

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

No. 169

FRIDAY, 1 MAY 1987

- 1 The House met, at 10 a.m., pursuant to adjournment. Madam Speaker (the Honourable Joan Child) took the Chair, and read Prayers.
- 2 **ABORIGINAL LAND (LAKE CONDAH AND FRAMLINGHAM FOREST) BILL 1987:**
 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.
Message from the Governor-General: Message No. 240, dated 25 March 1987, 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.

Mr Holding (Minister for Aboriginal Affairs), by leave, moved the following amendments together:

Clause 15—

Page 10, line 10, omit subclause (6).

Page 10, line 11, omit "approves", substitute "receives a copy of".

Page 10, lines 14 and 15, omit "giving the approval", substitute "receipt by the Minister".

Clause 16, page 11, lines 2 and 3, omit "determining an application for permission to carry on mining operations", substitute "considering the making of a declaration under paragraph 30 (2) (c)".

Clause 18—

Page 11, lines 37 and 38, omit "if, and only if, a declaration under paragraph (1) (a) is in force in relation to the person", substitute "or a body created by the Corporation if, and only if, a declaration in force under paragraph (1) (a) so declares".

Page 11, line 40, after "Corporation" insert "or a body created by that Corporation".

Clause 19, page 12, lines 5-11, omit paragraphs (a) and (b), substitute the following paragraphs:

"(a) by force of this Act, that interest in the Condah land is, subject to paragraph (b), vested in the Commonwealth on trust for the benefit of the Aboriginal people of Victoria; and

- (b) the Governor-General shall, to the extent of that interest, execute a deed of grant of an estate in the Condah land:
- (i) to another Aboriginal group which is approved by the Minister and is incorporated under the *Aboriginal Councils and Associations Act 1976* and the members of which are the descendants of the Kerrup-Jmara Clan; or
 - (ii) if there is no group as described in subparagraph (i)—to any appropriate Aboriginal group in Victoria which is incorporated under that Act.”.

Clause 23—

Page 14, line 18, omit subclause (6).

Page 14, line 19, omit “approves”, substitute “receives a copy of”.

Page 14, lines 22 and 23, omit “giving the approval”, substitute “receipt by the Minister”.

Clause 24, page 15, lines 9 and 10, omit “determining an application for permission to carry on mining operations”, substitute “considering the making of a declaration under paragraph 30 (2) (c)”.

Clause 27, page 16, lines 19 and 20, omit “if, and only if, a declaration under paragraph (1) (a) is in force in relation to the person”, substitute “or a body created by that Corporation if, and only if, a declaration in force under paragraph (1) (a) so declares”.

Clause 28, page 16, lines 25-32, omit paragraphs (a) and (b), substitute the following paragraphs:

“(a) by force of this Act, that interest in Framlingham Forest is, subject to paragraph (b), vested in the Commonwealth on trust for the benefit of the Aboriginal people of Victoria; and

(b) the Governor-General shall, to the extent of that interest, execute a deed of grant of an estate in Framlingham Forest:

- (i) to another Aboriginal group which is approved by the Minister and is incorporated under the *Aboriginal Councils and Associations Act 1976* and the members of which are the descendants of the Kirrae Whurrong (Pertobe) Clan; or

- (ii) if there is no group as described in subparagraph (i)—to any appropriate Aboriginal group in Victoria which is incorporated under that Act.”.

Clause 30, page 17, omit the clause, substitute the following clause:

Mining operations

“30. (1) Subject to subsection (2), a person shall not, under the authority of a mining tenement that has been granted, renewed or extended on or after the day of vesting:

- (a) carry out any mining operation on the relevant land; or

- (b) enter the relevant land for the purpose of carrying out any mining operation.

Penalty:

- (a) for an offence against paragraph (1) (a):

- (i) if the person is a natural person—\$5,000; or

- (ii) if the person is a body corporate—\$25,000; or

- (b) for an offence against paragraph (1) (b):

- (i) if the person is a natural person—\$1,000; or

- (ii) if the person is a body corporate—\$5,000.

“(2) Subsection (1) does not apply in relation to anything done with respect to relevant land if:

- (a) the Corporation has granted the necessary permission under section 31;

- (b) the Minister has declared in writing that he or she is satisfied that the Corporation was given a reasonable opportunity to make submissions to the relevant Minister of the Crown of the State of

Victoria about the conditions on which the grant, renewal or extension of the mining tenement should be made; and

- (c) if section 34 applies—the Minister has declared in writing that he or she is satisfied that any registered sacred or significant site has been appropriately protected.”

Clause 33, page 19, lines 19-23, omit subclauses (2) and (3), substitute the following subclauses:

“(2) If, at the end of the conciliation proceedings, the conciliation is unsuccessful, the applicant and the Corporation shall, within 60 days thereafter, appoint an arbitrator to review the decision of the Corporation.

“(3) If:

(a) the applicant and the Corporation are unable to appoint an arbitrator within that period; and

(b) the applicant requests the Minister to appoint an arbitrator; the Minister shall appoint an arbitrator, being a person whom the Minister considers to be in a position to deal with the matter impartially.”

Clause 35, page 20, omit the clause.

Clause 37, page 21, line 13, omit “35”, substitute “30”.

Question—That the amendments be agreed to—put.

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

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Mr Baldwin	Mr Dubois	Mrs Jakobsen	Mr O'Keefe
Mr Beddall	Mr Duffy	Mr Jenkins	Mr O'Neil
Mr Bilney	Mr Duncan	Mr Jones	Mr Price
Mr Blanchard	Mr R. F. Edwards	Mrs Kelly	Mr Punch
Dr Blewett	Ms Fatin	Mr Keogh	Mr Saunderson
Mr Bowen	Mr Fitzgibbon	Mr Lamb	Mr Scholes
Mr J. J. Brown	Mr Free	Mr Langmore	Mr Scott
Mr R. J. Brown	Mr Gayler	Mr Lee	Mr Simmons
Mr Brumby	Mr Gear	Mr Lindsay	Mr Snow
Mr Campbell	Mr Gorman	Ms McHugh	Mr Staples
Mr Charles	Mr Grace	Mr Maher	Dr Theophanous
Dr Charlesworth	Mr Griffiths	Mr Martin	Mr Tickner
Mr Chynoweth	Mr Hand	Mrs Mayer	Mr West
Mr Cohen	Mr Holding	Mr Mildren	Mr Willis
Mr Cross	Mr Hollis	Mr Milton	Mr Wright
Mr Cunningham*	Mr Howe	Mr A. A. Morris	
Mrs Darling	Mr Humphreys*	Mr P. F. Morris	
Mr Dawkins	Mr Jacobi	Mr Mountford	

NOES, 56

Mr Adermann	Mr Coleman	Mr Hodges	Mr Reith
Mr Aldred	Mr Connolly	Mr Hodgman	Mr Robinson
Mr Andrew*	Mr Conquest	Mr Hunt	Mr Rocher
Mr Beale	Mr Cowan	Mr Katter	Mr Ruddock
Mr Blunt	Mr Dobie	Mr Lloyd	Mr Shack
Mr Braithwaite	Mr Downer	Mr McArthur	Mr Sharp
Mr N. A. Brown	Dr H. R. Edwards	Mr MacKellar	Mr Shipton
Mr Burr	Mr T. A. Fischer	Mr McVeigh	Mr Sinclair
Mr Cadman	Mr P. S. Fisher	Mr Macphee	Mr Slipper
Mr D. M. Cameron	Mr Goodluck	Mr Miles	Mr Smith
Mr E. C. Cameron	Mr Hail	Mr Millar	Mr Tuckey
Mr I. M. D. Cameron	Mr Halverson	Mr Nehl	Dr Watson
Mr Carlton	Mr Hawker	Mr Peacock	Mr Webster
Mr Cobb	Mr Hicks*	Mr Porter	Mr White

* Tellers

And so it was resolved in the affirmative.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr McLeay reported accordingly.

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

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

Debate ensued.

Paper: Mr Connolly, by leave, presented the following paper:

Aboriginal Land (Lake Condah and Framlingham Forest) Bill—Main points concerning the Bill prepared by Mr G. Clark on behalf of the Framlingham Community.

Debate continued.

Question—put and passed—Bill read a third time.

3 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION AMENDMENT BILL 1987: 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.

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 Holding (Minister for Aboriginal Affairs), by leave, the following amendments were made together:

Clause 7—

Page 4, line 12, omit “Minister may, by order published in the *Gazette*,” substitute “regulations may”.

Page 5, lines 29 and 30, omit “on the advice of the local Aboriginal community”.

Page 5, line 37, after “community” insert “(if any)”.

Page 8, lines 28, omit “A”, substitute “Subject to subsection (3), a”.

Page 8, at the end of proposed section 21F add the following subsection:

“(3) Where the decision of an arbitrator results in the making of a declaration under section 21D or 21E, or the variation of a declaration made by the Minister under one of those sections, the declaration or variation, as the case may be, has effect on and from the day on which the decision of the arbitrator is made.”.

Page 8, at the end of proposed subsection 21G (1) add the following subsection:

“(1A) A person authorised in writing by the relevant Aboriginal community may at all reasonable times enter upon any land for the purpose of placing a notice under subsection (1).”.

Clause 9, page 16, omit the clause, substitute the following clause:

Injunctions

“9. Section 26 of the Principal Act is amended:

(a) by inserting in paragraph (1) (a) ‘or IIA’ after ‘II’;

(b) by omitting from paragraphs (4) (c) and (5) (c) ‘significant Aboriginal area, significant Aboriginal object or significant Aboriginal objects’ and substituting ‘area, place, object or objects’.”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr McLeay reported accordingly.

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

4 SHIPS (CAPITAL GRANTS) BILL 1987: 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.

It being approximately 12.45 p.m., the debate was interrupted in accordance with sessional order 101A, and the resumption of the debate made an order of the day for a later hour this day.

5 QUESTIONS: Questions without notice were asked.

6 PAPERS: The following papers were presented:

Parliament Act—Proposal, together with site plan and design sketch, for installation of traffic control signals in Parkes at the intersection of Kings Avenue and King George Terrace and Macquarie Street within the Parliamentary Zone.

Tasmanian World Heritage Area Council—Summary record—

1st meeting, Hobart, 14 March 1985.

2nd meeting, Launceston, 18 April 1986.

7 EXPENDITURE—STANDING COMMITTEE—REPORT ON TELECOM'S ZONAL CHARGING POLICIES IN RURAL AND REMOTE AREAS—INTERIM GOVERNMENT RESPONSE—MINISTERIAL STATEMENT: Mr Duffy (Minister for Communications), by leave, made a ministerial statement relating to the report of the Standing Committee on Expenditure entitled "Poles Apart" on Telecom's zonal charging policies in rural and remote areas and the delay in the Government's proposed response to the report.

Mr Hawker and Mr Sharp, by leave, made statements in connection with the matter.

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

Mr Cadman, Mr Rocher and Mr Slipper—from certain citizens praying that the closure of post office agencies be prevented and their services be extended.

Mr Cohen, Mr Mildren and Mr Nehl—from certain citizens praying that the pension discounting effect of the Superannuation and Other Benefits Legislation Amendment Act be limited to restore the base level for pension adjustment and certain other action be taken in relation to the Commonwealth Occupational Superannuation Schemes.

Mr Conquest, Mr Nehl and Mr Ruddock—from certain citizens praying that the Department of Veterans' Affairs remain a separate department.

Mr R. F. Edwards, Ms Fatin and Mr Rocher—from certain citizens praying that family allowance payments be restored to their 1976 real money value and certain other action be taken in relation to family allowance payments.

Mr Blunt and Mr Slipper—from certain residents of the Divisions of Richmond and Fisher respectively, praying that prescription drugs continue to be provided to pensioners without fee.

Mr Beale—from certain citizens praying that any capital gains tax legislation be rejected.

Mr Blunt—from certain residents of the Division of Richmond praying that the capital gains tax be repealed.

Mr Cadman—from certain citizens praying that the proposal for an identification card be rejected.

Mr Cadman—from certain citizens praying that the fringe benefits tax legislation be repealed.

Mr Rocher—from certain citizens in similar terms to the last preceding petition.

Mr Cadman—from certain residents of New South Wales praying that the Western Sydney State University be established in conjunction with the NSW Government.

Mr D. M. Cameron—from certain citizens praying that the proposed introduction of a \$2 coin not proceed.

Mr Cobb—from certain citizens praying that pension adjustments related to November and May CPI increases be not deferred but paid immediately.

- Mr Connolly—from certain citizens praying that the Anzac Rifle Range, Malabar, NSW, be retained.
- Mr Conquest—from certain citizens praying that any act which would desecrate the Australian War Memorial be prevented.
- Mr Conquest—from certain residents of the Division of Hinkler praying that legislation be enacted to ensure that 1987 pension increases are based on the rate of pension applicable between June 1986 and 9 October 1986.
- Mr Cross—from certain citizens praying that certain action be taken to prevent the extinction of Aboriginal and Islander languages.
- Dr H. R. Edwards—from certain citizens praying that deletion of the 45 commonly prescribed drugs from the Pharmaceutical Benefits Scheme be reconsidered.
- Ms McHugh—from certain citizens praying that the administrative charge for higher education students be withdrawn immediately.
- Mr Nehl—from certain citizens praying that legislation be instituted to protect endangered Australian native plant and animal species and their habitats.
- Mr Nehl—from certain citizens praying that funding be provided to improve the Pacific Highway between Port Macquarie and Woolgoolga, NSW.
- Mr Peacock—from certain citizens praying that conditions of service and remuneration for servicemen be reviewed and the decision to discount their retirement benefits be reversed.
- Mr Rocher—from certain citizens praying that the right of employees to select their own superannuation scheme be guaranteed and certain other action be taken in relation to superannuation.
- Mr Scott—from certain citizens praying that importation of cobalt 60 and other radioactive substances be banned and regulations permitting irradiation of food in Australia be disallowed.
- Mr Shipton—from certain citizens praying that the national flag not be changed except by a referendum.
- Mr Shipton—from certain citizens praying that the Soviet Foreign Minister be approached to seek the release of Raoul Wallenberg and his return to Sweden.
- Mr Slipper—from certain residents of Queensland praying that the fringe benefits tax be abandoned.
- Mr Slipper—from certain residents of Queensland praying that the further means testing of veterans' disability pensions not proceed.
- Mr Slipper—from certain residents of the Division of Fisher praying that the existing national flag remain sacrosanct.
- Mr Slipper—from certain residents of the Division of Fisher praying that unemployed people in the CES district serving Caboolture, Qld, be allowed to lodge their completed unemployment benefits forms at the Caboolture Job Centre.
- Mr Slipper—from certain residents of the Division of Fisher praying that home loan interest rates be tax deductible.
- Mr Slipper—from certain residents of the Division of Fisher praying that the Australian Bill of Rights Bill be repealed.
- Mr Slipper—from certain residents of the Division of Fisher praying that public funding for projects which are undesirable or of dubious worth be halted.
- Mr Slipper—from certain residents of the Division of Fisher praying that means be sought for protection of the people's interests to reverse the decision to hand Ayers Rock over to an Aboriginal Land Council.
- Mr Slipper—from certain residents of the Division of Fisher praying that the right to work be acknowledged and protected and that certain other action be taken to protect workers.
- Mr Slipper—from certain residents of the Division of Fisher praying that the capital gains tax proposal be abandoned.

Mr Slipper—from certain residents of the Division of Fisher praying that family allowances be restored to 1976 real values and certain other action be taken in relation to family incomes.

Mr Slipper—from certain residents of the Division of Fisher praying that the assets test be reconsidered.

Mr Spender—from certain citizens praying that the Flags Amendment Bill receive a speedy passage.

Petitions received.

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—FAMILY LIVING STANDARDS:

The House was informed that Mr Porter had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The urgent need to remedy the devastating impact Government policies have had on the family and family living standards".

The proposed discussion having received the necessary support—

Mr Porter addressed the House.

Discussion ensued.

Discussion concluded.

10 SHIPS (CAPITAL GRANTS) BILL 1987: 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—

Mr O'Neil addressing the House—

11 ADJOURNMENT: It being 3.45 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 4.30 p.m.—Madam Speaker adjourned the House until Monday next at 2 p.m.

PAPERS: The following papers were deemed to have been presented on 1 May 1987:
Canberra College of Advanced Education Act—Statute—No. 61—Courses and Awards Amendment 1987.

States Grants (Petroleum Products) Act—Amendments of the schedules to the subsidy schemes in relation to the States, dated 27 April 1987.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Drummond, Mr Everingham, Mr Fife, Mr Hurford, Mr Jull, Mr Kent, Mr Kerin, Dr Klugman, Mr Moore, Mr Spender, Mrs Sullivan, Mr Uren and Mr Wilson.

A. R. BROWNING
Clerk of the House of Representatives