

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 77

TUESDAY, 7 DECEMBER 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 Garrick, Mr Jacobi, Mr L. R. Johnson, Mr J. L. McMahon, Mr Morris and Mr Wallis—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 MacKellar (Minister for Immigration and Ethnic Affairs), Mr Connolly, Mr Dobie, Mr Haslem and Mr Jones—from certain citizens praying that the continuation and growth of symphony orchestras throughout Australia be ensured.

Mr Jones, Mr J. L. McMahon and Mr A. P. Whitlam—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 Jones and Mr J. L. McMahon—from certain citizens praying that the House call on Sir John Kerr to resign as Governor-General.

Mr Bungey—from certain residents of Popanyinning, W.A., praying that night and weekend telephone facilities be provided for Popanyinning and the surrounding area.

Mr Carige—from certain citizens praying that Australian Broadcasting Commission programming be adjusted to allow current affairs programs to be more widely heard in Queensland.

Dr Cass—from certain citizens praying that representatives of listeners be included on the proposed Broadcasting Council.

Mr Fry—from certain citizens of Canberra and electors of the Divisions of Fraser and Canberra praying that the value of the foothills of Mount Ainslie and Mount Majura be recognised and that measures be taken to ensure that they are preserved as a nature reserve and not further developed.

Mr Haslem—from certain citizens praying that the proposed Mental Health Ordinance for the Australian Capital Territory be reviewed to ensure the interests of psychiatric patients are protected.

Mr Haslem—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 P. F. Johnson—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 Jones—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 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.

Petitions received.

- 3 MINISTERIAL AND DEPARTMENTAL CHANGES: Mr Fraser (Prime Minister) informed the House that, following the abolition of the former Department of the Treasury and the creation of a new Department of the Treasury and a new Department of Finance, Mr Lynch had been appointed as Treasurer to administer the 2 Departments. Senator Cotton (Minister for Industry and Commerce) would continue to represent the Treasurer in the Senate.

- 4 QUESTIONS: Questions without notice were asked.

- 5 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Aircraft accident near Cairns Airport, Qld, on 23 October 1975, involving Hawker Siddeley Heron DH114 2E/A1 aircraft VH-CLS—Accident investigation report by Air Safety Investigation Branch, Department of Transport, dated August 1976.

Priorities Review Staff—Report, dated August 1976, on the First Report of the National Population Inquiry (the Borrie Report).

Pursuant to statute:

Defence Act—Royal Military College of Australia—Report for period 1 February 1975 to 31 January 1976.

- 6 COMMONWEALTH PARLIAMENTARY ASSOCIATION—22ND COMMONWEALTH PARLIAMENTARY CONFERENCE—REPORT OF DELEGATION FROM COMMONWEALTH OF AUSTRALIA BRANCH—STATEMENT BY MEMBER: Mr James, by leave, presented the following paper: Commonwealth Parliamentary Association—22nd Commonwealth Parliamentary Conference, Mauritius, September 1976—Report of Delegation from Commonwealth of Australia Branch—
and, by leave, made a statement in connection with the report.

- 7 ALTERATION OF HOUR OF NEXT MEETING: Mr Sinclair (Leader of the House) moved—
That the House, at its rising, adjourn until 10.30 a.m. tomorrow.
Question—put and passed.

- 8 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

6 December 1976—Message—

No. 141—

States Grants (Housing Assistance) (No. 2) 1976.

Appropriation (Urban Public Transport) 1976.

Income Tax Laws Amendment (Royalties) 1976.

No. 142—Acts Interpretation Amendment 1976.

- 9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC POLICIES: Mr Speaker informed the House that Mr Hurford had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The ad hoc economic policies of the Prime Minister and the Treasurer".

The proposed discussion having received the necessary support—

Mr Hurford addressed the House.

Discussion ensued.

Discussion concluded.

- 10 **BANKSTOWN AND LIDCOMBE GOVERNMENT AIRCRAFT PLANTS—CONSOLIDATION—APPROVAL OF WORK:** Mr McLeay (Minister for Construction), pursuant to notice, moved—That, in accordance with the provisions of the *Public Works Committee Act 1969*, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to Parliament: Consolidation into Bankstown of the Bankstown and Lidcombe Government Aircraft Plants operated by Hawker de Havilland Australia Pty Ltd.
Debate ensued.
Question—put and passed.
- 11 **FOREIGN PROCEEDINGS (PROHIBITION OF CERTAIN EVIDENCE) AMENDMENT BILL 1976:** Mr Ellicott (Attorney-General), by leave, presented a Bill for an Act to amend the *Foreign Proceedings (Prohibition of Certain Evidence) Act 1976*.
Bill read a first time.
Mr Ellicott 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.
- 12 **HISTORIC SHIPWRECKS BILL 1976:** The order of the day having been read for the second reading—Mr Ellicott (Attorney-General) moved—That the Bill be now read a second time.
Debate adjourned (Dr Cass), and the resumption of the debate made an order of the day for the next sitting.
- 13 **BROADCASTING AND TELEVISION AMENDMENT BILL (NO. 2) 1976 [No. 2]:** The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

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

Clause 3 postponed.

Clause 4 agreed to.

Clause 5—

Dr Cass moved the following amendment: Page 4, after proposed sub-section (4) insert the following sub-section:

“(4A) A person who immediately before the commencing day held office as a full-time or part-time member of the Board for a term expiring after that day shall be appointed as a member of the Tribunal and shall hold office for a term equivalent to the remainder of the term to which he would have been entitled but for the provisions of this Act.”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 6—

On the motion of Mr E. L. Robinson (Minister for Post and Telecommunications), the following amendment was made: Page 9, line 3, omit “are to be or”.

Dr Jenkins moved the following further amendment: Page 9, after paragraph (c) of proposed sub-section 16 (1) insert the following paragraph:

“(d) to ensure that adequate and comprehensive programs are provided by commercial broadcasting stations and commercial television stations in the best interests of the general public.”.

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 7—

Dr Cass moved the following amendment: Page 9, line 23, at the end of proposed sub-section 22A (1) add: “which shall be published and tabled in the Parliament”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 8 agreed to.

Clause 9—

On the motion of Mr E. L. Robinson, the following amendment was made: Page 10, line 6, omit "3", substitute "not fewer than 3 nor more than 5".

Mr Cohen, by leave, moved the following further amendments together:

Page 10, line 6, at the end of proposed paragraph (b) add the following words: "of whom one shall be the elected representative of the Australian Broadcasting Commission staff".

Page 10, line 7, omit proposed sub-section (2).

Debate continued.

Amendments negatived.

Clause, as amended, agreed to.

Clause 10 agreed to.

New clause—

On the motion of Mr E. L. Robinson, the following new clause was inserted in the Bill:

" 10A. Section 39 of the Principal Act is amended by omitting from sub-section (2) the words 'four Commissioners shall form a quorum' ^{Meetings of Commission.} and substituting the words 'a quorum is constituted by a majority of the Commissioners for the time being holding office'."

Clauses 11 and 12, by leave, taken together, and agreed to.

Clause 13—

Dr Cass, by leave, moved the following amendments together:

Page 11, omit proposed sub-section 111A (1), substitute the following sub-section:

"(1) Subject to this Act, the Minister may, on the recommendation of the Tribunal and upon payment of the prescribed fee, grant a person a licence to operate a broadcasting station or television station."

Page 11, line 18, at the end of proposed sub-section 111A (3) add: "in accordance with the recommendations of the Tribunal".

Page 11, omit proposed sub-section 111A (4).

Debate continued.

Amendments negatived.

On the motion of Mr E. L. Robinson, the following amendment was made: Page 11, omit proposed section 111B, substitute the following section:

" 111B. (1) Subject to section 111A, the other provisions of this ^{Application of Act.} Act apply, with such exceptions and subject to such modifications and adaptations as are prescribed, in relation to public broadcasting stations, public television stations, public broadcasting station licences, public television station licences, the holders of such licences and the grant, renewal, suspension and revocation of such licences as they apply in relation to commercial broadcasting stations, commercial television stations, licences for such stations, the holders of such licences and the grant, renewal, suspension and revocation of such licences.

'(2) Nothing in sub-section (1) enables regulations to be made that would affect the application of any provision of this Act to the extent that it requires the holding of an inquiry.'

Clause, as amended, agreed to.

Clause 14—

On the motion of Mr E. L. Robinson, by leave, the following amendments were made together, after debate:

Pages 11 and 12, omit proposed section 111C.

Page 13, at the end of proposed section 111E add the following sub-section:

"(9) Nothing in this section empowers the Secretary to make orders or give directions relating to matters of program content."

Clause, as amended, agreed to.

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

The House resumed; Mr Giles reported accordingly.

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

- 14 **TARIFF STRUCTURE REVIEW—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:**
Mr Howard (Minister for Business and Consumer Affairs), by leave, made a ministerial statement informing the House of action to be taken in relation to the tariff structure consequent upon the devaluation of the Australian dollar, and, by command of His Excellency the Governor-General, presented the following paper:

Tariff structure review—Ministerial statement, 7 December 1976.

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

Debate ensued.

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

- 15 **BROADCASTING AND TELEVISION AMENDMENT BILL (NO. 2) 1976 [No. 2]:** The House, according to order, again resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Clause 15—

Dr Cass moved—That the clause be omitted and the following clause substituted:

“ 15. After section 134 of the Principal Act the following sections are inserted:—

‘ 135. (1) For the purposes of this Act, there shall be a Council, to be known as the Broadcasting Council, which, subject to this Act, shall have and may exercise the rights, powers, authorities and functions conferred upon it by this Act and shall be charged with and perform the duties and obligations imposed upon it by this Act. Establishment
of Broad-
casting
Council.

‘ (2) The Council shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

‘ (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Council affixed to any document and shall presume that it was duly affixed.

‘ (4) The exercise of the rights, powers, authorities or functions, or the performance of the duties or obligations, of the Council shall not be affected by reason only of there being a vacancy in the office of a member.

‘ 136. (1) The Broadcasting Council shall consist of 11 members, who shall be appointed by the Governor-General, comprising: Constitution
of Broad-
casting
Council.

(a) a Chairman;

(b) one representative of commercial radio;

(c) one representative of commercial television;

(d) 2 representatives of the Australian Broadcasting Commission;

(e) 2 representatives of the public broadcasting sector;

(f) one representative of the Australia Council;

(g) one representative of the Australian Film and Television School;

(h) one representative of the Postal and Telecommunications Department, and

(i) one representative from the Schools Commission.

‘ (2) All members of the Council shall be appointed as part-time members, except the Chairman, who shall be appointed as a full-time member.

‘ 137. The Council shall be empowered to:

- (a) suggest and consider planning proposals for the introduction, extension or development of broadcasting services;
- (b) overview the administration of standards as defined in codes of broadcasting practice set out by the industry;
- (c) receive and respond to complaints on the administration of standards;
- (d) liaise with the broadcasting industry, the public and other interested parties, and
- (e) assemble industry data relevant to its functions.

Powers of
Broadcasting
Council.

‘ 138. Terms and conditions of members of the Council shall be as prescribed.’”

Terms and
conditions
of members
of Council.

Debate continued.

Question—That the clause proposed to be omitted stand part of the Bill—put and passed.

Clause 16 agreed to.

Clause 17—

On the motion of Mr E. L. Robinson (Minister for Post and Telecommunications), the following amendment was made: Page 15, omit sub-clause (16), substitute the following sub-clauses:

“(16) A person who, immediately before the commencing day, held office as a Commissioner, as the Chairman of the Commission or as the Vice-Chairman of the Commission for a term expiring after that day continues, subject to section 37 of the Principal Act as amended by this Act, to hold office for the remainder of that term.

“(16A) On or as soon as practicable after the commencing day, the Governor-General may, in respect of a State, by writing under his hand, declare that a specified person referred to in sub-section (16) who is ordinarily resident in that State is to be deemed to be a Commissioner appointed in respect of that State by virtue of paragraph (a) of sub-section (1) of section 31 of the Principal Act as amended by this Act and to have been ordinarily resident in that State at the time of his appointment and, for the purposes of the Principal Act as amended by this Act, the person specified in the declaration shall be deemed to be a Commissioner so appointed and to have been so resident.”

Clause, as amended, agreed to.

Remainder of Bill, including postponed clause 3, by leave, taken as a whole, and agreed to.

Bill to be reported with amendments.

The House resumed; Mr Giles reported accordingly.

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

16 BROADCASTING STATIONS LICENCE FEES 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr E. L. Robinson (Minister for Post and Telecommunications), the Bill was read a third time.

17 TELEVISION STATIONS LICENCE FEES 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 for Post and Telecommunications), the Bill was read a third time.

18 MESSAGE FROM THE SENATE: A message from the Senate was reported returning the following Bill without amendment:

7 December 1976—Message No. 172—Homes Savings Grant 1976.

19 STATES GRANTS (RURAL ADJUSTMENT) 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 by Mr Keating who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “while not opposing the provisions of the Bill the House is concerned that the proposed agreement is restricted to land-based primary industries”.

Mr Simon 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 10.30 a.m.

PAPER: The following paper was deemed to have been presented on 7 December 1976, pursuant to statute:

Audit Act—Regulations—Statutory Rules 1976, No. 260.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony*, Mr Cadman, Mr C. R. Cameron and Mr Nicholls.

* On leave.

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