believe that there are on the premises records relating to the affairs of the organization concerned,

the inspector referred to in paragraph (b) may, within 1 month after the request for consent was made, make application to a Magistrate for a warrant authorizing him to enter the premises for the purpose of exercising the functions of an inspector under this section in relation to the organization concerned.

“ ‘ (3) If, on an application under sub-section (2), the Magistrate is satisfied by information on oath—

- (a) that there is reasonable ground for believing that there are on the premises to which the application relates any records relating to the affairs of the organization concerned; and

(b) that the issue of a warrant is reasonably required for the purposes of this Act, the Magistrate may grant a warrant, which may be in accordance with the prescribed form, authorizing the inspector, with such assistance as he thinks necessary, to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant so specifies, at any time, if necessary by force, for the purpose of exercising the functions of an inspector under this section in relation to the organization concerned.

“ ‘ (4) Where an inspector has entered any premises in pursuance of sub-section (1) or in pursuance of a warrant granted under sub-section (3), he may exercise the functions of an inspector under this section in relation to the organization concerned.

“ ‘ (5) A person shall not, without reasonable excuse, obstruct or hinder an inspector acting in pursuance of a warrant under sub-section (3) or in pursuance of sub-section (4).

Penalty: \$1,000 or imprisonment for 3 months.

“ ‘ (6) The functions of an inspector under this section in relation to the organization concerned are to search for, inspect, take extracts from, or make copies of, any records that relate, or that he believes, on reasonable grounds, to relate, to the affairs of that organization.

“ ‘ (7) In this section—

“inspector”, in relation to a registered organization, means an inspector empowered to investigate the whole or a part of the affairs of that organization, and “the organization concerned”, in relation to that inspector, means that organization;

“occupier”, in relation to premises, includes the person in charge of the premises.’ ”.

Clause, as amended, agreed to.

Clauses 35 to 41, by leave, taken together, and agreed to.

Clause 42—

On the motion of Mr Hunt, the following amendment was made, after debate: Page 31, after sub-clause (6) insert the following sub-clause:

“(6A) Where the Minister is satisfied that a registered organization has failed to comply with sub-section (1) or with a notice served, under sub-section (3), on the public officer of the organization, the Minister may cancel the registration of that organization and that cancellation shall take effect on 1 October 1976.”

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr Lucock reported accordingly.

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

16 HEALTH INSURANCE COMMISSION AMENDMENT BILL 1976: 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

Bill, by leave, taken as a whole.

On the motion of Mr Hunt (Minister for Health), by leave, the following amendments were made together:

Clause 3—

Page 2, omit proposed sub-section (3), substitute the following sub-sections:

“(3) The date of effect of an approval of an application under this section is—

- (a) where the application is made on or before 30 November 1976—1 October 1976 or such later date as is requested by the applicant;
- (b) where the application is made under sub-section (1) after 30 November 1976—the date requested by the applicant, being a date not earlier than the date on which the application was made;
- (c) where the application is made under sub-section (5) after 30 November 1976 and the applicant has no dependants who are Medibank contributors—the date on which the application is made or such later date as is requested by the applicant; or
- (d) where the application is made under sub-section (5) after 30 November 1976 and the applicant has a dependant who is a Medibank contributor—the date on which the person specified in the application became a dependant of the applicant.

“(3A) The period in respect of which an amount of contribution is paid under sub-section (2) in respect of an application shall be deemed to commence, or to have commenced, on the date of effect of the approval of the application.”

Page 2, omit proposed sub-section (4), substitute the following sub-section:

“(4) A person to whom an approval under sub-section (2) relates becomes, or shall be deemed to have become, a Medibank contributor on—

(a) where—

- (i) the application to which the approval relates is made on or before 30 November 1976; or

- (ii) the application to which the approval relates is made under sub-section (5) after 30 November 1976 and the applicant has, by reason of an earlier application (whether made under sub-section (1) or sub-section (5)), a dependant who is a Medibank contributor,
 the date of effect of the approval; or
 (b) in any other case—the date 2 months after the date of effect of the approval.”

Page 2, line 26, omit “Medibank contributors”, substitute “persons”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Lucock reported accordingly.

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

17 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—That orders of the day Nos. 8 to 16, government business, be postponed until a later hour this day.

18 REMUNERATION AND ALLOWANCES AMENDMENT BILL 1976: 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 Sinclair (Minister for Primary Industry), the Bill was read a third time.

19 MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: A message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

26 May 1976—Message No. 53—

Roads Acts Amendment 1976.

Acts Citation 1976.

20 ECONOMIC POLICY—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: The order of the day having been read for the resumption of the debate on the motion of Mr Sinclair (Leader of the House)—That the House take note of the paper (*presented on 20 May 1976*), viz.:

Economic policy—Ministerial statement, 20 May 1976—

Debate resumed.

Papers: Mr Fraser (Prime Minister), by command of His Excellency the Governor-General, presented the following papers:

Medibank hospital agreements—

Agreement between the Commonwealth and the States in relation to the provision of hospital services—Joint opinion of the Attorney-General and the Solicitor-General, dated 25 May 1976.

Copies of memoranda—

From the Crown Solicitor to the Director-General of Social Security, dated 18 April 1975.

From the Director-General, Department of Social Security, to the Crown Solicitor, dated 2 May 1975.

Copy of Ministerial minute by the Director-General, Department of Social Security, dated 27 May 1976.

Mr Hayden asked leave to make a statement.

Objection being raised, leave not granted.

Debate continued.

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

- 21 MESSAGE FROM THE SENATE—PUBLIC ACCOUNTS COMMITTEE AMENDMENT BILL 1976:
 Message No. 53, dated 27 May 1976, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Public Accounts Committee Act 1951–1973’*”.
 Bill read a first time.
 Mr Street (Minister representing the Minister for Administrative Services) moved—
 That the Bill be now read a second time.
 Debate, by leave, ensued.
 Question—put and passed—Bill read a second time.
 Leave granted for third reading to be moved forthwith.
 On the motion of Mr Street, the Bill was read a third time.
- 22 ADJOURNMENT NEGATIVED: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.
 Mr Howard (Minister for Business and Consumer Affairs) requiring the question to be put forthwith without debate—
 Question—put and negatived.
- 23 CUSTOMS TARIFF PROPOSALS NO. 12 (1976): Mr Howard (Minister for Business and Consumer Affairs) moved Customs Tariff Proposals No. 12 (1976).
 Debate adjourned (Mr Young), and the resumption of the debate made an order of the day for the next sitting.
- 24 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:
 27 May 1976—Message—
 No. 47—Appropriation (No. 3) 1975–76 (*without requests*).
 No. 48—Appropriation (No. 4) 1975–76.
 No. 49—Customs Tariff Amendment 1976 (*without requests*).
 No. 50—Customs Amendment 1976.
 No. 51—Live-stock Slaughter Levy Amendment 1976 (*without requests*).
 No. 52—Live-stock Slaughter Levy Collection Amendment 1976.
- 25 ADJOURNMENT: Mr Howard (Minister for Business and Consumer Affairs) moved—
 That the House do now adjourn.
 Debate ensued.
Debate extended: It being 11.00 p.m., the debate was interrupted.
 Mr Street (Minister for Employment and Industrial Relations) required the debate to be extended.
 The debate continuing until 11.03 p.m., Mr Deputy Speaker adjourned the House until tomorrow at 10.00 a.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Burr, Mr Connor, Mr Holten*, Dr Jenkins, Mr L. K. Johnson and Mr I. L. Robinson.

* On leave

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