

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 14

WEDNESDAY, 5 APRIL 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 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:

Mr Bouchier, Mr Lloyd, Mr Lynch, Mr Morris and Mr I. L. Robinson—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 Lucock, Mr O'Keefe and Mr Shack—from certain members and ex-members of the citizen forces of Australia praying for the resumption of the award of several distinctive reserve forces decorations and medals for long service and good conduct.

Dr Everingham and Mr Humphreys—from certain citizens praying that Aboriginal land rights in the States be recognized in a manner similar to their recognition in the Northern Territory and that certain other action be taken in connection with Aboriginal and Torres Strait Islander affairs in Queensland.

Mr L. R. Johnson—from certain electors of the Division of Hughes praying for the introduction of reduced international air fares.

Mr West—from certain electors of the Division of Cunningham in the same terms as the last preceding petition.

Mr Burr—from certain citizens praying that a repeater station be installed to improve television reception in The Huntsman, near Meander, Tas.

Mr Dawkins—from certain citizens praying that fringe benefits enjoyed by Australian ex-servicemen be extended to ex-members of the forces of commonwealth countries resident in Australia who are eligible for a service pension under the Repatriation Act.

Mr Dawkins—from certain citizens praying that diplomatic action be taken concerning the death, while in detention in South Africa, of Mr Steve Biko, President of the Black Peoples Convention.

Mr Dawkins—from certain citizens praying that the recommendations of the Report of the Committee of Inquiry into Public Libraries be supported in principle.

Mr FitzPatrick—from certain citizens praying that a public telephone be installed at the Half-Way House at Coombah, N.S.W.

Mr B. O. Jones—from certain citizens praying that current rents charged to service personnel be maintained until there is an increase in service wages and salaries.

Mr Lloyd—from certain citizens praying that certain action be taken to increase Australia's foreign aid commitment.

Petitions received.

- 3 MINISTERIAL ARRANGEMENTS: Mr Fraser (Prime Minister) informed the House that, during the absence abroad of Mr Garland (Minister for Special Trade Representations and Minister for Veterans' Affairs), Mr Anthony (Minister for Trade and Resources) was acting as Minister for Special Trade Representations and Senator Durack (Attorney-General) was acting as Minister for Veterans' Affairs. Mr Newman (Minister for National Development) was representing the Acting Minister for Veterans' Affairs in this House.
- 4 QUESTIONS: Questions without notice being asked—
Mr Hayden (Leader of the Opposition) asked leave to present a paper.
Objection being raised, leave not granted.
Questions without notice continued.
- 5 PAPERS: The following papers were presented:
By command of His Excellency the Governor-General:
Australian Environment Council—9th meeting, Canberra, 11 August 1977—
Summary record of proceedings.
Nature Conservation Ministers—Council—6th meeting, Cairns, Qld, 29 July
1977—Summary record.
Transport (Planning and Research) Act 1974—Progress to 30 June 1977—Report
by Department of Transport, dated February 1978.
Pursuant to statute:
Compensation (Commonwealth Government Employees) Act—Commissioner
for Employees' Compensation—Report for year 1976–77.
- 6 "CROATIAN EMBASSY"—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER:
Mr Peacock (Minister for Foreign Affairs), by leave, made a ministerial statement
informing the House of the Government's attitude towards the establishment of a
so-called "Croatian Embassy" in Canberra, and, by command of His Excellency the
Governor-General, presented the following paper:
"Croatian Embassy"—Ministerial statement, 5 April 1978.
Mr Fife (Minister for Business and Consumer Affairs) moved—That the House take
note of the paper.
Debate ensued.
Debate adjourned (Mr Hodges), and the resumption of the debate made an order of the
day for the next sitting.
- 7 PUBLIC BROADCASTING PLANNING—MINISTERIAL STATEMENT AND PAPER—MOTION TO TAKE
NOTE OF PAPERS: Mr Staley (Minister for Post and Telecommunications), by leave,
made a ministerial statement informing the House of the Government's intentions
for the planning of public broadcasting, and, by command of His Excellency the
Governor-General, presented the following papers:
Public broadcasting planning—
Guidelines for Phase I.
Ministerial statement, 5 April 1978.
Mr Anthony (Minister for Trade and Resources) moved—That the House take note of
the papers.
Mr Innes was granted leave to continue his speech when the debate is resumed.
Debate adjourned, and the resumption of the debate made an order of the day for the
next sitting.
- 8 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—TRADE WITH JAPAN: Mr Deputy Speaker
informed the House that Mr Keating had proposed that a definite matter of public
importance be submitted to the House for discussion, namely, "The failure of the
Minister for Trade and Resources in Japan to defend Australia's trading interests".
The proposed discussion having received the necessary support—
Mr Keating addressed the House.

Mr Keating, by leave, presented the following papers:

Japanese purchases of Australian coal—Copies of—

Extract from statement attributed to Mr Malcolm Fraser as Leader of the Opposition.

Letter from Yoshihiro Inayama, Representative Director and Chairman of the Board of Directors of the Nippon Steel Corporation, representing the Japanese steel mills, to the Honourable R. F. X. Connor, M.P., Minister for Minerals and Energy, dated 4 July 1975.

Discussion ensued.

Discussion concluded.

- 9 ABORIGINAL AND TORRES STRAIT ISLANDERS (QUEENSLAND RESERVES AND COMMUNITIES SELF-MANAGEMENT) BILL 1978: Mr Viner (Minister for Aboriginal Affairs), pursuant to notice, presented a Bill for an Act to empower Aboriginals and Torres Strait Islanders who live on reserves in Queensland to manage and control their own affairs.

Bill read a first time.

Mr Viner moved—That the Bill be now read a second time.

Mr Sinclair (Leader of the House) asked leave to move a motion.

Objection being raised, leave not granted.

Suspension of standing orders: Mr Sinclair moved—That so much of the standing orders be suspended as would prevent the remaining stages of the Bill being passed without delay.

Debate ensued.

Mr Holding rising to address the House—

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

Question—That the question be now put—put.

The House divided (the Speaker, Sir Billy Snedden, in the Chair)—

AYES, 76

Mr Adermann	Mr Connolly	Mr Katter	Mr Porter
Mr Aldred	Mr Cotter	Mr Killen	Mr E. L. Robinson
Mr Anthony	Mr Dobie	Mr Lloyd	Mr I. L. Robinson
Mr Baillieu	Mr Ellicott	Mr Lusher	Mr Ruddock
Mr Baume	Mr Falconer	Mr Lynch	Mr Sainsbury
Mr Birney	Mr Fife	Mr MacKellar	Mr Shack
Mr Bourchier	Mr Fisher	Mr MacKenzie	Mr Short
Mr Bradfield	Mr Giles	Mr McLean	Mr Simon
Mr Braithwaite	Mr Goodluck	Mr McLeay	Mr Sinclair
Mr N. A. Brown	Mr Graham	Sir William McMahon	Mr Staley
Mr Bungey	Mr Groom	Mr McVeigh	Mr Thomson
Mr Burns	Mr Haslem	Mr Macphee	Mr Viner
Mr Burr	Mr Hodgman	Mr Martyr	Mr Wilson
Mr Cadman	Mr Howard	Mr Millar	Mr Yates
Mr Cairns	Mr Hunt	Mr Moore	
Mr Calder	Mr Hyde	Mr Neil	
Mr D. M. Cameron	Mr Jarman	Mr Newman	
Mr E. C. Cameron	Mr P. F. Johnson	Mr Nixon	<i>Tellers:</i>
Mr Carlton	Mr Johnston	Mr O'Keefe	Mr Corbett
Mr Chapman	Mr Jull	Mr Peacock	Mr Hodges

NOES, 31

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Wallis
Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr J. J. Brown	Mr Fry	Mr Keating	Mr Whitlam
Mr Bryant	Mr Holding	Dr Klugman	Mr Willis
Mr C. R. Cameron	Mr Howe	Mr Martin	Mr Young
Dr Cass	Mr Humphreys	Mr Morris	<i>Tellers:</i>
Mr Cohen	Mr Jacobi	Mr Scholes	Mr L. R. Johnson
Mr Dawkins	Mr James	Mr Stewart	Mr J. L. McMahon

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—being accordingly put—
The House divided (the Speaker, Sir Billy Snedden, in the Chair)—

AYES, 76

Mr Adermann	Mr Connolly	Mr Jull	Mr Peacock
Mr Aldred	Mr Cotter	Mr Katter	Mr Porter
Mr Anthony	Mr Dean	Mr Killen	Mr E. L. Robinson
Mr Baillieu	Mr Dobie	Mr Lloyd	Mr I. L. Robinson
Mr Baume	Mr Ellicott	Mr Lucock	Mr Ruddock
Mr Birney	Mr Falconer	Mr Lusher	Mr Sainsbury
Mr Bouchier	Mr Fife	Mr Lynch	Mr Shack
Mr Bradfield	Mr Fisher	Mr MacKellar	Mr Short
Mr Braithwaite	Mr Giles	Mr MacKenzie	Mr Simon
Mr N. A. Brown	Mr Goodluck	Mr McLean	Mr Sinclair
Mr Bungey	Mr Graham	Mr McLeay	Mr Staley
Mr Burns	Mr Groom	Sir William McMahon	Mr Thomson
Mr Burr	Mr Haslem	Mr Macphee	Mr Viner
Mr Cadman	Mr Hodgman	Mr Martyr	Mr Yates
Mr Cairns	Mr Howard	Mr Millar	
Mr Calder	Mr Hunt	Mr Moore	
Mr D. M. Cameron	Mr Hyde	Mr Neil	
Mr E. C. Cameron	Mr Jarman	Mr Newman	<i>Tellers:</i>
Mr Carlton	Mr P. F. Johnson	Mr Nixon	Mr Corbett
Mr Chapman	Mr Johnston	Mr O'Keefe	Mr Hodges

NOES, 31

Mr Armitage	Dr Everingham	Dr Jenkins	Mr Wallis
Dr Blewett	Mr FitzPatrick	Mr B. O. Jones	Mr West
Mr J. J. Brown	Mr Fry	Mr Keating	Mr Whitlam
Mr Bryant	Mr Holding	Dr Klugman	Mr Willis
Mr C. R. Cameron	Mr Howe	Mr Martin	Mr Young
Dr Cass	Mr Humphreys	Mr Morris	<i>Tellers:</i>
Mr Cohen	Mr Jacobi	Mr Scholes	Mr L. R. Johnson
Mr Dawkins	Mr James	Mr Stewart	Mr J. L. McMahon

And so it was resolved in the affirmative by an absolute majority.

Debate on the question—That the Bill be now read a second time—continued by Dr Everingham who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “the Bill be withdrawn until it has been referred to the current meeting of the National Aboriginal Conference in Canberra and then re-drafted to (a) take into account their suggestions; (b) make provision for acquisition of reserves existing at 31 March 1978 and vesting them in the relevant Aboriginal and Islander communities, and (c) give effective control of reserves to the Aboriginal and Islander communities living on those reserves”.

Debate continued.

Mr Holding rising to address the House—

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

Question—That the question be now put—put.

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

AYES, 75

Mr Adermann	Mr Corbett	Mr Jull	Mr Peacock
Mr Aldred	Mr Cotter	Mr Katter	Mr Porter
Mr Baillieu	Mr Dean	Mr Lloyd	Mr E. L. Robinson
Mr Baume	Mr Dobie	Mr Lucock	Mr I. L. Robinson
Mr Birney	Mr Ellicott	Mr Lusher	Mr Ruddock
Mr Bouchier	Mr Falconer	Mr Lynch	Mr Sainsbury
Mr Bradfield	Mr Fife	Mr MacKellar	Mr Shack
Mr Braithwaite	Mr Giles	Mr MacKenzie	Mr Short
Mr N. A. Brown	Mr Goodluck	Mr McLean	Mr Simon
Mr Bungey	Mr Graham	Mr McLeay	Mr Sinclair
Mr Burns	Mr Groom	Sir William McMahon	Mr Staley
Mr Burr	Mr Haslem	Mr McVeigh	Mr Street
Mr Cadman	Mr Hodgman	Mr Macphee	Mr Thomson
Mr Cairns	Mr Howard	Mr Martyr	Mr Viner
Mr D. M. Cameron	Mr Hunt	Mr Moore	Mr Wilson
Mr E. C. Cameron	Mr Hyde	Mr Neil	Mr Yates
Mr Carlton	Mr Jarman	Mr Newman	<i>Tellers:</i>
Mr Chapman	Mr P. F. Johnson	Mr Nixon	Mr Fisher
Mr Connolly	Mr Johnston	Mr O'Keefe	Mr Hodges

NOES, 29

Mr Armitage	Mr FitzPatrick	Mr Keating	Mr Whitlam
Dr Blewett	Mr Holding	Dr Klugman	Mr Willis
Mr J. J. Brown	Mr Howe	Mr Martin	Mr Young
Mr Bryant	Mr Humphreys	Mr Morris	
Mr C. R. Cameron	Mr Innes	Mr Scholes	
Mr Cohen	Mr Jacobi	Mr Stewart	<i>Tellers:</i>
Mr Dawkins	Dr Jenkins	Mr Wallis	Mr L. R. Johnson
Dr Everingham	Mr B. O. Jones	Mr West	Mr J. L. McMahon

And so it was resolved in the affirmative.

And the question—That the words proposed to be omitted stand part of the question—being accordingly put—

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

AYES, 72

Mr Adermann	Mr Corbett	Mr Jull	Mr I. L. Robinson
Mr Aldred	Mr Cotter	Mr Katter	Mr Ruddock
Mr Baillieu	Mr Dean	Mr Lloyd	Mr Sainsbury
Mr Baume	Mr Dobie	Mr Lusher	Mr Shack
Mr Birney	Mr Ellicott	Mr MacKellar	Mr Short
Mr Bouchier	Mr Falconer	Mr MacKenzie	Mr Simon
Mr Bradfield	Mr Fife	Mr McLean	Mr Sinclair
Mr Braithwaite	Mr Giles	Mr McLeay	Mr Staley
Mr N. A. Brown	Mr Goodluck	Sir William McMahon	Mr Street
Mr Bungey	Mr Graham	Mr McVeigh	Mr Thomson
Mr Burns	Mr Groom	Mr Macphee	Mr Viner
Mr Burr	Mr Haslem	Mr Martyr	Mr Wilson
Mr Cadman	Mr Hodgman	Mr Moore	Mr Yates
Mr Cairns	Mr Howard	Mr Neil	
Mr D. M. Cameron	Mr Hunt	Mr Newman	
Mr E. C. Cameron	Mr Hyde	Mr Nixon	
Mr Carlton	Mr Jarman	Mr O'Keefe	<i>Tellers:</i>
Mr Chapman	Mr P. F. Johnson	Mr Porter	Mr Fisher
Mr Connolly	Mr Johnston	Mr E. L. Robinson	Mr Hodges

NOES, 29

Mr Armitage	Mr FitzPatrick	Mr Keating	Mr Whitlam
Dr Blewett	Mr Holding	Dr Klugman	Mr Willis
Mr J. J. Brown	Mr Howe	Mr Martin	Mr Young
Mr Bryant	Mr Humphreys	Mr Morris	
Mr C. R. Cameron	Mr Innes	Mr Scholes	
Mr Cohen	Mr Jacobi	Mr Stewart	<i>Tellers:</i>
Mr Dawkins	Dr Jenkins	Mr Wallis	Mr L. R. Johnson
Dr Everingham	Mr B. O. Jones	Mr West	Mr J. L. McMahon

And so it was resolved in the affirmative.

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

The House resolved itself into a committee of the whole.

In the committee

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3—

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

Page 2, lines 1–3, omit the definition of “Aboriginal Community”, substitute the following definition:

“‘Aboriginal Community’ means a community of persons that, on 31 March 1978, was a community for Aborigines for the purposes of the Aborigines Act;”.

Page 2, lines 7 and 8, omit the definition of “Aboriginal Reserve”, substitute the following definition:

“‘Aboriginal Reserve’ means any land that, on 31 March 1978, was a reserve for the purposes of the Aborigines Act;”.

Page 3, lines 6–8, omit the definition of “Islander Community”, substitute the following definition:

“ ‘Islander Community’ means a community of persons that, on 31 March 1978, was a community for Islanders for the purposes of the Torres Strait Islanders Act;”.

Page 3, lines 12 and 13, omit the definition of “Islander Reserve”, substitute the following definition:

“ ‘Islander Reserve’ means any land that, on 31 March 1978, was a reserve for the purposes of the Torres Strait Islanders Act;”.

Mr Holding addressing the committee—
It being 10.30 p.m.—Progress to be reported.

The House resumed; Dr Jenkins reported accordingly.

Adjournment negatived: The question was accordingly proposed—That the House do now adjourn.

Mr Fife (Minister for Business and Consumer Affairs) requiring the question to be put forthwith without debate—

Question—put and negatived.

The House again resolved itself into a committee of the whole.

In the committee

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 4 agreed to.

Clause 5—

Mr B. O. Jones, by leave, moved the following amendments together:

Page 4, line 8, omit “the Minister may”, substitute “the Minister shall, within 30 days after receiving the request or being so satisfied, as the case may be,”.

Page 4, line 16, omit “the Minister may”, substitute “the Minister shall, within 30 days after receiving the request or being so satisfied, as the case may be,”.

Page 4, line 25, omit “the Minister may”, substitute “the Minister shall, within 30 days after receiving the request or being so satisfied, as the case may be,”.

Page 4, line 34, omit “the Minister may”, substitute “the Minister shall, within 30 days after receiving the request or being so satisfied, as the case may be,”.

Debate continued.

Amendments negatived.

Clause agreed to.

Clause 6 agreed to.

Remainder of Bill, by leave, taken as a whole.

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

Amendments—

Clause 7—

Page 5, line 33, omit “that part of”.

Page 5, line 34, omit “that is appropriated for the use of the Community”.

Clause 9, page 6, line 25, after “available”, insert “, with the consent of the Minister,”.

Clause 10—

Page 6, lines 40–43, omit sub-clauses (4) and (5), substitute the following sub-clauses:

“(4) A by-law has no effect until it is received by the Minister.

“(5) Where the Minister receives a copy of any by-laws, he shall cause a copy of the by-laws to be laid before each House of the Parliament on the first sitting day of that House after the day on which he receives a copy of those by-laws.”.

Page 7, lines 13 and 14, omit sub-clause (9).

Clause 12, pages 7 and 8, omit the clause, substitute the following clause:

“12. (1) No person not being an Aboriginal or Islander shall reside on or visit a Reserve or Community without the permission of the Council or by the consent of the Minister. Entry to Reserves or Communities

(2) No person being an Aboriginal or Islander will be prevented from residing on or visiting a Reserve or Community except by the decision of the Council and with the consent of the Minister.”.

Proposed new clause—

Page 8, after clause 12, insert the following new clause:

“12A. Where premises situated on a Reserve to which this Act applies, or on which there is established a Community to which this Act applies, are occupied by an Aboriginal or Islander, a person is not entitled, without the consent of the Aboriginal or Islander, to enter those premises unless, if the Reserve on which those premises are situated were not a Reserve, the entry would not be unlawful.”. Entry on premises situated on Reserves

Amendments—

Clause 15—

Page 9, line 1, after “available to”, insert “or vest in”.

Page 9, line 5, after “available”, insert “to, or vesting land in, a Council”.

Debate continued.

Question—That the amendments be agreed to—put.

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

AYES, 30

Mr Armitage	Dr Everingham	Mr B. O. Jones	Mr West
Dr Blewett	Mr FitzPatrick	Mr Keating	Mr Whitlam
Mr J. J. Brown	Mr Holding	Dr Klugman	Mr Willis
Mr Bryant	Mr Howe	Mr Martin	Mr Young
Mr C. R. Cameron	Mr Humphreys	Mr Morris	
Dr Cass	Mr Innes	Mr Scholes	<i>Tellers:</i>
Mr Cohen	Mr Jacobi	Mr Stewart	Mr L. R. Johnson
Mr Dawkins	Dr Jenkins	Mr Wallis	Mr J. L. McMahon

NOES, 72

Mr Adermann	Mr Cotter	Mr Lloyd	Mr I. L. Robinson
Mr Aldred	Mr Dean	Mr Lusher	Mr Ruddock
Mr Baillieu	Mr Dobie	Mr MacKellar	Mr Sainsbury
Mr Baume	Mr Ellicott	Mr MacKenzie	Mr Shack
Mr Birney	Mr Falconer	Mr McLean	Mr Short
Mr Bouchier	Mr Fife	Mr McLeay	Mr Simon
Mr Bradfield	Mr Goodluck	Sir William McMahon	Mr Sinclair
Mr Braithwaite	Mr Graham	Mr McVeigh	Mr Staley
Mr N. A. Brown	Mr Groom	Mr Macphee	Mr Street
Mr Bungey	Mr Haslem	Mr Martyr	Mr Thomson
Mr Burns	Mr Hodgman	Mr Millar	Mr Viner
Mr Burr	Mr Howard	Mr Moore	Mr Wilson
Mr Cadman	Mr Hunt	Mr Neil	Mr Yates
Mr Cairns	Mr Hyde	Mr Newman	
Mr D. M. Cameron	Mr Jarman	Mr Nixon	
Mr E. C. Cameron	Mr P. F. Johnson	Mr O'Keefe	
Mr Carlton	Mr Johnston	Mr Peacock	<i>Tellers:</i>
Mr Chapman	Mr Jull	Mr Porter	Mr Fisher
Mr Connolly	Mr Katter	Mr E. L. Robinson	Mr Hodges

And so it was negatived.

Remainder of Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Giles reported accordingly.

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

10 ADJOURNMENT: Mr Sinclair (Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at 11.49 p.m., adjourned until tomorrow at 10.30 a.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Bowen, Dr Edwards, Mr Garland, Mr Gillard, Mr Hurford, Mr L. K. Johnson and Mr C. K. Jones.

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