

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 67

WEDNESDAY, 10 NOVEMBER 1976

- 1 The House met, at 2.15 p.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 Killen (Minister for Defence), Mr Adermann (Minister for the Northern Territory), Mr E. L. Robinson (Minister for Post and Telecommunications), Mr Bonnett, Mr K. M. Cairns, Mr Hodges and Mr Jull—from certain citizens praying that the Government (1) cease the mining and export of uranium until safe disposal methods have been guaranteed, (2) increase expenditure on research into safe, clean and inexhaustible sources of energy and (3) aid underdeveloped countries in their efforts to secure a share of world energy resources.
 - Mr Garland, Mr Hyde and Dr Richardson—from certain citizens praying that the means test on all aged pensions be abolished immediately.
 - Mr J. L. McMahon, Mr Morris and Mr Stewart—from certain citizens praying that the 1976-77 Budget be redrafted to provide for economic recovery within the guidelines laid down in the 1975-76 Budget.
 - Mr E. G. Whitlam (Leader of the Opposition) and Mr Connolly—from certain citizens praying that the States Grants (Schools) legislation recommended by the Schools Commission be passed and the Commission's functions, independence and parent and teacher representation be maintained.
 - Mr Beazley and Mr J. L. McMahon—from certain citizens praying that the freeze on European claims to unalienated Crown lands of the Northern Territory be extended and the Aboriginal Land Rights (Northern Territory) Bill 1976 be amended.
 - Mr Corbett and Mr McVeigh—from certain citizens praying that the petrol price equalisation scheme be restored immediately.
 - Mr Jones and Mr Morris—from certain citizens of the Hunter Valley Region, N.S.W., praying that funds be provided for the establishment and maintenance of a Hunter Symphony Orchestra.
 - Mr Morris and Mr Young—from certain citizens praying that the independence of the Australian Broadcasting Commission be maintained, advertising on the A.B.C. be rejected, public funding of the Commission be developed and any general inquiries into broadcasting be conducted publicly.
 - Mr Sinclair (Minister for Primary Industry)—from certain electors praying that chiropractors' fees be covered by health insurance and be tax deductible.
 - Mr E. L. Robinson—from certain citizens praying that the continuation and growth of symphony orchestras throughout Australia be ensured.
 - Dr. J. F. Cairns—from certain citizens praying that (1) expenditure on solar energy research be increased to, and maintained at, the amount expended on atomic energy research and (2) CSIRO control of solar energy research be maintained until an appropriate commission is established.

Mr Chipp—from certain citizens praying that the Government take initiatives to ensure that United Nations resolutions relating to East Timor are carried out, cease military aid to Indonesia until its forces are withdrawn from East Timor and not recognise the Indonesian annexation of that country.

Mr Connolly—from certain citizens praying that the Government call upon South Africa to eliminate racial discrimination and that it withdraw Australian Trade Commissioners from South Africa.

Mr Fry—from certain citizens praying that support for child care be continued and expanded.

Mr Morris—from certain citizens of Newcastle, N.S.W., praying that the Government place immediate orders with the Newcastle State Dockyard and implement the plan to build a graving dock in Newcastle.

Mr Simon—from certain electors of the Division of McMillan praying that the Family Law Act be amended.

Mr Young—from certain citizens praying that the Australian Assistance Plan be continued as recommended in the report tabled in Parliament on 4 March 1976.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Cocos (Keeling) Islands—Report for 1975.

Education Commissions—Programs for 1977–79 triennium—Statement by Senator Carrick (Minister for Education), dated 4 November 1976.

Pursuant to statute:

Telecommunications Act—Australian Telecommunications Commission—Report and financial statements, together with the Auditor-General's Report, for year 1975–76.

5 PAPUA NEW GUINEA—AUSTRALIA TRADE AND COMMERCIAL RELATIONS AGREEMENT—MINISTERIAL STATEMENT: Mr Howard (Acting Minister for Overseas Trade), by leave, made a ministerial statement concerning the Papua New Guinea-Australia Trade and Commercial Relations Agreement.

Mr Young, by leave, also made a statement with reference to the matter.

6 ALTERATION OF HOUR OF NEXT MEETING: Mr Sinclair (Leader of the House) moved—That the House, at its rising, adjourn until 11.45 a.m. tomorrow.

Question—put and passed.

7 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE—REPORT—STATEMENT BY MEMBER: Mr Fry (Deputy Chairman) brought up the following report from the Joint Committee on the Australian Capital Territory:

Report on the 62nd series of proposed variations of the plan of lay-out of the City of Canberra and its environs.

Ordered to be printed.

Mr Fry, by leave, made a statement with reference to the report.

8 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—STATEMENT BY MEMBER: Mr Beazley (Deputy Chairman), by leave, made a statement concerning the proposed action of the Joint Committee on Foreign Affairs and Defence on a petition presented to the House by Mr Wentworth on 2 November 1976.

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—BROADCASTING—POLITICAL CONTROL: Mr Deputy Speaker informed the House that Mr E. G. Whitlam (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The threat of political control over all forms of broadcasting".

The proposed discussion having received the necessary support—
Mr E. G. Whitlam addressed the House.
Discussion ensued.
Discussion concluded.

- 10 FEDERAL COURT OF AUSTRALIA 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.

Mr A. P. Whitlam moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the provisions of the Bill the House is of the opinion that it should provide a Federal Court with original jurisdiction in all matters referred to in section 75 of the Constitution and laws made by the Parliament”.

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 109, dated 21 October 1976, recommending an appropriation of revenue for the purposes of the Bill, and

No. 110, dated 10 November 1976, recommending an appropriation of revenue for the purposes of an amendment to be moved to the Bill by a Minister.

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 to 8, by leave, taken together.

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

The House resumed; Mr Lucock reported accordingly.

Ordered—That the House will, at a later hour this day, again resolve itself into the said committee.

- 11 FRASER ISLAND—GOVERNMENT'S DECISIONS ON ENVIRONMENTAL INQUIRY—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Newman (Minister for Environment, Housing and Community Development), by leave, made a ministerial statement informing the House of decisions taken by the Government following consideration of the report of the Fraser Island Environmental Inquiry, and, by command of His Excellency the Governor-General, presented the following paper:

Fraser Island—Government's decisions on environmental inquiry—Ministerial statement, 10 November 1976.

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

Debate ensued.

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

- 12 FEDERAL COURT OF AUSTRALIA BILL 1976: The House, according to order, again resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Clauses 1 to 8 agreed to.

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

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

Clause 9—

Page 3, lines 20 and 21, omit “ The Chief Judge shall, and subject to sub-section (3), each other Judge shall ”, substitute “ The Chief Judge and each other Judge shall ”.

Page 3, omit sub-clause (3).

Clause 10, page 3, line 40, omit “ this section ”, substitute “ section 9 ”.

Clause 15—

Page 5, lines 27–29, omit all words after “ Chief Judge ”, substitute “ of that Supreme Court as to the extent to which the Judge is to take part in the exercise of the jurisdiction of that Supreme Court, but the Chief Judge of the Federal Court of Australia shall consult with the Judge concerned before making any such arrangements ”.

Page 5, lines 36 and 37, omit all words after “ Chief Judge ”, substitute “ of that Supreme Court, but the Chief Judge of that Supreme Court shall consult with the Judge concerned before making any such arrangements ”.

Clause 24, page 7, omit sub-clause (2), substitute the following sub-clause:

“(2) On or after the commencing day an appeal shall not be brought to the High Court from a judgment of the Supreme Court of a Territory except—

- (a) in accordance with special leave given by the High Court on or after the commencing day; or
- (b) in accordance with leave or special leave given by the High Court or the Supreme Court before the commencing day.”.

Clause 25, page 8, after sub-clause (1) insert the following sub-clause:

“(1A) Applications for leave or special leave to appeal to the Court from a judgment of another court may be heard and determined by a single Judge or by a Full Court and the Rules of Court may provide for enabling such applications to be dealt with, subject to conditions prescribed by the Rules, without an oral hearing.”.

Clause 28, page 9, line 21, omit “modify”, substitute “vary”.

Clause 33, page 11, omit the clause, substitute the following clause:

“33. (1) The jurisdiction of the High Court to hear and determine ^{Appeals to High Court.} appeals from judgments of the Court, whether in civil or criminal matters, is subject to the exceptions and regulations prescribed by this section.

“(2) Except as otherwise provided by another Act, an appeal shall not be brought to the High Court from a judgment of the Court constituted by a single Judge.

“(3) Except as provided by the succeeding provisions of this section, an appeal shall not be brought from a judgment of a Full Court of the Court unless the High Court gives special leave to appeal.

“(4) Subject to sub-section (5), an appeal may be brought as of right from a final judgment of a Full Court of the Court given or pronounced—

- (a) for the sum of \$20,000 or upwards; or
- (b) in any proceedings in which the matter in issue amounts to or is of the value of \$20,000 or upwards or which involve directly or indirectly a claim, demand or question to or respecting any property or any civil right amounting to or of the value of \$20,000 or upwards.

“(5) An appeal shall not be brought from a judgment referred to in sub-section (4) on a ground that relates to the quantum of any damages in respect of death or personal injury unless the High Court has given special leave to appeal on that ground.

“(6) The jurisdiction of the High Court to hear and determine an appeal in accordance with this section shall be exercised by a Full Court of the High Court consisting of not less than 3 Justices.”.

Remainder of Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Lucock reported accordingly.

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

- 13 JUDICIARY 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.

Message from Governor-General: Message No. 111, dated 3 November 1976, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of an amendment to be moved to the Bill by a Minister. The House resolved itself into a committee of the whole.

In the committee

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

New clauses—

On the motion of Mr Ellicott (Attorney-General), by leave, the following new clauses were together inserted in the Bill:

“2A. Section 3A of the Principal Act is repealed and the following section substituted:—

‘3A. This Act extends to all the Territories.’

Extension to Territories.

“2B. Section 18 of the Principal Act is amended by omitting the words ‘and any Judge of the Supreme Court of a State exercising federal jurisdiction’.

Reference to Full Court.

“2C. Section 21 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:—

‘(1) Applications for leave or special leave to appeal to the High Court from a judgment of another court may be heard and determined by a single Justice or by a Full Court and the Rules of Court may provide for enabling such applications to be dealt with, subject to conditions prescribed by the Rules, without an oral hearing.’”

Applications for leave to appeal to High Court.

Clause 3—

On the motion of Mr Ellicott, the following amendment was made: Page 2, omit sub-section (4), substitute the following sub-section:

“(4) An appeal shall not be brought from a judgment referred to in sub-section (3) on a ground that relates to the quantum of any damages in respect of death or personal injury unless the High Court has given special leave to appeal on that ground.”

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

Page 2, line 30, omit “This section has effect”, substitute “The foregoing provisions of this section have effect”.

Page 2, after sub-section (5) of proposed section 35 insert the following sub-sections:

“(5A) Notwithstanding any other Act, an appeal may be brought as of right from a final judgment of a Full Court of the Supreme Court of a State where the ground of appeal, or one of the grounds of appeal, involves the interpretation of the Constitution.

‘(5B) Where—

- (a) an appeal from a judgment purports to have been instituted by a party in accordance with sub-section (5A);
- (b) an appeal as of right from the judgment could not have been brought by that party in accordance with sub-section (3); and

(c) it appears to the High Court, at any time after the institution of the appeal, that no ground on which the appeal is brought requires the decision of a substantial question of interpretation of the Constitution, the High Court may, without prejudice to any application for special leave of appeal, decline to hear the appeal further and strike out the appeal as incompetent, with such order as to costs as it thinks just.”

Clause, as amended, agreed to.

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

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

New clause—

Page 5, after clause 7 insert the following new clause:

“ 7A. Section 48 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words ‘ and annual allowances ’ and substituting the words ‘ , annual allowances and travelling allowances ’; and
- (b) by omitting sub-section (2) and substituting the following sub-section:—
- ‘ (2) The salary and annual allowance of a Justice accrue from day to day and are payable monthly.’ ”.

Payment of salaries and allowances.

Amendments—

Clause 8—

Page 5, line 34, omit “ sub-section ”, substitute “ sub-sections ”.

Page 5, at the end of the clause add the following proposed sub-sections:—

“ (5) The Chief Justice of the Supreme Court of a State may direct the Registrar or other proper officer of that Supreme Court to keep a Register of Practitioners for the purposes of sub-section (4) and, where such a Register is kept in a State, a person is not entitled, in a court of that State, to the right of audience referred to in sub-section (4) unless he is registered in that Register.

‘ (6) Where a Register is kept in a State in accordance with sub-section (5), a person who satisfies the Registrar or other officer keeping the Register that he is a person referred to in sub-section (4) is entitled to be registered in that Register.

‘ (7) Where it is proved to the satisfaction of the Supreme Court of a State constituted by 2 or more Judges that a person who is registered in the Register kept in that State in accordance with sub-section (5) has been guilty of conduct that justifies it in so doing, the Supreme Court may order that person’s registration be cancelled or be suspended for a specified period, but the Supreme Court may, at any time, order that the registration of the person be restored or that the suspension be terminated.

‘ (8) The Registrar or other proper officer of the Supreme Court shall make such alterations and notations in a Register kept by him as are required by reason of orders of the Supreme Court under sub-section (7).

‘ (9) Notwithstanding sub-section (6), where the registration of a person has been cancelled in accordance with sub-section (7) and has not been restored, or is for the time being suspended, that person is not entitled again to be registered in the Register except pursuant to an order under sub-section (7).’ ”.

New clauses—

Page 5, after clause 8 insert the following new clauses:

“ 8A. Section 56 of the Principal Act is amended by omitting paragraphs (b) and (c) of sub-section (1) and substituting the following paragraphs:—

Suits against the Commonwealth.

- ‘ (b) if the claim arose in a State or Territory—in the Supreme Court of that State or Territory or in any other court of competent jurisdiction of that State or Territory; or
- ‘ (c) if the claim did not arise in a State or Territory—in the Supreme Court of any State or Territory or in any other court of competent jurisdiction of any State or Territory.’ ”.

“ 8B. Section 68 of the Principal Act is amended—

- (a) by inserting after the word ‘State’ (wherever occurring) the words ‘or Territory’; and
- (b) by adding at the end thereof the following sub-sections:—

Jurisdiction
of State and
Territory
courts in
criminal
cases.

‘ (5) In relation to offences committed elsewhere than in a State or Territory (including offences in, over or under any area of the seas that is not part of a State or Territory), the jurisdiction conferred by sub-section (2) is conferred notwithstanding any limits as to locality of the jurisdiction of the court concerned under the law of the State or Territory.

‘ (6) Where a person who has committed, or is suspected of having committed, an offence against a law of the Commonwealth, whether in a State or Territory or elsewhere, is found within an area of waters in respect of which sovereignty is vested in the Crown in right of the Commonwealth, he may be arrested in respect of the offence in accordance with the provisions of the law of any State or Territory that would be applicable to the arrest of the offender in that State or Territory in respect of such an offence committed in that State or Territory, and may be brought in custody into any State or Territory and there dealt with in like manner as if he had been arrested in that State or Territory.

‘ (7) The procedure referred to in sub-section (1) and the jurisdiction referred to in sub-section (2) shall be deemed to include procedure and jurisdiction in accordance with provisions of a law of a State or Territory under which a person who, in proceedings before a court of summary jurisdiction, pleads guilty to a charge for which he could be prosecuted on indictment may be committed to a court having jurisdiction to try offences on indictment to be sentenced or otherwise dealt with without being tried in that court, and the reference in sub-sections (1) and (2) to “any such trial or conviction” shall be read as including any conviction or sentencing in accordance with any such provisions.

‘ (8) Except as otherwise specifically provided by an Act passed after the commencement of this sub-section, a person may be dealt with in accordance with provisions of the kind referred to in sub-section (7) notwithstanding that, apart from this section, the offence would be required to be prosecuted on indictment, or would be required to be prosecuted either summarily or on indictment.

‘ (9) Where a law of a State or Territory of the kind referred to in sub-section (7) refers to indictable offences, that reference shall, for the purposes of the application of the provisions of the law in accordance with that sub-section, be read as including a reference to an offence against a law of the Commonwealth that may be prosecuted on indictment.

‘ (10) Where, in accordance with a procedure of the kind referred to in sub-section (7), a person is to be sentenced by a court having jurisdiction to try offences on indictment, that person shall, for the purpose of ascertaining the sentence that may be imposed, be deemed to have been prosecuted and convicted on indictment in that court.

‘ (11) Nothing in this section excludes or limits any power of arrest conferred by, or any jurisdiction vested or conferred by, any other law, including an Act passed before the commencement of this sub-section.’

“ 8C. After section 70 of the Principal Act the following section is inserted:—

‘ 70A. The trial on indictment of an offence against a law of the Commonwealth not committed within any State and not being an offence to which section 70 applies may be held in any State or Territory.’”

Indictable
offence not
committed
in a State.

Amendments—

Clause 10—

Page 6, lines 8 and 9, omit “ in which a question of interpretation of the Constitution is involved or arises ”, substitute “ involving its interpretation ”.

Page 6, proposed section 78B, omit sub-section (1), substitute the following sub-section:

“(1) Where a cause pending in a federal court other than the High Court or in a court of a State or Territory involves a matter arising under the Constitution or involving its interpretation, it is the duty of the court not to proceed in the cause unless and until the court is satisfied that notice of the cause, specifying the nature of the matter has been given to the Attorney-General of the Commonwealth and—

- (a) if the cause is pending in a court of a State—to the Attorney-General of that State; or
- (b) if the cause is pending in a federal court and was instituted in a State—to the Attorney-General of that State,

and a reasonable time has elapsed since the giving of the notice for consideration by that Attorney-General or by those Attorneys-General, of the question of intervention in the proceedings or removal of the cause to the High Court.”.

Page 6, after sub-section (2) of proposed section 78B insert the following sub-section:

“(2A) For the purposes of sub-section (1), a notice in respect of a cause—

- (a) shall be taken to have been given to an Attorney-General if steps have been taken that, in the opinion of the court, could reasonably be expected to cause the matters to be notified to be brought to the attention of that Attorney-General; and
- (b) is not required to be given to the Attorney-General of the Commonwealth if he or the Commonwealth is a party to the cause and is not required to be given to the Attorney-General of a State if he or the State is a party to the cause.”.

Page 6, at the end of proposed section 78B add the following sub-section:

“(4) Nothing in sub-section (1) prevents a court from proceeding without delay to hear and determine proceedings, so far as they relate to the grant of urgent relief of an interlocutory nature, where the court thinks it necessary in the interests of justice to do so.”.

Schedule, page 7, clause 3, after the item relating to section 22 insert—

“Section 39 (1) ..	Omit ‘either of the last two preceding sections’, substitute ‘section 38’.
Section 39 (2) ..	Omit ‘the last two preceding sections’ substitute ‘section 38’.”.

Remainder of Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Lucock reported accordingly.

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

14 REMUNERATION AND ALLOWANCES 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.

Messages from the Governor-General: The following messages from His Excellency the Governor-General were announced:

No. 112, dated 19 August 1976, recommending an appropriation of revenue for the purposes of the Bill, and

No. 113, dated 10 November 1976, recommending an appropriation of revenue for the purposes of an amendment to be moved to the Bill by a Minister.

The House resolved itself into a committee of the whole.

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In the committee

Bill, by leave, taken as a whole.

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

Amendments—

Clause 2, page 1, omit the clause, substitute the following clause:

“ 2. (1) Subject to sub-section (2), this Act shall be deemed to have come into operation on 1 June 1976. Commence-
ment.

“ (2) Sections 3A and 5 shall come into operation on the day on which this Act receives the Royal Assent.”.

Clause 3, page 3, after proposed sub-section (6) insert the following sub-section:

“ ‘ (6A) Sub-section (6) does not have effect on or after the day on which a person is appointed to be the Chief Judge of the Supreme Court of the Australian Capital Territory.”.

New clauses—

Page 3, after clause 3 insert the following new clause:

“ 3A. After section 13 of the Principal Act the following sections are inserted in Part IV:—

‘ 14. The provisions of sub-sections 13 (2), (3), (4) and (5) do not apply to a person who is a Judge of the Federal Court of Australia. Application
of certain
provisions of
section 13.

‘ 15. In respect of a judicial office specified in column 1 of Schedule 4— Salaries and
allowances
of holders
of certain
additional
offices.

- (a) the rate per annum of the salary applicable to the office is the rate per annum specified in column 2 of that Schedule in relation to the office;
- (b) the rate per annum of the annual allowance applicable to the office is the rate per annum specified in column 3 of that Schedule in relation to the office; and
- (c) the rate per day of the travelling allowance applicable to the office is the rate per day specified in column 4 of that Schedule in relation to the office.

‘ 16. (1) Notwithstanding the foregoing provisions of this Act but subject to sub-sections (2) and (3), a Judge of the Federal Court of Australia who holds office by virtue of an appointment that took effect while he was a Judge (including the Chief Judge) of any other court or courts created by the Parliament shall, while he continues to hold office both as a Judge of the Federal Court of Australia and as a Judge (including the Chief Judge) of that other court or of any of those other courts, be remunerated with the salary and annual allowance to which he is from time to time entitled as a Judge of the other court or courts, and, if he continues to be a Judge of the Federal Court of Australia after he no longer holds any other judicial Judges of
other courts
appointed to
Federal Court
of Australia.

office referred to in this sub-section, other than an office as an additional Judge of the Supreme Court of a Territory or as a Judge of the Supreme Court of an external Territory, he shall receive such salary and annual allowances as are applicable to the office held by him as a Judge of the Federal Court of Australia.

'(2) In the case of a Judge of the Federal Court of Australia to whom sub-section (1) applies, if the salary or annual allowance to which he would be entitled as a Judge of that Court if that sub-section were not applicable exceeds the salary or annual allowance, as the case may be, by which he is remunerated in accordance with that sub-section, he shall receive, in respect of his office as a Judge of that Court, an additional amount by way of salary or annual allowance, as the case may be, equal to the excess.

'(3) Where sub-section (1) applies to a Judge of the Federal Court of Australia who also holds the office of Chief Judge of the Supreme Court of the Australian Capital Territory or of the Supreme Court of the Northern Territory of Australia, sub-section (2) does not apply, but he shall, while he continues to hold both those offices, receive, in respect of his office as a Judge of the Federal Court of Australia, in addition to the salary and annual allowance by which he is remunerated in accordance with sub-section (1), salary at the annual rate of \$2,500.'

Page 3, after clause 4 add the following new clause:

"5. The Principal Act is amended by adding at the end thereof the Schedule 4. following Schedule:—

SCHEDULE 4			Section 15
Column 1	Column 2	Column 3	Column 4
Office	Rate per annum of Salary	Rate per annum of Annual Allowance	Rate per day of Travelling Allowance
Chief Judge of the Federal Court of Australia ..	\$ 46,000	\$ 2,500	\$ 46
Judge (other than the Chief Judge) of the Federal Court of Australia	42,000	2,250	46
Chief Judge of the Supreme Court of the Australian Capital Territory	40,500	2,500	46
Chief Judge of the Supreme Court of the Northern Territory of Australia	40,500	2,500	46".

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Lucock reported accordingly.

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

- 15 CONCILIATION AND ARBITRATION AMENDMENT (No. 3), BANKRUPTCY AMENDMENT, AUSTRALIAN CAPITAL TERRITORY SUPREME COURT AMENDMENT, NORTHERN TERRITORY SUPREME COURT AMENDMENT, FEDERAL COURT OF AUSTRALIA (CONSEQUENTIAL PROVISIONS), INCOME TAX ASSESSMENT AMENDMENT (JURISDICTION OF COURTS), PATENTS AMENDMENT AND TRADE MARKS AMENDMENT BILLS 1976: The order of the day having been read for the resumption of the debate on the question—That the Bills be now read a second time—

Question—put and passed—Bills together read a second time.

Messages from the Governor-General: Messages from His Excellency the Governor-General were announced recommending appropriations of revenue for the purposes of the following Bills:

3 November 1976—Message—

No. 114.—Australian Capital Territory Supreme Court Amendment 1976.

No. 115.—Northern Territory Supreme Court Amendment 1976.

Leave granted for third readings to be moved forthwith.

On the motion of Mr Ellicott (Attorney-General), the Bills were together read a third time.

16 STATES GRANTS (SCHOOLS ASSISTANCE) BILL 1976: Mr McLeay (Minister for Construction), for Mr Viner (Minister representing the Minister for Education), pursuant to notice, presented a Bill for an Act to provide Financial Assistance to the States for and in relation to Schools, and for related purposes.

Bill read a first time.

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

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

17 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—That orders of the day Nos. 5 to 15, government business, be postponed until the next sitting.

18 QUEENSLAND GRANT (SPECIAL ASSISTANCE) 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.

Message from the Governor-General: Message No. 116, dated 3 November 1976, 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 E. L. Robinson (Minister Assisting the Treasurer), the Bill was read a third time.

19 FRASER ISLAND—GOVERNMENT'S DECISIONS ON ENVIRONMENTAL INQUIRY—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 this day*), viz.:

Fraser Island—Government's decisions on environmental inquiry—Ministerial statement, 10 November 1976—

Ordered—That Mr Millar be granted an extension of time.

Debate continued.

Mr Carige addressing the House—

20 ADJOURNMENT: It being 10.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 11 p.m.—Mr Deputy Speaker adjourned the House until tomorrow at 11.45 a.m.

PAPERS: The following papers were deemed to have been presented on 10 November 1976, pursuant to statute:

- Air Force Act—Regulations—Statutory Rules 1976, No. 241.
- Australian Bureau of Statistics Act—Australian Bureau of Statistics—Proposal for collection of information—1976—No. 3—Annual accounting aggregates from permanent building societies and credit unions.
- Bankruptcy Act—Rule—Statutory Rules 1976, No. 235.
- Commonwealth Police Act—Regulations—Statutory Rules 1976, No. 234.
- Defence Act—Regulations—Statutory Rules 1976, Nos. 238, 240.
- Defence Act, Naval Defence Act and Air Force Act—Regulation—Statutory Rules 1976, No. 239.
- Naval Defence Act—Regulations—Statutory Rules 1976, No. 242.
- Navigation Act—Regulations—Statutory Rules 1976, No. 243.
- Patents Act—Regulations—Statutory Rules 1976, Nos. 236, 237.
- Science and Industry Research Act—Regulation—Statutory Rules 1976, No. 244.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony*, Mr Armitage, Mr Brown*, Mr C. R. Cameron*, Mr Dobie, Mr Garrick, Mr Hayden, Mr Keating, Mr Nicholls* and Mr O'Keefe.

*** On leave**

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