

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES
VOTES AND PROCEEDINGS

No. 37

FRIDAY, 2 JUNE 1978

1 The House met, at 10 a.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.

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

Mr Bryant, Mr Dobie, Dr Edwards, Mr Hunt, Dr Klugman, Mr Martin and Mr Ruddock—from certain citizens praying that item 6469 be removed from the standard medical benefits table.

Mr Hunt and Mr Macphee—from certain citizens praying that government benefits under schedule 6469 not be withdrawn for first trimester abortions.

Mr Burr—from certain citizens praying that the imperial system of weights and measures be restored.

Mr Chapman—from certain citizens praying for the protection of Australian grape growers by reducing excise duty on brandy produced in Australia, reducing the quantity of brandy imported and abolishing sales tax on brandy.

Mr Chapman—from certain members and ex-members of the citizens forces of Australia praying for the resumption of the award of several distinctive reserve forces decorations and medals for long service and good conduct.

Mr FitzPatrick—from certain citizens praying that the delay in the introduction of lower international air fares cease.

Mr Haslem—from certain citizens praying that the opening of Wanniasa College, A.C.T., be deferred until 1980 and that Wanniasa High School be opened in February 1979.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented:

By command of His Excellency the Governor-General:

Committee on Overseas Professional Qualifications—9th Report, dated December 1977.

National Committee on Discrimination in Employment and Occupation—4th Annual Report, for year 1976-77.

Student associations at the Australian National University and the Canberra College of Advanced Education—Abolition of compulsory membership—Statement by Senator (Carrick Minister for Education), dated 1 June 1978.

Pursuant to statute:

Australian National Airlines Act—Australian National Airlines Commission—32nd Annual Report and financial statements, together with the Auditor-General's Report, for year 1976-77 (*in substitution for the paper presented on 25 October 1977*).

Science and Industry Endowment Act—Report by Auditor-General on accounts of Science and Industry Endowment Fund, for year 1976-77.

5 TAX INDEXATION FOR 1978-79—MINISTERIAL STATEMENT: Mr Howard (Treasurer), by leave, made a ministerial statement informing the House of tax indexation adjustments to income tax rates and rebates for 1978-79.

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

6 EXPENDITURE—STANDING COMMITTEE—REPORT—STATEMENTS BY MEMBERS: Mr Cairns (Chairman) presented the following report from the Standing Committee on Expenditure:

Northern Territory forestry program—Report, dated 24 May 1978, together with copies of the minutes of proceedings of the sub-committee on the Northern Territory forestry program and an extract from the minutes of proceedings of the committee.

Ordered—That the report be printed.

Mr Cairns, Mr J. J. Brown and Mr McLean, by leave, made statements in connection with the report.

7 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—JOB CREATION: Mr Deputy 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 Government's failure to provide positive action to create new jobs in the light of recent sharp falls in total civilian employment, in production and in consumer confidence".

The proposed discussion having received the necessary support—

Mr Hurford addressed the House.

Discussion ensued.

Discussion concluded.

8 NORTHERN TERRITORY (SELF-GOVERNMENT) BILL 1978: 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 Dr Everingham who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "the Bill be withdrawn until a plebiscite has shown that voters of the Northern Territory approve the financial and constitutional provisions due to take effect on 1 July 1978". Debate continued.

Question—That the words proposed to be omitted stand part of the question—put.

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

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Mr Adermann	Mr Chapman	Mr Johnston	Mr Ruddock
Mr Aldred	Mr Connolly	Mr Lloyd	Mr Sainsbury
Mr Baillieu	Mr Dobie	Mr Lucock	Mr Shack
Mr Baume	Mr Drummond	Mr Lusher	Mr Shipton
Mr Birney	Dr Edwards	Mr MacKellar	Mr Short
Mr Bouchier	Mr Falconer	Mr MacKenzie	Mr Simon
Mr Bradfield	Mr Fife	Mr McLean	Mr Sinclair
Mr N. A. Brown	Mr Fisher	Mr McLeay	Mr Staley
Mr Bungey	Mr Gillard	Mr McVeigh	Mr Street
Mr Burns	Mr Graham	Mr Millar	Mr Thomson
Mr Burr	Mr Haslem	Mr Moore	Mr Wilson
Mr Cadman	Mr Hodgman	Mr Neil	
Mr Cairns	Mr Howard	Mr Nixon	
Mr Calder	Mr Hunt	Mr O'Keefe	<i>Tellers:</i>
Mr E. C. Cameron	Mr Hyde	Mr Porter	Mr Corbett
Mr Carlton	Mr P. F. Johnson	Mr I. L. Robinson	Mr Hodges

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Mr Armitage	Mr FitzPatrick	Mr C. K. Jones	Mr Uren
Dr Blewett	Mr Fry	Mr Keating	Mr Wallis
Mr Bowen	Mr Howe	Dr Klugman	Mr West
Dr Cass	Mr Jacobi	Mr J. L. McMahon	Mr Willis
Mr Cohen	Mr James	Mr Martin	<i>Tellers:</i>
Mr Dawkins	Dr Jenkins	Mr Morris	Mr L. K. Johnson
Dr Everingham	Mr B. O. Jones	Mr Scholes	Mr L. R. Johnson

And so it was resolved in the affirmative.

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

The House resolved itself into a committee of the whole.

—
In the committee

Bill, by leave, taken as a whole.

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

Clause 7—

Page 3, line 14, after “law” insert “for a specified period, for the purpose of receiving advice from the Council relating to the purposes, objects or validity of the proposed law”.

Page 3, line 17, omit sub-paragraph (2) (b) (ii).

Clause 8, page 4, lines 1 to 4, omit sub-clause (4), substitute the following sub-clauses:

“(4) As soon as practicable after the Governor-General has made a declaration in respect of a proposed law in accordance with sub-section (1), the Minister shall cause a notice of the declaration to be laid before each House of the Parliament, and either House may, by resolution passed before the expiration of 15 sitting days of that House after the notice is so laid, disallow the declaration.

“(4A) Where either House of the Parliament passes a resolution in accordance with sub-section (4) disallowing a declaration made by the Governor-General, the disallowance shall have the following effect:

- (a) in the case of a declaration that the Governor-General assents to the proposed law—that the Governor-General’s assent shall be deemed not to have been given;
- (b) in the case of a declaration that the Governor-General withholds assent to the proposed law—that the Governor-General’s assent shall be deemed to have been given; or
- (c) in the case of a declaration that the Governor-General withholds assent to part of the proposed law and assents to the remainder of the proposed law—that the Governor-General’s assent to the remainder of the proposed law be deemed not to have been given.

“(4B) If, after the expiration of the 15 sitting days referred to in sub-section (4), neither House of the Parliament has passed a resolution disallowing the declaration, the Administrator shall cause a notice of the declaration to be published in the *Government Gazette* of the Territory.”.

Clause 9, page 4, after sub-clause (3) insert the following sub-clauses:

“(3A) As soon as practicable after the Governor-General has disallowed a law or part of a law under this section, the Minister shall cause a notice of the disallowance made by the Governor-General to be laid before each House of the Parliament, and either House may, by resolution passed before the expiration of 15 sitting days of that House after the notice is so laid, disallow that disallowance.

“(3B) Where either House of the Parliament passes a resolution in accordance with sub-section (3A) disallowing a disallowance of a law or part of a law made by the Governor-General, the second-mentioned disallowance shall be deemed not to have been made.

“(3C) If, after the expiration of the 15 sitting days referred to in sub-section (3A), neither House of the Parliament has passed a resolution disallowing the disallowance made by the Governor-General, the Minister shall cause a notice of the disallowance made by the Governor-General to be published in the *Government Gazette* of the Territory.”.

Clause 13, page 5, line 25, omit “one-fifth”, substitute “one-tenth”.

Clause 22, page 7, at the end of the clause add the following sub-clauses:

“(3) After a general election of members of the Legislative Assembly, the Administrator shall, by notice published in the *Government Gazette* of the Territory, appoint a time, being not later than 30 days after the day appointed for the return of the writs relating to that election, for holding a session of the Legislative Assembly.

“(4) The time appointed for the holding of any session of the Legislative Assembly shall be such that a period of 12 months or more does not intervene between the end of one session and the first sitting of the Assembly in the next session.”.

Clause 33, page 11, after sub-clause (5) insert the following sub-clause:

“(5A) The Administrator shall convene a meeting of the Council if the Legislative Assembly, by resolution, so requests.”.

Clause 34, page 11, line 13, after “Administrator” insert “, with the approval of the Legislative Assembly,”.

Clause 36, page 11, lines 17 and 18, omit “appoint a member of the Legislative Assembly to a Ministerial office, and may,”; substitute “, with the approval of the Legislative Assembly, appoint a member of the Assembly to a Ministerial office, and may, with like approval,”.

Debate continued.

Amendments negatived.

Bill further debated.

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

The House resumed; Mr Millar reported accordingly.

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

9 MESSAGE FROM THE GOVERNOR-GENERAL—PARLIAMENTARY CONTRIBUTORY SUPER-ANNUATION AMENDMENT BILL 1978: Message No. 40, dated 2 June 1976, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purpose of any amendments made, on motion by a Minister, upon consideration of the request of the Senate for amendment to the Bill to amend the *Parliamentary Retiring Allowances Act 1948*.

10 MESSAGE FROM THE SENATE—PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 1978: The following message from the Senate was reported:

Mr Speaker,

Message No. 50

The Senate returns to the House of Representatives the Bill for “*An Act to amend the ‘Parliamentary Retiring Allowances Act 1948’*”, and requests the House to amend the Bill as set forth in the annexed Schedule.

The Senate,
Canberra, 2 June 1978

C. L. LAUCKE
President

Ordered—That the amendment requested by the Senate be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF A REQUEST BY THE SENATE FOR AMENDMENT

Page 6, clause 9, sub-clause (1), after paragraph (b), insert the following paragraph:

“(ba) by inserting after sub-section (2) the following sub-section:

“(2A) For the purposes of sub-section (1B) and paragraph (aa) of sub-section (2), every senator whose term of office was 6 years shall, if at the expiration of 3 years after the commencement of that term of office that term of office had not expired, be deemed (in addition to his having ceased to be a senator at the actual expiration of that term of office if he continued in office for the whole of that term) to have at the expiration of that period of 3 years ceased to be a senator by reason of the expiration of that term of office.”.

On the motion of Mr Howard (Acting Minister for Finance), the requested amendment was made, after debate.

Resolution to be reported.

The House resumed; Mr Giles reported accordingly.
On the motion of Mr Howard, the House adopted the report.

- 11 NORTHERN TERRITORY (SELF-GOVERNMENT) BILL 1978: The House, according to order, again resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Bill, as a whole—

On the motion of Mr Adermann (Minister for the Northern Territory), by leave, the following amendments were made together, after debate:

Clause 2, page 2, line 6, omit the clause, substitute:

“2. (1) Sections 1, 2 and 70 shall come into operation on the day on Commence-
ment
which this Act receives the Royal Assent.

“(2) The remaining provisions of this Act shall come into operation on 1 July 1978.”

Clause 19, page 6, line 12, omit “2”, substitute “3”.

Clause 21—

Page 6, line 28, after “Service”, insert “or the Police Force”.

Page 7, lines 3 to 5, omit paragraph (c), substitute:

“(c) he fails to attend the Legislative Assembly for 2 consecutive months of any session of the Assembly without the permission of the Assembly;”.

Clause 28, page 10, line 2, omit “Act”, substitute “section”.

Clause 43, page 13, line 27, omit “that”.

Clause 53—

Page 16, line 4, omit “the commencement of this Act”, substitute “1 July 1978”.

Page 16, after sub-clause (5), insert:

“(5A) Sub-section (5) does not prevent the making of—

(a) a law conferring the power to make determinations by way of the ascertainment of rights or obligations conferred or imposed on persons by law; or

(b) a law conferring power on the Public Service Commissioner of the Territory, on a body established by enactment, or on the holder of an office established by enactment, to make determinations by way of the fixing of terms and conditions of employment of persons employed in the Public Service of the Territory or employed by that body or by the holder of that office, as the case may be.”

Page 16, line 18, after “enactment”, insert “, or a determination referred to in paragraph (5A) (b),”.

Page 16, lines 18 and 19, omit “the date of commencement of this Act”, substitute “1 July 1978”.

Clause 56, page 16, line 40, omit “the date of commencement of this Act”, substitute “1 July 1978”.

Clause 65, page 19, line 17, omit “commencement of this Act”, substitute “commencing date”.

Clause 69, page 20, line 27, omit “by”, substitute “from”.

Clause 70—

Page 21, lines 13 to 40, omit sub-clauses (1) to (6), substitute:

“(1) The Minister may, from time to time, recommend to the Governor-General that any interest in land vested or to be vested in the Territory by sub-section 69 (2) (including an interest less than, or subsidiary to, such an interest) be acquired from the Territory by the Commonwealth under this section.

“(2) The Governor-General may, on the recommendation of the Minister under sub-section (1), authorize the acquisition of the interest for a public purpose approved by the Governor-General.

“(3) The Minister may cause to be published in the *Gazette* notice of the authorization by the Governor-General and, in the notice, declare that the

interest is acquired under this section for the public purpose approved by the Governor-General.

“(4) Upon publication of the notice in the *Gazette* or immediately after the commencement of section 69, whichever is the later, the interest to which the notice relates is, by force of this section—

- (a) vested in the Commonwealth; and
- (b) freed and discharged from any restriction, dedication or reservation made by or under any enactment (not being an interest to which sub-section (6) applies),

to the intent that the legal estate in the interest, and all rights and powers incident to that estate or conferred by the *Lands Acquisition Act* 1955 in relation to that estate, are vested in the Commonwealth.

“(5) An interest that may be acquired under this section may be an interest that did not previously exist as such.

“(6) Upon the acquisition of an interest by the Commonwealth under this section, all interests that were held from the Territory immediately before the acquisition, being interests derived from the first-mentioned interest, are, by force of this section, held from the Commonwealth on the same terms and conditions as those on which they were held from the Territory.”.

Page 22, line 18, omit “day”, substitute “date”.

Clause 71, page 22, line 26, omit “day”, substitute “date”.

Clause 75—

Page 23, line 9, omit “The”, substitute “With the consent of the Administrator for the Territory acting with the advice of the Council the”.

Page 23, line 16, omit “date of commencement of this Act”, substitute “commencing date”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Giles reported accordingly.

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

- 12 **ASHMORE AND CARTIER ISLANDS ACCEPTANCE AMENDMENT BILL 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.

- 13 **REMUNERATION TRIBUNALS AMENDMENT BILL 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.

- 14 **LANDS ACQUISITION AMENDMENT BILL 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.

- 15 **PAY-ROLL TAX (TERRITORIES) ASSESSMENT AMENDMENT BILL (No. 2) 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.
- 16 **OMBUDSMAN AMENDMENT BILL 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.
- 17 **NORTHERN TERRITORY SUPREME COURT AMENDMENT BILL (No. 2) 1978:** 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.

On the motion of Mr Adermann (Minister for the Northern Territory) the following amendment was made:

Clause 6, page 2, at the end of sub-clause (1) add the following paragraph:

“(d) by adding at the end thereof the following sub-section:

‘(2) Without derogating from the generality of sub-section (1), nothing in this or any other Act shall be taken to limit the power of the Legislative Assembly of the Northern Territory in relation to the making of laws relating to the prosecution in the Supreme Court of indictable offences against laws in force in the Territory under or by virtue of the *Northern Territory (Self-Government) Act 1978*.’”.

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The House resumed; Mr Giles reported accordingly.

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

- 18 **ADMINISTRATIVE APPEALS TRIBUNAL AMENDMENT BILL 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.
- 19 **ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) AMENDMENT BILL 1978:** 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.

- 20 COMMONWEALTH MOTOR VEHICLES (LIABILITY) AMENDMENT BILL 1978: 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 Adermann (Minister for the Northern Territory), the Bill was read a third time.
- 21 COMPENSATION (COMMONWEALTH GOVERNMENT EMPLOYEES) AMENDMENT BILL 1978: 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, and agreed to, after debate.
 Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.
 On the motion of Mr Adermann (Minister for the Northern Territory), the House adopted the report, and, by leave, the Bill was read a third time.

- 22 AIR ACCIDENTS (COMMONWEALTH GOVERNMENT LIABILITY) AMENDMENT BILL 1978: 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 Wilson moved the following amendment:
 Clause 4, page 2, at the end of the clause add the following sub-section:
 “(7) Sub-sections (4), (5) and (6) may be repealed by an enactment as defined by the *Northern Territory (Self-Government) Act 1978*, and in that event section 8 of the *Acts Interpretation Act 1901* shall apply to the repeal as if it had been effected by an Act.”.
 Debate continued.
 Amendment negatived.
 Bill agreed to.
 Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.
 On the motion of Mr Adermann (Minister for the Northern Territory), the House adopted the report, and, by leave, the Bill was read a third time.

- 23 ADJOURNMENT: Mr Street (Minister for Employment and Industrial Relations) moved—
 That the House do now adjourn.
 Mr James addressing the House—
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 House do now adjourn—was put accordingly, and passed.

And then the House, at 4.38 p.m., adjourned until Tuesday next at 2.15 p.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr C. R. Cameron, Mr D. M. Cameron, Mr Cotter, Mr Dean, Mr Fraser, Mr Garland, Mr Holding, Mr Humphreys, Mr Innes, Mr Jarman, Mr Jull, Mr Martyr, Mr Peacock, Mr E. L. Robinson, Mr Stewart, Mr Viner, Mr Whitlam, Mr Yates and Mr Young.

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