

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

## HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 38

TUESDAY, 6 JUNE 1978

- 
- 1 The House met, at 2.15 p.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
  - 2 **DEATH OF FORMER SENATOR (THE HONOURABLE SIR KENNETH MORRIS):** Mr Speaker informed the House of the death, on 1 June, of the Honourable Sir Kenneth Morris, a Senator for the State of Queensland from 1963 to 1968 and a former State Minister and Deputy Premier of Queensland between 1957 and 1963.  
As a mark of respect to the memory of the deceased all Members present stood, in silence.
  - 3 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
    - Mr Birney, Mr Falconer and Mr Ruddock—from certain citizens praying that item 6469 be removed from the standard medical benefits table.
    - Mr Aldred and Mr Fisher—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 for the establishment of a fund whereby loans can be made to means tested pensioners for the necessary maintenance of their homes.
    - Mr Macphee—from certain citizens praying that Government benefits under schedule 6469 not be withdrawn for first trimester abortions.
    - Mr Wallis—from certain citizens praying that the report of the Review of International Civil Aviation Policy be released and the introduction of reduced international air fares no longer be deferred.
  - Petitions received.
  - 4 **QUESTIONS:** Questions without notice were asked.
  - 5 **PAPER:** The following paper was presented, by command of His Excellency the Governor-General:
    - Industries Assistance Commission—Interim report—Vices, dated 28 April 1978.
  - 6 **MESSAGE FROM THE SENATE:** A message from the Senate was reported returning the following Bill and acquainting the House that the Senate had agreed to the Bill as amended by the House at the request of the Senate and without further amendment:
    - 2 June 1978—Message No. 51—Parliamentary Contributory Superannuation Amendment 1978.
  - 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC STRATEGY:** Mr Speaker informed the House that Mr Willis had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Government's economic strategy and the disastrous implications of its continuance". The proposed discussion having received the necessary support—  
Mr Willis addressed the House.  
Discussion ensued.  
Discussion concluded.

- 8 EXPORT EXPANSION GRANTS BILL 1978: Mr Anthony (Minister for Trade and Resources), pursuant to notice, presented a Bill for an Act relating to grants for the purpose of providing incentives for the expansion of exports.  
Bill read a first time.  
Mr Anthony moved—That the Bill be now read a second time.  
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 9 DAIRY INDUSTRY STABILIZATION AMENDMENT BILL 1978: Mr Sinclair (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend the *Dairy Industry Stabilization Act 1977*.  
Bill read a first time.  
Mr Sinclair moved—That the Bill be now read a second time.  
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 10 DAIRY INDUSTRY STABILIZATION LEVY AMENDMENT BILL 1978: Mr Sinclair (Minister for Primary Industry) presented a Bill for an Act to amend the *Dairy Industry Stabilization Levy Act 1977*.  
Bill read a first time.  
Mr Sinclair moved—That the Bill be now read a second time.  
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 11 DAIRY PRODUCE AMENDMENT BILL 1978: Mr Sinclair (Minister for Primary Industry), pursuant to notice, presented a Bill for an Act to amend the *Dairy Produce Act 1924*.  
Bill read a first time.  
Mr Sinclair moved—That the Bill be now read a second time.  
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 12 MINISTERS OF STATE AMENDMENT BILL 1978: Mr Street (Minister representing the Minister for Administrative Services), pursuant to notice, presented a Bill for an Act to amend the *Ministers of State Act 1952*.  
Bill read a first time.  
Mr Street moved—That the Bill be now read a second time.  
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 13 PUBLIC SERVICE AMENDMENT BILL 1978: Mr Viner (Minister Assisting the Prime Minister), for Mr Staley (Minister for Post and Telecommunications), pursuant to notice, presented a Bill for an Act to amend the *Public Service Act 1922*, and for related purposes.  
Bill read a first time.  
Mr Viner moved—That the Bill be now read a second time.  
Debate adjourned (Mr Willis), and the resumption of the debate made an order of the day for the next sitting.
- 14 HOSPITALS AND HEALTH SERVICES COMMISSION (REPEAL) BILL 1978: Mr Hunt (Minister for Health), pursuant to notice, presented a Bill for an Act to repeal the *Hospitals and Health Services Commission Act 1973*, and for related purposes.  
Bill read a first time.  
Mr Hunt moved—That the Bill be now read a second time.  
Debate adjourned (Dr Klugman), and the resumption of the debate made an order of the day for the next sitting.
- 15 NATIONAL HEALTH AMENDMENT BILL 1978: Mr Hunt (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953*.  
Bill read a first time.  
Mr Hunt moved—That the Bill be now read a second time.  
Debate adjourned (Dr Klugman), and the resumption of the debate made an order of the day for the next sitting.

- 16 HEALTH INSURANCE AMENDMENT BILL 1978: Mr Hunt (Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *Health Insurance Act 1973*, and for other purposes.  
 Bill read a first time.  
 Mr Hunt moved—That the Bill be now read a second time.  
 Debate adjourned (Dr Klugman), and the resumption of the debate made an order of the day for the next sitting.
- 17 HEALTH INSURANCE LEVY ASSESSMENT AMENDMENT BILL 1978: Mr Hunt (Minister for Health) presented a Bill for an Act to amend the law relating to income tax in relation to the imposition, assessment and collection of a health insurance levy.  
 Bill read a first time.  
 Mr Hunt moved—That the Bill be now read a second time.  
 Debate adjourned (Dr Klugman), and the resumption of the debate made an order of the day for the next sitting.
- 18 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT BILL (No. 3) 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.  
*Message from the Governor-General: Message No. 41, dated 31 May 1978, 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*

Bill, by leave, taken as a whole.

*Proposed new clauses—*

Dr Everingham, by leave, moved—That the following new clauses be inserted in the Bill:

“4A. Sections 12B and 12C of the Principal Act are repealed.”.

Repeal of sections 12B and 12C

“7A. Section 23E of the Principal Act is repealed.”.

Secrecy

“7B. Section 42 of the Principal Act is amended by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:

Proclamations to be laid before Houses of Parliament

“(2) If a Proclamation referred to in paragraph 40 (1) (b) or 41 (1) (b) is not laid before each House of the Parliament within 15 sitting days of that House after the making of the Proclamation, this Act has effect, and shall be deemed to have had effect, as if the Proclamation had not been made.

“(3) If either House of the Parliament, in pursuance of a motion of which notice has been given, within 15 sitting days after a copy of a Proclamation has been laid before that House, passes a resolution disallowing the Proclamation, this Act has effect, and shall be deemed to have had effect, as if the Proclamation had not been made.

“(4) If, at the expiration of 15 sitting days after notice of a motion to disallow a proclamation has been given in a House of the Parliament, being notice given within 15 sitting days after a copy of the Proclamation has been laid before that House—

(a) the Proclamation has not been withdrawn and the motion has not been called on; or

(b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

this Act has effect, and shall be deemed to have had effect, as if the Proclamation had not been made.

'(5) If, before the expiration of 15 sitting days after notice of a motion to disallow a Proclamation has been given in a House of the Parliament—

(a) that House is dissolved or, being the House of Representatives, expires or the Parliament is prorogued; and

(b) at the time of the dissolution, expiry or prorogation, as the case may be—

(i) the notice has not been withdrawn and the motion has not been called on; and

(ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

the copy of the Proclamation shall, for the purposes of sub-sections (3) and (4), be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.'".

Debate ensued.

Several Members rising to address the committee—

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

Question—That the question be now put—put.

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

AYES, 57

Mr Adermann	Mr Chapman	Mr Hyde	Mr O'Keefe
Mr Aldred	Mr Connolly	Mr Jarman	Mr Porter
Mr Baillieu	Mr Cotter	Mr Johnston	Mr I. L. Robinson
Mr Baume	Mr Dean	Mr Katter	Mr Sainsbury
Mr Bourchier	Mr Dobie	Mr Killen	Mr Shack
Mr Bradfield	Dr Edwards	Mr Lloyd	Mr Shipton
Mr Braithwaite	Mr Ellicott	Mr Luccock	Mr Staley
Mr N. A. Brown	Mr Fife	Mr Lynch	Mr Thomson
Mr Bungey	Mr Fisher	Mr MacKellar	Mr Viner
Mr Burns	Mr Giles	Mr McLean	Mr Wilson
Mr Cadman	Mr Gillard	Mr McLeay	
Mr Cairns	Mr Graham	Sir William McMahon	
Mr Calder	Mr Haslem	Mr McVeigh	<i>Tellers:</i>
Mr E. C. Cameron	Mr Howard	Mr Moore	Mr Corbett
Mr Carlton	Mr Hunt	Mr Nixon	Mr Hodges

NOES, 26

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

And so it was resolved in the affirmative.

And the question—That the new clauses proposed to be inserted be so inserted—was put accordingly, and negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Millar reported accordingly.

On the motion of Mr Viner (Minister for Aboriginal Affairs), the House adopted the report.

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

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

*Closure:* Mr Bourchier 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 third time—was put accordingly, and passed—Bill read a third time.

19 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

6 June 1978—Message—

No. 52—Appropriation (No. 3) 1977–78 (*without requests*).

No. 53—Appropriation (No. 4) 1977–78.

## 20 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) 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—

Debate resumed.

Mr Holding addressing the House—

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

Question—That the question be now put—put.

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

AYES, 69

Mr Adermann	Mr Cotter	Mr Hyde	Mr Nixon
Mr Aldred	Mr Dean	Mr Jarman	Mr O'Keefe
Mr Baillieu	Mr Dobie	Mr Johnston	Mr Porter
Mr Baume	Mr Drummond	Mr Katter	Mr I. L. Robinson
Mr Bouchier	Dr Edwards	Mr Killen	Mr Sainsbury
Mr Bradfield	Mr Ellicott	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Falconer	Mr Lucock	Mr Shipton
Mr N. A. Brown	Mr Fife	Mr Lusher	Mr Staley
Mr Bungey	Mr Fisher	Mr Lynch	Mr Street
Mr Burns	Mr Giles	Mr MacKellar	Mr Thomson
Mr Burr	Mr Gillard	Mr MacKenzie	Mr Viner
Mr Cadman	Mr Goodluck	Mr McLean	Mr Wilson
Mr Cairns	Mr Graham	Mr McLeay	Mr Yates
Mr Calder	Mr Groom	Sir William McMahan	
Mr E. C. Cameron	Mr Haslem	Mr McVeigh	
Mr Carlton	Mr Hodgman	Mr Millar	<i>Tellers:</i>
Mr Chapman	Mr Howard	Mr Moore	Mr Corbett
Mr Connolly	Mr Hunt	Mr Newman	Mr Hodges

NOES, 26

Mr Armitage	Mr FitzPatrick	Mr B. O. Jones	Mr Wallis
Dr Blewett	Mr Fry	Mr C. K. Jones	Mr West
Mr Bowen	Mr Holding	Mr Keating	Mr Willis
Mr J. J. Brown	Mr Howe	Dr Klugman	
Mr Bryant	Mr Hurford	Mr J. L. McMahan	<i>Tellers:</i>
Mr Dawkins	Mr Jacobi	Mr Morris	Mr L. K. Johnson
Dr Everingham	Mr James	Mr Scholes	Mr L. R. Johnson

And so it was resolved in the affirmative.

And the question—That the Bill be now read a second time—was put accordingly, 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.

*Proposed new clauses—*

Dr Everingham, by leave, moved—That the following new clauses be inserted in the Bill:

- “2A. Section 3 of the Principal Act is amended—
- Interpretation
- (a) by omitting ‘, but does not include land in a town’ from the definition of ‘alienated Crown land’;
- (b) by omitting ‘, and includes any area that, by virtue of regulations in force under that law, is to be treated as a town’ from the definition of ‘town’;
- (c) by omitting ‘, but does not include land in a town’ from the definition of ‘unalienated Crown land’; and
- (d) by omitting sub-section (4) and substituting the following sub-section:
- ‘(4) A reference in this Act to the granting of a mining interest in respect of Aboriginal land shall be read as including a reference to the renewal of a mining interest.’”

“2B. Section 10 of the Principal Act is amended by omitting sub-section (3).”

Recom-  
mendations for  
grants of  
Crown land  
described in  
Schedule 1

“ 2c. Section 13 of the Principal Act is amended by inserting in sub-paragraph (2) (b) (iii) ‘ and after giving permanent consideration to the interests of the traditional Aboriginal owners ’ after ‘ matter ’.”

Grants of interests in land the subject of a deed in escrow

“ 3A. After section 20 of the Principal Act the following section is inserted:

‘ 20A. (1) Where—

Grant of land to Aboriginal Council for particular purposes

- (a) no person (other than the Crown) has an estate or interest in an area of Crown land;
- (b) the Minister is satisfied that the land should be granted to an Aboriginal Council in the area of which the land is situated to be held and applied by the Council for a particular purpose or purposes, being a purpose or purposes within the scope of the function of the Council; and
- (c) the Aboriginal Council agrees to hold and apply the land for that purpose or those purposes,

the Minister may recommend to the Governor-General that a grant of an estate in fee simple, or some lesser estate, in the land be made to the Aboriginal Council.

‘ (2) Where a grant of land is made in accordance with a recommendation under sub-section (1), the Minister shall, by notice published in the *Gazette*, set out the purpose or purposes for which the land is to be held and applied and may, from time to time, with the consent of the Aboriginal Council, by notice published in the *Gazette*, vary or add to that purpose or those purposes.

‘ (3) Where a grant of land is made to an Aboriginal Council in accordance with a recommendation under sub-section (1), section 19 applies in relation to the Council in respect of that land as if the Council were a Land Trust.

‘ (4) Where the Minister is satisfied that land granted to an Aboriginal Council in accordance with a recommendation under sub-section (1) is not being applied in accordance with the statement of purpose or purposes published with respect to that land under sub-section (2), the Minister may recommend to the Governor-General that the grant of the land be revoked.

‘ (5) On the receipt of a recommendation under sub-section (4), the Governor-General may revoke the grant of the land to which the recommendation relates and, upon publication in the *Gazette* of a notice of that revocation, that land shall revert to the Crown.

‘ (6) Where land reverts to the Crown under sub-section (5), compensation is payable by the Commonwealth to the owner of any estate or interest in the land granted by the Aboriginal Council and subsisting immediately before the reversion of the land to the Crown for the loss to that owner of that estate or interest, but compensation is not otherwise payable in respect of that reversion.

‘ (7) Where the grant revoked under sub-section (5) has been entered in the register kept under the law of the Northern Territory relating to the transfer of land, the Registrar-General or other appropriate officer under that law shall, on the publication of notice of the revocation in the *Gazette* alter that register accordingly.’”

“3B. Section 23 of the Principal Act is repealed and the following section substituted:

‘ 23. (1) The functions of a Land Council are—

Functions of Land Council

- (a) to administer Aboriginal Land in its area that is held by Land Trusts;
- (b) where the Land Council holds in escrow a deed of grant of land made to a Land Trust under section 12—
  - (i) to negotiate with persons having estates or interests in that land with a view to the acquisition of those estates or interests by the Land Trust; and
  - (ii) until those estates or interests have been so acquired, to negotiate with those persons with a view to the use by Aboriginals of the land in such manner as may be agreed between the Land Council and those persons;

- (c) to negotiate, on behalf of traditional Aboriginal owners of land in its area held by a Land Trust, being those owners as shown in the register maintained by the Council under section 24, and any other Aboriginals interested in the land, with persons desiring to use, occupy or obtain an interest in that land;
- (d) to investigate, and to make representations concerning—
  - (i) the requirements for land of Aboriginals living in its area;
  - (ii) the use, whether by means of the acquisition of an interest or otherwise, by Aboriginals of Crown land in its area in which no person (other than the Crown) has an estate or interest; and
  - (iii) priorities in the expenditure of public moneys in connexion with the acquisition or development of land in its area for the benefit of Aboriginals;
- (e) to compile and keep—
  - (i) a register recording the names of the members of the Land Council; and
  - (ii) a register recording the names of the members of the Land Trusts holding, or established to hold, Aboriginal land in its area and descriptions of each area of such Aboriginal land;
- (f) to co-operate with, and assist, the Commissioner in exercising his functions and powers in connexion with land in its area;
- (g) to issue, and revoke, permits to persons, other than Aboriginals, entitling them to enter and remain on Aboriginal land in its area and to impose conditions to be complied with by holders of permits so issued; and
- (h) to supervise, and provide administrative assistance for, Land Trusts holding or established to hold, Aboriginal land in its area.

'(2) In carrying out its functions with respect to any Aboriginal land in its area, a Land Council shall have regard to the interests of, and where practicable, shall consult with, the traditional Aboriginal owners of the land as shown in the register maintained by the Council under section 24 and any other Aboriginals interested in the land and, in particular, shall not give a direction under section 27 to a Land Trust with respect to any matter in connexion with land held by that Land Trust unless the Land Council is satisfied that—

- (a) the person (if any) shown in the Register maintained by the Council under section 24 as the traditional Aboriginal owners of that land understand the nature and purpose of the proposed direction and do not oppose it; and
- (b) any Aboriginal community or group that may be affected by the proposed direction has been consulted and has had adequate opportunity to express its view to the Land Council.

'(3) Where a Land Council issues or revokes a permit to enter and remain on Aboriginal land in the area of an Aboriginal Council, the Land Council shall notify the Aboriginal Council, in writing of—

- (a) where a permit is issued—
  - (i) the fact that a permit has been issued with respect to land in the area of the Aboriginal Council;
  - (ii) the particulars of the person to whom the permit is issued; and
  - (iii) the conditions (if any) to be complied with by the holder of the permit;
 or
- (b) where a permit is revoked—
  - (i) the fact that a permit with respect to land in the area of the Aboriginal Council has been revoked; and
  - (ii) the particulars of the person who was the holder of the permit.'''

“3c. Section 40 of the Principal Act is repealed and the following section substituted:

'40. A mining interest in respect of Aboriginal land shall not be granted unless—

- (a) both the Minister and the Land Council for the area in which the land is situated have consented, in writing, to the making of the grant; or

Grants of  
mining  
interest

- (b) the Governor-General has, by Proclamation, declared that the national interest requires that the grant be made and that Proclamation has taken effect in accordance with section 42.’”.

“3D. Section 41 of the Principal Act is repealed and the following section substituted:

‘41. The *Atomic Energy Act* 1953 or any other Act authorizing the mining for minerals does not apply in relation to land that is Aboriginal land so as to authorize the entry or remaining of a person on the land or the doing of any act by a person on the land unless—

Application of Acts authorizing mining on Aboriginal land

- (a) the Governor-General has, by Proclamation, declared that both the Minister and the Land Council for the area in which the land is situated have consented to the application of that Act in relation to entry on that land; or
- (b) the Governor-General has, by Proclamation, declared that the national interest requires the application of that Act in relation to entry on that land and that Proclamation has taken effect in accordance with section 42.’”.

“3E. Section 42 of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

Proclamations to be laid before Houses of Parliament

‘(3A) If notice of a motion to disapprove of a declaration in a Proclamation that has been laid before either House of the Parliament under sub-section (1) is given in that House within 15 sitting days after the copy of the Proclamation has been laid before that House and on the last day on which the resolution could have been passed—

- (a) the notice has not been withdrawn and the motion has not been called on; or
- (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

that House shall be deemed to have passed, on that day, a resolution disapproving of the declaration in the Proclamation.’”.

“3F. Section 45 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-sections:

Arbitration on agreement sought by Land Council

‘(1) Where the Minister is satisfied that a Land Council has refused, or is unwilling to give its consent to the grant of a mining interest by reason that the applicant for the grant will not enter into an agreement proposed by the Land Council as consideration for the giving of the grant, he shall require production to him of a copy of a statement in writing by the applicant for the grant and an acknowledgement in writing signed by not less than one half of the members of the Land Council that they have seen and understood the proposals contained in the statement in writing.

‘(1A) If the Minister considers the proposals contained in the statement in writing referred to in sub-section (1) by the applicant for the grant to be just and equitable in the circumstances, after consultation with the Land Council and the applicant for the grant, the Minister may appoint a person whom he considers to be in a position to deal with the matter impartially to be an Arbitrator to determine in accordance with the law for the time being in force in the Northern Territory with respect to Arbitration, the terms and conditions of the agreement that, in the opinion of the Arbitrator, should be acceptable to the Land Council and to the applicant as consideration for the giving by the Land Council of its consent to the grant.

‘(1B) The written statement referred to in sub-section (1) shall set out—

- (a) the amount of payments which the applicant for the grant is prepared to make for the Land Council on behalf of the traditional Aboriginal owners of the land—
- (i) in consideration of the right to enter upon the land to explore and prospect for minerals; and
- (ii) by way of royalties in respect of minerals, if any, extracted from the land;



- (b) the amount and nature of any other interest or benefit which is proposed to be granted to, or to any person or Land Council on behalf of the traditional Aboriginal owners of the land;
- (c) the type of employment proposed to be available for Aborigines in connexion with the activities which the applicant for the grant proposes to carry out upon the land;
- (d) the manner in which the applicant for the grant proposes to preserve and protect any site or object upon the land which is of significance to the traditional Aboriginal owners of the land;
- (e) the nature of each type of activity which the applicant for the grant proposes to carry out upon the land, and the order in which such activities are proposed to be carried out;
- (f) the manner in which the applicant for the grant proposes to consult with the Land Council and the traditional Aboriginal owners of the land in respect of activities carried out by him or by others on his behalf upon or in respect of the land; and
- (g) such other matters as the Minister may require.’.”

“3G. Section 50 of the Principal Act is repealed and the following section substituted:

- ‘50. (1) The functions of the Commissioner are—
- Functions of  
Commissioner
- (a) to ascertain, and to report to the Minister on, the needs of  
Aboriginals, whether as individuals or communities, for land in the Northern Territory to be used for residential, employment or other purposes;
  - (b) to ascertain, and to report to the Minister on, the availability of land to satisfy the needs referred to in paragraph (a);
  - (c) to prepare for the consideration of the Minister plans for the acquisition and development of land in the Northern Territory by, or for the benefit of, Aboriginals and financial estimates of the cost of carrying out such plan;
  - (d) to advise the Minister in connexion with—
    - (i) the making of recommendations for the granting of land under section 11 or 20A;
    - (ii) the resumption of Crown land held under a lease that is required for Aboriginal community purposes;
    - (iii) the reservation by planning authorities of land for Aboriginal community purposes in towns;
    - (iv) the revocation of a grant of land made to an Aboriginal Council under section 20A; and
    - (v) any other matter relevant to the operation of this Act that is referred to the Commissioner by the Minister;
  - (e) on an application being made to the Commissioner by or on behalf of the traditional Aboriginal owners of land, being Crown land, to inquire into, and to report to the Minister on, the desirability of securing that land for the use of those traditional owners; and
  - (f) to compile and keep maps and other records concerning traditional Aboriginal owners of land, other than Aboriginal land, in the Northern Territory.

‘(2) In carrying out his functions the Commissioner shall have regard to the following principles—

- (a) Aboriginals who by choice are living at a place on the traditional country of the tribe or linguistic group to which they belong but do not have a right or entitlement to live at that place ought, where practicable, to be able to acquire secure occupancy of that place; and
- (b) Aboriginals who are not living at a place on the traditional country of the tribe or linguistic group to which they belong but desire to live at such a place ought, where practicable, to be able to acquire secure occupancy of such a place.’.”

“4A. After section 67 of the Principal Act the following section is inserted:

‘67A. (1) An Aboriginal is entitled, with respect to land contained within a lease for pastoral purposes granted under a law of the Northern Territory—

Aboriginals  
entitled to  
enter upon  
pastoral  
leases, etc.

- (a) to enter and remain on that land;
- (b) to bring on to, and use on, the land, horses for the transport of persons or goods;
- (c) to take and use the natural waters of the land; and
- (d) subject to sub-section (2), to kill wildlife for food on the land.

‘(2) Where regulations under the *National Parks and Wildlife Conservation Act 1975* that are expressed to be made for the purposes of the protection or conservation of an endangered species of wildlife prohibit the killing of members of that species on land to which the regulations apply, an Aboriginal is not entitled, under sub-section (1), to kill members of that species on that land.

‘(3) Where there are no convenient natural waters on land referred to in sub-section (1), an Aboriginal is entitled to use bore waters on the land for drinking, cooking, washing or watering horses.

‘(4) In exercising his rights under sub-section (3), an Aboriginal is not entitled knowingly to disregard any reasonable requirements of the lessee of the pastoral lease in connexion with the bore waters on the land.

‘(5) Sub-sections (1), (3) and (4) do not apply at any point within a distance of one kilometre from any homestead on the land.

‘(6) A person who, without just cause, proof of which lies upon the person, prevents or obstructs, or attempts to prevent or obstruct, an Aboriginal from exercising his rights under this section is guilty of an offence against this section punishable, upon conviction, by a fine not exceeding \$1,000.’”.

“4B. After section 68 of the Principal Act the following section is inserted:

‘68A. (1) Regulations under the *National Parks and Wildlife Conservation Act 1975* providing for the protection or conservation of, or making other provision with respect to, wildlife, whether those regulations were made before or after the commencement of this Act, do not apply in relation to an area of Aboriginal land unless—

Protection and  
conservation  
of wildlife on  
Aboriginal  
land

- (a) the Governor-General has, by Proclamation, declared that the application of those regulations to that area of land has been consented to by a Committee for that area established under this section; or
- (b) the Governor-General has, by Proclamation, declared that the national interest requires the application of those regulations to that area of land and that Proclamation has taken effect in accordance with section 42.

‘(2) For the purposes of paragraph (1) (a), the Minister shall, on the application of the Minister administering the *National Parks and Wildlife Conservation Act 1975*, establish a Committee for an area of Aboriginal land.

‘(3) A Committee shall consist of—

- (a) a Chairman appointed by the Minister after consultation with the Minister administering the *National Parks and Wildlife Conservation Act 1975*;
- (b) such number of members, not being less than 3, as the Minister determines appointed by the Minister on the nomination of the Land Council for the area in which the Aboriginal land concerned is situated; and
- (c) a number of members equal to the number determined by the Minister under paragraph (b) appointed by the Minister on the nomination of the Director of National Parks and Wildlife.

'(4) The Chairman shall convene a meeting of a Committee for the purpose of considering the giving of a consent to a proposal to apply, in relation to the area of Aboriginal land for which the Committee is established, regulations made, or proposed to be made, under the *National Parks and Wildlife Conservation Act 1975* providing for the protection and conservation of, or making other provision with respect to, wildlife.

'(5) The Chairman shall preside at a meeting convened under sub-section (4).

'(6) The consent of a Committee for the purposes of paragraph (1) (a) shall be given by resolution passed at a meeting of the Committee by a number of votes greater than the number determined by the Minister for the purposes of paragraph (3) (b).

'(7) Where a resolution referred to in sub-section (6) is moved, the Chairman shall endeavour to reconcile any conflicts of opinion among the other members of the Committee but the Chairman shall not vote on that unless the voting of the other members is equal and, in that event, the Chairman has a casting vote.

'(8) The Chairman shall, on the request of a member of a Committee who is an Aboriginal, arrange for the translation of the proceedings of the committee as they occur into the language of that member.

'(9) Subject to any direction of the Chairman, a member of a Committee who is an Aboriginal may be accompanied to a meeting of the Committee by such advisers as he may wish to accompany him.

'(10) In this section—

“Chairman”, means the Chairman of a Committee;

“Committee”, means a Committee established under sub-section (2).

'(11) Where an area of land becomes Aboriginal and, regulations in force under the *National Parks and Wildlife Conservation Act 1975* providing for the protection or Conservation of, or making other provision with respect to, wildlife, that were applicable to that area immediately before it became Aboriginal land continue, notwithstanding sub-section (1), to be applicable to that area but cease to apply to that area at the expiration of the period of 12 months commencing on the day on which that area became Aboriginal land unless, before that time—

(a) the regulations are repealed; or

(b) the requirements of sub-section (1) are complied with in relation to the regulations.’.”.

“4c. Section 69 of the Principal Act is repealed and the following section substituted:

‘69. (1) A person shall not desecrate land in the Northern Territory that is a site of significance according to Aboriginal tradition. Land not  
to be  
desecrated

Penalty: \$1,000.

'(2) Without limiting the generality of sub-section (1), a person shall be deemed to have desecrated a site if, on or near the site, he knowingly does an act, or causes damage, of such a nature that the doing of the act or the causing of the damage, as the case may be, would, if witnessed by Aboriginals to whom the site is significant, be offensive to them by reason of the Aboriginal tradition in respect of that site.

'(3) It is a defence to a charge under sub-section (1) if the person charged proves—

(a) that the doing of the act, or the causing of the damage, as set out in the charge was accidental;

(b) where the site was not on Aboriginal land—that the person charged had no reasonable grounds for suspecting that the site was of significance according to Aboriginal tradition; or

- (c) where the site was on Aboriginal land—that:
- (i) the person charged was lawfully on the land and sought the services of a guide from the Land Council for the area in which the site was situated; and
  - (ii) a guide was not provided within a reasonable time or the guide provided failed to identify the site as one of significance according to Aboriginal tradition.

'(4) The regulations may declare areas of land in the Northern Territory to be sites of significance according to Aboriginal tradition for the purposes of this section.

'(5) In proceedings for an offence against sub-section (1) in relation to an area declared under sub-section (4)—

- (a) the declaration is conclusive proof that the area to which it relates is a site of significance according to Aboriginal tradition; and
- (b) the defences set out in paragraphs (3) (b) and (c) do not apply.

'(6) This section does not apply in relation to an act done in relation to land if—

- (a) the Land Council for the area in which the land is situated has given consent in writing to that act; or
- (b) that act is done in the course of, or in connexion with, mining operations authorised by a law of the Northern Territory or by the *Atomic Energy Act 1953* or any other Act authorizing mining for minerals and the Minister has authorized, in writing, the doing of that act.

'(7) A Land Council may agree with an applicant for a consent referred to in paragraph (6) (a) for the giving of that consent by the Land Council in consideration of the payment to the Land Council by the applicant of an amount specified in the agreement.

'(8) The Minister shall not grant an authorization under paragraph (6) (b) unless he is satisfied that the applicant for the authorization had sought the consent of the relevant Land Council to the doing of the act to which the proposed authorization relates and that consent has been refused or has not, within 60 days after application for it was made, been granted, and, in deciding whether to grant or refuse such an authorization, he shall have regard to—

- (a) the extent of the hardship that the proposed act would cause to the traditional Aboriginal owners of the land concerned if the authorization were granted;
- (b) the extent of the loss to persons interested in the mining operations concerned if the authorization were not granted; and
- (c) the extent to which the national interest would be affected by granting or refusing to grant the authorization.'".

"4D. Section 70 of the Principal Act is repealed and the following section substituted:

'70. (1) Subject to this section, an Aboriginal is entitled to enter <sup>Entry on</sup> and remain upon Aboriginal land if his presence on that land would <sup>Aboriginal</sup> not interfere with the use or enjoyment of an estate or interest in the <sup>land</sup> land held by a person, not being a Land Trust or an Aboriginal Council.

'(2) Subject to this Act and except as otherwise provided by the regulations, a person other than an Aboriginal shall not enter or remain on Aboriginal land unless he is the holder of a permit, in writing, issued to him by or on behalf of the Land Council for the area in which the land is situated.

Penalty: \$1,000.

'(3) Before the making of regulations for the purposes of sub-section (2), the Minister shall consult any Land Council in the area of which is situated any Aboriginal land to which the regulations, if made, would apply and shall, when considering the making of the regulations, take into account any views on the matter expressed by the Land Council.

'(4) A person who is on Aboriginal land (whether in accordance with a permit or not), other than a person who is on the land in accordance with regulations under sub-section (2) or in accordance with paragraph (5) (a) or is one of the traditional Aboriginal owners of the land, may be required to leave that land by a person authorized on that behalf by the Land Council for the area in which the land is situated, and the person on whom such a requirement is made shall comply with the requirement within a reasonable time.

Penalty: \$1,000.

'(5) Where a person, other than a Land Trust or an Aboriginal Council, has an estate or interest in Aboriginal land—

- (a) a person is entitled to enter and remain on the land for any purpose that is necessary for the use or enjoyment of that estate or interest by the owner;
- (b) a permit shall not be issued to a person under sub-section (2) with respect to the land if the presence of the person on the land would interfere with the use or enjoyment of that estate or interest by the owner; and
- (c) a permit issued under sub-section (2) with respect to the land shall be expressed to impose on the holder of the permit a condition that he will not interfere with the use or enjoyment of that estate or interest by the owner.

'(6) The holder of a permit to enter and remain on Aboriginal land shall comply with any condition referred to in paragraph (5) (c) or otherwise imposed on him as such holder by the issuing authority.

Penalty: \$1,000.

'(7) In proceedings for an offence against sub-section (2) or (4) it is a defence if the person charged proves—

- (a) in the case of an offence against sub-section (2)—that—
  - (i) his entry or remaining on the land was due to necessity; and
  - (ii) it was not practicable to apply for the necessary permit; or
- (b) in the case of an offence against sub-section (4)—that his remaining on the land was due to circumstances outside his control.

'(8) Notwithstanding the preceding provisions of this section, the law of the Northern Territory relating to travelling stock on pastoral leases applies to and in relation to Aboriginal land used for pastoral purposes.'"

"4E. After section 70 of the Principal Act the following section is inserted:

'70A. (1) Subject to this section, where Aboriginal land adjoins Territorial sea adjoining Aboriginal land the territorial sea, or internal waters of the Commonwealth, appertaining to the Northern Territory, that part of the territorial sea or internal waters so appertaining that is within 2 kilometres of the boundary of the Aboriginal land shall, for the purposes of section 70, be deemed to be part of that Aboriginal land.

'(2) This section has effect subject to the obligations of the Commonwealth under international law, including obligations under any agreement between the Commonwealth and another country or countries.

'(3) Regulations made for the purposes of sub-section 70 (2) may make provision for the exemption from the provisions of that sub-section, in its application by virtue of this section, of persons on board ships included in a prescribed class of ships, either absolutely or subject to conditions.

'(4) Where—

- (a) a court convicts a person of an offence against section 70 in its application by virtue of this section; and

(b) at the time of the offence, the person was on board a boat that was carrying fish,  
the court may order the forfeiture of that fish or of the proceeds of the sale of that fish.

‘(5) Any property ordered by a court to be forfeited under sub-section (4) becomes the property of the Commonwealth and shall be dealt with or disposed of in accordance with the directions of the Minister.’”.

“4F. Section 71 of the Principal Act is amended by omitting sub-section (2).” Traditional rights to use or occupation of Aboriginal land

“4G. Section 74 of the Principal Act is repealed and the following section substituted:

‘74. (1) Subject to sub-section (2), this Act does not affect the application to Aboriginal land of a law of the Northern Territory to the extent that that law is capable of operating concurrently with this Act. Application of laws of Northern Territory to Aboriginal land

‘(2) The regulations may provide for the exclusion or modification of a law of the Northern Territory in its application to Aboriginal land.’”.

“4H. Schedule 1 of the Principal Act is amended by inserting after the description of land set out under the heading ‘SANTA TERESA’ the following: Schedule 1

‘TANAMI

All that piece of land in the Northern Territory of Australia containing an area of 37 529 square kilometres more or less: Commencing at the intersection of the meridian of east longitude 130 degrees 28 minutes 53.96 seconds with the parallel of south latitude 21 degrees; thence west for a distance of 16 093 metres; thence north to the parallel of south latitude 19 degrees 51 minutes 16.69 seconds; thence east to a point north of the western corner of Pastoral Lease 594 (Willowra); thence south to the said western corner; thence southeasterly, southerly, westerly and again southerly by southwestern, western, northern and again western boundaries of the said Pastoral Lease to the southwestern corner of the said Pastoral Lease; thence southerly by the western boundary of Pastoral Lease 634 (Mount Barkly) to the southwestern corner of the said Pastoral Lease; thence westerly, northerly and again westerly and southerly by part of northern, an eastern, again a northern and a western boundary of Pastoral Lease 590 (Mount Denison) to the most western southwestern corner of the said Pastoral Lease; thence westerly by part of the northern boundary of the Yuendumu Aboriginal Reserve as notified in *Northern Territory Government Gazette* No. 24 of 28 May 1952 to the northwestern corner of the said Reserve; thence northerly, westerly, again northerly and again westerly by an eastern, a northern, across a stock route, again a northern, again an eastern and again a northern boundary of Pastoral Lease 802 (Mount Doreen) to the most northern northwestern corner of the said Pastoral Lease; thence northerly and westerly by part of the eastern boundary and the northern boundary of Pastoral Lease 764 (Chilla Well) to its intersection with the meridian of east longitude 130 degrees 28 minutes 53.96 seconds; thence north to the point of commencement.’”.

“4I. Schedule 2 of the Principal Act is repealed.” Schedule 2

Debate ensued.

Mr Bryant rising to address the committee—

*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 new clauses proposed to be inserted—was put accordingly, and negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.

On the motion of Mr Viner (Minister for Aboriginal Affairs), the House adopted the report.

Mr Viner asked leave to move—That the Bill be now read a third time.

Objection being raised, leave not granted.

Mr Viner, pursuant to contingent notice, moved—That so much of the standing orders be suspended as would prevent the remaining stages being passed without delay.

Mr Bryant rising to address the House—

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

Question—That the question be now put—put.

The House divided (the Deputy Speaker, Mr I. L. Robinson, in the Chair)—

AYES, 69

Mr Adermann	Mr Cotter	Mr Hyde	Mr Nixon
Mr Aldred	Mr Dean	Mr Jarman	Mr O'Keefe
Mr Baillieu	Mr Dobie	Mr Johnston	Mr Porter
Mr Baume	Mr Drummond	Mr Katter	Mr Sainsbury
Mr Bouchier	Dr Edwards	Mr Killen	Mr Shack
Mr Bradfield	Mr Ellicott	Mr Lloyd	Mr Shipton
Mr Braithwaite	Mr Falconer	Mr Lucock	Mr Sinclair
Mr N. A. Brown	Mr Fife	Mr Lusher	Mr Staley
Mr Bungey	Mr Fisher	Mr Lynch	Mr Street
Mr Burns	Mr Giles	Mr MacKellar	Mr Thomson
Mr Burr	Mr Gillard	Mr MacKenzie	Mr Viner
Mr Cadman	Mr Goodluck	Mr McLean	Mr Wilson
Mr Cairns	Mr Graham	Mr McLeay	Mr Yates
Mr Calder	Mr Groom	Sir William McMahon	
Mr E. C. Cameron	Mr Haslem	Mr McVeigh	
Mr Carlton	Mr Hodgman	Mr Millar	<i>Tellers:</i>
M Chapman	Mr Howard	Mr Moore	Mr Corbett
Mr Connolly	Mr Hunt	Mr Newman	Mr Hodges

NOES, 29

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

And so it was resolved in the affirmative.

And the question—That the motion for the suspension of the standing orders be agreed to—was put accordingly, and passed.

On the motion of Mr Viner, the Bill was read a third time.

21 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

6 June 1978—Message—

No. 54—Supply (No. 1) 1978–79 (*without requests*).

No. 55—Supply (No. 2) 1978–79.

22 ORDINANCES AND REGULATIONS (NOTIFICATION) 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 Staley (Minister for Post and Telecommunications), the Bill was read a third time.

- 23 **STATUTORY RULES PUBLICATION 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 Staley (Minister for Post and Telecommunications), the Bill was read a third time.
- 24 **SEAT OF GOVERNMENT (ADMINISTRATION) 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 Staley (Minister for Post and Telecommunications), the Bill was read a third time.
- 25 **ADMINISTRATIVE CHANGES (CONSEQUENTIAL PROVISIONS) 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 Staley (Minister for Post and Telecommunications), the Bill was read a third time.
- 26 **LOAN CONSOLIDATION AND INVESTMENT RESERVE 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 Staley (Minister for Post and Telecommunications), the Bill was read a third time.
- 27 **ACTS INTERPRETATION 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 Staley (Minister for Post and Telecommunications), the Bill was read a third time.
- 28 **DIPLOMATIC AND CONSULAR MISSIONS 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 Mr Bowen (Deputy Leader of the Opposition) who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not opposing the Bill, the House calls on the Government to introduce legislation forthwith to have the effect of closing the Rhodesian Information Office”.  
 Mr Hodgman addressing the House—  
 \_\_\_\_\_  
*Adjournment negatived:* It being 10.30 p.m.—The question was proposed—That the House do now adjourn.  
 Mr Staley (Minister for Post and Telecommunications) requiring the question to be put forthwith without debate—  
 Question—put and negatived.  
 \_\_\_\_\_



Debate continued.

Amendment negatived.

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.

Mr Bowen, by leave, moved the following amendments together:

Clause 5, page 4, after sub-clause (3) insert the following sub-clause:

“(3A) The enforcement of the warrant shall be postponed until a period of 14 days has elapsed from the service of a notice of intention to execute the warrant by serving or attaching such notice at or upon the premises to which the notice applies.”.

Clause 6, page 4, line 20, after “may” insert “, for the purposes of this Act,”.

Amendments negatived.

Bill agreed to.

Bill to be reported without amendment.

---

The House resumed; Mr Drummond reported accordingly.

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

29 ADJOURNMENT: Mr Staley (Minister for Post and Telecommunications) moved—That the House do now adjourn.

Mr Uren 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 11.20 p.m., adjourned until tomorrow at 2.15 p.m.

---

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr D. M. Cameron, Mr Fraser, Mr Garland, Mr Humphreys, Mr Innes, Dr Jenkins, Mr P. F. Johnson, Mr Jull, Mr Martyr, Mr Peacock, Mr E. L. Robinson, Mr Simon, Mr Stewart, Mr Whitlam and Mr Young.

---

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