

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

No. 154

WEDNESDAY, 19 MARCH 1980

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

Mr N. A. Brown, Mr E. C. Cameron, Mr Fisher, Mr Lusher and Mr Martyr—  
from certain citizens praying that the National Women's Advisory Council be abolished.

Mr Birney and Mr Kerin—from certain citizens praying that the National Women's Advisory Council be maintained and Federal Government support for its activities be increased.

Mr Hurford—from certain citizens praying that tax laws be reformed to allow joint incomes to be equally divided, for taxation purposes, between husband and wife.

Mr Katter—from certain citizens praying that a humane policy be adopted to assist refugees to enter Australia.

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

Mr McLean—from certain residents of Western Australia praying that steps be taken to commute the sentence of 3 years imprisonment imposed on Dr Bernard Kessell to a community service order.

Mr West—from certain sports men and women and others praying that the participation of a full Australian contingent at the Moscow Olympic Games be ensured.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 TRANSPORT WORKERS' UNION DISPUTE—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Street (Minister for Industrial Relations), by leave, made a ministerial statement relating to the Transport Workers' Union dispute involving Leon Laidely Pty Ltd, and, by command of His Excellency the Governor-General, presented the following paper:

Transport Workers Union dispute—Ministerial statement, 19 March 1980.

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

Debate ensued.

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

5 INTERNATIONAL NUCLEAR FUEL CYCLE EVALUATION—PRINCIPAL CONCLUSIONS—PAPER AND MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPERS: Mr Peacock (Minister for Foreign Affairs), by command of His Excellency the Governor-General, presented the following paper:

International Nuclear Fuel Cycle Evaluation—Principal conclusions—Australian summary.

Mr Peacock, by leave, made a ministerial statement in connection with the paper, and, by command of His Excellency the Governor-General, presented the following paper:  
International Nuclear Fuel Cycle Evaluation—Principal conclusions—Ministerial statement, 19 March 1980.

Mr Groom (Minister for Housing and Construction) moved—That the House take note of the papers.

Ordered—That Mr Bowen (Deputy Leader of the Opposition) be granted an extension of time.

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

- 6 HOUSING COSTS—REPORT OF COMMITTEE OF INQUIRY—COMMONWEALTH ACTION—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Groom (Minister for Housing and Construction), by leave, made a ministerial statement informing the House of Commonwealth action taken in response to the report of the Committee of Inquiry into Housing Costs, and, by command of His Excellency the Governor-General, presented the following paper:

Housing costs—Report of Committee of Inquiry—Commonwealth action—Ministerial statement, 19 March 1980.

Mr Killen (Minister for Defence) moved—That the House take note of the paper.

Debate ensued.

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

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

18 March 1980—Message—

No. 404—Loan (War Service Land Settlement) 1980.

No. 405—Commonwealth Grants Commission Amendment 1980.

No. 406—Commonwealth Serum Laboratories Amendment 1980.

- 8 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—STATEMENTS BY MEMBERS: Mr Katter, by leave, made a statement relating to an investigation conducted by the Sub-committee on Defence Matters of the Joint Committee on Foreign Affairs and Defence into allegations of intimidation of a prospective witness and a witness.

Mr Scholes, Mr Killen (Minister for Defence) and Mr Shipton, by leave, also made statements with reference to the matter.

- 9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—COCKBURN SOUND NAVAL BASE: Mr Deputy Speaker informed the House that both Mr Scholes and Mr Connolly had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, Mr Speaker had given priority to the matter proposed by Mr Scholes, namely, "The Government's confusion about the future role of Cockburn Sound Naval Base especially in relation to its use by nuclear missile carrying vessels of the U.S. Navy".

The proposed discussion having received the necessary support—

Mr Scholes addressed the House.

Discussion ensued.

Discussion concluded.

- 10 HUMAN RIGHTS COMMISSION BILL 1979: The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

*In the committee*

Clause 4 further considered and agreed to.

Clause 5—

Mr Bowen (Deputy Leader of the Opposition) moved the following amendment:

Page 4, lines 1 and 2, omit "but does not bind the Crown in right of a State or of the Northern Territory", substitute "and of each State and the Northern Territory".

Debate continued.

Question—That the words proposed to be omitted stand part of the clause—put.  
The committee divided (the Chairman, Mr Millar, in the Chair)—

AYES, 69

Mr Adermann	Mr Connolly	Mr Hunt	Mr Newman
Mr Aldred	Mr Corbett*	Mr Hyde	Mr O'Keefe
Mr Baillieu	Mr Cotter	Mr Jarman	Mr Peacock
Mr Baume	Mr Dean	Mr Johnston	Mr E. L. Robinson
Mr Birney	Mr Drummond	Mr Jull	Mr I. L. Robinson
Mr Bourchier	Dr Edwards	Mr Katter	Mr Ruddock
Mr Bradfield	Mr Falconer	Mr Killen	Mr Sainsbury
Mr Braithwaite	Mr Fife	Mr Lloyd	Mr Shack
Mr N. A. Brown	Mr Fisher	Mr Lucock	Mr Shipton
Mr Bungey	Mr Garland	Mr Lusher	Mr Short
Mr Burns	Mr Giles	Mr MacKenzie	Mr Staley
Mr Burr	Mr Gillard	Mr McLean	Mr Street
Mr Cadman	Mr Graham	Mr J. E. McLeay	Mr Viner
Mr Cairns	Mr Groom	Mr McVeigh	Mr Wilson
Mr D. M. Cameron	Mr Haslem	Mr Macphee	Mr Yates
Mr E. C. Cameron	Mr Hodges*	Mr Martyr	
Mr Carlton	Mr Hodgman	Mr Moore	
Mr Chapman	Mr Howard	Mr Neil	

NOES, 33

Mr Armitage	Mr FitzPatrick	Mr L. K. Johnson*	Mr Scholes
Dr Blewett	Mr Holding	Mr L. R. Johnson*	Mr Uren
Mr Bowen	Mr Howe	Mr B. O. Jones	Mr Wallis
Mr Bryant	Mr Humphreys	Mr C. K. Jones	Mr West
Mr C. R. Cameron	Mr Hurford	Mr Keating	Mr Willis
Dr Cass	Mr Innes	Dr Klugman	Mr Young
Mr Cohen	Mr Jacobi	Mr J. L. McMahon	
Mr Dawkins	Mr James	Mr Martin	
Dr Everingham	Dr Jenkins	Mr Morris	

\* Tellers

And so it was resolved in the affirmative.

Clause agreed to.

*Proposed new clause—*

Mr Bowen moved—That the following new clause be inserted in the Bill:

“5A. Approval is given to ratification by Australia of the Covenant.”. Approval to  
ratification  
of Covenant

Question—That the new clause proposed to be inserted be so inserted—put.  
The committee divided (the Deputy Chairman, Mr Jarman, in the Chair)—

AYES, 33

Mr Armitage	Mr FitzPatrick	Mr L. K. Johnson*	Mr Scholes
Dr Blewett	Mr Holding	Mr L. R. Johnson*	Mr Uren
Mr Bowen	Mr Howe	Mr B. O. Jones	Mr Wallis
Mr Bryant	Mr Humphreys	Mr C. K. Jones	Mr West
Mr C. R. Cameron	Mr Hurford	Mr Keating	Mr Willis
Dr Cass	Mr Innes	Dr Klugman	Mr Young
Mr Cohen	Mr Jacobi	Mr J. L. McMahon	
Mr Dawkins	Mr James	Mr Martin	
Dr Everingham	Dr Jenkins	Mr Morris	

NOES, 70

Mr Adermann	Mr Chapman	Mr Howard	Mr Neil
Mr Aldred	Mr Connolly	Mr Hunt	Mr Newman
Mr Baillieu	Mr Corbett*	Mr Hyde	Mr O'Keefe
Mr Baume	Mr Cotter	Mr Johnston	Mr Peacock
Mr Birney	Mr Dean	Mr Jull	Mr E. L. Robinson
Mr Bourchier	Mr Drummond	Mr Katter	Mr I. L. Robinson
Mr Bradfield	Dr Edwards	Mr Killen	Mr Ruddock
Mr Braithwaite	Mr Falconer	Mr Lloyd	Mr Sainsbury
Mr N. A. Brown	Mr Fife	Mr Lucock	Mr Shack
Mr Bungey	Mr Fisher	Mr Lusher	Mr Shipton
Mr Burns	Mr Garland	Mr MacKenzie	Mr Short
Mr Burr	Mr Giles	Mr McLean	Mr Staley
Mr Cadman	Mr Gillard	Mr J. E. McLeay	Mr Street
Mr Cairns	Mr Graham	Mr McVeigh	Mr Viner
Mr Calder	Mr Groom	Mr Macphee	Mr Wilson
Mr D. M. Cameron	Mr Haslem	Mr Martyr	Mr Yates
Mr E. C. Cameron	Mr Hodges*	Mr Millar	
Mr Carlton	Mr Hodgman	Mr Moore	

\* Tellers

And so it was negated.

Clauses 6 to 8, by leave, taken together, and agreed to.

Clause 9—

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

Page 6, sub-clause (1), paragraph (d), line 1, before “when” insert “when it appears desirable to the Commission to do so, or”.

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

“(ha) where the Commission considers it is relevant and conducive to the proper performance of any of its functions under the preceding paragraphs and to the protection and advancement of human rights in Australia—

(i) to examine any State Act or Northern Territory enactment or any law (including rules, regulations or by-laws) made under a State Act or Northern Territory enactment for the purpose of ascertaining whether the State Act, the Northern Territory enactment or the law, as the case may be, is inconsistent with or contrary to any human rights, and to report to the Minister the results of its examination; or

(ii) to inquire into any act or practice that may be inconsistent with or contrary to any human right and is done or engaged in by or on behalf of a State or the Northern Territory or an authority of a State or of the Northern Territory or is done or engaged in under a State Act or Northern Territory enactment or a law (including rules, regulations or by-laws) made under a State Act or Northern Territory enactment, and, if the Commission is of the opinion that the act or practice is inconsistent with or contrary to any human right, to report to the Minister the results of its inquiry; and”.

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 10—

Mr Bowen moved the following amendment: Page 7, lines 25 and 26, omit paragraph (f) of sub-clause (4).

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 11—

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

Page 8, lines 1–4, omit paragraph (b) of sub-clause (1).

Page 8, lines 15–18, omit sub-clause (4), substitute the following sub-clauses:

“(4) An arrangement under this section, or any variation or revocation of such an arrangement, shall be in writing and, in the case of an arrangement or a variation of an arrangement, shall come into force, or, in the case of the revocation of an arrangement, shall take effect, as provided by regulations made for the purpose of bringing the arrangement or variation into force or the revocation into effect, as the case requires.

“(5) If any regulations providing for the bringing into force of an arrangement under this section or of a variation of such an arrangement are disallowed, the arrangement or variation, as the case may be, ceases to be in force.”.

Amendments negatived.

Clause agreed to.

Clauses 12 to 14, by leave, taken together, and agreed to.

Clause 15—

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

Page 10, lines 11–45 and page 11, lines 1–4, omit sub-clauses (2), (3) and (4).

Page 11, lines 30 and 31, omit sub-clause (10).

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 16 agreed to.

*Proposed new clause—*

Mr Bowen moved—That the following new clause be inserted in the Bill:

“16A. (1) If a member of the Commission has given a certificate in writing in relation to an act or practice stating that—

Institution of  
a proceeding

- (a) an inquiry under this Act has been held into the act or practice;
- (b) the Commission has reported to the Minister that the act or practice is inconsistent with or contrary to a human right; and
- (c) at the date of the certificate the matter that gave rise to the inquiry has not been settled,

any person or persons aggrieved by the act or practice may institute a proceeding in relation to the act or practice by way of civil action in a court of competent jurisdiction for any one or more of the remedies specified in sub-section (2).

“(2) Where in a proceeding instituted under sub-section (1) it is established to the reasonable satisfaction of the court that a person (in this sub-section referred to as the ‘defendant’) has done an act (in this sub-section referred to as the ‘relevant practice’) that is inconsistent with or contrary to a human right, the court may grant all or any of the following remedies—

- (a) an injunction restraining the defendant from repeating the relevant act or continuing to engage in the relevant practice, from doing an act or engaging in a practice of a similar kind or from causing or permitting others to do acts or engage in practices of the same or a similar kind;
- (b) an order directing the defendant to do a specified act, being an act directed to—
  - (i) placing a person aggrieved by the act or practice who is a party to the proceeding as nearly as practicable in the position in which he would be if the relevant act had not been done or the relevant practice had not been engaged in; or
  - (ii) otherwise avoiding a detriment to such a person resulting from the relevant act or the relevant practice;
- (c) if the relevant act or the relevant practice resulted in the making of a contract or was done or engaged in pursuant to a contract—an order cancelling the contract varying any of the terms of the contract or requiring the repayment, in whole or in part of an amount paid pursuant to the contract;
- (d) damages against the defendant in respect of—
  - (i) loss suffered by a person aggrieved by the act or practice who is a party to the proceeding, including loss of any benefit that the person might reasonably have been expected to obtain if the relevant act had not been done or the relevant practice had not been engaged in; and
  - (ii) loss of dignity by, humiliation to, or injury to the feelings of, such a person; and
- (e) such other relief as the court thinks just.”

Debate ensued.

Proposed new clause negated.

Clauses 17 to 34, by leave, taken together, and agreed to.

Clause 35—

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

Page 19, lines 12-25, omit sub-clause (2).

Page 19, lines 35-37, omit the definition of “court”.

Amendments negated.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill to be reported with amendments.

The House resumed; Mr Jarman reported accordingly.

On the motion of Mr Viner (Minister representing the Attorney-General), by leave, 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.

Question—put and passed.

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

- 11 RACIAL DISCRIMINATION AMENDMENT BILL 1979: 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.

The House divided (the Deputy Speaker, Dr Jenkins, in the Chair)—

AYES, 70

Mr Adermann	Mr Chapman	Mr Hunt	Mr Neil
Mr Aldred	Mr Connolly	Mr Hyde	Mr Newman
Mr Baillieu	Mr Corbett*	Mr Jarman	Mr O'Keefe
Mr Baume	Mr Cotter	Mr Johnston	Mr Peacock
Mr Birney	Mr Dean	Mr Jull	Mr E. L. Robinson
Mr Bouchier	Mr Drummond	Mr Katter	Mr I. L. Robinson
Mr Bradfield	Dr Edwards	Mr Killen	Mr Ruddock
Mr Braithwaite	Mr Falconer	Mr Lloyd	Mr Sainsbury
Mr N. A. Brown	Mr Fife	Mr Lucock	Mr Shack
Mr Bungey	Mr Fisher	Mr Lusher	Mr Shipton
Mr Burns	Mr Garland	Mr MacKenzie	Mr Short
Mr Burr	Mr Giles	Mr McLean	Mr Staley
Mr Cadman	Mr Gillard	Mr J. E. McLeay	Mr Street
Mr Cairns	Mr Groom	Mr McVeigh	Mr Viner
Mr Calder	Mr Haslem	Mr Macphee	Mr Wilson
Mr D. M. Cameron	Mr Hodges*	Mr Martyr	Mr Yates
Mr E. C. Cameron	Mr Hodgman	Mr Millar	
Mr Carlton	Mr Howard	Mr Moore	

NOES, 31

Mr Armitage	Dr Everingham	Mr L. K. Johnson*	Mr Morris
Dr Blewett	Mr FitzPatrick	Mr L. R. Johnson*	Mr Scholes
Mr Bowen	Mr Holding	Mr B. O. Jones	Mr Uren
Mr Bryant	Mr Howe	Mr C. K. Jones	Mr Wallis
Mr C. R. Cameron	Mr Humphreys	Mr Keating	Mr West
Dr Cass	Mr Hurford	Dr Klugman	Mr Willis
Mr Cohen	Mr Innes	Mr J. L. McMahon	Mr Young
Mr Dawkins	Mr Jacobi	Mr Martin	

\*Tellers

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

Leave granted for third reading to be moved forthwith.

Mr Viner (Minister representing the Attorney-General) moved—That the Bill be now read a third time.

Debate ensued.

Mr Yates 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, Dr Jenkins, in the Chair)—

AYES, 67

Mr Adermann	Mr Carlton	Mr Hodges*	Mr Martyr
Mr Aldred	Mr Chapman	Mr Hodgman	Mr Millar
Mr Baillieu	Mr Connolly	Mr Howard	Mr Moore
Mr Baume	Mr Corbett*	Mr Hyde	Mr Neil
Mr Birney	Mr Cotter	Mr Jarman	Mr Newman
Mr Bouchier	Mr Dean	Mr Johnston	Mr O'Keefe
Mr Bradfield	Mr Drummond	Mr Jull	Mr I. L. Robinson
Mr Braithwaite	Dr Edwards	Mr Katter	Mr Ruddock
Mr N. A. Brown	Mr Falconer	Mr Lloyd	Mr Sainsbury
Mr Bungey	Mr Fife	Mr Lucock	Mr Shack
Mr Burns	Mr Fisher	Mr Lusher	Mr Shipton
Mr Burr	Mr Garland	Mr MacKellar	Mr Short
Mr Cadman	Mr Giles	Mr MacKenzie	Mr Staley
Mr Cairns	Mr Gillard	Mr McLean	Mr Street
Mr Calder	Mr Graham	Mr J. E. McLeay	Mr Viner
Mr D. M. Cameron	Mr Groom	Mr McVeigh	Mr Wilson
Mr E. C. Cameron	Mr Haslem	Mr Macphee	

NOES, 33

Mr Armitage	Mr FitzPatrick	Mr L. R. Johnson*	Mr Uren
Dr Blewett	Mr Holding	Mr B. O. Jones	Mr Wallis
Mr Bowen	Mr Howe	Mr C. K. Jones	Mr West
Mr Bryant	Mr Humphreys	Mr Keating	Mr Willis
Mr C. R. Cameron	Mr Hurford	Dr Klugman	Mr Yates
Dr Cass	Mr Innes	Mr J. L. McMahon	Mr Young
Mr Cohen	Mr Jacobi	Mr Martin	
Mr Dawkins	Mr James	Mr Morris	
Dr Everingham	Mr L. K. Johnson*	Mr Scholes	

\* Tellers

And so it was resolved in the affirmative.

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

12 DISTILLATION AMENDMENT BILL 1980: 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.

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

The House continuing to sit until 11 p.m.—Mr Deputy Speaker adjourned the House until tomorrow at 10.30 a.m.

PAPERS: The following papers were deemed to have been presented on 19 March 1980, pursuant to statute:

Defence Act—Determinations—1980—

No. 6—Field Allowance.

No. 7—Married Trainee's Allowance.

Defence Amendment Act—Interim Determinations—Statutory Rules 1980, Nos. 40, 41, 42, 43, 44, 45, 46, 47, 48.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony, Mr Ellicott, Mr Kerin, Sir William McMahon and Mr Porter.

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