

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 25

FRIDAY, 27 MAY 1977

1 The House met, at 10 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 Jones, Mr Lucock and Mr Morris—from certain citizens praying that the recommendations of the Committee of Inquiry into Public Libraries be implemented.

Dr Klugman, Mr Martin and Mr Short—from certain citizens praying that increases in the Consumer Price Index be applied to pensions and that future pensions not be reduced as a result of any revision of the Index.

Mr Dobie and Dr Klugman—from certain members of the Service Station Association of N.S.W. Ltd and others praying that in implementing the findings of the Royal Commission on Petroleum the needs of the motoring public and the retail petroleum industry be given every consideration.

Mr Adermann—from certain citizens praying that the Government's long-term policy be to provide 50 per cent of funds for roads.

Mr Carige—from certain citizens praying that private clinics be prevented from performing abortions in the A.C.T. and that abortions not be financed through Medibank.

Mr Dobie—from certain citizens praying that steps be taken to end commercial whaling.

Mr Groom—from certain citizens praying that Mr Cheung Siu Ping be permitted to remain in Australia and become an Australian citizen.

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

Mr Morris—from certain citizens praying that the House call on Sir John Kerr to resign as Governor-General.

Mr Wilson—from certain electors of the Division of Sturt praying that recipients of unemployment benefits be required to be available for a period of community service.

Petitions received.

3 QUESTIONS: Questions without notice being asked—

Papers: Mr Nixon (Minister for Transport), by command of His Excellency the Administrator, presented the following papers:

Major airport needs of Sydney (MANS) Study—Committee of Commonwealth and State Officials—

Brochure entitled "What are the major airport needs of Sydney?"
(Proof copy).

Pamphlets entitled—

“Public participation—How you may contribute your ideas and comments”.

“What is MANS?”.

Paper indicating MANS study basis.

Questions without notice continued.

4 PAPERS: The following papers were presented, by command of His Excellency the Administrator:

Industries Assistance Commission—Temporary Assistance Authority—Report—Umbrellas, dated 4 March 1977.

National highway linking Hobart, Launceston and Burnie—Approaches to Hobart—Report by Commonwealth Bureau of Roads, dated 31 March 1977.

5 COMMONWEALTH LEGAL AID COMMISSION BILL 1977: Mr Ellicott (Attorney-General), pursuant to notice, presented a Bill for an Act to Establish a Commonwealth Legal Aid Commission and for Related Purposes.

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.

6 HEALTH INSURANCE AMENDMENT BILL 1977: Mr Hunt (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973*.

Bill read a first time.

Mr Hunt 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.

7 CONCILIATION AND ARBITRATION AMENDMENT BILL 1977: 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—

Statement by Minister: Mr Street (Minister for Employment and Industrial Relations), by leave, made a statement relating to consultations on the Government's industrial relations legislation and resultant amendments to be proposed to the Bill.

Debate resumed.

Closure: Mr Bouchier moved—That the question be now put.

Question—That the question be now put—put and passed.

And the question—That the Bill be now read a second time—being accordingly put—

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

AYES, 69

Mr Abel	Mr Dobie	Mr Jarman	Mr Nixon
Mr Adermann	Mr Drummond	Mr P. F. Johnson	Mr Porter
Mr Aldred	Dr Edwards	Mr Jull	Mr I. L. Robinson
Mr Baillieu	Mr Falconer	Mr Katter	Mr Ruddock
Mr Baume	Mr Fife	Mr Killen	Mr Sainsbury
Mr Bonnett	Mr Fisher	Mr King	Mr Short
Mr Bouchier	Mr Giles	Mr Lloyd	Mr Simon
Mr Bradfield	Mr Gillard	Mr Lusher	Mr Sinclair
Mr Braithwaite	Mr Goodluck	Mr MacKellar	Mr Street
Mr Bungey	Mr Graham	Mr MacKenzie	Mr Thomson
Mr Burr	Mr Groom	Mr McLean	Mr Wentworth
Mr Cadman	Mr Hamer	Mr McLeay	Mr Wilson
Mr K. M. Cairns	Mr Haslem	Mr Macphee	Mr Yates
Mr Calder	Mr Hodges	Mr Martyr	
Mr Carige	Mr Holten	Mr Millar	
Mr Chapman	Mr Howard	Mr Moore	
Mr Connolly	Mr Hunt	Mr Neil	<i>Tellers:</i>
Mr Cotter	Mr Hyde	Mr Newman	Mr D. M. Cameron
			Mr Corbett

NOES, 30

Mr Armitage	Mr FitzPatrick	Mr Jones	Mr Uren
Mr Beazley	Mr Fry	Mr Keating	Mr Wallis
Mr Bowen	Mr Garrick	Dr Klugman	Mr A. P. Whitlam
Dr J. F. Cairns	Mr Hayden	Mr J. L. McMahan	Mr Willis
Mr C. R. Cameron	Mr Innes	Mr Martin	
Dr Cass	Mr Jacobi	Mr Morris	<i>Tellers:</i>
Mr Cohen	Dr Jenkins	Mr Scholes	Mr James
Mr Crean	Mr L. K. Johnson	Mr Stewart	Mr L. R. Johnson

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

Message from the Governor-General: Message No. 24, dated 31 March 1977, 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.

In the committee

Clause 1 agreed to.

Clause 2—

On the motion of Mr Street, the following amendment was made: Page 1, line 7, omit “ and 33 ”, substitute “, 31 and 33 ”.

Clause, as amended, agreed to.

Clause 3—

On the motion of Mr Street, the following amendment was made, after debate: Pages 2 and 3, omit paragraphs (d) and (e).

Clause, as amended, agreed to.

Clauses 4 and 5, by leave, taken together, and omitted, after debate.

Clause 6 agreed to.

Clauses 7 to 11, by leave, taken together, and omitted, after debate.

Clause 12—

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

“ 12. Section 54 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:—

Investigation
of matters
affecting the
safety of
employees.

‘ (1) Where, in the opinion of a member of the Commission, a matter concerning the safety of employees or of other persons in or about a place of work arises in or in connexion with an industrial dispute, he may request the Bureau to arrange for an authorized person forthwith to investigate the matter and to report to him as soon as practicable.’;

(b) by omitting sub-sections (2) and (3) and substituting the following sub-section:—

‘ (2) Section 126Q applies in relation to an investigation under sub-section (1) of this section.’; and

(c) by omitting from sub-section (4) the word ‘ Inspector ’ and substituting the words ‘ authorized person ’.”.

Clauses 13 to 15, by leave, taken together, and omitted.

Clause 16 agreed to.

Clause 17—

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

“ 17. Section 119 of the Principal Act is amended by omitting paragraph (aa) of sub-section (2) and substituting the following paragraph:—

Imposition
and recovery
of penalties.

‘ (aa) the Bureau; or ’ ”.

Clause 18—

Mr Street moved—That the clause be omitted, and the following clauses be substituted:

“ 18. (1) Section 125 of the Principal Act is repealed.

Inspectors.

“(2) Where, immediately before the commencement of this section, a party to proceedings before a court under this Act was an Inspector, the Bureau shall take the place of the Inspector as such party and the proceedings shall continue accordingly.

“18A. Section 126 of the Principal Act is amended by omitting the words ‘or an Inspector’”.

Directions
that
proceedings
be instituted.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Deputy Chairman, Mr Giles, in the Chair)—

AYES, 67

Mr Abel	Mr Dobie	Mr P. F. Johnson	Mr Nixon
Mr Adermann	Mr Drummond	Mr Jull	Mr O’Keefe
Mr Aldred	Dr Edwards	Mr Katter	Mr Porter
Mr Baillieu	Mr Falconer	Mr King	Mr I. L. Robinson
Mr Baume	Mr Fife	Mr Lloyd	Mr Ruddock
Mr Bonnett	Mr Fisher	Mr Lucock	Mr Sainsbury
Mr Bouchier	Mr Garland	Mr Lusher	Mr Short
Mr Bradfield	Mr Goodluck	Mr MacKellar	Mr Sinclair
Mr Braithwaite	Mr Graham	Mr MacKenzie	Mr Street
Mr Bungey	Mr Groom	Mr McLean	Mr Sullivan
Mr Burr	Mr Haslem	Mr McLeay	Mr Thomson
Mr Cadman	Mr Hodges	Mr McVeigh	Mr Wentworth
Mr K. M. Cairns	Mr Holten	Mr Macphee	Mr Wilson
Mr Carige	Mr Howard	Mr Martyr	Mr Yates
Mr Chapman	Mr Hunt	Mr Millar	<i>Tellers:</i>
Mr Connolly	Mr Hyde	Mr Neil	Mr D. M. Cameron
Mr Cotter	Mr Jarman	Mr Newman	Mr Corbett

NOES, 24

Mr Armitage	Mr Fry	Mr J. L. McMahon	Mr Willis
Mr Beazley	Mr Garrick	Mr Martin	
Mr Bowen	Mr Hayden	Mr Morris	
Dr J. F. Cairns	Mr Jacobi	Mr Scholes	
Mr C. R. Cameron	Dr Jenkins	Mr Stewart	<i>Tellers:</i>
Mr Cohen	Mr L. K. Johnson	Mr Uren	Mr James
Mr Crean	Mr Keating	Mr A. P. Whitlam	Mr L. R. Johnson

And so it was resolved in the affirmative.

Clause 19—

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

Page 11, line 11, omit “section 136L”, substitute “sub-section (1) of section 126N”.

Page 14, omit proposed section 126P.

Pages 14–16, omit proposed sections 126Q and 126R, substitute the following section:—

“126Q. (1) For the purpose of ascertaining whether awards and the requirements of this Act or the regulations are being, or have been, observed, an authorized person may, at any time during ordinary working hours or at any other time at which it is reasonably necessary to do so for that purpose—

(a) enter, without force—

- (i) a building or place (including a vessel, aircraft or vehicle) in or on which he has reasonable cause to believe that work to which an award is or was applicable is being, or has been, performed; or
- (ii) a place of business of any person in which he has reasonable cause to believe that there are books or documents relevant to that purpose;

(b) in a building or place referred to in sub-paragraph (i) of paragraph (a)—

- (i) inspect any work or any material, machinery, appliance, article or facility;

- (ii) in accordance with regulations made for the purposes of this paragraph, take samples of any goods or substance; or
 - (iii) interview any employee; and
 - (c) by notice in writing or orally, require a person having the custody of, or access to, a book or document relevant to that purpose (whether kept at premises entered by the authorized person in pursuance of this section or elsewhere) to produce it for his inspection in accordance with the requirement, and inspect, and take extracts from, any such book or document.
- ‘(2) If an authorized person proposing to enter, or being in or on, a building or other place is required by the occupier or person in charge of the building or other place to produce evidence of his authority to that occupier or person, the authorized person is not entitled to enter or remain in or on that building or other place unless he produces to that occupier or other person a document signed by the Director certifying that he is an authorized person for the purposes of this Act.
- ‘(3) A person who hinders or obstructs an authorized person in the exercise of his duties, refuses or fails, without reasonable excuse, to comply with a requirement made by an authorized person in accordance with paragraph (c) of sub-section (1) or makes to an authorized person, in the course of his duties, a statement, whether orally or in writing, that is false or misleading in any particular, shall be guilty of an offence.

Penalty: \$500 or imprisonment for 6 months.’.

Page 16, omit sub-section (2) of proposed section 126T, substitute the following sub-section:

“ (2) The Minister shall lay a copy of each report received by him under sub-section (1) before each House of the Parliament as soon as practicable after its receipt by him.’.”

Question—That the clause, as amended, be agreed to—put.

The committee divided (the Deputy Chairman, Mr Giles, in the Chair)—

AYES, 64

Mr Adermann	Mr Drummond	Mr P. F. Johnson	Mr O’Keefe
Mr Aldred	Dr Edwards	Mr Jull	Mr Porter
Mr Baillieu	Mr Falconer	Mr Katter	Mr Ruddock
Mr Baume	Mr Fife	Mr King	Mr Sainsbury
Mr Bonnett	Mr Fisher	Mr Lloyd	Mr Short
Mr Bouchier	Mr Garland	Mr Lucock	Mr Street
Mr Bradfield	Mr Goodluck	Mr Lusher	Mr Sullivan
Mr Braithwaite	Mr Graham	Mr MacKellar	Mr Thomson
Mr Bungey	Mr Groom	Mr McLean	Mr Wentworth
Mr Burr	Mr Hamer	Mr McLeay	Mr Wilson
Mr Cadman	Mr Haslem	Mr McVeigh	Mr Yates
Mr K. M. Cairns	Mr Hodges	Mr Macphee	
Mr Carige	Mr Holten	Mr Martyr	
Mr Chapman	Mr Howard	Mr Millar	
Mr Connolly	Mr Hunt	Mr Neil	<i>Tellers:</i>
Mr Cotter	Mr Hyde	Mr Newman	Mr D. M. Cameron
Mr Dobie	Mr Jarman	Mr Nixon	Mr Corbett

NOES, 25

Mr Armitage	Mr Fry	Dr Klugman	Mr A. P. Whitlam
Mr Beazley	Mr Garrick	Mr J. L. McMahon	Mr Willis
Mr Bowen	Mr Hayden	Mr Martin	
Dr J. F. Cairns	Mr Jacobi	Mr Morris	
Mr C. R. Cameron	Dr Jenkins	Mr Scholes	<i>Tellers:</i>
Mr Cohen	Mr L. K. Johnson	Mr Stewart	Mr James
Mr Crean	Mr Keating	Mr Uren	Mr L. R. Johnson

And so it was resolved in the affirmative.

Clauses 20 to 30, by leave, taken together, and omitted, after debate.

Clause 31 agreed to.

Clause 32 omitted, after debate.

Clause 33 agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr Giles reported accordingly.

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

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

Question—put.

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

AYES, 63

Mr Abel	Mr Drummond	Mr Hunt	Mr Newman
Mr Adermann	Dr Edwards	Mr Hyde	Mr Nixon
Mr Aldred	Mr Falconer	Mr Jarman	Mr O'Keefe
Mr Baillieu	Mr Fife	Mr P. F. Johnson	Mr Porter
Mr Baume	Mr Fisher	Mr Jull	Mr Ruddock
Mr Bonnett	Mr Garland	Mr Katter	Mr Sainsbury
Mr Bouchier	Mr Giles	Mr King	Mr Short
Mr Bradfield	Mr Goodluck	Mr Lloyd	Mr Street
Mr Braithwaite	Mr Graham	Mr Lusher	Mr Sullivan
Mr Bungey	Mr Groom	Mr MacKellar	Mr Thomson
Mr Burr	Mr Hamer	Mr McLean	Mr Wentworth
Mr K. M. Cairns	Mr Haslem	Mr McLeay	Mr Wilson
Mr Carige	Mr Hodges	Mr McVeigh	Mr Yates
Mr Connolly	Mr Hodgman	Mr Martyr	<i>Tellers:</i>
Mr Cotter	Mr Holten	Mr Millar	Mr D. M. Cameron
Mr Dobie	Mr Howard	Mr Neil	Mr Corbett

NOES, 25

Mr Armitage	Mr Fry	Dr Klugman	Mr A. P. Whitlam
Mr Beazley	Mr Garrick	Mr J. L. McMahon	Mr Willis
Mr Bowen	Mr Hayden	Mr Martin	
Dr J. F. Cairns	Mr Jacobi	Mr Morris	
Mr C. R. Cameron	Dr Jenkins	Mr Scholes	<i>Tellers:</i>
Mr Cohen	Mr L. K. Johnson	Mr Stewart	Mr James
Mr Crean	Mr Keating	Mr Uren	Mr L. R. Johnson

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

- 8 NATIONAL LABOUR CONSULTATIVE COUNCIL BILL 1977: 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

Bill, by leave, taken as a whole.

Mr Willis moved—That clause 6 be omitted and the following clause be substituted:

“6. (1) The Council shall consist of 16 members, namely—

- | | |
|---|------------------------|
| (a) the Minister, who shall be the Chairman of the Council; | Membership of Council. |
| (b) the Secretary; | |
| (c) a member chosen by the Minister to represent public authorities as employers; | |
| (d) 6 members nominated by the National Employers' Policy Committee; | |
| (e) 5 members nominated by the Australian Council of Trade Unions; | |
| (f) a member nominated by the Council of Australian Government Employee Organisations; and | |
| (g) a member nominated by the Australian Council of Salaried and Professional Associations. | |

(2) The members, other than the Minister and the Secretary, shall be appointed by the Minister, provided that in the case of nominated members, appointment by the Minister shall be on the nomination of the organizations concerned.”.

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Deputy Chairman, Mr Giles, in the Chair)—

AYES, 24

Mr Armitage	Mr Fry	Mr J. L. McMahon	Mr Willis
Mr Beazley	Mr Hayden	Mr Martin	
Mr Bowen	Mr Jacobi	Mr Morris	
Dr J. F. Cairns	Dr Jenkins	Mr Scholes	
Mr C. R. Cameron	Mr L. K. Johnson	Mr Stewart	<i>Tellers:</i>
Mr Cohen	Mr Keating	Mr Uren	Mr James
Mr Crean	Dr Klugman	Mr A. P. Whitlam	Mr L. R. Johnson

NOES, 51

Mr Aldred	Mr Fife	Mr Katter	Mr Porter
Mr Baillieu	Mr Garland	Mr King	Mr Sainsbury
Mr Baume	Mr Goodluck	Mr Lloyd	Mr Short
Mr Bonnett	Mr Groom	Mr Lucock	Mr Street
Mr Bouchier	Mr Hamer	Mr Lusher	Mr Sullivan
Mr Braithwaite	Mr Haslem	Mr MacKenzie	Mr Thomson
Mr Bungey	Mr Hodgman	Mr McLean	Mr Viner
Mr Burr	Mr Holten	Mr McVeigh	Mr Wentworth
Mr K. M. Cairns	Mr Howard	Mr Macphee	Mr Wilson
Mr Carige	Mr Hunt	Mr Martyr	Mr Yates
Mr Drummond	Mr Hyde	Mr Newman	<i>Tellers:</i>
Dr Edwards	Mr Jarman	Mr Nixon	Mr D. M. Cameron
Mr Falconer	Mr P. F. Johnson	Mr O'Keefe	Mr Fisher

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.

On the motion of Mr Street (Minister for Employment and Industrial Relations), the House adopted the report, and, by leave, the Bill was read a third time.

9 ADJOURNMENT: Mr Street (Minister for Employment and Industrial Relations) moved—
That the House do now adjourn.

Question—put and passed.

And then the House, at 4.41 p.m., adjourned until Monday next at 2 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Birney, Mr Brown, Mr Bryant, Mr Chipp, Mr Connor, Mr Fraser, Mr Hurford, Mr Kelly, Mr W. McMahon, Mr Nicholls*, Mr Peacock, Dr Richardson, Mr Shipton and Mr Young.

* On leave

J. A. PETTIFER,
Clerk of the House of Representatives