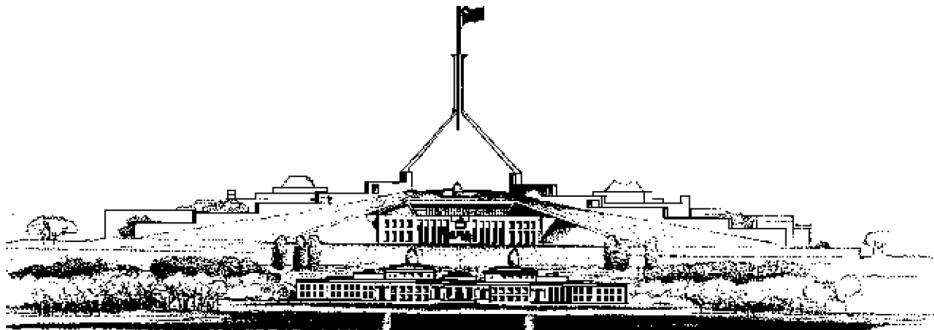




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate
Official Hansard

**No. 22, 1972
Tuesday, 30 May 1972**

TWENTY-SEVENTH PARLIAMENT
SECOND SESSION—FIFTH PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

PARLIAMENT OF THE COMMONWEALTH

TWENTY-SEVENTH PARLIAMENT

SECOND SESSION: FIFTH PERIOD

Governor-General

His Excellency the Right Honourable Sir Paul Meernaa Caedwalla Hasluck, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Royal Victorian Order, Knight of the Most Venerable Order of the Hospital of Saint John of Jerusalem, Governor-General and Commander-in-Chief in and over the Commonwealth of Australia from 30 April 1969.

McMahon Ministry

Prime Minister	The Right Honourable William McMahon, C.H.
Minister for Trade and Industry	The Right Honourable John Douglas Anthony
Treasurer	The Honourable Billy Mackie Snedden, Q.C.
Minister for Primary Industry	The Honourable Ian McCahon Sinclair
Minister for Health	Senator the Honourable Sir Kenneth McColl Anderson, K.B.E.
Minister for National Development	The Honourable Reginald William Colin Swartz, M.B.E., E.D.
Minister for Foreign Affairs	The Honourable Nigel Hubert Bowen, Q.C.
Minister for Defence	The Honourable David Eric Fairbairn, D.F.C.
Postmaster-General and Vice-President of the Executive Council	The Honourable Sir Alan Shallcross Hulme, K.B.E.
Minister for Shipping and Transport	The Honourable Peter James Nixon
Minister for Labour and National Service	The Honourable Phillip Reginald Lynch
Minister for Education and Science	The Honourable John Malcolm Fraser

(The above Ministers constitute the Cabinet)

Minister for Air	Senator the Honourable Thomas Charles Drake-Brockman, D.F.C.
Minister for Immigration	The Honourable Alexander James Forbes, M.C.
Minister for Social Services	The Honourable William Charles Wentworth
Minister for Works	Senator the Honourable Reginald Charles Wright
Minister for Civil Aviation	Senator the Honourable Robert Carrington Cotton
Minister for Customs and Excise and Minister assisting the Minister for National Development	The Honourable Donald Leslie Chipp
Minister for Repatriation and Minister assisting the Minister for Trade and Industry	The Honourable Rendle McNeilage Holten
Minister for External Territories	The Honourable Andrew Sharp Peacock
Minister for the Interior	The Honourable Ralph James Dunnet Hunt
Attorney-General	Senator the Honourable Ivor John Greenwood, Q.C.
Minister for the Navy	The Honourable Malcolm George Mackay
Minister for Housing	The Honourable Kevin Michael Kiernan Cairns
Minister for the Environment, Aborigines and the Arts and Minister-in-Charge of Tourist Activities	The Honourable Peter Howson
Minister for Supply and Minister assisting the Treasurer	The Honourable Ransley Victor Garland
Minister for the Army	The Honourable Robert Cummin Katter

ASSISTANT MINISTERS

Assistant Minister assisting the Minister for Labour and National Service	The Honourable Anthony Austin Street
Assistant Minister assisting the Prime Minister	The Honourable James Donald Mathieson Dobie
Assistant Minister assisting the Postmaster-General	The Honourable Ian Louis Robinson
Assistant Minister assisting the Minister for Health and the Leader of the Government in the Senate	Senator the Honourable John Edward Marriott
Assistant Minister assisting the Minister for Primary Industry	The Honourable Robert Shannon King
Assistant Minister assisting the Minister for Civil Aviation	The Honourable John Elden McLeay

MEMBERS OF THE SENATE

TWENTY-SEVENTH PARLIAMENT—SECOND SESSION: FIFTH PERIOD

President—Senator the Honourable Sir Magnus Cameron Cormack, K.B.E.

Leader of the Government in the Senate—Senator the Honourable Sir Kenneth McColl Anderson, J.K.B.E.

Chairman of Committees—Senator Edgar Wylie Prowse

Temporary Chairmen of Committees—Senators William Walter Charles Brown, Condon Bryan Byrne, Hartley Gordon James Cant, Gordon Sinclair Davidson, Joseph Francis Fitzgerald, Condor Louis Laucke, Alexander Greig Ellis Lawrie, Albert George Poke, Reginald Greive Withers and Ian Alexander Christie Wood

Leader of the Opposition—Senator Lionel Keith Murphy, Q.C.

Deputy Leader of the Opposition—Senator Donald Robert Willessee

Leader of the Australian Democratic Labor Party—Senator the Honourable Vincent Clair Gair

Deputy Leader of the Australian Democratic Labor Party—Senator Francis Patrick McManus

Anderson, Hon. Sir Kenneth McColl, K.B.E.
(N.S.W.)†

Bishop, Reginald (S.A.)†

(1) Bonner, Neville Thomas (Qld)

Brown, William Walter Charles (Vic.)†

Buttfield, Dame Nancy Eileen, D.B.E. (S.A.)†

Byrne, Condon Bryan (Qld)†

Cameron, Donald Newton (S.A.)†

Cant, Hartley Gordon James (W.A.)†

Carrick, John Leslie (N.S.W.)†

Cavanagh, James Luke (S.A.)†

Cormack, Hon. Sir Magnus Cameron, K.B.E. (Vic.)†

Cotton, Hon. Robert Carrington (N.S.W.)†

Davidson, Gordon Sinclair (S.A.)†

Devitt, Donald Michael (Tas.)†

Drake-Brockman, Hon. Thomas Charles, D.F.C.
(W.A.)†

Drury, Arnold Joseph (S.A.)†

Durack, Peter Drew (W.A.)†

Fitzgerald, Joseph Francis (N.S.W.)†

Gair, Hon. Vincent Clair (Qld)†

Georges, George (Qld)†

Gietzelt, Arthur Thomas (N.S.W.)†

Greenwood, Hon. Ivor John, Q.C. (Vic.)†

Guilfoyle, Margaret Georgina Constance (Vic.)†

Hannan, George Conrad (Vic.)†

Jessop, Donald Scott (S.A.)†

Kane, John Thomas (N.S.W.)†

Keeffe, James Bernard (Qld)†

Laucke, Condor Louis (S.A.)†

Lawrie, Alexander Greig Ellis (Qld)†

Lillico, Alexander Elliot Davidson (Tas.)‡

Little, John Albert (Vic.)†

McAuliffe, Ronald Edward (Qld)†

McClelland, Douglas (N.S.W.)†

McClelland, James Robert (N.S.W.)‡

McLaren, Geoffrey Thomas (S.A.)‡

McManus, Francis Patrick (Vic.)‡

Marriott, Hon. John Edward (Tas.)‡

Maunsell, Charles Ronald (Qld)†

Milliner, Bertie Richard (Qld)†

Mulvihill, James Anthony (N.S.W.)†

Murphy, Lionel Keith, Q.C. (N.S.W.)†

Negus, Sydney Ambrose (W.A.)‡

O'Byrne, Justin (Tas.)†

Poke, Albert George (Tas.)†

Poyser, Arthur George (Vic.)†

Primmer, Cyril Graham (Vic.)‡

Prowse, Edgar Wylie (W.A.)†

Rae, Peter Elliot (Tas.)†

Sim, John Peter (W.A.)†

Townley, Michael (Tas.)†

Turnbull, Reginald John David (Tas.)†

Webster, James Joseph (Vic.)†

Wheeldon, John Murray (W.A.)‡

Wilkinson, Lawrence Degenhardt (W.A.)†

Willessee, Donald Robert (W.A.)†

Withers, Reginald Greive (W.A.)†

Wood, Ian Alexander Christie (Qld)‡

Wriedt, Kenneth Shaw (Tas.)†

Wright, Hon. Reginald Charles (Tas.)†

Young, Harold William (S.A.)†

Dates of retirement of senators—† 30 June 1974. ‡ 30 June 1977.

(1) Filling casual vacancy.

THE COMMITTEES OF THE SESSION

(SECOND SESSION: FIFTH PERIOD)

STANDING COMMITTEES

DISPUTED RETURNS AND QUALIFICATIONS—Senator Drury, Senator Lillico, Senator Rae, Senator Sim, Senator Webster.

HOUSE—The President (*Chairman*), Senator Guilfoyle, Senator Jessop, Senator Laucke, Senator Milliner, Senator Murphy, Senator O'Byrne.

LIBRARY—The President, Senator Bishop, Senator Dame Nancy Buttfield, Senator Carrick, Senator Davidson, Senator Gair, Senator Mulvihill.

PRIVILEGES—Senator Drake-Brockman (*Chairman*), Senator Greenwood, Senator Murphy, Senator O'Byrne, Senator Rae, Senator Willessee, Senator Withers.

PUBLICATIONS—Senator Davidson (*Chairman*), Senator Bonner, Senator Donald Cameron, Senator Durack, Senator Georges, Senator Milliner, Senator Withers.

REGULATIONS AND ORDINANCES—Senator Wood (*Chairman*), Senator Cavanagh, Senator Devitt, Senator Durack, Senator Rae, Senator Webster, Senator Wheeldon.

STANDING ORDERS—The President (*Chairman*), the Chairman of Committees, Senator Sir Kenneth Anderson, Senator Cavanagh, Senator Gair (from 12 April), Senator Murphy, Senator Rae, Senator Wilkinson, Senator Withers, Senator Young.

LEGISLATIVE AND GENERAL PURPOSE STANDING COMMITTEES

CONSTITUTIONAL AND LEGAL AFFAIRS—Senator Durack (*Chairman* from 8 March), Senator Byrne, Senator Hannan, Senator James McClelland, Senator Murphy, Senator Withers (*Chairman* to 8 March).

EDUCATION, SCIENCE AND THE ARTS—Senator Davidson (*Chairman*), Senator Carrick, Senator Hannan, Senator James McClelland, Senator McManus, Senator Milliner.

FINANCE AND GOVERNMENT OPERATIONS—Senator Lawrie (*Chairman*), Senator Devitt, Senator Gietzelt, Senator Guilfoyle, Senator Little, Senator Rae.

FOREIGN AFFAIRS AND DEFENCE—Senator Sim (*Chairman*), Senator Carrick, Senator Drury, Senator McManus, Senator Maunsell, Senator Wheeldon.

HEALTH AND WELFARE—Senator Dame Nancy Buttfield (*Chairman*), Senator Bonner, Senator Brown, Senator Donald Cameron (from 25 May), Senator Fitzgerald (to 16 May), Senator Jessop, Senator Douglas McClelland, Senator Townley (to 23 March), Senator Webster.

INDUSTRY AND TRADE—Senator Prowse (*Chairman*), Senator Durack, Senator Kane, Senator Lillico, Senator Poyer (to 23 March), Senator Primmer (from 23 March), Senator Wilkinson, Senator Wriedt, Senator Young.

SOCIAL ENVIRONMENT—Senator Laucke (*Chairman*), Senator Davidson, Senator Keeffe, Senator Little, Senator Mulvihill, Senator Webster.

SELECT COMMITTEES

FOREIGN OWNERSHIP AND CONTROL—Senator Withers (*Chairman*), Senator Byrne, Senator Cant (from 24 February), Senator Guilfoyle, Senator Maunsell, Senator Murphy, Senator O'Byrne (to 24 February),

SECURITIES AND EXCHANGE—Senator Rae (*Chairman*), Senator Durack, Senator Georges, Senator Lawrie, Senator Little, Senator Sim, Senator Wheeldon, Senator Wriedt.

ESTIMATES COMMITTEES

ESTIMATES COMMITTEE A (HEALTH, PARLIAMENT, PRIME MINISTER AND CABINET, TREASURY AND DEFENCE)—Senator Withers (*Chairman*), Senator Gair, Senator Georges, Senator Gietzelt, Senator Guilfoyle, Senator Jessop, Senator Douglas McClelland, Senator Maunsell (from 26 April), Senator Prowse (to 26 April).

ESTIMATES COMMITTEE B (ATTORNEY-GENERAL'S, POSTMASTER-GENERAL'S, IMMIGRATION, SOCIAL SERVICES AND ENVIRONMENT, ABORIGINES AND THE ARTS)—Senator Rae (*Chairman*), Senator Bonner, Senator Byrne, Senator Davidson, Senator Lawrie, Senator McAuliffe, Senator James McClelland, Senator Mulvihill.

ESTIMATES COMMITTEE C (WORKS, FOREIGN AFFAIRS, LABOUR AND NATIONAL SERVICE, EDUCATION AND SCIENCE, EXTERNAL TERRITORIES AND HOUSING)—Senator Sim (*Chairman*), Senator Bishop, Senator Dame Nancy Buttfield, Senator Carrick, Senator Davidson, Senator Little, Senator Milliner, Senator Primmer.

ESTIMATES COMMITTEES—*continued*

ESTIMATES COMMITTEE D (CIVIL AVIATION, TRADE AND INDUSTRY, NATIONAL DEVELOPMENT, SHIPPING AND TRANSPORT, CUSTOMS AND EXCISE, INTERIOR AND TOURIST ACTIVITIES)—Senator Laucke (*Chairman*), Senator Bishop, Senator Cant, Senator Durack (to 26 April), Senator Hannan (from 26 April), Senator Jessop, Senator Maunsell, Senator Townley, Senator Wriedt.

ESTIMATES COMMITTEE E (AIR, PRIMARY INDUSTRY, ARMY, REPATRIATION, NAVY AND SUPPLY)—Senator Webster (*Chairman*), Senator Dame Nancy Buttfield (from 26 April), Senator Donald Cameron, Senator Carrick, Senator Devitt, Senator Kane, Senator Lillico (to 26 April), Senator Wilkinson, Senator Wood.

JOINT STATUTORY COMMITTEES

BROADCASTING OF PARLIAMENTARY PROCEEDINGS—Mr Speaker (*Chairman*), the President, Senator Douglas McClelland, Senator Sim, and Mr Donald Cameron, Mr Drury, Mr Grassby, Mr Sherry, Sir Winton Turnbull.

PUBLIC ACCOUNTS—Mr Graham (*Chairman*), Senator Fitzgerald (to 16 May), Senator Guilfoyle, Senator Lawrie, Senator McAuliffe (from 17 May), and Mr Collard, Mr Cope, Mr Hursford, Mr Irwin, Mr Jarman, Mr. Pettitt.

PUBLIC WORKS—Mr Kelly (*Chairman*), Senator Cant (to 22 February), Senator Jessop, Senator Poyser (from 23 February), Senator Webster and Mr Corbett, Mr Fulton, Mr James, Mr Les Johnson, Mr Whittorn.

JOINT COMMITTEES

AUSTRALIAN CAPITAL TERRITORY—Senator Withers (*Chairman*), Senator Devitt, Senator Hannan, Senator Maunsell, Senator Milliner, and Mr Daly, Mr Enderby, Mr Fox, Mr Hallett.

DEFENCE FORCES RETIREMENT BENEFITS LEGISLATION—Mr Jess (*Chairman*), Senator Byrne, Senator Devitt, Senator Maunsell and Mr Barnard, Mr Bonnett, Mr Crean, Mr Hamer.

FOREIGN AFFAIRS—Mr Turner (*Chairman*), Senator Bishop, Senator Carrick, Senator Drury, Senator Hannan, Senator McManus, Senator Maunsell, Senator Sim, Senator Wheeldon, and Mr Bryant, Mr Bury, Mr Calder, Mr Donald Cameron, Mr Cohen, Sir John Cramer, Mr Cross, Mr Katter (to 7 March), Mr Kirwan, Mr Lloyd (from 7 March), Mr MacKellar, Mr Morrison, Mr Reynolds, Mr Staley.

NEW AND PERMANENT PARLIAMENT HOUSE—The President (*Chairman*), Mr Speaker (*Deputy Chairman*), the Prime Minister (in absence, Mr Snedden), the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Australian Democratic Labor Party, the Leader of the Australian Country Party in the House of Representatives (in absence, Mr Nixon), the Leader of the Opposition in the House of Representatives, Senator Cavanagh, Senator Douglas McClelland, and Mr Barnard, Mr Birrell, Mr Bryant, Mr Drury, Mr Duthie, Mr Erwin, Mr Fox, Mr Giles, Mr McIvor.

PARLIAMENTARY DEPARTMENTS

SENATE

Clerk—J. R. Odgers, C.B.E.

Deputy Clerk—R. E. Bullock, O.B.E.

Clerks-Assistant—K. O. Bradshaw, A. R. Cumming Thom

Principal Parliamentary Officer—H. C. Nicholls

Usher of the Black Rod—H. G. Smith

HOUSE OF REPRESENTATIVES

Clerk—N. J. Parkes, O.B.E.

Deputy Clerk—J. A. Pettifer

Clerks-Assistant—D. M. Blake, V.R.D., A. R. Browning

Senior Parliamentary Officers—L. M. Barlin, P. Almond

Serjeant-at-Arms—I. C. Cochran

PARLIAMENTARY REPORTING STAFF

Principal Parliamentary Reporter—W. J. Bridgman

Assistant Principal Parliamentary Reporter—K. R. Ingram

Leader of Staff (House of Representatives)—G. R. Fraser

Leader of Staff (Senate)—J. F. Kerr

LIBRARY

Librarian—A. L. Moore, O.B.E.

JOINT HOUSE

Secretary—R. W. Hillyer

THE ACTS OF THE SESSION

(SECOND SESSION; FIFTH PERIOD)

- Airline Equipment (Loan Guarantee) Act 1972 (Act No. 42 of 1972)—
An Act relating to the provision of certain Equipment for a Domestic Airline.
- Appropriation Act (No. 4) 1971–72 (Act No. 40 of 1972)—
An Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sum appropriated by the *Appropriation Act (No. 1)* 1971–72, for the service of the year ending on the thirtieth day of June, One thousand nine hundred and seventy-two.
- Appropriation Act (No. 5) 1971–72 (Act No. 41 of 1972)—
An Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sums appropriated by the *Appropriation Act (No. 2)* 1971–72 and the *Appropriation Act (No. 3)* 1971–72, for certain expenditure in respect of the year ending on the thirtieth day of June, One thousand nine hundred and seventy-two.
- Australian Capital Territory Evidence (Temporary Provisions) Act 1972 (Act No. 10 of 1972)—
An Act to amend the *Australian Capital Territory Evidence (Temporary Provisions) Act* 1971.
- Australian Institute of Marine Science Act 1972 (Act No. 55 of 1972)—
An Act relating to the Australian Institute of Marine Science.
- Banks (Shareholdings) Act 1972 (Act No. 2 of 1972)—
An Act relating to Shareholdings in certain Banks.
- Broadcasting and Television Act 1972 (Act No. 49 of 1972)—
An Act relating to the Advertising of Cigarettes and Cigarette Tobacco by Commercial Broadcasting and Television Stations.
- Butter Fat Levy Act 1972 (Act No. 34 of 1972)—
An Act to amend the *Butter Fat Levy Act* 1965–1966.
- Commonwealth Teaching Service Act 1972 (Act No. 13 of 1972)—
An Act to establish a Commonwealth Teaching Service.
- Conciliation and Arbitration Act 1972 (Act No. 37 of 1972)—
An Act relating to Conciliation and Arbitration.
- Customs Tariff 1972 (Act No. 4 of 1972)—
An Act relating to Duties of Customs.
- Customs Tariff (No. 2) 1972 (Act No. 18 of 1972)—
An Act relating to Duties of Customs.
- Customs Tariff Validation Act 1972 (Act No. 51 of 1972)—
An Act to provide for the Validation of Collections of Duties of Customs under Customs Tariff Proposals.
- Dairy Produce Export Control Act 1972 (Act No. 3 of 1972)—
An Act to amend the *Dairy Produce Export Control Act* 1924–1966.
- Dairy Produce Sales Promotion Act 1972 (Act No. 33 of 1972)—
An Act to amend the *Dairy Produce Research and Sales Promotion Act* 1958–1965.
- Dairying Industry Act 1972 (Act No. 35 of 1972)—
An Act to amend section 5 of the *Dairying Industry Act* 1962–1970.
- Dairying Research Act 1972 (Act No. 30 of 1972)—
An Act to establish a Dairying Research Trust Account, and for purposes connected therewith.
- Dairying Research Levy Act 1972 (Act No. 31 of 1972)—
An Act to impose a Levy on certain Whole Milk, and certain Butter Fat, produced in Australia and sold by the Producer.
- Dairying Research Levy Collection Act 1972 (Act No. 32 of 1972)—
An Act relating to the Collection of Levy under the *Dairying Research Levy Act* 1972.
- Diesel Fuel Tax Act (No. 1) 1972 (Act No. 26 of 1972)—
An Act to amend the *Diesel Fuel Tax Act (No. 1)* 1957–1971 in relation to Metric Conversion.
- Diesel Fuel Tax Act (No. 2) 1972 (Act No. 27 of 1972)—
An Act to amend the *Diesel Fuel Tax Act (No. 2)* 1957–1971 in relation to Metric Conversion.
- Distillation Act 1972 (Act No. 24 of 1972)—
An Act to amend the *Distillation Act* 1901–1968.
- Excise Act 1972 (Act No. 23 of 1972)—
An Act to amend the *Excise Act* 1901–1968.
- Excise Tariff 1972 (Act No. 22 of 1972)—
An Act to amend the *Excise Tariff* 1921–1971 in relation to Metric Conversion.
- Gold-Mining Industry Assistance Act 1972 (Act No. 52 of 1972)—
An Act to amend the *Gold-Mining Industry Assistance Act* 1954–1970.

The Acts of the Session

Honey Industry Act 1972 (Act No. 11 of 1972)—

An Act to amend the *Honey Industry Act 1962–1966*.

Income Tax Assessment Act 1972 (Act No. 5 of 1972)—

An Act to amend the Law relating to Income Tax in respect of a Special Deduction for Investment in Manufacturing Plant.

Income Tax Assessment Act (No. 2) 1972 (Act No. 46 of 1972)—

An Act to amend the law relating to Income Tax with respect to Income derived from the Sale of Shares.

Income Tax Assessment Act (No. 3) 1972 (Act No. 47 of 1972)—

An Act to amend the Law relating to Income Tax in respect of Companies.

Income Tax (International Agreements) Act 1972 (Act No. 48 of 1972)—

An Act to amend section 15 of the *Income Tax (International Agreements) Act 1953–1969*.

Income Tax (Reduction of Additional Tax) Act 1972 (Act No. 12 of 1972)—

An Act to amend sections 8 and 12 of the *Income Tax Act 1971*.

Loans (Australian National Airlines Commission) Act 1972 (Act No. 43 of 1972)—

An Act to authorize the Raising of a certain sum of Money and to authorize the Commonwealth to make certain Moneys available to the Australian National Airlines Commission, and for purposes connected therewith.

Loan (Australian Wheat Board) Act 1972 (Act No. 9 of 1972)—

An Act to Authorize the Borrowing of Moneys by the Commonwealth and the Lending of those Moneys to the Australian Wheat Board.

Navigation Act 1972 (Act No. 28 of 1972)—

An Act to amend the *Navigation Act 1912–1970* with respect to the Tonnage Measurement of Ships, and for other purposes.

Northern Territory (Administration) Act 1972 (Act No. 39 of 1972)—

An Act relating to the application of the *Conciliation and Arbitration Act 1904–1972* in relation to the Northern Territory of Australia.

Papua New Guinea Loan (Asian Development Bank) Act 1972 (Act No. 19 of 1972)—

An Act relating to a Loan to the Administration of Papua New Guinea by the Asian Development Bank.

Papua New Guinea Loan (International Bank) Act 1972 (Act No. 56 of 1972)—

An Act to approve the Guarantee by the Commonwealth of the Discharge of the Obligations of the Administration of Papua New Guinea under a Loan Agreement made with the International Bank for Reconstruction and Development, and for purposes connected therewith.

Processed Milk Products Bounty Act 1972 (Act No. 36 of 1972)—

An Act to amend section 3 of the *Processed Milk Products Bounty Act 1962–1970*.

Public Service Act 1972 (Act No. 6 of 1972)—

An Act relating to Promotions Appeals in the Public Service of the Commonwealth.

Public Service Arbitration Act 1972 (Act No. 17 of 1972)—

An Act relating to the Settlement of Matters arising out of Employment in the Public Service.

Public Works Committee Act 1972 (Act No. 57 of 1972)—

An Act to amend section 36 of the *Public Service Committee Act 1969*.

Queensland Grant Act 1972 (Act No. 29 of 1972)—

An Act to grant Financial Assistance to the State of Queensland.

Repatriation Act 1972 (Act No. 15 of 1972)—

An Act to amend the *Repatriation Act 1920–1971* so as to provide for Increases in the Rates of certain Pensions payable to certain persons, and for purposes connected therewith, and to appropriate the Consolidated Revenue Fund for the purpose of certain payments resulting from those amendments.

Seamen's War Pensions and Allowances Act 1972 (Act No. 16 of 1972)—

An Act to amend the *Seamen's War Pensions and Allowances Act 1940–1971* so as to provide for Increases in the Rates of certain Pensions.

Seat of Government (Administration) Act 1972 (Act No. 38 of 1972)—

An Act relating to the application of the *Conciliation and Arbitration Act 1904–1972* in relation to the Australian Capital Territory.

Social Services Act 1972 (Act No. 1 of 1972)—

An Act to increase the Rate of Unemployment Benefit and of Sickness Benefit referred to in section 112 of the *Social Services Act 1947–1971*.

Social Services Act (No. 2) 1972 (Act No. 14 of 1972)—

An Act relating to Social Services.

Social Services Act (No. 3) 1972 (Act No. 53 of 1972)—

An Act relating to the Continuation of the Payment of Pensions and other Benefits to certain Persons after they cease to be Resident in Australia.

The Acts of the Session

Spirits Act 1972 (Act No. 25 of 1972)—

An Act to amend the *Spirits Act* 1906–1969.

States Grants Act 1972 (Act No. 20 of 1972)—

An Act to amend the *States Grants Act* (No. 2) 1971.

States Grants (Advanced Education) Act 1972 (Act No. 58 of 1972)—

An Act relating to the Grant of Financial Assistance to the States in connexion with Advanced Education.

States Grants (Capital Assistance) Act 1972 (Act No. 8 of 1972)—

An Act to amend the *States Grants (Capital Assistance) Act* 1971.

States Grants (Capital Assistance) Act (No. 2) 1972 (Act No. 21 of 1972)—

An Act to amend the *States Grants (Capital Assistance) Act* 1971, as amended by the *States Grants (Capital Assistance) Act* 1972.

States Grants (Independent Schools) Act 1972 (Act No. 7 of 1972)—

An Act relating to the Grant of Financial Assistance to the States in relation to Independent Schools.

Stevedoring Industry (Temporary Provisions) Act 1972 (Act No. 54 of 1972)—

An Act to amend section 4 of the *Stevedoring Industry (Temporary Provisions) Act* 1967–1971.

Supply Act (No. 1) 1972–73 (Act No. 44 of 1972)—

An Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for the service of the year ending on the thirtieth day of June, One thousand nine hundred and seventy-three.

Supply Act (No. 2) 1972–73 (Act No. 45 of 1972)—

An Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on the thirtieth day of June, One thousand nine hundred and seventy-three.

Tariff Board Act 1972 (Act No. 50 of 1972)—

An Act relating to the Membership of the Tariff Board.

THE BILLS OF THE SESSION

(SECOND SESSION—FIFTH PERIOD)

- Broadcasting Stations Licence Fees Bill 1972—
Initiated in the House of Representatives. Second Reading.
- Constitution Alteration (Tertiary Education) Bill 1970—
Discharged.
- Industrial Research and Development Grants Bill 1972—
Initiated in the House of Representatives. Second Reading.
- Merino Rams Export Prohibition Bill 1970—
Initiated in the Senate. First Reading.
- Salaries (Statutory Offices) Adjustment Bill 1972—
Initiated in the House of Representatives. Second Reading.
- Softwood Forestry Agreement Bill 1972—
Initiated in the House of Representatives. Second Reading.
- Television Stations Licence Fees Bill 1972—
Initiated in the House of Representatives. Second Reading.
- Prohibition of The Little Red Schoolbook Bill 1972—
~~Initiated in the Senate. Second Reading.~~

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Tuesday, 30 May 1972

The PRESIDENT (Senator the Hon. Sir Magnus Cormack) took the chair at 2 p.m. and read prayers.

**DEATH OF HIS ROYAL HIGHNESS
THE DUKE OF WINDSOR**

Senator DRAKE-BROCKMAN (Western Australia—Minister for Air)—As honourable senators know, His Royal Highness the Duke of Windsor died on Sunday 28th May in France at the age of 77 years. As well as being a much loved member of the Royal family, the Duke of Windsor was a significant person in our national history as the central figure in the abdication in 1936. Although this event was of great moment from which the monarchy emerged perhaps even stronger, the Duke of Windsor may best be remembered for the qualities of essential humanity which he displayed throughout his life. A most popular figure, particularly in his younger days, His Royal Highness sought always to identify himself with his people. During the Great War and the subsequent industrial depression he constantly showed his warmth and human understanding for the difficulties his countrymen were facing. He constantly broadened his horizons and made intensive tours of many countries. His warmth and humanity stayed with him always as essential parts of his character which never left him throughout the difficult period of his abdication and the years that followed.

I would like to inform honourable senators that the Prime Minister (Mr McMahon) has sent a message to Her Majesty conveying the Government's condolences. At the same time the Prime Minister has also sent to the Duchess of Windsor a message of sympathy in her irreparable loss. Mr President, I move:

That an address to Her Majesty Queen Elizabeth II in the following terms be agreed to—

We, the President and members of the Senate of the Commonwealth of Australia in Parliament assembled, have received with profound sorrow the news of the death of His Royal Highness the Duke of Windsor. On behalf of your people throughout the Commonwealth of Australia we express deep sympathy to Your Majesty and to the members of the Royal Family in the loss which you have sustained.

Senator MURPHY (New South Wales—Leader of the Opposition)—I second the motion. The late Duke of Windsor became by birth the first person in the homeland as well as in the Empire or Commonwealth. Some of us believe in the monarchy, some of us do not. I think there is a general agreement that the late Duke was a very decent human being. He tried to do his best as he saw it. Both he and his wife were treated miserably and shabbily.

Senator BYRNE—(Queensland) (2.5)—I associate the Australian Democratic Labor Party with the sentiments that have been expressed by the Minister for Air (Senator Drake-Brockman) in conveying the sympathy of this chamber to those who survive His Royal Highness the Duke of Windsor and in presenting an address to Her Majesty the Queen expressing our sorrow as a chamber of this legislature.

The Duke of Windsor was one of the outstanding figures of our time. He was called to high office and that involves assuming tremendous responsibility. We remember him in his country as one who came here when a very young man, entrusted again with high responsibility. Those of our older generations will recall with a great deal of pleasure his vivacity, his elan and his identification with those parts of Australia which he had the opportunity of visiting during his journey to this land in the 1920s. He was a man who carried out his duties with gaiety and with those qualities that endeared him to people and which were capable of engendering tremendous affection.

His death marks the passing of an era, with changes in the British Commonwealth as country after country assumes a different situation in relation to the mother country. With the passing of the Duke of Windsor, we see the end of a period which was marked by the great glory of the British Empire. Therefore we can look back with nostalgia on his life and on his participation in the affairs of his country and of the British Commonwealth. On behalf of the Australian Democratic Labor Party, I join in the expressions of sympathy to the Duchess of Windsor, who survives the Duke, and the members of the Royal Family. We join in the motion for the address to Her Majesty the Queen.

The PRESIDENT—Order! I invite honourable senators to signify their assent to the motion by standing in their places for a few moments of silence.

(Honourable senators having stood in their places)—

The PRESIDENT—I declare the motion agreed to.

MINISTERIAL ARRANGEMENTS

Senator DRAKE-BROCKMAN (Western Australia—Minister for Air)—by leave—I wish to inform the Senate that the Minister for Foreign Affairs (Mr N. H. Bowen) left Australia on Saturday, 27th May, for discussions with government leaders in India, Bangladesh and Indonesia. He is expected to return to Australia on 9th June. During his absence, the Minister for Primary Industry (Mr Sinclair) is the Acting Minister for Foreign Affairs. I also wish to inform the Senate that the Postmaster-General (Sir Alan Hulme) is leaving Australia today to represent the Australian Government at the Tenth Anniversary Independence Celebrations in Western Samoa. He is expected to return to Australia on 4th June.

NATIONAL PARK

Petition

Senator MULVIHILL—I present the following petition:

To the Honourable the President and members of the Senate in Parliament assembled.

The Petition of the undersigned respectfully sheweth that a national park as proposed by the planning team appointed by the Minister for the Interior in 1970 should be immediately established. Your petitioners most humbly pray that the Senate, in Parliament assembled, should call upon the Senate Social Environment Committee to investigate the issue.

And your petitioners, as in duty bound, will ever pray.

Petition received and read.

WOOL

Senator POKE—I ask the Minister representing the Minister for Primary Industry whether his attention has been drawn to a statement made by the Managing Director of the International Wool Secretariat, Mr A. C. B. Maiden, to this effect:

The fact is that wool ceases to have significance as a product of primary industry, with all the political and economic associations which that entails, from the moment it leaves these shores.

Does the Minister agree with that statement? If so can he explain to the Senate why there is so much reluctance and procrastination on the part of the Government in preparing an efficient plan for the competitive sale of the wool clip on the world market for the next wool selling season?

Senator DRAKE-BROCKMAN—Mr Maiden holds a very important position in the International Wool Secretariat. He obviously speaks from a great deal of knowledge and I will not contradict what he says. However, I would like to read all his remarks before I do comment. There has been no procrastination by this Government. Over the years this Government has been in office it has listened very carefully to what the wool industry has put forward by way of suggested changes in the marketing system and at all times it has endeavoured to carry out the wishes of the industry. On, I think, 16th March, the industry furnished to the Government a report of the findings of an ad hoc committee. That committee made certain recommendations which the Australian Wool Industry Conference endorsed. The Government is studying those recommendations at the present time.

SNOWY MOUNTAINS HYDRO-ELECTRIC SCHEME

Senator McLAREN—Has the attention of the Minister representing the Minister for National Development been drawn to an article appearing in the Melbourne 'Truth' of Saturday 27th May, in which it is claimed that a water explosion causing damage estimated at \$13m occurred in the Geehi aqueduct of the Snowy Mountains Hydro-electric Scheme early in February this year? Can the Minister say whether the claims made in the article are correct? If they are correct, when will a full report of the disaster be made available to the Parliament?

The PRESIDENT—Order! Honourable senators must remember that there is a standing order which states that when senators are quoting from newspapers they in fact are responsible for the accuracy of the matter quoted. I just make that comment as a general warning.

Senator COTTON—I do not read the Melbourne 'Truth'. What I would like to do is ask somebody who has a copy of this newspaper to let me have a look at it. I

will direct the honourable senator's question to the responsible Minister to see whether there is anything in the article which requires a response. If there is anything that needs to be drawn to the attention of the Parliament I am sure that the Minister will do so.

NURSES: CLASSROOM HOURS

Senator HANNAN—Is the Minister representing the Acting Minister for Health aware that the Victorian Nursing Council has announced a new curriculum, accepted by the Victorian Government, involving the increase of classroom hours from 400 to 1,600, an increase of 300 per cent? Is the Minister aware that the private hospital schools of nursing in Victoria are at the Mercy Hospital, Bethesda, the Sacred Heart and Epworth Hospitals of Melbourne and St John of God Hospital, Ballarat? Is the Minister aware that these hospitals are all church run, non-profit making surgical hospitals? Is the Minister aware that the tremendous increase in the costs brought about by the increased classroom hours has compelled the hospitals concerned to consider closing their nursing schools to avoid ruining the hospitals financially? Will the Minister confer with his State counterpart on the matter and consider whether special financial assistance should be made to meet this emergency?

Senator GREENWOOD—I am not aware of all the details to which the honourable senator has referred, although I am very much aware of the situation he has mentioned concerning the particular hospitals and the role that they perform in training nurses throughout the State of Victoria. As to whether the solution is a matter of financial assistance from the Commonwealth to be undertaken through the Commonwealth-State Health Ministers conference or whether if financial assistance is involved it is a matter for general State administration to be effected by approaches directly to the Prime Minister, I am unable to say. Having regard to the problem which the honourable senator has raised, I will arrange for the Acting Minister for Health to be apprised of the honourable senator's question and his concern as soon as possible with a view to my colleague taking such action as he considers appropriate.

AUSTRALIAN WOOL BOARD

Senator PRIMMER—I direct a question to the Minister representing the Minister for Primary Industry. How many economists have left or have given notice of their intention to leave the Australian Wool Board's development division over the past 12 months? Have any of these resignations been brought about by the Government's procrastination in regard to the wool industry?

Senator DRAKE-BROCKMAN—I would say quite categorically that any resignations have not been brought about by any Government procrastination, but to answer the honourable senator's question I will have to seek information from the Australian Wool Board. I will do that through the Minister for Primary Industry. When I have the information I will let the honourable senator know.

'OUR MAN IN CANBERRA'

Senator CARRICK—My question, which is directed to the Minister representing the Postmaster-General, relates to the Australian Broadcasting Commission's television production entitled 'Our Man in Canberra'. Firstly, has the Minister's attention been drawn to reported criticism by the Australian Labor Party that the ABC suspended the series on receiving legal advice that it infringes section 116 (1.) of the Broadcasting and Television Act, which prohibits political dramatisation? Secondly, was not the provision prohibiting political dramatisation inserted in the Act by the Chifley Labor Government in 1948?

Senator GREENWOOD—I am aware that at least one prominent member of the Australian Labor Party has vigorously criticised the Government and, quite obviously from my knowledge, criticised it without any appreciation of the facts of the matter. The simple facts are that the Australian Broadcasting Commission has decided, because of the provisions of section 116 (2.) of the Broadcasting and Television Act, that this projected series would be in contravention of that sub-section. The Commission has decided to proceed no further with the planned series. It is a fact that this provision was introduced with regard to broadcasting by the Labor Government in 1948. If it be that the Australian Labor Party is seeking to criticise this Government because of the existence

of a provision such as that, it ought to look into its own history because it was the Labor Government which introduced the provision originally in 1948.

PHYSICAL FITNESS

Senator McAULIFFE—I address a question to the Minister representing the Acting Minister for Health. Is the Minister aware that Dr Reader of the National Heart Foundation and Dr Willee, Director of Physical Education at the University of Melbourne, have declared that Australian over-16-year-olds are less fit than their American counterparts who are considered to be the most unfit race of people in the world? Is he also aware that these gentlemen claim that this unfitness has produced a new illness, sufferers of which are said to be hypokinetic because they do so little exercise that they cannot keep their bodies functioning? What urgent action does the Minister propose to take to give greater emphasis to physical education in schools in view of these alarming claims?

Senator GREENWOOD—I am unable, from my own knowledge, to confirm that I am aware of the allegations to which the honourable senator has referred. I think that in the circumstances all I can do is convey the sentiments expressed by Senator McAuliffe to the Acting Minister for Health for him to consider and to make such response as he deems proper.

PORT PIRIE AIRPORT

Senator DAVIDSON—My question, which is directed to the Minister for Civil Aviation, refers to the airport at Port Pirie in South Australia. Has he any information on the results of the recent conversations, about which I have read, between officers of the Department of Civil Aviation and municipal authorities at Port Pirie in South Australia concerning the future use of the airport there?

Senator COTTON—This matter was reported to me as concerning light aircraft flying activities at Port Pirie and involving some problems of couch grass on the runways. Discussions between the Department of Civil Aviation and the local authorities having been conducted. I understand that the problem has been resolved and that there is nothing further to worry about. This is what I am told.

VIETNAMESE ORPHANS

Senator MULVIHILL—I direct a question to the Minister representing the Minister for Immigration. How does he reconcile the statements of the Victorian Minister for Social Welfare, Mr Smith, on the Vietnamese orphans adoption issue with the earlier statement of the Minister for Immigration that in all such cases the initiative had to come from the States? Secondly, can the Minister ascertain also why my general complaint, voiced over 2 years ago at a Citizenship Convention, that the introduction of a uniform adoption law was essential has not been followed through by the Minister?

Senator GREENWOOD—I am not sure of precisely what statement made by the Victorian Minister for Social Welfare the honourable senator has in mind. Equally I am not sure what particular statement or action of the Commonwealth Minister he feels has to be reconciled.

Senator Mulvihill—The last answer you gave me on this subject.

Senator GREENWOOD—The honourable senator has a better recollection than I. However, I understand that there was a statement made in the 'Canberra Times' this morning, attributed to the Victorian Minister for Social Welfare, that the Victorian and Commonwealth Ministers would be meeting in Brisbane next Monday to examine the issue of overseas adoptions. I think the position under the State laws is that for an adoption which occurs overseas to be recognised in any of the States of the Commonwealth, the parents who are adopting must be overseas at the time the adoption occurs, and comparably, if an adoption is to be recognised in a State of the Commonwealth, both the parents and the child who is to be adopted have to be resident in the State in which the adoption is to be recognised. That position, of course, has been well acknowledged over the years.

In the current case relating to the young Vietnamese children the position is that the Minister for Immigration had taken the view that they ought not to be admitted or could not be admitted into Australia until he was satisfied that proper steps were being taken to maintain their welfare in Australia, and that required the consent or

some indication of likely consent from the State authorities that an adoption would be recognised. As the Minister indicated in his statement yesterday, the children are here, and while the matters relating to their adoption are being carried through in the States they may remain here.

EUROPEAN ECONOMIC COMMUNITY

Senator WEBSTER—I direct my question to the Minister representing the Minister for Trade and Industry. Is the Minister aware of the current practice by governments of nations within the European Economic Community trade bloc to pay what is called frontier price adjustments to exporters of certain agricultural products? Is it a fact that this practice is contrary to every international trade agreement? Is it a fact that countries belonging to the EEC instituted this price adjustment to be paid to exporters of rural products in order to compensate them for revaluation of their own currencies? What action has the Australian Government in mind to offset this and avoid Australian industries being eliminated from third countries where they have to compete with the EEC?

The PRESIDENT—Order! Senator Cotton, this is a highly technical question. Is it within your competence as the Minister representing the Minister for Trade and Industry to answer the question?

Senator COTTON—Yes. I shall answer it briefly. This is part of the general problem of the Community as a whole. It is a closed area in so many ways, as the honourable senator would understand. It has an agricultural surplus problem. I am quite sure that what the honourable senator is referring to is its method of seeking to overcome this part of its export programme under some kind of preferred arrangement. As the honourable senator knows, Dr Sicco Mansholt has been in Australia discussing these general matters with the Australian Government. Our own Minister has been involved in discussions overseas on this particular problem, amongst many others that flow out of the Economic Community arrangements. Officials are involved in discussions on these particular subjects from time to time. Beyond that I do not want to go except to advise the

honourable senator that this matter is known to the Australian Government which is pressing its own view upon those involved.

EYRE HIGHWAY

Senator BISHOP—My question, addressed to the Minister representing the Minister for Shipping and Transport, follows other questions during this session relating to Commonwealth assistance to complete the bituminising of the Eyre Highway. Has the Minister's attention been drawn to the continuing number of serious accidents on this portion of the Eyre Highway since the most recent proposal by the South Australian Premier, in February this year, which has been stated to be under consideration? Is the Minister able to give us any information about any further discussions between the Commonwealth and the State on this question and whether this would indicate that it is possible for the Commonwealth to come to some arrangement to finish the project?

Senator COTTON—The honourable senator accurately refers to the many questions and answers on this subject in this sessional period. I refer him to the Hansard of the House of Representatives on Thursday of last week where it is reported that a member of that place asked a detailed question about the Stuart Highway in reply to which Mr Nixon gave a detailed answer. I think that it refers specifically to the Stuart and not the Sturt Highway but the general principles involved in the problem are the same. The number of accidents on the highway, the upgrading of the highway and the concentration of interstate traffic on the highway have all been mentioned in this place and I have referred them to the responsible Minister. This week before we lift I shall seek from the Minister any further information which may aid the honourable senator.

OVERSEAS INVESTMENT

Senator MURPHY—My question is directed to the Minister representing the Treasurer. I refer to the practice of Australian subsidiaries of overseas companies which each year transfer large sums of money to the parent company for what are euphemistically called technical services; thereby reducing their Australian profits and avoiding Australian tax. I refer particularly

to Fibremakers Ltd which transmits to its overseas parent a sum in excess of \$1m a year in this way, which could otherwise be used to increase Australian wages. Will the Minister tell me whether this practice is consistent with the Government's policy on overseas ownership and investment? Is the Government prepared to amend the law to require foreign owned companies to publish in their reports details of all such remittances?

Senator COTTON—This question is a compound of information. It is specific in one particular, and that is in relation to the company Fibremakers Ltd, but it is general in its broad application. I am not able to give an accurate answer without having before me a range of balance sheets of companies with Australian subsidiaries. One can observe in general principle that if it is proper for overseas companies to engage in development and investment in this country—we have seen fit to allow that to happen—it is equally proper to allow them to make some arrangements for the transmission of their profits to the home base. This is not unusual. I think that in the years which lie ahead of us we will be investing in other countries and we will want the same principle to be applied to us. All I can do to aid the honourable senator is to obtain from the department a specific answer to the particular point raised which I think is related to the transmission of part of revenue back to base. The honourable senator is concerned that this sum of money may be in excess of profits thereby involving a reduction in Australian company tax liability in place of dividend. I cannot be any more specific than could the honourable senator but I shall do what I can to help the honourable senator.

'THE LITTLE RED SCHOOLBOOK'

Senator LITTLE—Is the Minister representing the Postmaster-General aware that shops in Melbourne are displaying notices advising that the payment of \$1.75 will ensure that 'The Little Red Schoolbook' will be delivered by post in spite of the court decision declaring that publication obscene? Does the Postmaster-General propose to take action under section 107 of the Post and Telegraph Act to prosecute those using the postal services to evade the law by sending through the post obscene books which are otherwise unsalable?

Senator GREENWOOD—I am sure that the Postmaster-General is aware of the general prohibition in the Post and Telegraph Act to which the honourable senator has referred. Whether he is aware, as the honourable senator has mentioned, that it is being advertising that commodities may be delivered through the post, I am unable to say. I think the appropriate course is for me to refer the honourable senator's question to the Postmaster-General. I suggest that if the honourable senator wishes to pursue the matter further he might supply some *prima facie* indication on which of the publishers are prepared to utilise the post in this way.

FRENCH NUCLEAR TESTS

Senator WRIEDT—I ask the Minister representing the Minister for Foreign Affairs whether he is aware of a statement issued at the week-end by the French Minister for Overseas Territories in which he stated that the impending French nuclear tests in the Pacific would be useful for the defence of the Pacific region against possible Chinese threats and that 'Australia now seemed convinced of this'. Does this mean a tacit acceptance by the Australian Government of the tests? If not, will the Government convey to the French Government its concern that any such statement implying Australia's acceptance of the test should have been issued by the French Minister?

Senator WRIGHT—I noticed the statement to which the honourable senator referred. The Australian Government has in the past consistently expressed its opposition to the conduct of atmospheric nuclear tests by France in the Pacific area. The Government's opposition is based on the belief that the partial nuclear test ban to which Australia is a party should be universally applied and accepted and on Australia's shared concern with the people of the Pacific over the holding of atmospheric tests in the region. Australia has made clear its opposition to the French Government on numerous occasions. As recently as 29th March an official protest note was delivered to the French Embassy in Canberra and a public statement was issued by the Minister for Foreign Affairs. On 9th May, in response to a question in another place, the Minister for Foreign Affairs reiterated the Government's opposition to this proposal.

QANTAS AIRWAYS LTD

Senator WOOD—Has the Minister for Civil Aviation seen a statement in the Press to the effect that Qantas Airways Ltd is about to initiate a low fare between Australia, Hong Kong, Japan and other South East Asian countries? Can the Minister tell the Senate whether there is any truth in this statement and, if there is, can he give honourable senators any information relating to the proposal.

Senator COTTON—At an earlier stage in this session I referred to the initiatives that Qantas has been taking on low fares in international flying. I referred to the successful ones between Australia and the United Kingdom and the European continent. Proposals for low fares on these services went through some difficulty but the problems are now firmly resolved and the services established. We in Australia can properly take the credit for these initiatives. It is equally true that Qantas has been trying to develop this sort of proposal for other areas, one being to the north of Australia and to the points stated by the honourable senator. This work is not yet concluded but when it is I will be happy to say so. The general position the honourable senator refers to is true. We are seeking as far as possible to broaden the travel opportunities both from and to this country.

TASMANIAN FRUIT CANNING COMPANIES

Senator TOWNLEY—Will the Minister representing the Minister for Primary Industry say whether the Government proposes to give assistance to the Tasmanian fruit canning companies? If so, does he have any idea when? If a reply is not available will the Minister endeavour to obtain the information before the Senate concludes this session?

Senator DRAKE-BROCKMAN — The honourable senator asked me a question along similar lines late last week and I suggested that he put it on notice. It is my understanding that the State Ministers for Agriculture, together with the Minister for Primary Industry, have put forward a plan of assistance and the Commonwealth is studying it at the present time. In relation to the latter part of the question, I will

endeavour to get some information for the honourable senator and will let him have it as soon as possible.

GENERAL MOTORS-HOLDEN'S PTY LTD

Senator WHEELDON—I ask the Minister representing the Minister for Trade and Industry: Will the Government take action to find jobs for those workers who may become unemployed as a result of the proposal by General Motors-Holden's Pty Ltd to close its plant at Mosman Park, Western Australia?

Senator COTTON—This is possibly a matter for the Department of Labour and National Service. Equally it would be of some interest, I am quite sure, to the State Government of Western Australia. To the extent that it affects the Department of Trade and Industry I shall refer it to that Department for its comment.

AUSTRALIAN NATIONAL LINE

Senator O'BRYNNE—Is the Minister representing the Minister for Shipping and Transport aware that severe criticism is being levelled at the Australian National Line because of the deterioration in the standard of comfort of tourists visiting Tasmania caused by the substitution of the 'Bass Trader' for the 'Empress of Australia' on the Sydney-Hobart run? Will the Minister seek an investigation into the allegation that the Australian National Line is purposely lowering the standard of tourist service to Tasmania on its ship in order to get out of the passenger carrying business and concentrate on the more profitable freight transport trade?

Senator COTTON—I am aware of none of those things, but I shall direct that question, with all its implications, to the Minister for Shipping and Transport and his Department to see whether anything can be found out about it.

TELEVISION

Senator DOUGLAS McCLELLAND—My question is directed to the Attorney-General in his dual role as Attorney-General and Minister representing the Postmaster-General. It relates to the question I asked him on Friday and to the question Senator Carrick asked him this

afternoon. Was the Attorney-General or his Department consulted by the Australian Broadcasting Commission in any way as to whether the programme 'Our Man in Canberra' breached section 116(2.) of the Broadcasting and Television Act? Was that section written into the Act by the Chifley Labor Government as a result of the 'John Austral' series of radio broadcasts which were dramatisations of political matters deliberately connected with an election and deliberately designed to influence the results of a Federal election? Is the programme 'Our Man in Canberra' a comedy or a satirical programme designed for entertainment purposes and not designed for the purpose of deliberately influencing the result of an election? As the Commission has decided that the programme is in breach of the section, can the Minister say whether it is true that some commercial stations are showing interest in the purchase of the programme? Finally, can the Minister explain why, on the one hand, the ABC is adopting an apparent literal interpretation of this section of the Act towards the programme which employs Australian actors and which is written by an Australian while, on the other hand, commercial television stations apparently are allowed to write their own law so far as the replay of football matches on Sunday mornings is concerned?

The PRESIDENT—Order! Before I call the Attorney-General I wish to give him the option of deciding which hat he will wear.

Senator GREENWOOD—Insofar as I can answer in my role as Attorney-General I shall do so and indicate that the other matters ought to be put on notice. With regard to events relating to this project of the Australian Broadcasting Commission, I have not been consulted by the Postmaster-General or by any person connected with the ABC and, to the best of my knowledge, no-one in my Department was asked to give any advice with respect to it. Section 116 (2.), the provision which prohibits the broadcasting or televising of any matter which dramatises current political events, is a section upon which advice was sought—I forget whether it was by the Commission or by the Australian Broadcasting Control Board—at some time in the past and a general interpretation of that section was given. I am aware that that interpretation was given. All I can say is that

as far as I am concerned no advice has been given recently. As to the broader questions relating to the Postmaster-General I think the nature of the questions asked is such that they ought properly to go on notice, together with the honourable senator's question of last Friday so that an answer can be given to them by the responsible Minister.

TELEVISION

Senator MILLINER—I direct a question to the Minister representing the Postmaster-General. The Postmaster-General is reported to have stated that there was no doubt that some areas of poor reception would have even greater problems when colour television was introduced than they do now with black and white reception. Will the Minister publicise the areas he believes will be so affected so that prospective owners of colour television sets will be aware of the difficulties they may encounter?

Senator GREENWOOD—I am not aware of whether the Postmaster-General has made the statement which the honourable senator suggests he has made. I certainly recall reading in the Press of yesterday or today a suggestion that the eventuality which concerns him may arise. I do not recall the source of that information. I also recall reading in the same news item that mention was being made of this fact so that appropriate steps could be taken before the introduction of colour television to ensure that there will be adequate reception in due course. Apart from believing that the Postmaster-General, simply because he runs an efficient department, is alert to all these matters and that action will be taken to investigate them, I do not think that I can advance the matter any further. However, I will arrange for the Postmaster-General to be made aware of the honourable senator's question. If the Postmaster-General wants to add anything to what I have said, I am sure that he will do so.

GREEK MARRIAGES

Senator MURPHY—My question is directed to the Minister representing the Minister for Foreign Affairs. Will the Government take action to prevent the embarrassment and humiliation to which Australian citizens of Greek descent are being subjected by the conduct of officials of the

Greek Government in this country and action in Greece itself suggesting that those of Greek descent who marry in Australia in other than a particular church are entering into invalid marriages the children of which will be illegitimate, thereby reflecting upon the marriages which are conducted either by ministers who are authorised celebrants of the Autocephalic Church or registry office officials?

Senator WRIGHT—I abstain from any comment at the moment on the Leader of the Opposition's question other than to assure him that the matter will be examined.

WHEAT

Senator POYSER—My question is directed to the Minister representing the Minister for Primary Industry. Can he advise the Senate as to what is the wheat production quota for the year 1972-73? Can he indicate whether it is anticipated that this quota will be reached by that season's production? If it will not be reached, what will be the position of those growers who now have over-quota wheat in storage? Will the over-quota wheat be used to make up any leeway in the production by which the 1972-73 crop falls short of the quota?

Senator DRAKE-BROCKMAN—The honourable senator's question is a fairly all-embracing one because it involves the policies of the State governments. I think the best way for me to answer the honourable senator's question is to obtain details from the Minister for Primary Industry, who will give him the information he seeks concerning that portfolio and perhaps some information on the position as it affects the States.

WATERFRONT

Senator BROWN—I ask the Attorney-General whether there is any substance in the report that his Department is involved in moves to oppose sections of the new agreement recently concluded between the Waterside Workers Federation and waterfront employers. If so, what sections of the agreement does the Government propose to oppose?

The PRESIDENT—The Attorney-General may elect to answer the question or he may not. It is in contravention of Standing Orders.

Senator GREENWOOD—I am at a loss to appreciate precisely about what the honourable senator is concerned. In the light of the language in which the question is couched I do not think I can give an answer which would be of any assistance. In view of my comment the honourable senator may wish to re-word his question and put it on the notice paper or otherwise seek the information from me.

CONCILIATION AND ARBITRATION COMMISSION

Senator CAVANAGH—I ask the Minister representing the Minister for Labour and National Service: In view of the statement of the Attorney-General on the difficulties of filling vacancies for industrial commissioners as reported by Sir Richard Kirby in 1970, what efforts have been made by the Department of Labour and National Service since August 1970 to fill the vacancies? Were public advertisements placed for applicants? If so, in which media of information were they inserted? Over the period of 2 years have any applications been received for appointment as commissioner which have been unsuccessful? In view of the difficulties in attracting suitable people at the present salary level, as stated during the debate on the Conciliation and Arbitration Bill, will the Conciliation and Arbitration Commission in the immediate future have to operate with either a shortage of commissioners or with unsuitable personnel?

Senator WRIGHT—The last 2 suggestions of the honourable senator can be completely dismissed. As the honourable senator's question asks for detailed information, obviously it will require reference to the Department. That will be done and the detailed information supplied.

METAL TRADES UNIONS

Senator MULVIHILL—I direct my question to the Minister representing the Minister for Trade and Industry. In view of the specific proposals submitted to him by delegates of the metal trades unions whom I introduced to him over 6 weeks ago, seeking to stabilise the employment of the work force on railway rolling stock in New South Wales, can the Minister expedite a positive decision by his colleague, mindful of further impending dismissals?

Senator COTTON—This is a proper question to be forwarded direct to the Minister and I will see that that is done.

WINE INDUSTRY

Senator McLAREN—My question is directed to the Minister representing the Minister for Primary Industry. Now that the Government has studied Professor Grant's report on the wine industry and has decided to reduce the wine excise by 50 per cent, will the Government make the report available to the Parliament so that all members can be fully informed on the problems facing the industry?

Senator DRAKE-BROCKMAN—I will convey the honourable senator's question to the Minister for Primary Industry for his decision.

TELEVISION

Senator DOUGLAS McCLELLAND—My question, which I direct to the Minister representing the Postmaster-General, follows the question asked of him by Senator Milliner. Has the Government seen a report drawn up by a well known advertising agency urging the Government to investigate community needs for communal antennas, having regard to the advent of colour television in 1975? Will the Minister note that last March I placed a series of questions on the notice paper under the heading of question No. 2002 and that these questions on this subject still remain unanswered? Because the matter is of great importance to hundreds and thousands of Australian citizens living in high density population areas, will the Government give early consideration to it?

Senator GREENWOOD—I think that a report to which I earlier referred in answer to Senator Milliner is the report to which the honourable senator has referred although I cannot be sure that even in that area my recollection is correct. The honourable senator has drawn my attention to the fact that there are questions on the notice paper, addressed to the Postmaster-General, which have not been answered. In the light of his connection of the 2 events, I will bring the attention of the Postmaster-General to the fact that the hon-

urable senator is wanting an answer to his question. I hope that the answer can be provided as expeditiously as possible.

NATIONAL SERVICE

Senator KEEFFE—Has the Attorney-General received a communication from 25 Catholic priests who have raised serious objections in conscience to the provisions of the National Service Act? Does he agree with the statement made by the Minister for the Army requesting that the views of the priests should be repudiated by their respective bishops? Is it the intention of the Minister to initiate legal proceedings against the priests concerned for their criticism of the National Service Act?

Senator GREENWOOD—I have received a letter purporting to be signed by a number of priests in which they indicated objection to some provisions of the National Service Act. I have received also subsequently letters from a number of those priests expressing great regret that they had signed this letter and informing me of the somewhat belated pressure circumstances in they were prevailed upon to sign it and indicating that they do not agree with the sentiments which were contained in that letter. I do not know the full details of this matter, but I am aware that at this meeting of priests there were about 110 priests out of approximately 5,000 priests throughout Australia. So, whatever might be the view expressed in this letter, it is not a representative view.

Having said that, and recognising that a number of the signatories on reflection at least have changed their minds, one does not deny to clergymen the right to express their views in the way in which other members of the community express their views. If there are priests who want to express the views which were expressed and they feel that that is consistent with their obligations to their Church, no-one would deny them that right. I feel that the suggestion that in some way this Government will take action against people who happen to criticise a policy of the Government is completely unwarranted and without foundation. The only basis upon which action is taken in this country by way of criminal proceedings is when an offence has been committed. Absolutely no offence is committed by persons who simply express the

view that they do not like the National Service Act. We are a free country. This Government has had a mighty record over 20 years in preserving the freedom that we all possess.

CIVIL AVIATION

Senator TOWNLEY—Will the Minister for Civil Aviation say whether his Department has considered widening the hire car franchise at airports to allow at least one other competing firm? Will the Minister say what is the percentage of Australian ownership of the holder of the present franchise?

Senator COTTON—I cannot answer without further inquiry the specific question about the percentage of overseas ownership in the airport hire car concession holder. But the first part of the question quite clearly can be answered. We do call tenders for hire car operating at airports and we seek to maximise the revenue available therefrom. We grant this franchise to one operator and one operator only. The purpose of that action is to maximise the revenue in order to try to recover as much as we can of the rather large costs of installing and operating airports.

ADMINISTRATION OF PAPUA NEW GUINEA

Senator WRIGHT (Tasmania—Minister for Works)—For the information of honourable senators, I present the report to the General Assembly of the United Nations on the administration of Papua New Guinea for the year ended 30th June 1971.

ASSENT TO BILLS

Assent to the following Bills reported:

- Dairying Research Bill 1972.
- Dairying Research Levy Bill 1972.
- Dairying Research Levy Collection Bill 1972.
- Dairy Produce Sales Promotion Bill 1972.
- Butter Fat Levy Bill 1972.
- Dairying Industry Bill 1972.
- Processed Milk Products Bounty Bill 1972.

DISCOVERY OF FORMAL BUSINESS

The PRESIDENT—Is Notice of Motion No. 2, Business of the Senate, formal or not formal?

Senator Murphy—Formal.

STANDING COMMITTEE ON INDUSTRY AND TRADE

Senator MURPHY (New South Wales—Leader of the Opposition) (3.18)—I move:

That there be referred to the Standing Committee on Industry and Trade the following matter—Legislative and administrative measures necessary to protect the leather footwear and allied industries and, in particular, their access to Australian raw materials.

The PRESIDENT—The question is that the motion be agreed to.

Senator Cotton—No.

Senator Murphy—There has been a misunderstanding. I wish to have the debate adjourned until the next day of sitting.

Debate (on motion by Senator Murphy) adjourned.

SITTINGS OF THE SENATE

Senator DRAKE-BROCKMAN (Western Australia—Minister for Air) (3.20)—I move:

That unless otherwise ordered the times of the meeting of the Senate on Wednesday 31st May be as follows: 10 a.m. to 1 p.m.; 2.15 p.m. to 6 p.m.; 8 p.m. to 11 p.m.

I do this because of the pressure of getting the Bills through the Senate. I do not think honourable senators want to sit around tomorrow morning doing nothing when we could go on with the business of the Senate.

Senator MURPHY (New South Wales—Leader of the Opposition) (3.21)—Normally there are party meetings on Wednesday morning and if the Opposition were having one tomorrow morning I would object to the motion. My understanding at the moment is that the Opposition will not be having one and we therefore agree to what is proposed by the Government. The motion states ‘unless otherwise ordered’ and if any problem arises we will mention it. However, if there is no meeting there is no sense in our not using the time available tomorrow morning.

Senator NEGUS (Western Australia) (3.22)—We have now spent 1½ hours in getting to this stage and we have quite a few Bills to deal with. I make the suggestion that questions without notice and petitions be excluded from any future day of sitting so that we can proceed with the Bills in hand at this time.

Question resolved in the affirmative.

SOCIAL SERVICES BILL (No. 3) 1972

Bill received from the House of Representatives.

Standing Orders suspended.

Bill (on motion by Senator Greenwood) read a first time.

Second Reading

Senator **GREENWOOD** (Victoria—Attorney-General) (3.23)—I move:

That the Bill be now read a second time.

This Bill will make it possible to pay certain Australian pensions overseas. It applies equally to people who were born in Australia and to those who have settled here; in line with our other pension legislation, it makes no distinction between those settlers who have formally acquired Australian citizenship and those who have not. It may be helpful if, at the outset, I outline the events which led up to the introduction of this Bill. The matter had been under consideration for some time before an interdepartmental committee was set up in December 1969 to examine the complex issues involved. The report of that committee came to hand last November; in December the Minister for Social Services (Mr Wentworth) made detailed recommendations to Cabinet and they were approved in January. Immediately afterwards, the Prime Minister (Mr McMahon) made the public announcement of the Government's intention. The Bill now before the Senate is in conformity with that announcement.

The Bill provides that the Minister may enter into an agreement with other countries, which, while any such agreement is in force, become 'participating countries'. The pensions with which the Bill deals may be paid to Australian pensioners who go to reside, whether permanently or temporarily, in those other countries, or who are travelling with reasonable expedition between them and Australia, or between any 2 participating countries.

In return, the participating country will be expected to make its own pensions available to its former residents now in Australia or who are travelling to

Australia. It will be realised that the social security systems of various countries differ from one another and differ from our Australian system in different ways, so that no firm rule can be set for the details of these agreements; each one will have to be drawn up in terms of the mutual relationship of our Australian system to that of the participating country.

The Australian pensions concerned are, in broad terms, age, invalid and widows' pensions. The residence qualification for portability overseas will be 20 years after reaching the age of 16; but there will be no residence qualification required for this portability in the case of invalid pensions arising from a disease or injury contracted in Australia by a permanent resident, or in the case of widows' pensions, where the husband's death occurred while the couple were permanently resident in Australia. Portability will extend to the wife's allowance payable to the non-pensioner wife of a permanently incapacitated pensioner or of an age pensioner with one or more children. It will also apply to the special pension payable for 12 weeks after the death of a member of a married couple.

I will not, at this stage, take up the time of the Senate by describing in detail the provisions of the Bill, but rather I would like to set out 3 of the considerations which were in the mind of the Government in drafting it.

Firstly, we wanted to ensure that the benefits given shall be available irrespective of whether the Australian pensioner was an Australian citizen. We wanted to give portability to those who have worked in the Australian community irrespective of whether they had become formally naturalised. Indeed, we realised that the benefits would be of special concern to those who, although they have lived and worked in Australia, choose to retain their original nationality. A Bill which confined the benefits to 'Australian citizens' would fail to help those very persons who would be most desirous of that help.

Secondly, we wanted to ensure in negotiation the greatest possible reciprocal benefits for migrants from other countries who now live in Australia. In some cases their original countries of residence allow them to receive their pensions here, but

this is far from true in all cases. If we simply grant portability of Australian pensions overseas, without getting anything for our settlers in return, we would be open to the charge of neglecting their interests. The Government proposes to press their claims as far as possible in negotiating the new agreements. Naturally, no commitment can be given as to what can be achieved in these negotiations with other countries. The circumstances may well differ in relation to different countries. But an unequivocal assurance can be given to these former residents of other countries who now live amongst us that, in negotiations with their former homelands, their interests will be pressed to the utmost.

Thirdly, we wanted to protect the interests of the Australian taxpayer against abuse of the new provisions not, of course, by persons who are at present resident in Australia, but by people who might in the future come to Australia for the express purpose of taking advantage of these concessions. We are all Australian taxpayers if we are permanently resident here, whether we are Australian born, or whether we came originally from overseas; and all of us, including migrants, have an interest in seeing that the Australian Treasury is not thus pillaged. We do not want the position where a person can come here for a short time, qualify for an Australian pension, and take it back home with him without having really contributed to the prosperity and progress of Australia.

Indeed, this is the principle which migrants themselves have endorsed in their journals: They say very rightly that those who have earned their pension by their contribution to the Australian scene should, by virtue of that contribution, have the right to take their pension home. It is for this reason that, with the exceptions for invalids and widows, we have prescribed a qualifying period of 20 years—which is more generous, for example, than what is done in Canada, where the qualifying period is 25 years for portability of old age security pension.

It would have been possible, of course, to have carried out the Government's intention to make pensions payable abroad by agreements made under the provisions of section 137 of the existing Social Services Act. There were 2 main reasons why

this course was not adopted. Firstly, the Government thought that it was inappropriate that a major policy change of this nature should be made by regulation. It was, we believe, proper to bring it before the Parliament as a Bill. Secondly, it was desired to strengthen as far as possible the negotiating position of the Minister in his endeavour to obtain the maximum reciprocal benefit for settlers from other countries who live in Australia.

May I make it clear to the Senate that the procedure we have adopted need not impose any additional delays. As soon as the Prime Minister made his January announcement, the Minister, with the assistance of the Minister for Foreign Affairs (Mr N. H. Bowen) made contact with relevant diplomatic representatives in Canberra. They were supplied with details of our relevant pension programmes and in return they were asked to provide full details of their own countries' arrangements. Encouraging replies have been received from the representatives of a number of these countries and some discussions have already taken place. It is hoped and expected that well before the commencement of the next sittings negotiations will be concluded with a large number of these countries, including those which are most important from the viewpoint of our migrants.

The Bill before the Senate, while not confined to migrants, is the latest of a series of measures introduced by this Government to assist migrants who have need of Australian social security in their widowhood, ill health or old age. For example, since 1966 there has been no nationality requirement for an Australian pension, while the residence qualification for age pension was halved in 1962 from 20 years to 10. The residence qualification was removed altogether in 1968 for a claimant for a widow's pension who was residing permanently in Australia with her husband when she became a widow. In 1969 the period for which pensions may be paid in respect of a temporary absence from Australia was extended from 12 to 30 weeks. All these conditions are generous by any standard for non-contributory pensions.

It should be reiterated that the new provisions apply equally to all migrants, whether naturalised or not, as well as to

all Australians whether or not they are migrants. Australians travelling abroad to 'participating countries' will be able to take their pensions with them if they so desire. At present, of course, they can, on their return to Australia, get payment for up to 30 weeks of absence overseas under the provisions of sections 49 and 78 of the Act, and there are special arrangements in force in regard to Britain and New Zealand. Under this Bill it will be possible for Australian pensioners overseas in participating countries, or in transit, to continue to draw their pension entitlements. I should, of course, emphasise that the right to continuance of a pension overseas will only be the same right as would exist if the pensioner remained resident in Australia. Thus, to give an example, if the recipient of a widow's pension re-married overseas, her pension would automatically cease.

The pensioner medical service will, of course, continue to be available only in Australia, as will the concessions provided in respect of radio and television licences and telephone rentals. Pensioners overseas will not receive supplementary assistance as the eligibility conditions could not properly be applied. Funeral benefits are at present payable to, or in respect of, pensioners temporarily absent from Australia, including those receiving pensions under our reciprocal agreements with Britain and New Zealand. These benefits will also be available for pensioners receiving their pensions under the arrangements proposed in this Bill.

While the provisions of the Bill may result in more Australian pensioners going overseas, the agreements to be made will have the corresponding result of encouraging more people entitled to overseas pensions to take up residence in Australia, or to visit us here. On balance, the net flow may well be equalised—it is not possible to predict this with certainty, although it is reasonably clear that the tourist flow will be increased in both directions. This is a Bill which can benefit both natural-born Australians and the migrants who have come here to settle. I commend the Bill to the Senate.

Debate (on motion by Senator Mulvihill)
adjourned.

STEVEDORING INDUSTRY (TEMPORARY PROVISIONS) BILL 1972

Bill received from the House of Representatives.

Standing Orders suspended.

Bill (on motion by Senator Wright) read a first time.

Second Reading

Senator WRIGHT (Tasmania—Minister for Works) (3.33)—I move:

That the Bill be now read a second time.

I inform the Senate that the speech I propose to make is simply a repetition of the speech made by the Minister for Labour and National Service (Mr Lynch) in another place. With the concurrence of honourable senators I incorporate my second reading speech in Hansard.

The purpose of the Bill is simple. It proposes to extend the operation of the Stevedoring Industry (Temporary Provisions) Act 1967-71 for a further period of 12 months. The life of the present Act expires on 30th June 1972 and the arrangements under which the present permanent employment scheme in the stevedoring industry operates will not be able to continue beyond that date unless the life of the Act is extended for a further period. It is proposed therefore, that its operation be extended to 30th June 1973. The Stevedoring Industry (Temporary Provisions) Act was enacted in 1967 to give legislative effect to an agreement entered into in the National Stevedoring Industry Conference, under the chairmanship of Mr A. E. Woodward, Q.C., on which the stevedoring employers, the Australian Council of Trade Unions, the Waterside Workers Federation, the Department of Labour and National Service and the Australian Stevedoring Industry Authority were represented. This conference was established by the Government in 1965 with the aim of achieving a long term improvement in the conditions of employment and in the operation of the labour force in the industry.

The main element of the agreement was the change from the then existing system of casual employment in the industry to a system of permanent employment. At that time the Government was not prepared to introduce permanent legislation until it was

satisfied that the new scheme would be of benefit to the industry, both in terms of improved productivity and better industrial relations. It provided, therefore, for the changes to be given legislative backing by temporary legislation which was to expire in June 1970. When the position was reviewed in 1970 the Government was still not satisfied that the time was opportune to introduce permanent legislation. This was primarily because the structure of the industry was still being affected to a major extent by technological change through the introduction of container, roll-on roll-off and other modern types of shipping. Further, the level of industrial disputation was still excessive and it had not been possible to determine what employment arrangements should be introduced in the smaller ports where about one-fifth of the industry's workforce was still employed on a casual basis. In the circumstances, it was decided to extend the life of the temporary legislation for a further 2 years. This period of 2 years expires on 30th June this year.

The factors which motivated the Government not to proceed with permanent legislation in 1970 still prevail. The level of industrial unrest in the industry has continued to be most unsatisfactory. In addition, the full implications of the changes from conventional shipping to the modern methods of containerisation, roll-on roll-off and bulk shipping are not yet clear. In particular, the full extent of the likely reduction in the work force as a result of these technological changes cannot yet be seen with certainty. More important, however, is the fact that an agreement entered into between the Federation and the employers in 1970 in relation to the terms and conditions of employment expired on 5th May this year, and these parties have recently completed negotiations for a new agreement. There are many aspects of this proposed agreement which are of concern to the Government. The Minister for Labour and National Service has already indicated publicly the inflationary impetus which could derive from the increase in wages and reduction in working hours which the parties contemplate. Furthermore, the negotiations between the employers and the Federation have gone beyond matters included in the Waterside Workers Award,

and taken in subjects which impinge on the Government's legislation. It has been made clear that the Government will not be committed to any legislative changes simply because of an agreement which has been negotiated without its endorsement.

Thus the Government will examine closely all the implications which the proposed agreement will have for the operation of the stevedoring industry and for the legislation, before it will be prepared to embark on any consideration of permanent legislation. It must also be understood that the enactment of permanent legislation will be an extremely complicated process. There are many practical problems to be overcome and there will need to be discussions with the parties in the industry to ascertain their views as to the permanent legislative arrangements which should operate in the industry. They have undertaken to put their views to the Government on this in the near future. Another important aspect is the future role of the Australian Stevedoring Industry Authority about which its staff has a natural concern. A committee has been established to consider proposals in respect of the staff of the Authority who might become redundant if there were to be a further reduction in its role in the industry. The staff rules of the Authority include a proviso that staff will be given at least 6 months warning of any likely retrenchments. In the circumstances, the Government believes that the proper course to follow at this stage is to extend the present legislation for a reasonably short period and has decided that it should continue to operate until 30th June next year. This will, of course, not preclude the Government from introducing permanent legislation to operate from an earlier date. I commend the Bill to the Senate.

Debate (on motion by Senator O'Byrne) adjourned.

BUSINESS OF THE SENATE

Senator WOOD (Queensland)—I ask for leave to make a brief statement concerning notice of motion No. 1 standing in my name.

The PRESIDENT—Is leave granted? There being no objection, leave is granted.

Senator WOOD—This notice of motion relates to the Norfolk Island Spear Guns Control Ordinance 1971. The Regulations and Ordinances Committee was concerned with sections 5 (b) and 8 (1.) (c) of the ordinance which, in conjunction, provided that a person was required to give an inspector information relating to an offence or suspected offence against the ordinance where the inspector believed, on reasonable ground, that the person possessed such information, and failing to give information or giving false or misleading information in such a case constituted an offence. The Committee regarded these provisions as a violation of the normal civil liberties of the citizen. A person is not normally required, for example, to give information to a police officer, even when arrested. This right to refrain from answering questions is an important safeguard for accused or suspected persons and ought not to be taken away by delegated legislation. After discussions with the Committee, the Minister for External Territories (Mr Peacock) agreed that these sections should be repealed, and he has assured the Committee that steps will be taken to have this done. I wish to record the Committee's appreciation of the courtesy and co-operation extended by the Minister and the Norfolk Island Council in relation to this matter. Accordingly, I withdraw Business of the Senate Notice of Motion No. 1 standing in my name.

Senator Murphy—Today being the last day for resolving the matter, I seek leave to make a statement, Mr President.

The PRESIDENT—Do you wish to make a statement in connection with the matter raised by Senator Wood?

Senator Murphy—Yes.

The PRESIDENT—Is leave granted? There being no objection, leave is granted.

Senator MURPHY (New South Wales—Leader of the Opposition)—It is a technical matter but nevertheless important that ordinances or regulations may be disallowed by this chamber according to a certain procedure. Ordinances and regulations must be tabled within a certain period and notice may be given within a certain time for their disallowance. Unless the notice of motion of disallowance is disposed of in some way within 15 sitting

days from the giving of notice, the ordinances or regulations are automatically disallowed when that time has elapsed. Today being the last day for disallowance it is too late for anyone to give notice. It is possible that some members of this chamber have been relying on the notice of motion already given by Senator Wood. I think we should evolve some procedure for dealing with similar situations that could occur. I have said on previous occasions, and I think Senator Wood has appreciated my argument, that the present procedure is not satisfactory. There is nothing wrong with what Senator Wood has done. It is the only way in which he could do it. But it is not a satisfactory procedure for the Senate to deal in this way with such notices of motion.

I suggest, Mr President, that you confer with the Clerks about evolving some procedure whereby an honourable senator could, notwithstanding the withdrawal of the notice of motion by whoever has given it, move on the last day to prevent the disallowance procedure passing by in a way which is objectionable to him and in a way about which he can do nothing. Suppose, for example, some other honourable senator disagreed with the viewpoint that was taken. Suppose I wanted to move disallowance now. There is nothing I could do about it.

Senator Cavanagh—The Leader of the Opposition could take it over.

Senator MURPHY—Not when the notice of motion has been withdrawn in this way. In this instance the Regulations and Ordinances Committee has agreed and there is no difficulty. I have raised this question on this perfectly neutral issue because I want it looked at in case the occasion arises when there is a severe difference of opinion in regard to a similar notice of motion.

Senator Cavanagh—I thought the Standing Orders were amended to cover this matter by allowing any honourable senator to take it over.

Senator MURPHY—I am not aware of that. If what Senator Cavanagh has said is correct, I will be more enlightened than I am. I am open to correction. But I am not aware that this matter has been subject to some correction under the Standing

Orders. Perhaps you, Mr President, will advise me whether that is so. If it is not correct, I would appreciate it if the question were looked at.

The PRESIDENT—Senator Murphy has raised an interesting point. The fact is, as Senator Murphy has pointed out, that Senator Wood was entirely within his rights in withdrawing his notice of motion in relation to this matter. I think it is proper that I should inform honourable senators at this stage that I have, in consultation with the Clerk of the Senate, convened a meeting of the senior Clerks of the Senate—a symposium, if you like to use that word—to be presided over by myself to deal with matters which have obviously been concerning honourable senators during the past session. I shall take action to ensure that the matter raised by Senator Murphy is brought to the notice of this meeting. Of course, any decision that is arrived at then will be passed on to the Standing Orders Committee, where honourable senators will have an opportunity of expressing their own will, and finally the matter would come back to the Senate.

CONCILIATION AND ARBITRATION BILL 1972

In Committee

Consideration resumed from 26th May (vide page 2220).

Postponed clause 2.

Senator MURPHY (New South Wales—Leader of the Opposition) (3.41)—On the last occasion on which the Committee was dealing with the proposal for retrospective operation of the legislation I asked the Attorney-General whether he would inform the Committee which proposed amalgamations would be affected by the retrospectivity proposal. I did so because it was assumed by the Opposition that no one would endeavour to make legislation retrospective in such a manner without a reason, particularly as it is anticipated that the legislation will pass through both chambers of the Parliament within a day or two. Could the Attorney-General inform the Committee whether, as a result of the events which have occurred recently, the amalgamation involving the

Amalgamated Engineering Union will be affected at all by this legislation? Will he state that there will be no frustration of that amalgamation? If he will, as I understand he is prepared to do, give that assurance, will he also inform the Committee just what other amalgamations which are nearing completion will be affected?

This morning I received a telegram from a body called the Secretaries and Managers Association of Australia. Frankly, I did not know of the existence of that organisation, but it is said to be a federally registered trade union which covers club, hotel, motel and hostel managerial staff. Its membership as at the end of last year was 1,854. The telegram refers to the position of the Theatre Managers Association, which is a federally registered trade union covering theatre and ten-pin bowling managerial staff and which had a membership as at 31st December last of 303.

It states:

The Theatre Managers Association Federal Executive is concerned at the economic feasibility of their continued existence.

They approached the secretary of the Secretaries and Managers Association in November 1971 seeking an amalgamation. The Secretaries and Managers Association governing body—its federal executive—representing all sections of the membership voted 15 to 1 in favour of the amalgamation. A subsequent meeting of the rank and file members endorsed the decision. The 5 State executives of the Theatre Managers Association voted 4 to 1 in favour of the amalgamation. A subsequent postal vote of the Theatre Managers Association rank and file resulted 195 to 19 in favour. The legal representatives of both organisations are currently finalising details in accordance with the existing provisions of the Act to enable amalgamation.

The telegram states that if the proposed amendments to the legislation are enacted all their efforts to date will be negated. They support the proposal that the legislation be postponed to the next session of Parliament to allow consideration of its implications. Similar telegrams are being sent to the leaders of the various political parties. Is it intended that instead of waiting to make a proclamation at a reasonable time, as the Bill before the Committee in

the form in which it came from the House of Representatives would contemplate, an endeavour will be made to press on with the backdating to Friday last to frustrate the efforts of these 2 organisations to effect amalgamation because one of them is in economic difficulties?

Could we be informed whether the Government's proposal will negate and frustrate the efforts of the Operative Plasterers and Plaster Workers Federation of Australia, which we have been informed has just about concluded its ballot? Is it really intended to frustrate the efforts of these bodies which have pursued the lawful processes and have done whatever they could according to law? They have undertaken tortuous negotiations and very difficult processes which presently obtain under the legislation. Is it intended to frustrate the efforts of those little organisations out of some kind of pique? It cannot properly be said that the discussions on Friday in any way affected or delayed this legislation. After all, the House of Representatives was not even sitting on Friday and the Bill could not have gone through the Parliament at least until today or tomorrow, following a few more hours discussion on it. Will the Attorney-General tell us now with all the precision of which the Department would be capable which organisations have taken bona fide and substantial steps towards amalgamation under the existing provisions? In other words, will he tell us which organisations will be affected if his amendment is carried?

Senator GREENWOOD (Victoria—Attorney-General) (3.48)—The Opposition has had a fairly solid belt at this provision. I feel that if only there had been a desire for some explanation, a lot of what has been said need not have been said. In the first place, an examination of the amendment and its effect upon the Bill before the Committee is such that no element of retrospectivity whatsoever is involved in the amendment. There is no interference with existing rights. For example, the date, 26th May, was not a date intended to affect, nor indeed was it capable of affecting, the proposed amalgamation of the Amalgamated Engineering Union, the Boilermakers and Blacksmiths Society and the Sheet Metal Workers Union into the

Amalgamated Metal Workers Union. Yet over the weekend I heard that there was great concern that that amalgamation would be affected and that the purpose of what I have done was to achieve that end. No-one has ever suggested that on behalf of the Government. The Government's attitude had been made quite clear at about the end of February or the beginning of March. I think it is quite clear to anyone who examines the amendment and its effect upon the clause that it could not and does not have any such application.

I think it has always been clear to anyone who read the Bill and considered the amendment. To take it further to establish the point, yesterday, 29th May, the Industrial Registrar approved the cancellation of the registration of the 2 organisations which had applied for deregistration. He indicated that that cancellation would be effective under the regulations 3 months from today. The 3-month period is necessary because the existing regulations so provide, and accordingly that amalgamation will be effective at law as from 30th August. As I have said, there has been no intention to prevent amalgamation in that area, and the amendment does not affect the operation. I have said that there is no retrospectivity or interference with existing rights. I cannot understand why people will proceed along that line if they have read the Bill.

Let me explain that further: The scheme of the legislation in this area of amalgamation of organisations is to introduce a completely new procedure. That completely new procedure must operate from some date. It must operate from a certain date. What is that date to be? It could have been the date upon which the Minister announced the new provisions, which was 26th April. It could have been the date when the Bill came into force or it could be any date which is fixed in the legislation. This is precisely the same with any legislation which passes through the Parliament. If it has new provisions, it must operate from the day on which those new provisions are declared to have effect and from the day on which they will operate.

Senator Turnbull—Why was it not in the original Bill?

Senator GREENWOOD—Because we had not anticipated that we would have—I will say it—the filibuster which we have had in this chamber over a period of days.

Senator Murphy—I rise to order. Last Friday in the Senate on at least 2 occasions the Minister was required by the Chair not to use that expression and to withdraw it, not only because it was unparliamentary but also because it was untrue. In accordance with the previous rulings, this being the same Committee continuing its deliberations, I ask that you require the Minister to observe the direction of the Chair.

The TEMPORARY CHAIRMAN (Senator Wood)—The point of order is not upheld. I take the view that the word 'filibuster' is in quite common usage and I therefore do not uphold the point of order.

Senator GREENWOOD—I responded in that way because I wanted to give Senator Turnbull the explanation he sought. I may say to Senator Turnbull that it had been the Government's and the Minister's intention as I knew it that if the Bill had passed last week through all stages without amendment and had gone back to the House of Representatives, this provision was to operate as from 29th May, which was yesterday. That was the intention and I cannot understand why there is this great concern about the matter. The scheme of the legislation is to ensure that when the new provisions come into force, those people who have taken the appropriate steps under the pre-existing law and have, for example, lodged a request with the Registrar, are protected. If one examines clause 68 of the Bill one gains an appreciation of what is intended. The vested rights which clause 68 may provide are vested rights which are protected.

In those circumstances it follows that there is no deprivation of the existing rights that we have and no action which takes away a particular organisation's current rights at law. It may be—I do not know—that some organisations are proceeding to a stage at which they would be able to utilise the pre-existing provisions. But, if they are doing that, they are doing it without any publicity and, as I would

see it, seeking to beat the gun. They would be seeking to do it before this legislation became operative. If they fail in that objective, I think that it is only their own way of going about activities which they have to blame. I have received the telegram to which Senator Murphy referred. I think that I received another telegram from Mr Short of the Federated Iron-workers Association. These pleas simply were to postpone this legislation until some date in the future. The Government's intention was that these provisions should come into force as soon as possible. It is not possible to postpone into an indefinite stage in the future these new amalgamation provisions.

The Government's intention has been made known for almost 5 weeks. In that period no representations were made to the Government to hold off the operation of these new amalgamation provisions because some union was well on the way to effecting its amalgamation under the old provisions. I cannot say what the Government's attitude would have been. But at least if there had been such an application one would have known and a decision could have been made accordingly. But there has not been. In those circumstances, if the effect of the putting down of a cut-off date is to prevent some organisations which are on the road towards effecting an amalgamation from achieving it under the old provisions, I feel that this is a consequence which numbers of people in the context of different types of legislation from time to time experience.

Let me emphasise that the Government believes that the new amalgamation procedures are proper procedures which will enable amalgamation if the members of the organisations want that amalgamation. I do not believe that we should assert the position that amalgamations are all right but that it does not matter whether or not the rank and file are given an opportunity to vote upon them. We believe that there should be appropriate procedures which will enable the advantages and the disadvantages of amalgamation to be made known to the various members of the organisations, that the members of the organisations will have the opportunity to vote, not in accordance with the rules of the organisations but in accordance with

the way in which a court conducted ballot will ensure that the election is conducted fairly and so that there should be an effective membership decision as to whether or not the amalgamation is to proceed. I do not believe that members of the—

Senator Hannan—*Vox populi, vox Dei.*

Senator GREENWOOD—I am indebted to my scholarly friend. It appears to me that it would be a strange thing if the Opposition should challenge the proposition that the membership control ought to be dominant and that there ought to be safeguards to enable that membership control to be properly expressed. The Government believes that these provisions are desirable. It wants them to come into force as soon as possible and to ensure that any new amalgamation occurring after 26th May will be taking place under these new procedures. The purpose of fixing the cut-off date is simply to achieve a fixed time so that everybody knows as from now what that date is so that it will not be left into the future indefinitely.

Senator MURPHY (New South Wales — Leader of the Opposition) (3.58) — Senator Hannan who interjected and said '*Vox populi, vox Dei*' was correct; the voice of the people is the voice of God, as the Government will learn. The statement by the Attorney-General has not been satisfactory. He has claimed, dishonestly, that the Opposition has filibustered. The truth is that the only person who exceeded the speaking times provided under the Standing Orders for the second reading debate on this matter was the Attorney-General himself. I had to move to give him unlimited time so that he might finish his speech.

On every occasion since then that I can recall when a Minister has asked to have a second reading speech on other Bills incorporated those speeches have been incorporated. We saw this occur a few moments ago with his fellow Minister, Senator Wright. The Attorney-General himself chose not to have a second reading speech incorporated but insisted upon reading it to the Senate, thereby consuming time. He makes this dishonest allegation that the Opposition has been filibustering. We want a proper discussion of this matter. It is immaterial whether this Bill is passed tonight or tomorrow morning. In any

event, I would think that it would probably be through this chamber by lunch time. No-one else of whom I know—certainly I do not understand it to be the Government's attitude—but Senator Greenwood would put that that would be an excessive use of time to debate this matter.

I come to the substance of the matter. What the Attorney-General puts forward is specious. Why is it said that these unions are trying to beat the gun? Is it said that the little union of which I spoke and which sent a telegram to the Attorney-General is somehow trying improperly to beat the gun? In its telegram, which the Attorney-General has, that union stated that it had attempted to take amalgamation action as from November 1971. This is a case of 2 small shows trying to get together because they are finding it difficult to carry on. One can understand the economics of this situation. One union has 303 members only. How can that union afford office staff and so on? They want to join together. The Attorney-General says: 'No. They are trying to beat the gun. They must be cut off and put through these impossible procedures'. All the experts in industrial affairs say that the procedures which have been set out here are designed to prevent amalgamations and even some of those who would support what is put here know that that is the truth. They will vote for this clause because they do not want amalgamations. Those who do want amalgamations realise the truth, that is, that the procedures are designed to delay and to impede and will have the practical effect of preventing amalgamations.

Is the Liberal Party intending here to break everything that it has ever stood for? Not only does it set out to interfere with the corporate structure of these bodies, to prevent legitimate mergers, to interfere with the internal management of organisations and to see to it that people are not to be permitted to associate freely but also it will accept the precedent of retrospective legislation. Is this what the Liberal Party stands for?

Senator Greenwood—It is not retrospective.

Senator MURPHY—It is retrospective. If a Bill is to be put through and its provisions will operate back on the actions of these people so as to interfere, it is retrospective. If someone were to put in a request today or tomorrow, it would nevertheless be defeated. But for this provision, if that request were put in some time before the proclamation was made, the amalgamations could go forward. The effect of this will be to prevent such an amalgamation. Let the Attorney-General deny that. If this Bill went forward in the form in which it came into this chamber, the requests which were made prior to the Bill becoming law and under this clause prior to the amalgamation provisions being proclaimed, could be made and the amalgamations could go forward. But if the Attorney-General has his way these requests made during that period—that is, any request as from last Friday—will be defeated. That is retrospective legislation in our view.

If the legislation can be made retrospective for a few days, it can be made retrospective for a much longer period. We know that this is within the capacity of the Parliament but a very strong view has always been taken on all hands against retrospective legislation. It is abhorrent to persons, and I suppose it is worst in criminal law. I would think that even some of these provisions might have criminal ancillaries to them. Equally is it abhorrent in civil law. I had always thought that the Liberal Party was strongly against retrospective legislation. But we are being taught some curious lessons in this chamber. It is the Liberal Party which seems determined to break down every single element of the rule of law. The situation was bad enough before Friday, but the Government has suddenly realised that there is still a part of the Liberal philosophy on which it has not trodden. In its death throes this Party has gone mad and is determined to break down every tenet of the philosophy which it once had. It has determined to break down whatever it can of the rule of law and it has set out to do its damnedest in this regard. The Government justifies all this in the name of crunching the unions. It will not succeed in crunching the unions. But the Government is teaching some very curious lessons to the people of Australia

as to how legislation ought to be framed and as to how the rights of the people can be eroded and trampled upon.

Senator GREENWOOD (Victoria—Attorney-General) (4.5)—I do not rise to what I regard as a personally offensive remark by Senator Murphy that I had been making dishonest allegations. I had not been making dishonest allegations. It may be that the Opposition feels that I have put an interpretation upon its conduct last week to which it would take exception, but I believe that the Opposition's conduct is fairly open to interpretation. I cannot understand how it can be suggested that delaying tactics were not employed when we had Opposition speaker after Opposition speaker getting up and speaking for 50 minutes and virtually repeating what had been said by preceding speakers.

If any dishonesty was involved it would be in the conduct of the Leader of the Opposition (Senator Murphy) in saying that this Bill is retrospective in its application. Senator Murphy is a lawyer and, as a lawyer, Senator Murphy knows that retrospective legislation is legislation which operates so as to affect vested rights. There are no vested rights under this proposal which is being put forward, and Senator Murphy knows it. If there are any let him point them out. He does not because the situation is that there is no deprivation of existing rights; no action which takes away from organisations rights which they currently have.

When the law becomes operative any requests which have been made or other matters contemplated under section 68 will be preserved, and if no requests have been made then of course nothing is being taken away. Senator Murphy can complain as much as he likes, notwithstanding the explanation which I have given to him, simply to get some publicity in order to create the impression that this provision will be retrospective. I say emphatically it is not, for the simple reason that it does not take away existing rights, and that is the commonly, generally understood meaning of the word 'retrospective'. I challenge anybody to give me any definition of 'retrospective' which takes a different view. Senator Murphy talks about there being a denigration or a deprivation of the rule of law. Coming from the Labor Party, that is

rich. It is a party which in so many cases and in so many instances has indicated that the rule of law is for the Labor Party and something which it will maintain when it suits it.

(Opposition senators interjecting)—

The TEMPORARY CHAIRMAN (Senator Wood)—Order! I ask honourable senators to maintain order. Whilst the Minister is speaking he must be heard, just as Opposition senators will be heard.

Senator Cavanagh—Bring him back to the Bill.

The TEMPORARY CHAIRMAN—Order! Order must be maintained.

Senator GREENWOOD—It is an indication of the attitude of Opposition senators to the rule of law in this chamber that they behave as they do. All I say is that the rule of law is what this Government has been very assiduous to maintain and it does maintain. If there has been a departure from the rule of law it is a departure in which members of the Opposition parties have participated. We have seen instances of this with regard to the National Service Act. We have seen many instances with regard to the conciliation and arbitration legislation. When we have coming from the Federal Executive of the Australian Labor Party a provision that trade union officials may conspire, break their contracts, engage, presumably, in assaults or any other form of unlawful activity and shall be above the law—that is what was decided at Townsville last Friday—to me it is incredible, if not hypocritical, for the Labor Party to say that it maintains the rule of law and the Government does not. The record is so clear that one has no doubts where the Labor Party stands on this issue.

Senator MURPHY (New South Wales—Leader of the Opposition) (4.10)—On this matter of retrospectivity the Attorney-General (Senator Greenwood) has asked for an answer from me and I will give it to him. I will take as an example this telegram, of which he has a copy, which I received from these 2 small bodies to which I referred earlier. If these 2 small bodies were advised to submit a request for amalgamation either today or tomorrow—at least before this legislation passes into law—would they not have a right at

this very moment, if that request were granted, to the benefit of the provisions under the existing law and in due course to have their amalgamation carried out? That is their right as the law stands at the moment. There is no law to affect that request. There may be no law tomorrow to affect that request. But, notwithstanding that the request may be made this afternoon or tomorrow, the moment this Bill becomes law, if the Attorney-General has his way, their request, which is lawfully made, would not be worth the paper on which it is written. Suppose this Bill receives the royal assent on Thursday. On Thursday the Government will say: 'Notwithstanding that you made the request on Tuesday or Wednesday, the amalgamation provisions came into effect last Friday and your request is ineffective.' If that is not retrospective legislation, what is?

Senator CAVANAGH (South Australia) (4.11)—I hope I will not be accused of engaging in a filibuster, but I wish to speak on this question because I think I can make a contribution because of my knowledge of the hardship it is intended to inflict upon a particular organisation. Firstly, let me say that I think it is unfortunate that the Attorney-General (Senator Greenwood), having dealt with as many as perhaps 10 clauses of the Bill, decided to go back and deal with postponed clause 2 rather than adjourning the consideration of clause 2 until the remainder of the Bill had been considered. On 25th May Senator Greenwood moved that clause 2 be postponed. He did not move that it be postponed to any particular time. On that occasion Senator Greenwood said:

Clause 2 indicates the dates upon which the various sections of the Act come into operation. There is some doubt, in the light of the way in which the debate has been conducted, and the prospect ahead of us, as to when the measure will come into operation. I suggest that the Committee could more properly deal with this clause—the Government would wish it to be dealt with in this way—when we know when it is this Bill is likely to be passed.

Senator Greenwood used the argument that the Government wanted to adjourn the consideration of clause 2 until such time as we know when the Bill will be passed. He said that consideration would be given not only to clauses 51, 61 and 68 but also to all of clause 2 so that it could

be decided when those sections shall come into operation. This argument could well alter any opposition to the proposal because we do not know how clauses 51 and 68 will read when the Committee, or indeed the Parliament, has finished with them. I notice that included among the proposed amendments circulated by Senator Bishop there is a proposal to amend clause 68. If this amendment is agreed to it may be that the date of operation will not be last Friday. Some future date of operation may be sufficient or last Friday's date may be acceptable. Therefore we are dealing with the date of operation in relation to certain clauses when we do not know how they will read when we have finished considering them.

When the Attorney-General suggested that we should support the proposal to postpone clause 2 he gave some assurance that this was for the purpose of knowing what was contained in the Bill before we decided on the date of operation. The Attorney-General has committed a further breach of this question. After getting the Opposition to support the proposition for the postponement of clause 2, which he assured us was the desire of the Government, we find that after considering only 7 or 8 clauses we again are considering clause 2 and asked to decide on the date of operation of clauses with which we have not dealt. It is somewhat in doubt as to how the date of operation will affect the unions with which I am concerned.

Some 3 years ago a meeting of the building trade unions was held for the purpose of considering amalgamation. Before any agreement could be reached it was necessary to draw up rules for an amalgamated body, preserving the rights of each union. The proposed amalgamation involved big unions and small unions. The rights of small unions had to be covered, as did the rights of crafts, the settlement of demarcation disputes and other questions affecting any union going into the amalgamation. After discussion, the only 3 unions interested in the amalgamation were the Operative Painters and Decorators Union, the Operative Plasterers and Plaster Workers Federation and the Building Workers Industrial Union. At a later stage, the Operative Painters and Decorators Union dropped out of the proposed amal-

gamation. The Operative Plasterers and Plaster Workers Federation could not drop out of the proposed amalgamation. Honourable senators have only to see the new wing on the Senate side of Parliament House to know that the work of the plasterer is being abolished today through the use of an inferior board—gyprock—which is being used throughout Australia. A small organisation cannot protect the interests of its members and it must clutch at another organisation. Therefore, the Operative Plasterers and Plaster Workers Federation and the Building Workers Industrial Union held a postal ballot of all their members, who decided overwhelmingly in favour of the amalgamation.

Senator Cant—By a majority vote of 83 per cent.

Senator CAVANAGH—I am informed that it was by a majority vote of 83 per cent. Under the terms of the Conciliation and Arbitration Act, the big union applies to alter its name and constitution and the smaller union seeks deregistration. It then becomes necessary for members of the smaller union to seek membership of the new body. The procedure for the drawing up of rules of the new body, which involved altering the rules of the Building Workers Industrial Union—the big union in this instance—necessitated ratification by the State branches and Federal councils of both organisations after submission to the members. After this was completed, legal supervision of the rules was required to see that their drafting was in legal language. So many of them were not in legal language that by the time they were put into this form it necessitated a further look being taken at the rules to see whether they indicated what was intended. That was done. An application was made to the Industrial Court to change the name of the Building Workers Industrial Union to the Building Workers Industrial Union and Operative Plasterers Federation of Australia and also to change the Union's constitution to cover the membership of the Plasterers Federation. No other section of workers, ambit of industry or constitution was involved.

The matter has been heard before the Industrial Registrar. There were 6 objections to the proposed amalgamation. As a result of conferences, 5 objections have

been withdrawn. The only objection remaining at the present time is that of the Builders Labourers Federation. The Industrial Registrar adjourned the matter, to be called on at the request of the Building Workers Industrial Union. But he informed the representatives of the Building Workers Industrial Union that he would not agree to the change of name or constitution until such time as the Operative Plasterers and Plaster Workers Federation applied for deregistration. Consequently, that Federation applied for deregistration. The application was not acceptable to the Registrar. Section 143 (3G.) of the Conciliation and Arbitration Act states:

The Registrar may, if he thinks it appropriate to do so in the circumstances, cancel the registration of an organisation where—

(c) the organisation has, in accordance with, and in circumstances prescribed by, the regulations, requested that its registration be cancelled.

The only thing holding up the deregistration of the Operative Plasterers and Plaster Workers Federation, apart from the decision of the Registrar, was the fact that regulations 138D and 138E had not been complied with. Regulation 138D necessitated the holding of another ballot of the Plasterers Federation on deregistration, despite the fact that a ballot had been taken in regard to amalgamation. That ballot was taken and it closed last Friday. The returns are in, and an overwhelming majority, on a vote of more than half the members of the organisation, decided in favour of the deregistration of this organisation. Regulation 138D states that there has to be a decision of both organisations and that the new organisation has to take the obligation in respect of all the debts, liabilities and assets of the deregistered organisation. That has been done. Of course, the union must present an application for deregistration which is acceptable to the Industrial Registrar. One of our officers who had a conversation with him last week gained the impression that he considered that the union would be covered by the existing legislation as the proposed amalgamation was sufficiently advanced. I do not know whether this is so. But, if it is not so, I ask honourable senators to consider the cost to an impoverished organisation involved in 2 postal ballots—an organisation which cannot exist or protect its members without

amalgamation. Is this procedure designed to defeat the aspirations and just claims of members of a small organisation? To overcome the cost factor, these 2 organisations today have joint administration in the one office. There are certain economies in that. Therefore, at this stage it is a question of whether the amalgamation is carried out legally, in accordance with the constitution finally agreed upon, or whether the organisations continue as they are, with different registrations but acting as a unified body in decisions and in all other respects.

There is a desire to force such an organisation out of the ambit of arbitration. Possibly in operations it will make no difference. Honourable senators know the clauses that will come into operation as from last Friday. Clause 51 creates new provisions for arbitration. Clause 68 states:

Part VIII A of the Principal Act as amended by this Act does not apply in relation to an amalgamation in relation to which, before the date of commencement of this section—

So there are some organisations which will not be covered by this—

(a) an application was made to the Registrar in accordance with section one hundred and thirty-nine of the Principal Act;

Section 139 deals with the change of name or rules of organisations. The Building Workers Industrial Union has commenced proceedings in relation to that. A hearing has taken place. Therefore, Part VIII A of the Act does not apply to that union in relation to its application for a change of name. The Union is only waiting for the matter to be called on again to see whether it can settle its difference with the Builders Labourers Federation. If that difference can be settled, the Union has only to register its new name and changed constitution. The rest of clause 68 reads:

(b) a request referred to in paragraph (c) of sub-section (3G.) of section one hundred and forty-three of the Principal Act has been made to the Registrar, being a request that complies with the requirements of that paragraph.

The request referred to in section 143 (3G.) of the Act, which I read out, is an application for deregistration. The plasterers organisation made an application for deregistration; but, as I said, the application did not meet the requirements of the regulations at that stage. It is some time now

since the ballot was taken and the Act possibly will be applied again. This organisation, acting mainly on legal advice, will lose 3 years of work. There is an organisation which can change its name and constitution to gather in the plasterers organisation. It has made the application and the plasterers are not opposed to it. They are in agreement with it. However the other party to the dispute is not permitted to seek registration. Another organisation now has to put the proposition to its members. That is the position under this section of the Act at the present time.

No-one can tell me that this is not a stage of the amalgamation. It is not a question of rushing the application through in order to beat the Act. This has been an earnest attempt by a small organisation to overcome its financial difficulties and to assist its members. It has been battling for 3 years.

The TEMPORARY CHAIRMAN
(Senator Wood)—Order! The honourable senator's time has expired.

Senator BISHOP (South Australia) (4.26) — I rise merely to enable Senator Cavanagh to continue his remarks.

Senator CAVANAGH (South Australia) (4.27) — I thank the honourable senator. I shall conclude shortly. This organisation has been battling for 3 years to protect its members. It has done everything legally possible and is in the position today of having another organisation give coverage to its members under the Act when they have no protection. Surely everyone must agree that in view of the stage reached this was not an attempt by this organisation to get out from under this Act. Surely some amendment to clause 68 is justified for the benefit of such an organisation which has done everything that it is required to do. There is some doubt about whether the situation comes under the old Act or whether it should be covered under the old Act. If this matter is to come under the provisions of the Bill now before us another ballot will have to be held by both organisations in which 50 per cent of their memberships take part.

I do not know whether the Building Workers Industrial Union has ever had a postal ballot. I do not know whether it is

capable of getting a response from 50 per cent of its membership. If it fails to get such a response from 50 per cent of its membership this organisation will be left with no solution to its problem other than, perhaps, going in with the builders labourers organisation. That body, as Senator Kane stated, is in a state of anarchy and destruction today. It is not concerned with law at all. The law does not matter to it. It has an army of vigilantes which, by threat and fear, forces its will upon the building community of Australia and does so with success. The Government is forcing an organisation like mine into such an amalgamation and this is undesirable.

According to this morning's Press there are 2,500 chemical workers in an organisation which cannot look after them at the present time. The members will not let the organisation look after them. The Government is seeking to deny protection to these 2,500 chemical workers. According to figures incorporated in Hansard by the honourable member for Hindmarsh (Mr Clyde Cameron), the ironworkers cannot get 50 per cent of their members to take part in a postal ballot. Therefore they are seeking the protection of the big organisations. The ironworkers cannot get that protection under this Bill. I do not know what stage they have reached but I think it is sufficient to justify their being given recognition of the moves they have made.

Senator BISHOP (South Australia) (4.30)—I believe that the proper parliamentary procedure for the proposition moved by the Attorney-General is to connect it with the amendment to be proposed by the Australian Labor Party. The Attorney-General had warning of this. He knew that we intended to move that the following words be added to clause 68: 'Or substantial bona fide steps had been taken towards amalgamation'. I believe that the Minister for Labour and National Service (Mr Lynch) clearly understands the position and knows that at least 3 main organisations are proceeding towards amalgamation. I am quite sure that his Department is fully aware of what is going on. I would be greatly surprised if any top official of the Department of Labour and National Service does not keep his Minister advised of what is doing in the union

movement. We know that any information about any report of a stoppage is fed through the Department.

The only question one has to consider in this regard is whether the Attorney-General is putting the proposition up on behalf of the Minister for Labour and National Service without his knowing the background to the situation. I believe he does know. If the Attorney-General did not know this before he moved the amendment proposed on Friday, which would king hit the whole question of amalgamation, he knows it this afternoon. He knew yesterday because 3 propositions were put to him. Three large organisations made their intentions known, together with the processes they had undertaken towards amalgamation. If the Minister was not satisfied with that information, Senator Cavanagh today indicated the long processes which the plasterers union had been engaged in with the building workers union in trying to establish and complete their amalgamations. If that is not a reasonable proposition, I do not know what is.

This legislation has been hotly contested by the Australian Labor Party and it is most alarming to me that the Government should expect the union movement to accept such an arrangement. The Government is attracting more contempt from the trade union movement and this Opposition because of the way in which the Attorney-General produced his arguments and dealt with these matters. The correct thing for the Attorney-General to do at this stage would be to volunteer to let the matter stand over until we reach clause 68 of the Bill. It must be evident to him that to do otherwise imposes absolutely unfair arrangements on those 3 organisations which are proceeding substantially towards amalgamation. If he continues in the way he proposes he will knock out 3 years work by the plasterers union. If he proceeds with the amendment and it is supported by the Government parties and the Democratic Labor Party—I hope they will not support it—it will mean that the work of the managers' organisation, which, as he was advised, commenced proceedings in November 1971, will be lost. It will mean that the Federated Ironworkers Association, which has proceeded a long way towards its amalgamation with the chemical workers union, will be prevented from

concluding its agreement. In addition, of course, under this Bill thousands of members of the ironworkers union will have to engage in a ballot in order to take in the small chemical workers union.

How can anyone believe otherwise than that the Government's action is scandalous? I only wonder at its motives. Is the Government becoming frantic about the whole situation? It wants to rush this Bill through and get it out of the way so that it will be another net around the trade union movement. The Government is concerned not only about the basic net in the form of the new panel, the new task force; it is concerned also about amalgamation. If the Government is not panicking, what are its motives? Is it just becoming more aggressive every day? I am surprised that such a device as this should be used in the early stage of discussion on legislation in this Parliament. The proper course surely ought to be to stand this matter over until we reach the clause which covers it and when the Opposition's amendment will be moved.

Senator MULVIHILL (New South Wales) (4.34)—I further support the views put forward so lucidly by the previous 2 speakers. I think that every honourable senator on the Opposition side, from the Leader of the Opposition (Senator Murphy) down, was inundated over the weekend with representations from the trade union movement about this clause. They referred to the way in which this was being rushed through. The Attorney-General implies that he is leading the trade union movement to the promised land but he is completely off the track. I do not want to recapitulate the situations that confront some of the unions that were mentioned by the Attorney-General and other speakers; I simply want to give another illustration of why, in my opinion, the Government would be fully justified in spending the entire recess in conference with affected unions and the Australian Council of Trade Unions.

I refer firstly to the New South Wales branch of the Australian Railways Union which has a membership of over 30,000. Because of the wage scale of the members of this union it would not be regarded as a very wealthy union. They are concerned about something which probably is inevit-

able. There is a small organisation in the New South Wales railway system which is known as the New South Wales Government Railway Canvas Workers Union. Its membership would be 600. In effect, under the Minister's proposal, the ratio would be even worse than that between the 2,000 chemical workers and the 68,000 members of the Federated Ironworkers Association of Australia. In this case the ratio would be 600 to over 30,000. I am trying to be charitable to the Attorney-General in what he has said. In his second reading speech he stated:

There is provision in proposed new section 158T for the Minister to direct that expenses incurred in running an amalgamation ballot be borne by the Commonwealth to the extent that those expenses amount to more than the expenses that would have been incurred by an organisation if it had conducted the ballot itself.

I return to the operations of the Australian Railways Union. It has a triennial ballot. It had one last year and the cost of postage and stationery was about \$1,100. The union employed a rank and file member as returning officer for a further 6 to 8 weeks. The expenses incurred would depend on that member's classified wage rate but the ballot would have cost not less than \$1,500. As I interpret the legislation in relation to overtures for amalgamation between the canvas workers and the Australian Railways Union, the Government will be prepared to assist and subsidise the unions only if they synchronise the amalgamation ballot with their triennial elections. In these matters we have the problem of the time factor.

I shall take the matter a little further. If I were to go out among the rank and file members of the Australian Railways Union and ask them what they thought of the cost of having a ballot to decide on 600 workers coming in, they would say that it was obvious that the 600 members should decide their destiny and that their coming into a big union would not make much difference. They would not think it worthwhile to find, in their next balance sheet, expenditure of another \$1,700 or \$1,800. These are the basic problems of trade unionism. If honourable senators look at the balance sheet of the average trade union today they will find that if the unions are forced to conduct an additional ballot in this situation they will be in a

really difficult financial position. That is why I support to the hilt all the reservations expressed by Senator Murphy.

Senator MURPHY (New South Wales—Leader of the Opposition) (4.38)—May I pursue what has been said by Senator Mulvihill? This is a very serious matter for the trade unions. It arises under clause 2. Really, what the Government ought to do if it intends to persist and use the weight of numbers to pass this legislation is to at least let those trade unions, which have amalgamations in progress, carry them into effect. That could be done by delaying the proclamation of the proposed section which deals with amalgamations. Mr Short is an eminent trade unionist. He is the National Secretary of the Federated Ironworkers Association of Australia. Yesterday he spoke to Senator James McClelland and myself and put the problem of his organisation. It has an amalgamation pending with the Federated Artificial Fertilisers and Chemical Workers Union of Australia. The Federated Ironworkers Association is a body of some 68,000 workers. The Artificial Fertilisers and Chemical Workers Union has approximately 2,000 to 3,000 members.

Senator Cavanagh—It is reported in today's Press to have 2,500 members.

Senator MURPHY—I am told that it has 2,500 members. Mr Short informs me that faced with the prospect of having to follow the procedure which is set out in the Bill it will become a financial impracticability to carry out this amalgamation. We believe that those unions which want to amalgamate should be given an opportunity to do so if their amalgamations are in progress. As we all know, these things involve a lot of discussion. A great deal of work and expense is involved. Why should unions be prevented from pursuing amalgamations if they want to amalgamate?

Mr Short, as one experienced in this field, asked me to express to the Senate his viewpoint that if this code for amalgamation is brought into effect it will frustrate the amalgamations. It will have the practical effect, except in some very rare instance, of making it impossible to effectuate the amalgamations. It will lead to an intensification of demarcation disputes. It will mean that the amalgamation, instead of being an orderly process, will depend

upon the raiding of members of smaller unions by the larger unions. It will lead to all kinds of friction and disputation which everybody in industry wants to avoid. Demarcation disputes are the most senseless and purposeless of all disputes. No-one is involved in such disputes except the organisations. It would be far better if they were allowed to have their way and go through this evolutionary process of amalgamation.

Why are the amalgamations necessary? They are necessary because there are technological changes and changes in population. Changes are occurring in industry which mean that the unions should rearrange their organisation and their membership in the same way that industry has to rearrange from time to time. We find that changes affecting equally the employers side of industry and the employees side of industry. If we are to have an efficient community, then those changes must be reflected in the organisation of the trade unions. The Government should be endeavouring, as the employers as well as the trade unions would want, to achieve a procedure where the amalgamations can be made simpler instead of more difficult. Those which have begun are in the national interest. I would like to know which of the amalgamations which have occurred under the existing procedures are against the national interest. I have been associated with a number of them such as those in the printing union, the hotel trades union and a large number of others. I have been closely associated with some of them and others of them I have observed taking place. I have not heard anyone say that there was anything wrong with any of those amalgamations. Every time an amalgamation has been effected there has been praise from industrial authorities and officers of the Conciliation and Arbitration Commission. There has been praise from those in industry. The employers have all supported and welcomed the amalgamations. I have heard no complaint from any organisation against any of the amalgamations. There has never been any real endeavour to prevent them.

An endeavour was made in relation to the Amalgamated Engineering Union, but everyone knows that that was a stunt which was tried in the last few days for

political purposes. Apart from that, everybody concerned in these amalgamations has wanted them. The proof of the value of amalgamations is in what has happened. They have been welcomed. They have worked well. Why is the Government trying to stop them? Can anyone say how the national interest is advanced in the slightest degree by putting these difficulties in the way of organisations which are trying to do something which all those concerned with industry say should be done? One would think that honourable senators opposite would try to approach this matter rationally. What we are suggesting is in the public interest. It is demonstrably for the benefit of the nation that these amalgamations proceed. We ask that the proposed section be defeated so that whatever code is ultimately adopted an opportunity will be given for the amalgamations which are in progress to proceed. If the proclamation clause remains, it should be used in such a way that amalgamations which have begun, which are bona fide and in which some substantial progress has been made should be allowed to continue.

Senator BROWN (Victoria) (4.45)—The clause before the Committee at the moment is clause 2. It provides the time at which this legislation will become operative after it has passed through both Houses. I object to the amendment which has been moved by the Attorney-General (Senator Greenwood) and the way in which it was moved but what concerns me is the multiplicity of reasons that have been given by the Attorney-General to justify the introduction of this amendment at 3.54 p.m. on Friday afternoon last. It is pertinent to direct the Senate's attention to comments made by the Attorney-General on page 2211 of Hansard. In moving the amendment he said:

As a result of the decision which has been taken it is apparent that this Bill will be sent back to the House of Representatives as a Bill to be amended. That eventuality, although it was always possible, could not really be anticipated until it had occurred. It has now occurred. Accordingly, it is desired to amend clause 2.

Then he proceeded to move the amendment which in part said:

Sections 51 and 68 of this Act shall be deemed to have come into operation on twenty-sixth day of May, One thousand nine hundred and seventy-two.

I am not quite sure what he means unless it is that the Opposition, overwhelmingly supported by the Senate generally, opposed clause 12 which dealt with section 16 of the principal Act relating to the salary of commissioners. I ask the Attorney-General: Was that the reason and the justification for moving his amendment when he did? The Attorney-General went on to say on page 2211 of Hansard, and this puzzles me:

The 26th day of May is, of course, today. The matters covered by sections 51 and 68 are the new amalgamation proceedings. These matters were not mentioned in the statement that was made in December by the Minister for Labour and National Service (Mr Lynch) but they were raised in the speech which was delivered by the Minister in the House of Representatives on 26th April. It was intended with regard to amalgamations occurring after that date—

And I presume he means 26th April—

...that the new provisions would apply, and it is intended to ensure that they do apply as from 26th May, which is today.

Any reasonable person could be expected to conclude from what was said by the Attorney-General in that short statement that the Minister for Labour and National Service (Mr Lynch) in his speech delivered on 26th April implied or inferred or indicated in some shape or form that the intention was that sections 51 and 68 should have an operative date, namely, 26th May 1972. If the Attorney-General means something different, I ask him to explain to me in due course what he means.

Senator Greenwood—I did mean it differently. I do not want to suggest that the Minister said 26th May. On a fair reading it does not say that at all.

Senator BROWN—It implies it quite strongly and in due course I would like the Attorney-General to advise the Senate of what he meant. I checked through the second reading speech of the Minister for Labour and National Service and also went to the extent of checking the report of the Committee stage of this Bill in Hansard, particularly in relation to Part VIII A which deals with amalgamations of organisations, and I could find no reference by the Minister to the effect that a date would be determined in the course of the debate on this Bill. In other words, he was intending to rely on the ordinary processes for the handling of this type of Bill and on the

Bill ultimately being proclaimed in the ordinary course of events. However, leaving that aside, on page 2211 of Hansard the Attorney-General is reported as having said:

Any valid requests made prior to 26th May will come into operation in the language of section 68 on the basis of the pre-existing provisions. But any attempts or desires to have amalgamation hereafter will come into effect after 26th May. It was asked: Why is the amendment moved? We on this side have heard rumours—

I know this was raised by my colleagues during the debate last Friday afternoon, but not one of the questions asked by the Opposition has been answered effectively to date. Then the Attorney-General went on to suggest that it was because the Opposition had been filibustering. This has been consistently refuted by the Leader of the Opposition (Senator Murphy). On page 2212 of Hansard the Attorney-General had this to say:

I can only say that if it is not desired that I should explain the reasons because the explanation of the reasons gives offence to honourable senators I am afraid they will be looking elsewhere for an explanation.

Quite frankly, in my view we are still seeking an explanation or any real justification for the Attorney-General moving this amendment after the Bill had passed through the other House and there had been no suggestion by any manner of means by the Minister for Labour and National Service that he would rely on other than the ordinary course of proclamation of this Bill for it to come into effect and for the provisions of the Bill to have legal effect. There was no reference to this amendment then by the Minister. But late last Friday afternoon the Attorney-General gave 2 reasons—probably 3 or 4—which could be held to be justification for the moving of this amendment. I say without hesitation that the Attorney-General has not justified the moving of the amendment to date and until such time as he does the Opposition is entitled to continue to ask him for the real motivation behind the amendment.

Senator McAULIFFE (Queensland) (4.51)—I want to proceed along the lines advanced by my Leader, Senator Murphy, a few moments ago and also in line with what I said during the second reading debate, that is, that amalgamations are not new. Amalgamations have been part of the

labour movement ever since workers banded together to form trade unions. In my earlier speech I gave in chronological order the amalgamations that have been successfully brought about. The Government has not shown where any of these amalgamations have been disadvantageous or have prevented development in the nation or have not been in the nation's interest. While amalgamations have been part and parcel of trade union activity in the past they are even more so now because as a result of technological changes men in smaller unions are becoming redundant and those unions are finding it impossible financially to carry on. This is why there is an ever-increasing demand for amalgamation. It was pointed out also by previous speakers, and I subscribe to this view, that amalgamations do not harm the interest of the nation. They are regarded world wide as a desirable activity.

Australia, along with 77 other nations, is a signatory to Convention 87 of the International Labour Organisation which governs the right of people to organise. Australia, a signatory to that convention, believes on the one hand in the freedom of people to organise themselves into organisations while on the other, through the clauses contained in this Bill, interferes in trade union activity. I said previously that I sincerely believed that Australia is openly in conflict with what is subscribed to in the charter of that United Nations' Organisation and is leaving itself open to examination by the Committee for Freedom of Association, a part of that Organisation. I want to develop a point to show that this is the world-wide thinking on the right of trade unions to amalgamate. From 16th April to 19th May 1972 at Santiago, Chile, the third United Nations Conference on Trade and Development was held and statements at that conference were made by the International Confederation of Free Trade Unions. It made 2 pertinent statements which I think should be recorded in Hansard and to which I would like the Attorney-General to give attention. The first statement that it made was:

1. The success or failure of the United Nations International Development Strategy, and therefore the future of millions of men, women and children in the developing countries, will depend on the decisions taken at UNCTAD III and, even

more important, on what governments do thereafter. There is no shortage of pious statements; what the world now needs is action.

Senator Greenwood—What has that to do with the clause?

Senator McAULIFFE—In a moment I will name the document from which I am quoting. The second pertinent statement—it was the Confederation's fifth statement—was:

5. It is certainly an illusion to think that restrictions on the right of working people to organise themselves in trade unions can in some way make development easier to obtain. It should be self evident that such restrictions are not a step towards a more developed society in its fullest sense, but a step back. In fact, restricting the right of working people to participate in the development of their countries is much more likely to produce negative than positive reactions. Without a free and active trade union movement, governments will find it harder, not easier, to gain the acceptance by working people of the short term sacrifices which longer term progress may require.

Earlier the Attorney-General asked the name of the document from which I am quoting. I am quoting from a document of the International Confederation of Free Trade Unions. It was a statement made to the Third United Nations Conference on Trade and Development. The Confederation is a very responsible, world wide recognised organisation. I think that it gave very sound advice to that important United Nations conference. I think that the trouble with the Government today is that it should do some homework and brush up on what is the thinking on a world wide basis with regard to trade union activities. If the Government did what I suggest it would not be architecting the restrictive legislation that it is introducing into this Parliament. I submit, for the consideration of the Attorney-General and Government senators, that Australia is out of step and out of line with its thinking on restrictive practices on trade unions. The Government should look at what is happening in other countries and should bring its thinking up to date. I was shocked to see this restrictive legislation introduced. I am not a lawyer. I am putting a layman's interpretation and evaluation upon it. That is what other people will do. Whether the legislation is retrospective or not retrospective, as claimed by the Attorney-General, he is out of step with the Minister for Labour and National Service, Mr Lynch,

who, when introducing the legislation in the other place, is recorded at page 2477 of Hansard as having had this to say—

Senator McLaren—When was that?

Senator McAULIFFE—That was on 11th May 1972.

Senator Mulvihill—Who made this statement?

Senator McAULIFFE—Mr Lynch, the Minister for Labour and National Service. He said:

I also want to make clear the Government's intention on clauses 51 and 68 of the Bill which relate to the amalgamation of organisations. Clause 68 deals with the operation of that new part in relation to an amalgamation and as to certain applications which have already been made to the Registrar. It is proposed by clause 2 of the Bill that those 2 clauses shall come into operation on such respective dates as are fixed by proclamation. I now make it known to the House that it is the Government's intention to proclaim clauses 51 and 68 as soon as this can be possibly carried out after the Bill receives royal assent. The matter will be handled with the greatest possible expedition. We have decided on this course because of the importance that we attach to the coming into operation of the new Part VIII A.

They are the sentiments and expression of opinion of the Minister in the House of Representatives, the Minister who is the architect of the Bill. Yet the Minister who is steering the Bill through the Senate told us that the clause is to act retrospectively to 26th May. That is not the thinking of the Minister in the other place. I quoted what he said, as recorded at page 2477 of the Hansard of 11th May 1972. Before I resume my seat I inform honourable senators opposite and the Government that I am shocked and disgusted at the trend that they are following in regard to the collision course that they seem to be wanting to take with the great trade union movement. I appeal to them to pause, look at the sentiments expressed by the Committee of Freedom of Association of the International Labour Organisation and to think over the statements that I have made today that were advanced to the important Third United Nations Conference on Trade and Development held at Santiago, Chile, from 13th April to 19th May. I refer to the statements made by the International Confederation of Free Trade Unions. If the Government does a little homework on that and absorbs the sentiments contained in that, it

will accept the advice of the Opposition and have another look at the amendment.

Senator MILLINER (Queensland)

(5.1)—I deplore the whole of this clause, but I want to address myself particularly to the amendment moved by the Attorney-General (Senator Greenwood). Does he realise the objects of the Conciliation and Arbitration Act? They are set out in section 2 of the parent Act. The section reads:

2. The chief objects of this Act are—

- (a) to promote goodwill in industry;
- (b) to encourage conciliation with a view to amicable agreement, thereby preventing and settling industrial disputes;

With the greatest respect, I suggest that what the Attorney-General is doing is trying to impose legislation which is contrary to the objectives of the Act. Let me refer to the amendment. Workers on the job are required to try to live in peace. This is impossible under existing circumstances. Nevertheless, all workers strive to achieve that objective. Surely there must be some understanding of the powers of the legislation under which they work. I do not want to quarrel with the Attorney-General on this point, but I think he will concede that he, as a man of law, holds a view that the amendment is not retrospective. On the other hand I think he will concede that Senator Murphy, who is at least equally skilled in law, says that it is retrospective. If these 2 men cannot agree on the wording of something, how could one possibly expect workers on the job, secretaries of trade unions or secretaries of employers organisations to agree on the interpretation of the amendment which the Attorney-General has submitted. I think the Attorney-General would agree that it would be a sheer impossibility. If legally minded people cannot reach agreement, how could one expect others who are not skilled in the law to reach that agreement?.

I do not know of anything that bugs the workers on the job more than litigation on an aspect of their livelihood. I illustrate that point by instancing one occasion I can recall on which the court was asked to decide an issue. The advocates argued for 2 days and then found that the prosecution had been laid under the wrong section of the Act. You should have heard the remarks of the trade unions in relation to

conciliation when that happened. Exactly the same thing could happen in relation to this legislation. I shall give what the workers understand as retrospective. If the court gives a decision in relation to their wages and if the court says that the wages shall operate as from 1st January 1972, the workers say that is retrospective. I agree with that. But if it says that the wage increases shall operate from 1st August 1972 the workers will regard them as prospective wage increases.

Surely the Attorney-General appreciates the attitude that people adopt towards retrospective and prospective dates. I know that the Attorney-General will get up and say that in this case a retrospective date is not involved, but I repeat that men of equal standing in law in the community say that it is. Consequently someone has to be right and someone has to be wrong. The matter will have to go for decision to another set of lawyers, barristers, solicitors, Queen's counsel and what-have-you and they will differ in their views.

Senator Cant—It will finish up in the High Court.

Senator MILLINER—It may finish up in the Privy Council. Apparently what was said in the other place by the Minister for Labour and National Service (Mr Lynch) has no bearing on the consideration of the Attorney-General, who is in charge of the passage of this legislation through this chamber. I think it is very strange indeed that the Attorney-General should introduce in this place a provision of which the Minister for Labour and National Service, who was in charge of the Bill in the other place, gave no indication whatsoever. It has been suggested that this provision is the result of a fit of pique on the part of the Attorney-General. All I can say is that he is a fairly provocative Minister and that if he continues in this manner we will have more difficulty with him.

Reference was made by Senator Cavanagh to the amalgamation proceedings that have been embarked upon by his union with the Building Workers Industrial Union. I wish to confirm what Senator Cavanagh has said. I was on the outside, shall I say, looking in. My colleagues and I in the Printing and Kindred Industries

Union have been through negotiation proceedings. I ask the Attorney-General: Has he ever found any amalgamation proceedings that were done any more effectively, honestly and in the interests of the workers than were done in those circumstances? I invite him to ask his officers about them. They would know all about them. Those amalgamations had the interests at heart of the members of the unions concerned. I am sure the Attorney-General is not conversant with the trade union movement, otherwise he would not say the things he does say. I notice that he is once again grinning in a cynical fashion.

Senator Cavanagh—Like a Cheshire cat.

Senator MILLINER—Senator Cavanagh may say that; I will not. What happened only the other day demonstrated quite forcibly that the Attorney-General is not appreciative of the work of the trade union movement and, in particular, the secretaries and organisers of unions. Senator Brown, in addressing himself to the motion for the second reading of the Bill, said to the Attorney-General: 'Apparently you have the belief that trade union secretaries sit in their offices in Trades Hall or wherever it may be and just get on the telephone and bring out all the men on a job'. The Attorney-General did not say yes to that. I wish he had said that. All he did was nod his head in agreement. I submit that there will be ample corroboration of that.

Senator Greenwood—I nodded my head? That is nonsense.

Senator MILLINER—Yes. The Attorney-General did nod his head.

Senator Jessop—He was probably getting tired of the debate.

Senator MILLINER—The honourable senator should keep out of it. He will be in enough trouble in a minute.

The CHAIRMAN (Senator Prowse) — I think the Hansard reporters would have difficulty in recording the nodding of a head.

Senator MILLINER—Of course they would. But that is what happened. I believe that in some cases amalgamation is in the interests of an industry. For instance, 19 unions operate within the

Railway Department in Queensland and of course, there are always demarcation disputes. The Australian Federated Union of Locomotive Enginemen, which is not the major union, decided on Sunday that at a meeting of its members and that it would embark on a 24-hour stoppage as from midnight on Sunday. As a result the whole Railway Department was thrown into confusion. Of course, the public was also inconvenienced. I believe that if all the unions within the Railway Department had amalgamated there would have been far greater consideration of the problem in dispute. The Attorney-General will not accept these things, but they are factual and they happen every day. I submit to the Attorney-General that until such time as he does accept the facts he is going to have problems.

I am not going to appeal to the Attorney-General to withdraw that part of the legislation which concerns amalgamations. In my humble opinion it is extremely bad legislation, but the trade union movement will deal with that in its own way at the appropriate time. But I do appeal to the Attorney-General to withdraw this amendment because if he does not it will cause confusion. The amendment will be the basis of litigation in years to come. Like Senator Cavanagh, I believe it will injure those people who have genuinely gone about seeking amalgamation. I spoke the other day about a State union in Queensland which has no federation whatsoever and which is seeking to affiliate with its parent union, the Australasian Meat Industry Employees Union. Those negotiations are going on at the present time. Please do not interfere with them. If the Attorney-General interferes with them he will interfere with the livelihood of about 1,500 workers who cannot sustain their union under the present circumstances.

Senator GREENWOOD (Victoria — Attorney-General) (5.12) — I do not know whether it is the intention of anyone else to speak, but we have spent over 2 hours debating this clause and I do not think that the last few speakers have added anything new to the debate. In those circumstances, unless it is the wish of the Committee to put the matter to a vote now, I think I should move that the question be put. I move:

That the question be put.

Question put:

That the Question be now put.

The Committee divided.

(The Chairman—Senator E. W. Prowse)

Ayes	29
Noes	23
Majority	6

AYES

Bonner, N. T.	Lawrie, A. G. E.
Buttfield, Dame Nancy	Lilllico, A. E. D.
Byrne, C. B.	Little, J. A.
Carrick, J. L.	McManus, F. P.
Cormack, Sir Magnus	Maunsell, C. R.
Cotton, R. C.	Prowse, E. W.
Davidson, G. S.	Rae, P. E.
Drake-Brockman, T. C.	Sim, J. P.
Durack, P. D.	Townley, M.
Gair, V. C.	Webster, J. J.
Greenwood, I. J.	Withers, R. G.
Guilfoyle, M. G. C.	Wood, I. A. C.
Hannan, G. C.	Wright, R. C.
Jessop, D. S.	Teller:
Kane, J. T.	Young, H. W.

NOES

Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Cavanagh, J. L.	Poke, A. G.
Devitt, D. M.	Poyer, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheelton, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller:
McClelland, James	O'Byrne, J.

PAIRS

Laucke, C. L.	Fitzgerald, J. F.
Marriott, J. E.	Gietzelt, A. T.
Anderson, Sir Kenneth	Willessee, D. R.

Question so resolved in the affirmative.

Question put:

That the words proposed to be left out (Senator Greenwood's amendment) be left out.

The Committee divided.

(The Chairman—Senator E. W. Prowse)

Ayes	29
Noes	23
Majority	6

AYES

Bonner, N. T.	Lawrie, A. G. E.
Buttfield, Dame Nancy	Lilllico, A. E. D.
Byrne, C. B.	Little, J. A.
Carrick, J. L.	McManus, F. P.
Cormack, Sir Magnus	Maunsell, C. R.
Cotton, R. C.	Prowse, E. W.
Davidson, G. S.	Rae, P. E.
Drake-Brockman, T. C.	Sim, J. P.
Durack, P. D.	Townley, M.
Gair, V. C.	Webster, J. J.
Greenwood, I. J.	Withers, R. G.
Guilfoyle, M. G. C.	Wood, I. A. C.
Hannan, G. C.	Wright, R. C.
Jessop, D. S.	Teller:
Kane, J. T.	Young, H. W.

NOES

Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Cavanagh, J. L.	Poke, A. G.
Devitt, D. M.	Poyer, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheelton, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller:
McClelland, James	O'Byrne, J.

PAIRS

Laucke, C. L.	Fitzgerald, J. F.
Marriott, J. E.	Gietzelt, A. T.
Anderson, Sir Kenneth	Willessee, D. R.

Question so resolved in the affirmative.

Question put:

That the words proposed to be inserted (Senator Greenwood's amendment) be inserted.

The Committee divided.

(The Chairman—Senator E. W. Prowse)

Ayes	30
Noes	23
—			
Majority	7
—			

AYES

Bonner, N. T.	Lillico, A. E. D.
Butfield, Dame Nancy	Little, J. A.
Byrne, C. B.	McManus, F. P.
Carrick, J. L.	Maunsell, C. R.
Cormack, Sir Magnus	Negus, S. A.
Cotton, R. C.	Prowse, E. W.
Davidson, G. S.	Rae, P. E.
Drake-Brockman, T. C.	Sim, J. P.
Durack, P. D.	Townley, M.
Gair, V. C.	Webster, J. J.
Greenwood, I. J.	Withers, R. G.
Guilfoyle, M. G. C.	Wood, I. A. C.
Hannan, G. C.	Wright, R. C.
Jessop, D. S.	
Kane, J. T.	
Lawrie, A. G. E.	Teller: Young, H. W.

NOES

Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Cavanagh, J. L.	Poke, A. G.
Devitt, D. M.	Poyer, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheelton, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller:
McClelland, James	O'Byrne, J.

PAIRS

Laucke, C. L.	Fitzgerald, J. F.
Marriott, J. E.	Gietzelt, A. T.
Anderson, Sir Kenneth	Willessee, D. R.

Question so resolved in the affirmative.

Senator Bishop—Mr Chairman, I wish to ask you a question which you may direct to the Minister. It arises from the vote which has just been taken by which the date of operations in respect of amalgamations as proposed by the Minister has been agreed to. Does this mean that the arrangements which have been entered into by the Federated Ironworkers Association of Australia and the Federated Artificial Fertilisers

and Chemical Workers Union have now been aborted and that those unions must start anew?

The CHAIRMAN—Order! This is not a question that the Chairman should answer. I think it is within the province of the Minister.

Question put:

That Clause 2—as amended—be agreed to.
The Committee divided.

(The Chairman—Senator Prowse)

Ayes	30
Noes	23
—			
Majority	7
—			

AYES

Bonner, N. T.	Lillico, A. E. D.
Butfield, Dame Nancy	Little, J. A.
Byrne, C. B.	McManus, F. P.
Carrick, J. L.	Maunsell, C. R.
Cormack, Sir Magnus	Negus, S. A.
Cotton, R. C.	Prowse, E. W.
Davidson, G. S.	Rae, P. E.
Drake-Brockman, T. C.	Sim, J. P.
Durack, P. D.	Townley, M.
Gair, V. C.	Webster, J. J.
Greenwood, I. J.	Withers, R. G.
Guilfoyle, M. G. C.	Wood, I. A. C.
Hannan, G. C.	Wright, R. C.
Jessop, D. S.	
Kane, J. T.	
Lawrie, A. G. E.	Teller: Young, H. W.

NOES

Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Cavanagh, J. L.	Poke, A. G.
Devitt, D. M.	Poyer, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheelton, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller: O'Byrne, J.

PAIRS

Laucke, C. L.	Fitzgerald, J. F.
Marriott, J. E.	Gietzelt, A. T.
Anderson, Sir Kenneth	Willessee, D. R.

Question so resolved in the affirmative.
Clause 13.

Senator Bishop—Mr Chairman, I ask you whether the carrying of clause 2 as amended by the Government with the support of Government senators and members of the Australian Democratic Labor Party means in effect—

Senator Poke—And the independents.

Senator Bishop—Yes—

The CHAIRMAN—Order! Your request is not in order, senator.

Senator Bishop—Isn't it? I suggest that you might ask the Minister whether he cares to answer it. Is it a fact—

Senator Little—Oh!

Senator Bishop—What are you rushing in for? Is it a secret? Will it not be on the record here? The DLP has supported the Government—

The CHAIRMAN—Order! Will you resume your seat, please, senator? Clause 13 is before the Senate. I call Senator Bishop.

Senator BISHOP (South Australia) (5.34)—Mr Chairman, before I discuss clause 13 I ask you whether the Minister intends to answer the question that I put to you in respect of the procedures affecting the Federated Ironworkers Association amalgamation—

The CHAIRMAN—Order! That question is not relevant to clause 13.

Senator BISHOP—I now deal with the matters dealt with under clause 13. However, I say that when the Minister is given the opportunity of clarifying a position and does not take that opportunity it is obvious to the Labor Party that the Democratic Labor Party has taken an action which is against the interests of the Federated Ironworkers' Association of Australia. That is all I have to say on that matter.

For the convenience of the Committee, may I suggest that a certain procedure be followed in relation to clause 13? Mr Chairman, it may be noted that in the other place this same procedure was adopted: The proposed sections contained in clause 13 were separated into 2 groups because related matters can be conveniently divided into these 2 groups. I suggest that it might be convenient if the Committee were allowed to discuss proposed sections 18 to 31 in one group. I think it would be convenient if honourable senators were able to relate their arguments to those proposed sections because they are related. The Opposition intends to divide the Committee in respect of this group. After the vote has been taken on proposed sections 28 to 31 we can then deal with the remaining proposed sections 32 to 35, in relation to which the Opposition also will divide the Committee. The Opposition is opposed to both these groups of sections.

Senator Greenwood—If you are to have 2 divisions, why not deal with them as one group?

Senator BISHOP—I suggest that clause 13 be divided into 2 groups because it deals with 2 different matters. It ought to be possible to divide clause 13 into these 2 groups. It was done in the other place and there was no complaint from the Government. The only suggestion I make is that it might be convenient to take proposed sections 18 to 27 of the first group first of all so that we could save time. But we wish to have a general discussion on proposed sections 18 to 31 and it will be necessary for the Committee to divide in respect of proposed sections 28 to 31.

The CHAIRMAN (Senator Prowse)—Is it the will of the Committee that proposed sections 18 to 31 be taken together and proposed sections 32 to 35 be taken together? There being no objection, that course will be followed.

Proposed new sections 18 to 31.

Senator BISHOP—May I commence my comments in respect of these proposed sections by stating that I and other members of the Australian Labor Party consider these to be the vital sections of the Act. Consequently, there will be some debate in relation to them. Clause 13 provides the basic structure for the new restrictions which it is proposed to place on the Conciliation and Arbitration Act. It separates the functions of conciliation and arbitration, and the new structure will consist of so-called new task forces which will mean that there will be fewer flexible attitudes and fewer conciliation processes than in the existing Act. This legislation turns the clock back. It stops a trend, commenced some years ago, of mutual recognition of the failure of king hit sanctions. The words 'task force' as used by the Minister are not inappropriate because the new task force panels will operate under more circumscribed conditions to separate the functions of conciliation and arbitration; to provide a more restrictive procedure in relation to operations and inquiries and the extension of matters to be determined by the Full Bench. They will provide a tight control over agreements and awards, remove from an area of argument wages policies and institute a system by which wages can be frozen.

Proposed section 20, which relates to a disputes procedure designed to regulate relationships, becomes a device by which to apply penalties. At first glance one would say that the disputes procedure provision—something which the union movement discussed with the employers and with the Government over many years—would be a good thing. These discussions did take place. In 1969 and 1970 the trade unions, through the National Labour Advisory Council, discussed this matter with the Government and with the employers, and a procedure was developed from these discussions. The Government is putting this new procedure into the legislation, and a breach of the procedure becomes a matter for the application of section 119 of the Act. In a moment I shall read the procedure that was proposed in the first instance. I personally am aware of voluntary agreements having been made by employers with employees and the unions in relation to disputes procedure. These procedures now appear in many agreements and there are no penalties or sanctions involved in them. At the conclusion of a meeting of the National Labour Advisory Council held on 21st April 1971, the Minister for Labour and National Service (Mr Lynch) issued this statement:

The employer and ACTU members of NLAC agreed:

1. That representative tripartite discussion concerning the operation of the Commonwealth Conciliation and Arbitration Act should begin as soon as possible and should embrace the question of sanctions, including the ACTU suggestion of the desirability of investigating the adoption of a system of voluntary agreements to regulate the relations between employers and unions outside the legislation, including, if desired by the parties, provisions for their enforcement.

That is the critical part of the Minister's statement. These procedures were designed first of all as arrangements fully entered into between the employers and the unions. A great number of these arrangements are now incorporated in agreements which have been certified by the Commission. Many other arrangements have been entered into outside the Commission. They were entered into voluntarily. The provisions being sought to be put into the Act will mean that these arrangements can be enforced in the event that they are breached. To talk about improving the

conciliation processes of the Act by inserting these procedures in this way is, I suggest, quite wrong.

I turn now to the provision which relates to the new task force panels. The new panels in fact will mean the implementation of a very rigid system of arbitration. It will not be as flexible as it is under the present legislation. For example, proposed section 23 (3.) reads:

It is the duty of the Presidential Member who is a member of a panel under this section to organise and allocate the work of the members of the panel in respect of the industry or industries allocated to the panel, and the other members of the panel shall comply with directions given by the Presidential Member in the performance of that duty.

So instead of providing for a more effective system of arbitration, the panel provision splits the activities of the Commission into 2 rigid sections of arbitration and conciliation, but the proposed new section provides for this tight control where the ordinary member shall comply with the instructions of the presidential member in relation to proposed section 25. Proposed section 25 reads:

(1.) As soon as an organisation or an employer becomes aware of the existence of an industrial dispute affecting the organisation or its members or affecting the employer, as the case may be, the organisation or employer shall forthwith notify the relevant Presidential Member, or the Registrar, accordingly.

The legislation has been redrafted and it seems to me to be more restrictive. Proposed section 28 (2.), which relates to the obligations of the Conciliation Commissioner, reads:

A Conciliation Commissioner shall refuse to certify a memorandum or make an award or order in accordance with this section if he is of the opinion that—

- (a) the terms are not in settlement of an industrial dispute;
- (b) any of the terms is a term that the Commission does not have power to include in an award; or
- (c) it is not in the public interest that he should certify the memorandum or make the award or order.

The terminology of paragraph (b) has been changed. In addition it will be seen that the Commission is now bound to take note of the public interest. Reference to this matter occurs in a later part of the Bill and more will be said about it. Proposed section 30, which provides for reference of

disputes to arbitration, states that the conciliation commissioner shall report to the relevant presidential member as to the dispute and the unsettled matters. Here we become involved in a legal situation. It is said that there shall not be disclosed anything said or done in the conciliation process concerning matters in dispute which have remained unsettled. There we see the framework being established bit by bit on purely legal lines. The proposed section restricts whatever ability a commissioner has to settle a dispute by conciliation. It establishes a restrictive channel. It is bad and is a backward step. It is directly the reverse of what has been the custom and the trend over many years and should not be passed.

The extension of matters which have to go before a full bench of the Commission is also of great concern to the Opposition and to the trade unions. Proposed section 31 reads as follows:

(1.) The power of the Commission to make an award, or to certify, under section twenty-eight of this Act, an agreement—

- (a) making provision for, or altering, the standard hours of work in an industry;
- (b) making provision for, or altering, rates of wages, or the manner in which rates of wages are to be ascertained, on grounds predominantly related to the national economy and without examination of any circumstance pertaining to the work upon which, or the industry in which, persons are employed;
- (c) making provision for, or altering, a minimum wage that is to be payable to adult males without regard to the work performed or to the industry in which they are employed;
- (d) altering rates of wages for females on grounds pertaining to the relationship between rates of wages for females and rates of wages for males, except where the alteration is in accordance with principles determined by a Full Bench; or
- (e) making provision for or in relation to, or altering a provision for or in relation to, annual leave with pay or long service leave with pay,

is exercisable by a Full Bench . . .

This is the proposed section which imposes on the Conciliation and Arbitration Commission, as it will be constituted, the obligation to consider 'grounds predominantly related to the national economy and without examination of any circumstance pertaining to the work upon which, or the industry in which, persons are employed'. It becomes an extra responsibility placed

on the Commission to deal with a question for which, in the main, it is not fitted. After all, it is the Commission's responsibility at the present time to be acquainted with the Government's views. The Government is the specialist. It sets the tone and the terms of the economy. It decides whether there is to be inflation or no inflation, unemployment or full employment. Obviously, the Government ought to have the responsibility of appearing before the Commission and putting its view in regard to any effect a decision might have on the national economy and negating whatever the unions or the employers may say in respect of this. Of course, the aim of this proposed section is to bind and hogtie the Commission to strict criteria, which the union movement will have to face, in order to make sure that the Government's policies on wages are kept intact. It is a backward step. The alteration of these matters and the extension of matters that go before a full bench are backward steps.

The CHAIRMAN—Order! The honourable senator's time has expired.

Senator DEVITT (Tasmania) (5.48)—I intervene at this stage to permit Senator Bishop to continue his remarks.

Senator BISHOP (South Australia) (5.49)—I will not take too much longer because I know that this is a long debate. I also wish to refer to proposed section 31 (1.) (e) which relates to agreements that make provision for or alter a provision for annual leave or long service leave. One of the first bases for long service leave was promoted by the Chamber of Manufactures, organised employers generally and the trade union movement and later was incorporated in legislation. One of the best exercises in industrial relations took place during those years when I happened to be secretary of the Trades and Labour Council in South Australia. By agreement, the employers and the unions effected a basic form of long service leave which has now become almost universal. It was an example of the relationships which can be formed between the workers and the bosses.

These sorts of matters ought to be able to run along normally. That is the sort of position which ought to obtain—not the

restrictions which this Government now seeks to impose. I can see no reason for the extensions of responsibility, other than the position which we outlined in our speeches in the second reading debate. The Government is setting up what almost amounts to a pentagon of task forces. The Minister says that with these task forces the Commission will work more efficiently. All that will happen is that bit by bit the activities of the trade union movement will become more circumscribed and its liberties will be reduced. Of course, the effect will be that the ability of the Commission to make awards which are in conformity with the objectives of the Conciliation and Arbitration Act will become less and less.

Senator JAMES McCLELLAND (New South Wales) (5.51)—There is a simple and fundamental criticism to be made of these proposed sections which the Government seeks to insert into the Conciliation and Arbitration Act. It is that they will not work as well as the sections which they are to replace. Under the old scheme for the settlement of disputes, the President of the Conciliation and Arbitration Commission would assign a commissioner to a particular industry or group of industries. The commissioner would have responsibility for disputes occurring within that industry from beginning to end. Throughout the history of this Act there have been some very fine and dedicated commissioners who have achieved a mastery over the detail of the industries to which they were allocated and who have served the community well both as conciliators and as arbitrators. But, for some reason that is best known to the Government, it has now been decided that there shall be a sharp dichotomy between the role of conciliator and that of arbitrator. I do not know what experience this is based upon. It is difficult for me to unravel the philosophy behind this change. The roles of conciliator and arbitrator should not be separate. In my submission the separation certainly will not improve the operation of the Act.

The amendments state that in the first instance a dispute will go before a conciliator. The conciliation commissioner, as he is called—this is the new title which is created in these amendments—will attempt as best he can in conferences with the parties to settle the matter. Then at a given

stage when he has failed to do that he will bow out of the proceedings altogether. In our view, this is a completely artificial and unreal approach to the settlement of industrial disputes and could be conceived only by men who have had no experience of the way in which industrial life proceeds. So long as the conciliator is conducting his task, there is always a hope that conciliation will achieve a result—even after the parties have proceeded to arbitration.

That is the case under the present dispensation under which a commissioner has been assigned to a particular industry. Firstly, he tries to settle the dispute without arbitrating. Then, when that has failed the same man proceeds with the knowledge he has acquired of the dispute, with the knowledge he as an experienced man has picked up of the attitudes of the contending parties and with the knowledge he must have of the possibility that there can still be a settlement even after arbitration has commenced. But now this is dispensed with, and we have set up in its place a procedure of parley, failure and then war. The parties have to go to arbitration at a given point and they go before a different man. The most absurd provision in this whole section, as I see it, is that which is contained in proposed section 30(1.). It states:

When conciliation proceedings before a Conciliation Commissioner in respect of an industrial dispute have been completed, the Conciliation Commissioner shall report to the relevant Presidential Member as to the matters in dispute and the parties and the extent, if any, to which the dispute has been settled, but shall not disclose anything said or done in the conciliation proceedings concerning matters in dispute that remain unsettled.

The mind boggles at the unreality of this approach to the problem of settling industrial disputes. The conciliation process may have been proceeding for several days, the whole gamut of the differences between the parties may have been traversed, and the parties may have been even on the brink of settlement when suddenly the discussions break down on some little point. Then all that effort and all the time that the union officials, employees and a skilled conciliator have devoted is wasted and the whole process has to start all over again. It certainly is very difficult to see how this is

going to speed up the process of conciliation and arbitration. The only effect it can have is to make the settlement of disputes more difficult and to lengthen proceedings.

As I said, as we search around for a reason to explain the absurdity of this change, it is very difficult to resist the conclusion that the real aim of this clause of the Bill is to stop employers and employees from reaching agreement and to try to bring everything in industrial relations under the aegis of arbitration. If we look at all the new clauses we are reinforced in this view. More and more the tendency of the Act, as amended by this Bill, will be to put the accent on arbitration and also, of course, to throw as many of the large matters as possible into the hands of a full bench and to take as much as possible away from the commissioners. For example, under proposed new section 31 the number of matters which will be reserved for the consideration of a full bench is greatly widened. This covers a far wider field than the existing section 33 and obviously closes off a vast field for consent awards.

Another objectionable detail of this clause of the Bill is proposed new section 23. Perhaps the Attorney-General will give us some guidance on what is intended by the words to which I am about to refer. After detailing the new scheme under which the President may assign an industry or a group of industries to a panel of members, the so-called task force, proposed new sub-section 23 (3.) states:

It is the duty of the Presidential Member who is a member of a panel under this section to organise and allocate the work of the members of the panel in respect of the industry or industries allocated to the panel, and the other members of the panel shall comply with directions given by the Presidential Member in the performance of that duty.

We would like some guidance on the precise intention of those words. Do they mean, in effect, that all independence—

Senator Greenwood—Those words are taken from section 27 (2.) of the existing Act.

Senator JAMES McCLELLAND—Yes, but this refers to a different set of circumstances. Do these words mean that these commissioners are to be deprived of any independence and that in the new spirit of the Act, with the full court laying down

guidelines in a wider and still wider field of activities, these commissioners are to become merely the tools of the presidential members and in effect are to be given their riding instructions in every matter allocated to them? It seems to us that this fits in with the general scheme of this Bill which is to take as many measures as possible to impose a strait jacket on industrial relations in the interests, we suggest, of imposing a wage freeze on the unions. Proposed new section 28 will empower a conciliation commissioner to refuse to certify agreements or consent awards if they are not 'in the public interest'. We suggest that the words 'in the public interest' are altogether too vague and confer altogether too wide a discretion on the commissioners.

Sitting suspended from 6 to 8 p.m.

Senator JAMES McCLELLAND—Before the suspension of the sitting I was referring to the unreality and the sharp division created by these amendments between the roles of conciliation and arbitration which I suggested were designed to increase the emphasis on the role of the arbitrator and to diminish the role of the conciliator in these proceedings. This is further illustrated by the proposed amendment to section 31 which tightens up the role of the conciliation commissioner in relation to the certifying of agreements which may be reached between parties. Section 31 which is to be replaced by proposed new section 28 states:

(3.) The Commissioner may refuse to certify a memorandum. . . .

But proposed new section 28 states:

(2.) A Conciliation Commissioner shall refuse to certify a memorandum or make an award or order

under certain circumstances which are then set out. They include the purely subjective decision of the Conciliation Commissioner that the certification of such a memorandum is not in the public interest. Once again we see here, as in the other proposed new sections with which we are dealing, that there is a tendency to tighten the role of the commissioners and to diminish their discretion. I submit that this is in line with the general aim of the Government in amending this section of the Act which is to increase the role of the

Commission in arbitration and to diminish the possibility of settling disputes by discussion between the parties. Finally, I reiterate what I said earlier, and that is that it is quite beyond my comprehension how the Government could conceive that by this sharp division between the role of the conciliation commissioner and the arbitration commissioner the settlement of disputes either will be aided or speeded up. This must lengthen the process of the settlement of disputes and it must make the settlement more difficult. That can hardly be said to be a contribution to industrial stability.

Senator CARRICK (New South Wales) (8.3)—The part of this clause with which we are dealing has, in fact, 3 main elements: The separation of conciliation and arbitration, the provision of a task force and the writing in of the provision that the commissioner shall take account of the public interest. The Opposition has laid some stress upon the fact that it is wrong to separate conciliation and arbitration. In point of fact, if one peruses Hansard and, indeed, the Press over the years one will find that there have been many occasions on which trade union leaders and members of the Australian Labor Party have urged that precisely that should be done. Over the years there has been a strong argument that conciliation and arbitration are 2 precisely different processes in the industrial field; that conciliation, by its very nature, is the reaching of an award or an agreement by mutual consent. I think that that would not be disputed.

Senator Cavanagh—Give us the reference.

Senator CARRICK—Yes. I would be happy to. I do not think that anyone denies the definition which I have just given that conciliation, by its nature, is a means of achieving a consent award. That is the purpose in the old Act. In the Bill the proposed new sections exist for that purpose. Arbitration is the intervention of an arbiter, an arbitrator or an intervener to make a decision when mutual consent cannot be achieved. The 2 positions are antipathetic. One is the idea of achieving consent and the other is of achieving a result by an arbitral decision. It has been argued frequently over the years that the person who is the conciliator, the conciliation

commissioner, should not be the person who sits in judgment later upon his failure to conciliate. The 2 of these together are antipathetic. People have said that it is wrong that such matters should go back to Caesar in an appeal against Caesar.

Senator Cavanagh—Who said that?

The TEMPORARY CHAIRMAN (Senator Wood)—Order! The honourable senator should be allowed to proceed.

Senator CARRICK—If honourable senators opposite would read many statements by one man——

Senator Cavanagh—Give us the name of one man.

Senator CARRICK—I shall give honourable senators opposite the chapter and reference.

Senator Poyser—Put up or shut up.

Senator CARRICK—I shall put up. I commend the honourable senator to read the many utterances of Mr Percy Clarey when he was president of the Australian Council of Trade Unions. That is putting up. Now, will Senator Poyser complete the remainder of the contract? I ask him to read Mr Percy Clarey. He repeatedly said that it was utterly wrong to ally the two. I ask honourable senators whether I am wrong in quoting him as an authority? The second element of this proposed new section is the establishment of a task force.

The TEMPORARY CHAIRMAN—Order! I draw to the attention of the Senate to the fact that when Opposition senators have been speaking throughout the day they have not been interrupted. Both sides must have an attentive hearing in this chamber. If that does not happen action will be taken.

Senator CARRICK—I was referring to the new and, I believe, very progressive provision in the proposed new section to set up a task force consisting of at least one presidential member, an arbitration commissioner and at least one conciliation commissioner. The aim is that the task force should develop special skills and knowledge of industries. Contrary to the argument put by the Opposition, this provision is designed so that the task force should be able to intervene speedily and effectively and with expert knowledge in various industries. It should be able to

intervene speedily at the level of conciliation and this would strengthen the grounds for conciliation. I commend this proposed new section.

Proposed new section 28 deals with the necessity for the conciliation commissioner to look to the public interest. This is really an extension of the whole philosophy of the arbitration system, ever since the days of its emergence from the Higgins award. It was a logical consequence that the Commonwealth Industrial Court and the Conciliation and Arbitration Commission should represent the public interest. Indeed, that is the concept of the Court and the Commission. Time and again as the Commission strove to find its philosophy it said that decisions should be made which were in the public interest. For example, the concept of the capacity of the economy or industry to pay was a concept of the public interest. I did not intend to speak at length. I commend this proposed new section of the Bill to honourable senators.

Senator CAVANAGH (South Australia) (8.10)—I rise to speak on this clause because it is possibly the most important clause of the Bill in that it changes the whole arbitration field. Before going into details, I hope that in respect of this clause we are not treated in the same way as we were during the debate on the last clause. It is a long time since a Minister simply ignored the points raised during a debate and moved that the question be put. The motion for the gagging of a debate is moved only during debate on Conciliation and Arbitration Bills. The motions are supported by the Australian Democratic Labor Party only on such Bills. The last time it was done was during the debate on the previous Conciliation and Arbitration Bill. The Attorney-General (Senator Greenwood) rose—we thought to reply to the matters raised—and said that so many honourable senators had spoken and that the later speakers had repeated what the earlier speakers had said. However, the Attorney-General never replied to any of the matters that had been raised. I thought I had raised some points that necessitated a reply.

We learnt during the suspension of the sitting for dinner that there is complete agreement between the Democratic Labor Party and the Government to insert an

escape clause permitting the amalgamation of the ironworkers union with the chemical workers union. I thought I had put up a very good case for the plasterers society but there is no intention to insert an escape clause for that society which is on the verge of amalgamation at the present time. There was no reply to that point. Here we see the alignment of the 2 forces who are facing an election which will be fought on a platform set against the activities of the trade unions. The Democratic Labor Party has lined up with the Government to fight for this policy as an anti-union force provided that the Ironworkers Union is protected, and the Government has agreed to give that protection.

I move now to clause 13 which, as Senator Carrick said, separates conciliation from arbitration. Senator Carrick's experience in the trade union movement would be very meagre and he has got away with a lot in this Senate by saying: 'Everyone has said it' or 'a lot have said it'. When he was tacked down as to who said it and asked for a reference as to where it was said he repeated something which the honourable member for Moreton (Mr Killen) had said in the other House about Percy Clarey. I do not know whether Senator Carrick idolises the honourable member for Moreton. I entered the Australian Council of Trade Unions at the time Percy Clarey was President of the ACTU. He was one of the greatest believers in conciliation in Australia and he may have influenced amendments to the Conciliation and Arbitration Act from time to time. This Act deals with conciliation first and then arbitration and the Opposition's criticism of clause 13 is that it reverses that order, that essentially now it is arbitration first. If 2 parties can agree to a settlement there is more possibility of the settlement achieving results and amicable relations than there is if it is forced on to the parties by arbitration.

Let us look at the various proposed new sections. Proposed new section 20 states:

In dealing with an industrial dispute, the Commission shall, where it appears practicable and appropriate to do so—

I do not know when it is practicable and appropriate to do so—

. . . encourage the parties to agree on procedures for preventing or settling, by discussion and agreement, further disputes between the parties or any of them as to industrial matters, with a view

to the agreed procedures being included in an award or in a memorandum of agreement having effect as an award.

The nearest I can get to this in the Act is in section 23. Honourable senators will see the distinction. Section 23 of the Act, which it would appear is to be replaced by proposed new section 20, states:

The Commission is empowered to prevent or settle industrial disputes, by conciliation or arbitration, in accordance with this Act.

The whole purpose of the Commission, as set out in section 23 which we are repealing, is to prevent or settle industrial disputes. Now the Attorney-General is seeking to insert a new section providing for the prevention of future industrial disputes. Section 23 (2.) of the Act states:

The Commission shall make all such suggestions and do all such things as appear to it to be right and proper—

- (a) for effecting a reconciliation between the parties to industrial disputes;
- (b) for preventing and settling industrial disputes by amicable agreement; and
- (c) for preventing and settling, by conciliation or arbitration, industrial disputes not prevented or settled by amicable agreement.

The whole emphasis in section 23 of the Act is on the settlement of industrial disputes by conciliation. Only after the failure of conciliation does arbitration come into it. Proposed new section 20 emphasises future industrial disputes. Proposed new section 22 (1.) states:

Except as otherwise provided by this Act—

- (a) the powers of the Commission with respect to conciliation shall be exercised by Conciliation Commissioners; and
- (b) the powers of the Commission with respect to arbitration shall be exercised by Presidential Members and Arbitration Commissioners.

There we see that presidential members and arbitration commissioners have a responsibility to arbitrate. Nowhere in the proposed new sections is conciliation put before arbitration. Under proposed new section 23 the President may assign an industry or a group of industries to a panel of members. They have to be in touch with this industry. This operates today in respect of various commissioners. Sub-section (3.) of proposed new section 23 states:

It is the duty of the Presidential Member who is a member of a panel under this section to organise and allocate the work of the members of the panel . . .

The President of the Commission allocates the work to the panel which comes under his jurisdiction. But how does this affect the organising of work? We hope that the Attorney-General will reply to this question. What is intended? Not only does the presidential member allocate the panel to the particular job but he organises its activities. We can link that provision with proposed new section 30 which states:

Where conciliation proceedings before a Conciliation Commissioner in respect of an industrial dispute have been completed, the Conciliation Commission shall report to the relevant Presidential Member—

It refers to 'Presidential Member', the arbitration member—

. . . as to the matters in dispute and the parties and the extent, if any, to which the dispute has been settled, but shall not disclose anything said or done in the conciliation proceedings concerning matters in dispute that remain unsettled.

Senator James McClelland has remarked on this inability to report any matter. To my mind the most pertinent point, which he has not mentioned, is that in arbitration the possibility, where there is doubt, of the employer or the employee conceding something could well depend on what happened in the conciliation tribunal—how far one party was prepared to go for the purpose of settling a dispute. We should remember the old saying about someone bending over backwards to get a dispute settled. That the opposing party was adamant should be a consideration in arbitration. The knowledge that a person was keenly interested in a settlement of a dispute rather than in a justification of his grievance is not available to the arbitrator. He is prohibited by law from hearing it. That is quite contrary to the present position.

One could expect a proposed section stating that he should not be prejudiced by any knowledge of anything that happened previously. At a conference one could speak out freely and without fear of it being used in arbitration. It has not applied previously. It has not caused concern to the parties on any occasion. I do not think that the trade union movement has said anything at a private conference that it would not allow to be repeated in the arbitration procedure. The arbitrator who decides the matter lacks all knowledge

of what has gone on previously in conciliation. He is prevented by law from having that knowledge. There is a hard rule of law about control by ethics and good judgment. The substantial merits of the case go. Proposed section 30 (2.) states:

If the report shows that the industrial dispute has not been wholly settled, the Commission shall proceed to deal with the dispute, or the matters remaining in dispute, by arbitration.

The commissioner is not assisted in his arbitration by what went on in the conciliation. Proposed sub-section (4.) states:

In arbitration proceedings under this Act, unless the parties otherwise agree, evidence shall not be given, or statements made, concerning anything relating to the matters remaining in dispute that was said or done in proceedings before a Conciliation Commissioner, or at a conference (whether compulsory or not) arranged by a Conciliation Commissioner.

The man sitting in arbitration does not have knowledge of what the parties may have been prepared to concede, how far they may have been prepared to go or the strenuous efforts of one party to reach settlement of the dispute. That knowledge is not available to the individual who must decide on, I suppose, further evidence presented on the particular case. That is how the proposed section differs so much from the existing Act that the Government is seeking to amend and that is why, I think, in the words of Senator James McClelland, the settlement of disputes by conciliation under the new Act will be made so much more difficult. Proposed section 25 (4.) states:

Where an industrial dispute has been notified in accordance with this section or the relevant Presidential Member otherwise becomes aware of the existence of an industrial dispute, the relevant Presidential Member shall, unless he is satisfied that it would not assist the prevention or settlement of the dispute so to do, refer the dispute to a Conciliation Commissioner.

If he is satisfied that it will not assist in the settlement of the dispute he does not refer it to a conciliation commissioner, which means that all disputes that occur are not of necessity referred to a conciliation commissioner. Proposed sub-section (5.) states:

If the Presidential Member does not refer the industrial dispute to a Conciliation Commissioner, the Commissioner shall endeavour to prevent or settle the dispute by arbitration.

The TEMPORARY CHAIRMAN
(Senator Wood)—Order! The honourable senator's time has expired.

Senator BISHOP (South Australia) (8.25)—I rise to allow Senator Cavanagh to continue.

Senator CAVANAGH (South Australia) (8.25)—I thank the Committee, particularly Senator Bishop. I think the debate on this clause, which is the biggest clause in the Bill, is such an important debate that the limitation of time imposed by Standing Orders should not apply. This is the whole crux of the argument. A dispute arises. It has to be reported to the presidential member. Whether it goes to conciliation depends upon him. I think he has a statutory liability to refer it if he thinks that by referring it, it will settle the dispute. How does he know whether referring it will settle the dispute? He makes the first decision on the matter. He could well say that it will not go to a commissioner and that it will be dealt with by arbitration. That involves the same procedure as the procedure involved in making an application for variation of the award. There is no further advantage. There is no settlement. There are the hard facts presented in support of the whole case.

When disputes occur—we see them occurring frequently—the presidential member decides whether he will give consideration to a conference of the parties or whether he will deal with it by the parties bringing evidence before him. This transposes the whole question of conciliation to the need for arbitration. The demand for arbitration is the essential thing in this Act. Therefore conciliation can be eliminated because in a later proposed section, if an agreement is ratified by conciliation, persons not interested can appeal against that.

Proposed section 27 deals with the calling of witnesses before a tribunal or a conference that is to be held. I believe that proposed section is in much the same terms as the present section in the Act. Therefore, I do not oppose it greatly. The penalty for non-attendance when summoned to attend has been increased to \$1,000. I point out that the honourable member for Moreton (Mr Killen), who is not the greatest communist in the other place, has spelt out an injustice in his

mind. He said that the proposed section should include a proviso that it shall be a defence against any action for breach of section 27 if it can be shown that the non-attendance was because of a reasonable cause. That might not be his exact wording. The Minister for Labour and National Service (Mr Lynch) thought there was some merit in the suggestion. He said he would discuss with his advisers whether he would be prepared to include it. I think the Minister during the debate in the other place did not reply to that request. I think we could ask for a reply on this occasion because it does not seem right that a man should be guilty of an offence if he does not attend if there may be a reasonable cause why he could not attend.

Senator Georges—The honourable senator will not get an answer.

Senator CAVANAGH—I think I will get an answer from Senator Greenwood because when he was a member of the Regulations and Ordinances Committee he was always very keen that if at all possible there should not be a penalty. His past attitude to life or to democratic principles is somewhat strange when compared with his present attitude. I hope that the Attorney-General still has enough decency and humanity in him to say that it would be unfair to penalise a person \$1,000 for something beyond his control. In view of the fact that we have had an assurance from the Minister that this matter will be considered, I think now is the time to give it consideration. I turn now to proposed new section 28 (2.), which reads:

A Conciliation Commissioner shall refuse to certify a memorandum or make an award or order in accordance with this section if he is of the opinion that—

- (a) the terms are not in settlement of an industrial dispute;
- (b) any of the terms is a term that the Commission does not have power to include in an award; or
- (c) it is not in the public interest that he should certify the memorandum or make the award or order.

It is mandatory upon the Conciliation Commissioner to refuse to act in such circumstances. I think that there may be some justification for that. But would a conciliation commissioner lack the power to refuse if the terms were in settlement of an industrial dispute, if any of the terms was a term that the Commission did not

have the power to include in an award or if his certification would not be in the public interest, whatever that may mean? I think a conciliation commissioner would normally be under an obligation to certify a memorandum of agreement. Then we get to the powers of a party and the right of appeal. An appeal can be lodged by a person who is not a party to a dispute. That also means that a conciliation commissioner would be very hesitant about issuing a memorandum, knowing that there is an overlord shadowing him who could knock it out. Although a memorandum may be within his terms of reference—although it may be in settlement of a dispute and although it may be in his opinion in the public interest—a conciliation commissioner would have to think about whether the boss up top would accept it. It would not be to the credit of a conciliation commissioner to have his memorandums upset by an appeal.

I turn now to proposed new section 30 (1.), which reads:

When conciliation proceedings before a Conciliation Commissioner in respect of an industrial dispute have been completed, the Conciliation Commissioner shall report to the relevant Presidential Member as to the matters in dispute and the parties and the extent, if any, to which the dispute has been settled, but shall not disclose anything said or done in the conciliation proceedings concerning matters in dispute that remain unsettled.

I do not think that I need go over this matter again. It goes only to the question of the appeal on every occasion. I move on to proposed new section 31 (1.), which reads:

The power of the Commission to make an award, or to certify, under section 28 of this Act, an agreement—

- (a) making provision for, or altering, the standard hours of work in an industry;
- (b) making provision for, or altering, rates of wages, or the manner in which rates of wages are to be ascertained, on grounds predominantly related to the national economy and without examination of any circumstance pertaining to the work upon which, or the industry in which, persons are employed;

I take it from reading that that what is involved here is not a question of what is the work value in a particular industry or what loading should be given to a particular industry but that provisions for standard hours of work or standard wages, no matter what industry is involved, are not

to be dealt with by a conciliation commissioner. But the question must arise as to how a conciliation commissioner decides whether the grounds are predominantly related to the national economy. How would he decide whether certain grounds raised before arbitration tribunals were related to the national economy? According to paragraph (c) of proposed new section 31 (1.) the Commission is not to make an award which makes provision for or alters a minimum wage that is to be payable to adult males without regard to the work performed or to the industry in which they are employed. I think that this matter needs clarification. What effect would it have on a dispute involving waterside workers in which it was argued that in their industry a minimum wage of such and such should be paid. I do not think that it is an industry which is related to the national economy, but it is an industry for which a minimum wage is decided. I do not know whether this provision is designed for the purpose of giving the Government the power to take its contemplated action to interfere with an award. I do hope that the Attorney-General has understood the various points I have raised and that he will make some attempt to reply to them and not just move that the question be put.

Senator MILLINER (Queensland) (8.37)—I rise simply because I believe that the provisions contained in clause 13 are quite inconsistent with what happens in industry generally and will only confuse people. I repeat that there is nothing worse than people being confused because of unreal provisions in an Act. Take, for instance, proposed new section 18, which reads:

The Commission is empowered to prevent or settle industrial disputes by conciliation or arbitration.

I submit that the Commission is restricted in the area of conciliation. I shall illustrate the point, if I may. In certain State awards in Queensland there is provision for a 10-minute rest period morning and afternoon. Let us assume that the 10 girls and a clerk who work in the front office of an establishment enjoy a 10 minutes rest period morning and afternoon under a State award but that the 20 workers in the factory have no provision whatsoever for a rest period morning or afternoon. They

feel a bit disgruntled about that. As they are the ones who produce the goods in the establishment it is hardly fair that they should be prevented from having a rest period. Let us assume that they cause an industrial dispute. They do not stop work but they advise their union and it goes through all the processes of advising the court and a conference is convened. Notwithstanding the fact that the conciliation commissioner had every sympathy for those workers he could not do anything at all about the matter because if he did he would be interfering with the standard 40-hour working week. He might say to the parties: 'It would probably be better if I were to retire from the conference and you were to work it out between yourselves'. The employer through his representative and the employees through their union representative could work it out between them and reach agreement that the workers should have a 10-minute rest period morning and afternoon. But such an agreement could still be denied by the very provisions of this legislation. It could not be registered as an agreement because anybody could intervene.

Let us take the isolated instance—I have witnessed this actually happen—of an agreement being made with an employer on standard working conditions in his establishment. Then the employers' representatives hear about it and they come down on the employer and say: 'You are not to make an agreement with the union in that respect.' Consequently the employer gives way and accedes to the request of his organisation. A further dispute is created. These things actually happen in industry and I submit with respect that this provision does not assist in that direction. If there is a dispute without actually stopping work followed by a conference at which an agreement is reached which interferes with the standard working week, it cannot be registered because there will be an appeal against it. Alternatively, if it is registered, as Senator Cavanagh has said, anybody at all can seek to intervene to appeal against the decision. I think it is a most unfair way of working and requires additional examination.

I also raise a point about the fairly substantial fine of \$1,000 which may be inflicted. With respect, I am opposed to

fines being imposed at any time under the Conciliation and Arbitration Act, but I think it is most unfair to impose a fine of \$1,000 on a person for an offence of this nature.

Senator Greenwood—It is in the existing Act.

Senator MILLINER—I do not care whether it is in the Act or not.

Senator Greenwood—So long as you acknowledge it.

Senator MILLINER—It is already in the existing Act, but what good does it do? I think it is an insult to the Commission. The proposed new section 19 provides:

Each member of the Commission shall keep himself acquainted with industrial affairs and conditions.

I know what I would do if I was a commissioner and had that placed in front of me. I would say: 'Do you not think that I can do my work? Do you not think that it would be in my own interest to keep myself abreast?'

Senator Greenwood—But that is in the existing Act.

Senator MILLINER—I know it is. If the Minister would listen to the debate instead of talking to his cronies he would know that I said it is in the Act. I repeat, notwithstanding the interjection of the Minister, that I am opposed to a fine of \$1,000 for an offence of this nature.

Senator GREENWOOD (Victoria—Attorney-General) (8.43)—I feel that we have listened patiently and at length to comments which are not directed to the clauses to which Senator Bishop initially directed himself. We have heard rather generalised statements which are more in the nature of second reading speeches directed to the concept rather than to the particular clauses in the Bill. May I say that one of the major factors which prompted the Government to bring down this legislation was its belief that there could be very considerable improvements in the conciliation and arbitration procedures. The main purpose of the measure is to provide for a separation of the conciliation and arbitration responsibilities. The points which were made by Senator Carrick are tremendously valid if only persons were prepared to acknowledge them and to try to meet them, if objection were taken to them.

Obviously the most will be gained from the process of conciliation if the parties engaged in it know that the ultimate is that agreement just cannot be reached. If, on the other hand there is an emergence from conciliation into arbitration, as happens at present, the persons who are engaged in conciliation will always be having some forethought as to what might be the ultimate result if they have to get into arbitration. That does not bring out the best in a conciliation process. In this measure the Government has decided to ensure that the conciliation process is in one area and that when the conciliation avenues have been exhausted that is the end of the role of the conciliation commissioner. His task is to refer it on to the next person in the task force, and he will be an arbitration commissioner. His job will be arbitral. As a presidential member he will have the function of arbitrating.

It appears to me that that is a system which is eminently sensible. Never let it be forgotten that in times past people who have sought to engage in the conciliation process have utilised all the power which direct action avails them in order to stand over the opposite party to the process. When that situation occurs, what in form might be meaningful negotiations, as the unions have sometimes described them, in effect amounts to one party saying: 'You give us what we want, otherwise we will never go back to work.' We have had examples of that situation in times past. If the provisions of the legislation at present are not adequate to cope with that situation, let us see how the provisions which the Government is proposing will deal with it.

I believe that the concept of having the conciliation process as one separate step and the arbitration process as another step is undoubtedly a move forward which will have advantages. Experience alone will show whether I am right. I hope that I am right and the Government hopes that it is right. It certainly is a step forward from the existing position. So much in this area does depend upon the willingness with which persons are prepared to enter into conciliation procedures, because unless they are prepared to enter into them with the expectation that by discussing matters with a conciliation commissioner and exploring the strength and sometimes conceding what is a weakness of one's position

a satisfactory compromise will be reached, the most will not be gained out of conciliation. If conciliation is entered into on the basis that one party has all the power and conciliation is just one necessary step along the line I do not believe the parties will get anywhere.

Some specific points have been made to which I will refer. Senator Milliner repeated what Senator Cavanagh said before him about the provision of a fine of \$1,000 for a person who does not attend a conciliation commissioner's conference when he is required to do so. This provision is in the existing legislation and obviously the kernel of the conciliation process is that persons who have to attend in order to discuss a matter should be compelled to be there. If they are not prepared to be there a substantial sanction must be imposed. That is why the fine of \$1,000, fixed originally I think in 1966, is retained in the present legislation.

The suggestion was raised initially by Senator James McClelland and was also dealt with by Senator Cavanagh that there is something restrictive in giving to a presidential member the right to organise and allocate work to members of the panel or task force, and then to impose a requirement for the directions to be obeyed. To suggest that there is something restrictive in that area is plain nonsense. It is a similar provision—not exactly identical—to that in the present legislation. In the present legislation a senior commissioner has the obligation under section 27 to allocate the work of the commissioners and conciliators. As the senior commissioner's position is now to be abolished it is appropriate that the duty should be allocated to the presidential member. Section 27 of the existing legislation states:

(1.) Subject to the last preceding section, it is the duty of the Senior Commissioner to organise and allocate the work of the Commissioners and of the Conciliators.

(2.) A Commissioner or a Conciliator shall comply with any direction given for the purpose of the last preceding sub-section which is applicable to him.

The proposed new sub-section (3.) of section 23 provides:

It is the duty of the Presidential Member who is a member of a panel under this section to organise and allocate the work of the members of the panel in respect of the industry or industries allocated to the panel, and the other members of

the panel shall comply with directions given by the Presidential Member in the performance of that duty.

Substantially there is no difference in the proposed new sub-section except that a presidential member will now have the task of allocation and organisation whereas previously it was the work of the Senior Commissioner. It is not a question of a presidential member's delving into the role which a conciliation commissioner is required to perform any more than that was true of the Senior Commissioner. The only obligation is for the commissioner to obey directions as to the duties he shall perform and not an obligation to follow the directions of the presidential member in the carrying out of a conciliation function. A reading of the language indicates that that is the position. Proposed new section 20 contained in clause 13 provides that it is up to the Commission and the parties to decide what goes into a particular dispute settlement procedure, and thus whether a particular procedure will or will not include sanctions provisions will be determined by the nature of the procedure which the parties themselves agree upon. That is expressly provided by proposed new section 20 of the legislation.

We hear the comment from somebody else that Government obviously, when you look at these provisions, is determined to make the task of conciliation more difficult. It is an unreasonable, slanted, unfortunate attitude which gives expression to that sort of view. Obviously any reasonable person would regard these provisions as a genuine effort to promote the processes of conciliation. As I have said, we believe that they will promote the processes of conciliation. But it is a completely negative and opposing view to say that the concept is one of making conciliation more difficult. It is not the Government's intention to do that and I do not believe that the language will have that result.

Senator Milliner—Well, will you tell me—

Senator GREENWOOD—I have not much time; I have heard about 5 Opposition senators, and I want to get this Bill through. If one examines some of the other particular matters which have been raised, of course it is in the public interest for a conciliation commissioner to be able

to say that a particular conciliated agreement does not meet with his approval. If we have a situation where because of the tremendous power which a particular union exercises upon an employer, not in a very substantial way, and by sheer threat and the force of direct action gets what is called a conciliation agreement, I think it is a matter for a conciliation commissioner to consider: 'Is this in the public interest?' If he believes that it is not in the public interest, I believe that he should refuse to certify the agreement or refuse to make the memorandum. That is what the legislation provides. Do honourable senators believe that the results which are secured by simply the naked use of power are things which should be perpetuated simply because the people who use that power happen to be union organisations? I do not believe that. I think that what we are achieving is a situation where a conciliation commissioner will have the power and the ability to be able to say whether or not an agreement is or is not in the public interest. We have seen Government intervening in recent months before the Commonwealth Conciliation and Arbitration Commission because Government believes that there is a public interest which must be stated and asserted in these proceedings. Certainly in those cases I believe that it is to the advantage of the public that we should be able to say: 'Well, it does not matter what 2 parties might agree between themselves; if the result is to add to inflationary processes in the community we should be able to say that, in the public interest, it is not advisable'.

There are a number of other matters which have been raised but which I do not believe require any answer because I think that a reading of the legislation will indicate what they are concerned with. But I am conscious of the fact that we have been debating this clause for well in excess of an hour. Therefore I move:

That the question be now put.

The TEMPORARY CHAIRMAN (Senator Wood)—Order! The question is: That the question be now put.

Senator Georges—No.

Senator Cavanagh—No.

The TEMPORARY CHAIRMAN—Order, please!

Senator Georges—No.

The TEMPORARY CHAIRMAN—Order! Senator Georges, I wish to tell you that if I have any more trouble by way of interjection I will certainly name you.

Senator Georges—Well—

The TEMPORARY CHAIRMAN—Order! The question is: That the question be now put.

Senator Georges—No, Mr Temporary Chairman.

The TEMPORARY CHAIRMAN—Order! There can be no debate. The question before the Chair was that proposed new sections 18 to 31 stand as printed.

Senator Georges—Mr Temporary Chairman, I want to protest.

The TEMPORARY CHAIRMAN—Order!

Senator Georges—I am protesting at this.

The TEMPORARY CHAIRMAN—Order! I ask you to resume your seat.

Senator Georges—No. I want to protest.

The TEMPORARY CHAIRMAN—Order!

Senator James McClelland—I have another point of order. I understood that the agreement was that we were to debate all of clause 13, even though we had agreed to subdivide the proposed new sections contained in clause 13, and that a vote would not be taken until we had debated all of the proposed new sections in clause 13. That leaves 2 or 3 more proposed new sections to be debated.

Senator Greenwood—I did not understand that.

Senator James McClelland—Perhaps I am wrong; that is what I understood.

Senator Georges—Mr Temporary Chairman, I wish to raise a point of order.

The TEMPORARY CHAIRMAN—Order! The question before the Chair—

Senator Georges—I would like to raise a point of order.

The TEMPORARY CHAIRMAN—Order, please, Senator Georges!

Senator Georges—Am I entitled to raise a point of order or am I not?

The TEMPORARY CHAIRMAN—Senator Georges, I will give you the details of what is before the Committee. Will you resume your seat, please?

Senator Georges—Is there no possibility for me to raise a point of order?

The TEMPORARY CHAIRMAN—Order! If you do not resume your seat, Senator Georges, I will name you.

Senator Cavanagh—I desire to raise—

The TEMPORARY CHAIRMAN—Order! Senator Cavanagh, the Chair is speaking. I ask you, please, to resume your seat.

Senator Georges—But now, is there any possibility of raising a point of order?

The TEMPORARY CHAIRMAN—Order!

Senator Georges—Are you ruling that there is no possibility or that there is no chance of raising, or no way in which a member can raise, a point of order.

The TEMPORARY CHAIRMAN—Order! The question is: That the question be now put.

Senator Cavanagh—Mr Temporary Chairman, I want to raise a point of order.

The TEMPORARY CHAIRMAN—Order! The question before the Committee is this—

Senator Cavanagh—Yes, but a point of order can be raised at any time.

The TEMPORARY CHAIRMAN—Senator Cavanagh, will you allow the Chair to speak?

Senator Cavanagh—As long as you give me an opportunity to raise a point of order.

The TEMPORARY CHAIRMAN—Will you please resume your seat? The question before the Committee was that proposed new sections 18 to 31 stand as printed.

Senator Cavanagh—I raise a point of order.

The TEMPORARY CHAIRMAN—Just a minute, please. Senator Cavanagh, will you resume your seat? The motion then moved by the Attorney-General was: That the question be now put. That is the question that is before the Committee at the moment.

Senator Cavanagh—Now I raise a point of order. I raise the question that you are now putting certain sections that are not sections of the Bill—

Senator Marriott—No, he is not. You do not even know what you are up against.

Senator Cavanagh—The point of order that I raise is this: Is it possible under the Standing Orders to debate the question that the question be now put?

The TEMPORARY CHAIRMAN—You cannot debate the question. It must be put.

Senator Georges—Mr Temporary Chairman—

The TEMPORARY CHAIRMAN—Order!

Senator Georges—Am I to understand that the Minister can speak for at least 10 minutes, introduce new material which ought to be questioned and the questions answered, and then move that the question be put?

The TEMPORARY CHAIRMAN—Order, Senator Georges!

Senator Georges—Am I to understand that that is possible?

The TEMPORARY CHAIRMAN—This is not the basis of a point of order.

Senator Georges—Well, what is it then?

The TEMPORARY CHAIRMAN—It is not a point of order.

Senator Georges—Well, I am protesting by way of a point of order that the Minister spoke for at least 10 minutes—

The TEMPORARY CHAIRMAN—Order!

Senator Georges—He introduced new material which ought to be searched out, which ought to be questioned—

The TEMPORARY CHAIRMAN—Order! I name Senator Georges. Honourable senators—

Senator Georges—He has got it prepared, apparently.

The TEMPORARY CHAIRMAN—. . . I suspend the proceedings of the Committee in order to report to the President that an offence has been committed by Senator Georges.

Senator Poyer—Because he raised a point of order.

The TEMPORARY CHAIRMAN—There was no basis for a point of order.

In the Senate

Senator WOOD—Mr Deputy President, I have to report, as Temporary Chairman, that during the proceedings of the Committee Senator Georges committed an offence, having continually disobeyed the Chair.

Senator Poyer—A bushranger decision.

The DEPUTY PRESIDENT (Senator Prowse)—Order! If there are any further interjections, somebody else will be named. I have been informed by the Temporary Chairman, Senator Wood, of the naming of Senator Georges. Under the customary proceedings, Senator Georges has the opportunity to apologise to the Senate.

Senator Georges—Let me make my position clear. I raised a point of order in sincerity—

The DEPUTY PRESIDENT—Order! You are not being given an opportunity to debate the ruling. You are being given an opportunity to apologise.

Senator Georges—I would say Mr Deputy President—

Senator Murphy—On a point of order, Mr Deputy President; the honourable senator has been called upon to make his explanation. He is entitled, I submit to you, to explain the circumstances. If he wants to say that what he was doing, as I apprehend it, was not intended as an insult to the Chair but he thought that he was entitled to take a point of order, I submit that he should be permitted to explain the circumstances, which were quite complicated. Obviously there was some misunderstanding, and I submit that the honourable senator ought to be entitled to explain himself.

The DEPUTY PRESIDENT (Senator Prowse)—Senator Georges, I will hear your explanation.

Senator Georges—As I was saying, Mr Deputy President, in all sincerity I rose on a point of order. Perhaps I did so in ignorance of the Standing Orders. I do not state that I was in ignorance of the Standing Orders. I merely asked the Temporary

Chairman of Committees whether it was in order for the Minister to speak for some 10 to 15 minutes, to raise certain new points during that time which necessitated a response from the Opposition and then to move the gag to prevent not only me but also other Opposition senators from speaking. At that point I raised a point of order. I was not in any way disrespectful to the Chair, nor was I insulting to any senator opposite. I merely raised the point of order. I felt I was entitled to raise that point of order. However, may I make the comment that the method by which the Temporary Chairman did name me—I make this point clear even though I may offend—seemed to indicate some prior intent. Perhaps my behaviour—

Senator Webster—That is a reflection on the Chair.

Senator Georges—It is a reflection on the Chair.

The DEPUTY PRESIDENT—Senator Georges, you may not reflect upon the decision of the Chair.

Senator Georges—If I may say, Mr Deputy President, I am entitled to feel that there was some prior intent, but I do not feel that by raising the point of order I was in any way guilty of conduct which would lead to my being named.

The DEPUTY PRESIDENT—Senator Georges, I have heard your explanation. I also heard the incident from outside the chamber. The fact of the matter is that you defied a ruling of the Chair that your point of order was not sustained and you continued to debate that ruling with the Chair. Clearly that is disorderly conduct. No doubt you were under some misapprehension and were not deliberately defying the Chair. Accordingly I give you the opportunity to apologise for your conduct.

Senator Georges—Mr Deputy President, I did not seek to be named. It was not my intention to be named. If it is my desire at any time to be named and to be expelled from this chamber it will be on a matter of principle and not because of some such petty incident. For that reason I apologise.

Senator Davidson—That is offensive talk.

Senator Georges—Did someone say I was offensive?

Senator Murphy—Mr Deputy President, I rise to a point of order.

The DEPUTY PRESIDENT—I will not entertain points of order while I am hearing an explanation. Senator Georges, you may continue.

Senator Georges—I have made my position clear. I apologise to the Chair.

The DEPUTY PRESIDENT—Thank you, Senator Georges.

Senator Drake-Brockman—I was not here when the incident occurred but I have listened to what Senator Georges has said. In the circumstances, I think perhaps we should continue with the discussion of the Bill before the Committee.

The DEPUTY PRESIDENT—I suggest that the Senate adopt the course proposed by the Acting Leader of the Government.

In Committee

Consideration resumed.

Motion (by Senator Greenwood) put:
That the question be now put.

The Committee divided.

(The Chairman—Senator Prowse)

Ayes	30
Noes	23
Majority	7

AYES	
Bonner, N. T.	Little, J. A.
Buttfield, Dame Nancy	McManus, F. P.
Byrne, C. B.	Marriott, J. E.
Carrick, J. L.	Maunsell, C. R.
Cotton, R. C.	Negus, S. A.
Davidson, G. S.	Prowse, E. W.
Drake-Brockman, T. C.	Rae, P. E.
Durack, P. D.	Sim, J. P.
Gair, V. C.	Townley, M.
Greenwood, I. J.	Webster, J. J.
Guilfoyle, M. G. C.	Withers, R. G.
Hannan, G. C.	Wood, I. A. C.
Jessop, D. S.	Wright, R. C.
Kane, J. T.	
Lawrie, A. G. E.	Teller:
Lilllico, A. E. D.	Young, H. W.

NOES	
Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Cavanagh, J. L.	Poke, A. G.
Devitt, D. M.	Poysier, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheelton, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller:
McClelland, James	O'Byrne, J.

PAIRS	
Laucke, C. L.	Fitzgerald, J. F.
Cormack, Sir Magnus	Gietzelt, A. T.
Anderson, Sir Kenneth	Wilsesee, D. R.

Question so resolved in the affirmative.

The CHAIRMAN—The question now is: 'That proposed sections 18 to 31 stand as printed'.

Senator Bishop—No, proposed sections 28 to 31.

Senator Murphy—There is a slight procedural difficulty which I think we can overcome. We do not wish to oppose proposed sections 18 to 27. Perhaps they could be dealt with at once, and then we could deal with the ones we want to oppose.

Senator Greenwood—I think that we might take first the question 'That proposed sections 18 to 27 stand as printed'. I gather that there will not be a division on that question. Then we will have a division on the next question.

The CHAIRMAN—I will amend the question. The question is: 'That proposed sections 18 to 27 stand as printed'.

Question resolved in the affirmative.

The CHAIRMAN—The question now is: 'That proposed sections 28 to 31 stand as printed'.

Question put. The Committee divided.

(The Chairman—Senator Prowse)

Ayes	30
Noes	23
Majority	7

AYES	
Bonner, N. T.	Little, J. A.
Buttfield, Dame Nancy	McManus, F. P.
Byrne, C. B.	Marriott, J. E.
Carrick, J. L.	Maunsell, C. R.
Cotton, R. C.	Negus, S. A.
Davidson, G. S.	Prowse, E. W.
Drake-Brockman, T. C.	Rae, P. E.
Durack, P. D.	Sim, J. P.
Gair, V. C.	Townley, M.
Greenwood, I. J.	Webster, J. J.
Guilfoyle, M. G. C.	Withers, R. G.
Hannan, G. C.	Wood, I. A. C.
Jessop, D. S.	Wright, R. C.
Kane, J. T.	
Lawrie, A. G. E.	Teller:
Lilllico, A. E. D.	Young, H. W.

NOES	
Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Cavanagh, J. L.	Poke, A. G.
Devitt, D. M.	Poysier, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheelton, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller:
McClelland, James	O'Byrne, J.

PAIRS	
Laucke, C. L.	Fitzgerald, J. F.
Cormack, Sir Magnus	Gietzelt, A. T.
Anderson, Sir Kenneth	Wilsesee, D. R.

Question so resolved in the affirmative.

The CHAIRMAN—The question now is: 'That proposed sections 32 to 35 stand as printed'.

Senator BISHOP (South Australia) (9.18)—Proposed sections 32, 33, 34 and 35 enact provisions for the Conciliation and Arbitration Commission to include in an award a bans clause or procedures for settling disputes. They take away from the commissioner the existing discretion to insert or remove a bans clause. That ability presently lies within his discretion under the Act. The commissioner is primarily responsible for the industry concerned. He has an intimate knowledge of the industry and knows and understands the parties involved. It is a backward step to do other than allow that present discretion to operate. In future it shall be mandatory for a presidential member to issue a certificate for prosecution. Proposed section 33 (7.) reads:

Where—

- (a) proceedings in relation to any conduct have been commenced before a Presidential Member in accordance with sub-section (3.) of this section; and
- (b) the conduct is still continuing notwithstanding that the Presidential Member has taken all steps that appear to him to be appropriate for bringing about its early cessation,

the Presidential Member shall not refuse an application for a certificate under sub-section (5.) of this section in relation to the conduct unless he is satisfied that a prompt settlement of the matters giving rise to the conduct will be effected or that the conduct is otherwise about to cease.

So there are these mandatory provisions under which he has to act. In fact the presidential member almost has to issue the prosecution certificate on application. Once that certificate is issued there is only one step to the imposition of fines under section 119 of the Act. The proposed new section reduces the capacity of the presidential member to be anything like a conciliatory member, or even appear to be so.

The provision relating to conduct in contravention, proposed new section 33 (6.), is weighted against the organisations, if anything, because the presidential member has increased power to refuse a certificate. It is a fundamental section of the sanction provision and the trade union movement is opposed to it. We know what the bans clauses do. We have been told on many occasions how sections of the Conciliation and Arbitration Act can be used

to punish the unions heavily by imposing a fine of \$1,000, and \$500 a day for every repetition of an offence.

We have been told, too, of the very light fines which were imposed for breaches by employers. Breaches by employers become almost ridiculous if one considers the great impost of fines on the trade union movement. It was estimated in recent years by Mr Woodward, Q.C., as he was then, that up to 1968 \$100,000 had been inflicted in fines on unions because of offences under the Act. The Minister for Labour and National Service (Mr Lynch), in the statement he made in December 1971 when he indicated the intention of the Government to amend the Conciliation and Arbitration Act, said that several unions had not paid fines totalling \$37,950. These fines were legally imposed and he said that he expected the unions to pay them. They have been paid. However, since 1970, when sections of the Act were relaxed, fines totalling \$10,200 have been imposed on the Unions.

If honourable senators follow the questions asked of the Minister in the other place they will find that since that time penalties for breaches of awards by employers have been light indeed. For example I point out that on 24th February this year Mr Clyde Cameron asked the Minister for Labour and National Service in the other place the following question:

(1) What is the maximum penalty that the Commonwealth Industrial Court can impose upon an employer who fails to comply with the terms of an award and on how many occasions has this Court imposed the maximum penalty provided for under the Conciliation and Arbitration Act for breach of an award by an employer?

The answer was as follows:

(1) The maximum penalty that the Commonwealth Industrial Court can impose for a breach or non-observance of an award is fixed by section 119 of the Conciliation and Arbitration Act. That section provides that if the breach of the award is a separate breach by virtue of a provision of the award to the effect that engaging in conduct in breach of a specified term of the award shall be deemed to constitute the commission of a separate breach of that term on each day on which the conduct continues the maximum penalty is \$500 and where the breach is not of that nature, \$1,000.

(2) A total of 97,680 breaches of federal awards have been detected by Commonwealth Arbitration Inspectors and State Inspectors exercising the powers of Commonwealth Inspectors between 1st January 1957, and 30th June 1971.

(3) and (4) As to prosecutions instituted by Arbitration Inspectors since the commencement of 1957, I would invite the honourable member's attention to the answer given to his question No. 1026 (Hansard, 25th February 1969, pages 73-80), for the period ending 1968. Since that time, Inspectors have launched three proceedings in the Commonwealth Industrial Court and 92 proceedings before other Courts. Thus for the inclusive period, Inspectors instituted 248 proceedings against employers for breaches of federal awards. The Registrar instituted no prosecutions for breaches of awards in this period. Details of prosecutions before the Commonwealth Industrial Court instituted by Commonwealth Arbitration Inspectors since 1968 are as follows:

There were two. The first was on 10th August 1970. The award was the Transport Workers (General) Award and the name of the employer was Fast Freight Ltd, of Footscray, Victoria. The case involved 2 underpayments and the penalty was as follows:

Withdrawn on payment and undertaking to comply; \$200 costs.

The second prosecution was on 15th September 1971. It was brought under the Metal Trades Award and the employer was GEC Ltd, of Brisbane, Queensland. The prosecution was for failure to observe the award provision regarding tools for apprentices. There was a fine of \$50 plus \$30 in costs.

That broadly is the position. There is no doubt that the total of fines imposed on the union movement since the date of the figures I read has increased probably to \$150,000 or \$200,000. Therefore we of the Opposition say that these are very bad provisions. We intend to divide on them and will vote against them. Referring to appeals, the provisions relating to appeals have been made easier by this Government's legislation. There will be greater delays and more frustration and in fact the provisions are directed away from the advantages of conciliation. The provisions of proposed new section 35 relating to appeals permits a party to a superseded award to appeal against a new award. This will lead to great complications. We have no hesitation in saying that these are bad provisions and that they should be opposed. We will divide on them.

Senator JAMES McCLELLAND (New South Wales) (9.27) — I do not know how much it is appreciated by honourable senators on the Government side of the chamber that under this provision it is not necessary even for the leadership of a

union to support a strike or to be shown to have played any role in the strike at all in order to attract these penalties. A careful reading of the clause will show that if a certain procedure is followed—if a dispute has been notified and has been investigated and, under this amendment, a settlement is not in sight—a certificate must be issued by the presidential member and this automatically leaves the way open for penalties to be imposed under proposed section 119. I often wonder why this Federal Liberal Government is so much more stupid than other Liberal governments in the states. For instance, in New South Wales, in the penalties provisions under the Act defences are available to union officials who come along and say that they have made every attempt to settle a strike. If that can be established the question of penalties is materially affected. In fact, penalties may not be imposed.

Senator Wheeldon—That is the case in Western Australia.

Senator JAMES McCLELLAND—My friend Senator Wheeldon tells me that this also is the position in Western Australia. If a government is sincerely interested in industrial stability surely it will attempt to have a flexible penalties section. We do not agree that there should be a penalties section but if the Government's purpose is to use a penalties section in order to attempt to establish industrial stability, we suggest that at least it ought to attempt to have some sort of workable penalties system. When the Government does not attempt to get a workable penalties system the idea inevitably comes to us that the purpose of the section is not to ensure industrial stability but to provoke industrial unrest. There is no doubt that a close reading of proposed new section 33, which is to replace the old section 32A, shows that there has been an attempt to make the penalties section more inflexible. Thus when we are considering this proposed new section we really are entering the Government's fantasy world. No matter what life has taught it one would have thought that the Government had learnt that these penalties sections do not ensure industrial stability. In fact, there was some reason to hope that the Government was beginning to learn something when section 32A was inserted in the Act in 1970.

I remind honourable senators of the circumstances under which this section was written into the Act. We had the upheaval around the metal trades award towards the end of 1968 which led to the spate of strikes in 1969, in which the employers raced to the Commonwealth Industrial Court in case after case under old sections 109 and 111—the contempt powers—and automatically had fines imposed on the unions with costs added. Far from settling the upheaval, these procedures aggravated the trouble. Finally, the Commonwealth Conciliation and Arbitration Commission recognised that it had made an awful mess of things with the award which suggested the absorption of over-award payments and it back-tracked. Even this Government, when it talks about the fines that were imposed at that time, is content with pious exhortations such as suggesting that it expects the fines to be paid. But it does not do anything about them. The Government knows that if ever the tribunal was in the wrong and if ever a legislative enactment was futile, it was in that case.

The Government appeared to have learned a lesson when it inserted section 32A which left a fairly wide discretion to the presidential member to investigate the merits of a dispute. Then, if he thought that issuing a certificate might prejudice the settlement of a dispute, he was under no obligation to issue a certificate. But that discretion now disappears. We read in proposed section 33 (7.), which was quoted by Senator Bishop:

... the Presidential Member shall not refuse an application—

He has no discretion whatsoever—

for a certificate . . . unless he is satisfied that a prompt settlement of the matter giving rise to the conduct will be effected or that the conduct is otherwise about to cease.

In other words, unless the presidential member is satisfied that the strike is all over or that it is about to end, he has to issue a certificate. This is narrowing his powers a great deal compared to the discretion he had under section 32A. As I said, that section was an improvement on the old scheme. It is notorious that far fewer fines have been imposed under section 32A than under the old automatic contempt powers. What does this Government believe? Has it learned nothing from history?

Can anybody seriously maintain that tightening the sanctions powers in this Act will do anything to effect more industrial peace? I confidently predict that it will have exactly the opposite effect. For instance, a presidential member now has no discretion to say in relation to a strike which may be greatly damaging the economy: 'I believe that in these circumstances if I issue a certificate, far from this strike having a chance to be settled, it will aggravate the feeling between the parties and make a settlement less likely.' Old section 32A gives the presidential member that sort of sensible discretion. It is now taken from him. I can only conclude, as I said before, that the purpose of this section is not to ensure industrial peace; it is to aggravate industrial relations in the hope that this Government can emerge before the electors as the champion of law and order, as the custodian of all the righteousness of the community and as the people who come in and clear up the chaos which has been caused by these wicked unions. Of course, it is chaos which the Government is attempting to create. That is the real purpose of this proposed section.

Senator MULVIHILL (New South Wales) (9.34)—I simply move into the debate to supplement what Senator James McClelland has said and to elicit an answer from the Attorney-General. I shall portray 2 disputes and I hope that in reply the Attorney-General will explain how, under the provisions of this Bill, he feels there will be more industrial peace than we have under the existing Act. I suppose that if I were to use a text in starting I could do no better than quote Paul Kruger who, at the end of the Boer War, said something to this effect: 'Take the best of the past and build on it.' I use that as a follow on to what Senator James McClelland has said. I now deal specifically—this is a lead in from what Senator Bishop said—with a safety issue situation. It is all very well to talk about union executives cracking the whip at their members. It is the member who has to go down a mine shaft and who has to operate some mechanical device. If he feels that there is some danger one can talk until one is blue in the face and one can threaten the demise of the union but he is the person who may have his health impaired. On that basis I shall give honourable senators a comparison. Senator

James McClelland mentioned the latitude and the flexibility of the New South Wales Act.

Some time ago at Cobar in metalliferous mining an attempt was made to introduce 2-man operations of machine mining. It was felt that with the noise from that type of machine one would be less likely to detect any mine roof fall in. Mr Lew McKay, a leading official of the New South Wales branch of the Australian Workers Union visited the area, so did other officials to seek a resumption of work. It was impossible to get the men to go down the mine again even though the officials pointed out that Conciliation Commissioner Manuel had said that the men were over-rating their fears. But even if they were, they were the people who would be the victims in an accident. It was a prolonged stoppage but there was no attempt to go to the extent of the sudden death application of industrial penalties visualised in this Bill. That was the State picture which vindicates what earlier speakers have pointed out. I appeal to the Attorney-General to give a clear cut picture of what would have happened under these provisions if, in one of our capital cities, we had had another complex one-man bus dispute as we had in Sydney? I say clearly to the Attorney-General that the situation was not solved on the basis of how many extra dollars there were in a margin. It was an honest opinion about modern urban development stresses. It was not the immediate illness of a driver, but the long range effects such as ulcers, tensions and all that goes on in a modern big city when one operates large vehicles.

I am one who does not always give compliments easily to the judiciary, but I say that under the existing Act Mr Justice Robinson played a notable role in the way in which he alternated meetings with the union and with the New South Wales transport department representative. He tried to reach some agreement. The point is that he had time. Again referring to safety, it is also significant that after those protracted negotiations the men went back to work in an orderly manner. It is true that the decision was not unanimous but very few settlement decisions are. The men finally went back to work and they received a pretty effective review of industrial haz-

ards. I put to the Minister that whatever we may say, no Act is perfect, but at least under the old Act Mr Justice Robinson was able to adopt an extremely flexible role. I suppose that he bent over backwards to obtain an effective formula. He did not get it in a matter of days. It extended over a number of weeks, but I repeat that an extremely complex situation such as that finished with a minimum of bruises, irritation and haste. I simply leave the matter to the Minister. Will what we have heard tonight shackle Mr Justice Robinsons of the future?

Senator CAVANAGH (South Australia) (9.39)—I enter this debate in an endeavour to find out the full implications of the proposed section. On the first occasion the Attorney-General attempted to make some reply but it is unfortunate that he is the last speaker and after he speaks he moves that the question be put. It could well be that an honourable senator directing a question to the Attorney-General cannot make himself fully understood. The reply given by the Minister may not satisfy a genuine questioner in relation to how the Bill operates. The fact that the Attorney-General has not given a satisfactory reply may be due to the inability of the one inquiring to express himself, and because the Attorney-General moves that the question be put the honourable senator may be left without knowledge.

Honourable senators will recall that during the debate on the previous clause I suggested that the Minister responsible for this Bill might give a guarantee that he would at least inquire into whether it was necessary to make provision for an exemption from the penalty provided under the clause for not appearing before a tribunal if there was reasonable cause. All we got from the Attorney-General in reply was that the fine for not appearing was justified. I never complained about the fine. I suggested that if there was reasonable cause for not appearing there should be an exemption. I thought under some authority given by the Minister for Labour and National Service (Mr Lynch) the Attorney-General could inquire, discuss the matter with his advisers and let us know. I do not know whether the Minister for Works (Senator Wright), who represents

the Minister for Labour and National Service, has more authority than the Attorney-General or whether the Minister for Labour and National Service is only one of the under-studies of the Attorney-General. While the Minister for Labour and National Service in the other House was prepared to give some assurance the Minister in this House was not prepared to give that assurance. When we have an embarrassing position where a matter which has been raised necessitates a reply, it is overcome by moving immediately that the question be put.

Proposed new section 32 gives the Commission power to include in awards provisions relating to hindering the observance of awards. It permits the imposition of penalties. Proposed new section 32 says that the power of the Commission shall not extend to including in an award or varying an award so as to include a term, however expressed, by virtue of which engaging in conduct that would hinder, prevent or discourage the observance of an award and so on. It is questionable what 'engaging in conduct' would mean. When does one engage in conduct which would hinder, prevent or discourage the observance of an award? The commissioner under proposed new section 32 (1.) (a) is not permitted to do that but under (c), if an award includes such a term, the power to vary the award so as to exclude or alter the provisions of that term is exercisable by a presidential member and not otherwise. So we see the inclusion of some penalty for an offence in respect of attempting to prevent or discourage the observance of the award, the performance of work in accordance with the award or the acceptance of or offering for work in accordance with the award.

Proposed new section 33 (1.) deals with the procedure in respect of conduct in breach of a bans clause and states:

This section applies in relation to a term of an award, however expressed, by virtue of which engaging in conduct that would hinder, prevent or discourage—

- (a) the observance of the award;
- (b) the performance of work in accordance with the award; or
- (c) the acceptance of, or offering for, work in accordance with the award,

is to any extent, prohibited.

I do not know how far this hindering, preventing or discouraging of the acceptance of or offering for work in accordance with the award applies. I wonder how much it interferes with the normal duties of a union secretary. If someone reports to the union office and says: 'I have a job with employer A' who is the subject of an award and the union secretary says: 'I would not go there because we have had a lot of trouble with him and you can get more wages somewhere else', it would appear that the union secretary is in breach of proposed new section 33 for carrying out his normal duties. This is a very wide provision which seems impossible to define. When does one hinder, prevent or discourage? I can imagine that, out of friendship, I could discourage someone from working at a particular place. I could say: 'The conditions of work in that occupation are not conditions that should be encouraged and if I were you I would look somewhere else'. Would I be in breach if I made that suggestion? Proposed new section 33 (2.) states:

Where it appears to a person or organization bound by an award that conduct in contravention of a term of the award in relation to which this section applies is being, or is likely to be, engaged in, the person or organization may give notice to the Registrar accordingly.

The pimp on me discouraging someone from taking a job at a particular location for a particular firm is a person or organisation bound by an award. When we read sub-section (4.) of proposed new section 33 we find that I am responsible not only for discouraging someone from going to a place but also for past action in this respect, because (4.) states:

Where it appears to an organization or person bound by an award that conduct in contravention of a term of the award in relation to which this section applies has been engaged in, but has ceased without a notice having been given in respect of the conduct under sub-section (2.) of this section or before such a notice has been dealt with by a Presidential Member, the organization or person may apply for a certificate under the next succeeding sub-section in respect of the conduct.

Sub-section (5.) states:

Proceedings under section one hundred and nineteen of this Act—

That is, the imposition of the penalty—

. . . in respect of conduct constituting a breach of a term of an award in relation to which this section applies shall not be instituted unless a Presidential Member has given a

certificate in writing stating that the requirements of this section have been complied with in relation to the conduct.

Therefore, not only the fact that I advise someone not to take a particular job but also the fact that I advised someone similarly a fortnight ago still justifies the issuing of a certificate and action under section 119. If that is the correct interpretation surely it is a most brutal infringement of the right of any individual to advise someone seeking employment. It is definitely an infringement of the duties and responsibility of a union official.

Sub-section (6.) states:

A Presidential Member shall not give a certificate under the last preceding sub-section unless—

- (a) the conduct concerned is conduct in relation to which there have been proceedings before him or another Presidential Member under sub-section (3.) of this section. . . .
- (b) the application for the certification is made in accordance with sub-section (4.) of this section.

Of course, sub-section (4.) is the one that relates to some past happening. Therefore the presidential member is under some compulsion to issue a certificate and this necessitates a hearing under section 119 of the Act. Sub-section (7.) states:

Where—

- (a) proceedings in relation to any conduct have been commenced before a Presidential Member in accordance with sub-section (3.) of this section; and
- (b) the conduct is still continuing notwithstanding the Presidential Member has taken all steps that appear to him to be appropriate for bringing about its early cessation,

the Presidential Member shall not refuse an application for a certificate under sub-section (5.) of this section in relation to the conduct unless he is satisfied that a prompt settlement of the matters giving rise to the conduct will be effected or that the conduct is otherwise about to cease.

This is the question that Senator James McClelland raised regarding the responsibility of the presidential member to issue a certificate. He has no option and need not consider whether it is in the public interest or whether it is in the interest of an amicable settlement or relationship in a particular industry. Sub-section (8.) states:

'(8.) Where an application for a certificate in respect of past conduct is made in accordance with sub-section (4.) of this section, a Presidential Member shall inquire into the matters relevant to the application and, if satisfied that the conduct alleged has been engaged in but has ceased, shall inquire into the circumstances in which it so

ceased, and shall not give the certificate if it appears to him that the giving of the certificate would be undesirable having regard to the circumstances in which the conduct ceased or the terms of a settlement that has taken place of the matters that gave rise to the conduct.

The question there is whether it is desirable. If it is to stop the union secretary from advising someone on a future occasion it is desirable that the presidential member issues the certificate although the conduct has ceased and something could have happened a month ago. To my mind this involves an infringement of the rights and duties of officers of organisations. It could be an infringement of the civil liberties of individuals. It is more tyrannical than anything we have experienced previously. The penalty under section 119 is high. Proposed section 34 refers disputes to the full bench. Proposed sub-section (6.) reads:

Where the President so directs, the Commission shall, subject to the next succeeding sub-section, hear and determine the industrial dispute or the part of the industrial dispute, as the case may be, and, in the hearing, may have regard to any evidence given and any arguments adduced in arbitration proceedings in relation to the dispute or the part of the dispute before the Commission commenced the hearing.

That is quite the reverse of what happens in arbitration. The arbitrator cannot take into consideration what happened before the commissioner. The justification of the Minister was that conciliation and arbitration are entirely separate and the arbitrator must not be influenced by what occurred previously. That does not apply in relation to proposed section 34 (6.). If it is justified in one case, why it is not justified in the other case is entirely beyond me. I think that requires an explanation. Proposed section 35 deals with appeals. Proposed sub-section (5.) states:

Where—

- (a) a member has made an award, or has made a decision under section 28 of this Act by virtue of which an award is to be deemed to have been made, being an award that affects or supersedes, in whole or in part, a previous award; and
- (b) the award so made or to be deemed to have been made is binding on some only of the organisations and persons who were bound by the previous award,

an organisation which, or a person who, is bound by the previous award but is not bound by the award so made or to be deemed to have been made may, within 21 days after the date of the award or decision . . . appeal to the Commission against the award or decision.

An employer may be bound by the award. A union makes application for another award which does not bind employer A, but after the second award is made employer A can appeal against the making of an award binding employer B. It does not bind employer A. He is not concerned in it. He has no interest in it. He is not bound by it. He is not a party to it. He still has the right to interfere in an award made by agreement between the parties. Perhaps the Government could justify the interference if the employer were a party to the award or if there were a clause in it which he found excessive. But this is a person not bound by the award—a person who was a party to a previous award. The proposed sub-section continues:

. . . and, if the Commission is satisfied that the organisation or person has a sufficient interest to justify the institution of the appeal and that the award or decision is of such importance that, in the public interest, an appeal should lie, the Commission shall hear and determine the appeal.

The appeal under proposed sub-section (5.), which I have just read, is referred to in proposed sub-section (7.), which reads:

An appeal under sub-section (5.) of this section—

- (a) may be made notwithstanding that an appeal has been instituted under sub-section (2.) of this section against the award or decision; and
- (b) does not affect the right of an organisation or person to appeal under sub-section (2.) of this section against the award or decision,

and may be dealt with in the same proceedings as an appeal under sub-section (2.) of this section.

Proposed sub-section (2.) reads:

An appeal lies to the Commission against—

- (a) an award made by a member, a decision of a member . . .

Under the Act there could be 2 appeals against the one award—one by a person bound by the award and one by a person not bound by the award.

Senator GREENWOOD (Victoria—Attorney-General) (9.54)—I have listened with interest to what a number of senators opposite have said in connection with the 3 clauses. The arguments which have been raised are substantially arguments as to the policy of the Bill. As such, I think they are properly second reading speeches made in the guise of Committee debate. Much of what was said could have been said in the course of the second reading debate.

The TEMPORARY CHAIRMAN (Senator Withers)—Order! I notice senators moving to their seats as if they are getting ready to interject. For the last 40 minutes—

Senator Georges—We are getting ready to speak.

The TEMPORARY CHAIRMAN—Senator Georges, if you interrupt me when I am speaking I will name you.

Senator Poyser—The Minister intends to gag the debate.

The TEMPORARY CHAIRMAN—I will name anybody who interrupts me when I am speaking from the chair. The Opposition has been heard in silence for 45 minutes. The Minister is entitled to be heard in silence also for his 10 or 15 minutes.

Senator Georges—Mr Temporary Chairman, could I make a point on what you have said?

The TEMPORARY CHAIRMAN—Are you raising a point of order?

Senator Georges—I am not raising a point of order.

The TEMPORARY CHAIRMAN—If you are not raising a point of order, Senator Greenwood has the floor.

Senator Georges—Mr Temporary Chairman—

The TEMPORARY CHAIRMAN—Are you raising a point of order?

Senator Georges—Yes.

The TEMPORARY CHAIRMAN—What is your point of order?

Senator Georges—The point of order is that we are prepared, under the Standing Orders which normally apply, to listen to your appeal, but it is obvious that the Minister will again move the gag.

The TEMPORARY CHAIRMAN—What is your point of order? Will you name the standing order under which you are taking a point of order?

Senator Georges—In effect it is an objection to a procedure which is taking place at this time and which is taking place continually in this place.

The TEMPORARY CHAIRMAN—There is no substance in the point of order.

Senator Georges—Perhaps there is not but—

The TEMPORARY CHAIRMAN—Senator Georges, would you please resume your seat.

Senator GREENWOOD—I suggest that what I have to say is by way of justification of a Bill which was fairly thoroughly debated in this chamber in 1970 and to explain how the new provisions fit into that context. Proposed section 32 continues the approach which was adopted by the Act of 1970—in short, that the seeking of a bans clause in an award is such an important step and places such firm obligations upon organisations that it should be imposed only by a presidential member. It is only when there is a bans clause, a prohibition upon certain activities in the form of industrial action, that there is any problem involved in unions striking or engaging in limitations of work. The Government believes that it must be firm but restrained in the approach which it adopts to these matters. It is firmly wedded to the principles of sanctions, but it recognises that every reasonable opportunity should be given for the processes of conciliation and arbitration to operate.

When an application for a bans clause comes before a presidential member of the Conciliation and Arbitration Commission—someone must apply for a bans clause in the first place—the parties are given every opportunity to resolve their difference and to avoid having a bans clause inserted. They will avoid having a bans clause inserted in their award if they are prepared to act with good will and in the best interests of their members. I am informed by my advisers that, of approximately 500 Federal awards, about 25 have bans clauses in them. That indicates that the vast number of awards which are made in this country do not require and do not have inserted in them clauses which say that the unions will not engage in any limitation or restriction of work. Therefore that indicates that it is only in a limited area in which there is a problem of deciding whether a bans clause should be inserted. The bans clause provision is the first step in the sanctions process. It gives the opportunities to which I have referred to have the matter resolved with good will and in the interests of everybody con-

cerned. If an organisation acts sensibly it does not need to be taken any further along a line which, if it acts insensibly, would ultimately lead to the penalties under section 119.

That is the broad pattern which existed in the 1970 amendments. The Opposition opposed them, just as it is opposing what is involved now. They have been of some value. I am assured that as at 2nd May, as a result of the provisions which were introduced in 1970, there had been 73 applications for a certificate where there had been a bans clause. In only 7 out of the 73 applications had a certificate been issued. In 40 cases the matters were settled by agreement. They were stood over, withdrawn, not proceeded with or simply lapsed. There were 16 cases in which the presidential member made a decision on the dispute and there were 10 cases proceeding or adjourned sine die with liberty to re-apply. The existing provisions have not resulted in the dreadful consequences which we all remember were prophesied all night at a certain period when we debated them; nor will the provisions which are now being proposed have any of the dire consequences which have been prophesied.

Proposed new section 33 provides that if the attitude of the offending organisation is such that the Commission has no alternative but to insert a bans clause the steps towards the final phase of the imposition of a penalty will quicken, but they will not quicken so that punishment is inevitable. There will be interposed before the stage where a penalty is imposed the processes of proposed new section 33. It also maintains the concept of the 1970 amendments. Every opportunity will be given to an organisation when it appears before the presidential member who has the decision as to whether to issue a certificate to use the processes of conciliation and arbitration. Of course, only a presidential member can deal with applications under proposed new section 33. He will have, in addition to the power of granting a certificate, a power of conciliation and a power of arbitration. That, of course, is something which was not in the legislation before. I do not know whether it is to be regarded as criticism that the presidential member has been given the powers.

One change which is involved is that, whilst the presidential member is to be given discretion as to how he goes about dealing with applications under proposed new section 33, he will be obliged to issue a certificate and so open up proceedings in the Industrial Court where conduct in the form of strikes or bans is taking place, notwithstanding his best efforts to bring about a cessation of that conduct. Under the pre-existing provision a matter could go before a presidential member on an application for a certificate and, whilst the presidential member was using his best endeavours to resolve the dispute, the parties to the dispute or one of the parties to the dispute was engaged in direct action in contravention of the ban. It seems to me to be an anomalous situation—to the Government it was a situation that required remedying—that the presidential member should be faced with a continuation of the trouble he was trying to avoid and be unable to resolve it. He will now be in the position of being able to issue a certificate if he believes that to continue further with the discussion is not likely to produce any result.

In summary, the proposed new section 33 provides: Firstly, that there can be no penalty action for a breach of a bans clause unless the alleged breach is notified under proposed new section 33 and a certificate is issued by a presidential member. Secondly, when a notification is received, the presidential member is to inquire into the matters alleged in the notice. He has to attempt to stop the conduct occurring, if it has commenced or if it is threatened, and he has to issue a certificate as to such conduct unless he is satisfied that a prompt settlement will be effected or that the conduct is about to cease. Thirdly, where conduct has ceased but a certificate is asked for, a presidential member is to inquire into all the matters involved, but he shall not issue a certificate if he thinks that to do so would be undesirable having regard to the circumstances in which it ceased or the terms of settlement arrived at.

I must emphasise that the Government will be quite firm on the sanctions after the stage has been reached where a certificate has been issued and penalties have been imposed. As the Prime Minister

(Mr McMahon) has said, and as I am authorised to say, if fines are imposed they will be collected. We heard from Senator James McClelland some comment about the Government being unwilling to collect fines. Since the provisions in this respect came into operation—

Senator James McClelland—What about the earlier ones?

Senator GREENWOOD—As the truth hurts the Opposition may want to drown it out and it can be drowned out if all Opposition senators sing out in unison. But let us hear the truth about this matter. Since the new provisions were introduced in 1970 all the fines which have been imposed have been collected.

Senator James McClelland—What about before then?

Senator GREENWOOD—Of course, there have been some bold, brave unions which have said: 'We will never pay these fines'. But what have we found? We have found that they have been paid anonymously. It is a curious concept that if one wants to—

(Opposition senators interjecting)——

The TEMPORARY CHAIRMAN
 (Senator Withers)—Order! I said before that the Minister will be heard in silence. I will name the next Opposition or Government supporter who interjects while the Minister is on his feet.

Senator Cavanagh—Do not talk ballyhoo.

The TEMPORARY CHAIRMAN—I name Senator Cavanagh for cheeking the Chair.

Senator Poyser—What utter nonsense.

The TEMPORARY CHAIRMAN—I name Senator Poyser also. I interrupt the proceedings of the Committee in order to report to the President that an offence has been committed by Senator Cavanagh and Senator Poyser.

In the Senate

Senator WITHERS—Mr President, as Temporary Chairman I have to advise that I have named Senator Cavanagh and Senator Poyser for disregarding the direction of the Chair.

Senator Greenwood—Mr President, I refer to standing order 440, which reads:

When any Senator has been reported as having committed an offence he shall be called upon to stand up in his place and make any explanation or apology, he may think fit, and afterwards a Motion may be moved—"That such Senator be suspended from the sitting of the Senate". No Amendment, Adjournment, or Debate shall be allowed on such Motion, which shall be immediately put by the President.

Mr President, in accordance with that standing order, may I respectfully suggest that Senator Cavanagh and then Senator Poyser be called upon to make such explanation or apology as they think fit.

Senator Murphy—Mr President, the Standing Order is as Senator Greenwood has stated. I was not present to hear or observe what went on in the chamber, but surely—

Senator Webster—I rise on a point of order, Mr President.

The PRESIDENT—Order! You cannot take a point of order on Senator Murphy. I request you to resume your seat.

Senator Murphy—I understand that there has been some difficulty at the Committee stage of the debate. Would it not be more sensible if apologies were called for, Mr President? I suggest that the matter should be dealt with in a manner which is consonant with the dignity of the Senate. If something has caused some offence to the Chair it should be dealt with but it should be dealt with sensibly. Honourable senators on both sides of the chamber should endeavour to keep the debate progressing without any suspensions of honourable senators or any procedures that do no credit to this chamber. If an explanation or apology will be sufficient for you, Mr President, will you indicate your agreement so that we will be able to go about our business in an orderly and sensible fashion.

The PRESIDENT—I point out to honourable senators that the Standing Orders must be obeyed and that no honourable senator must defy the authority of the Chair. I am perfectly aware that in the heat of a debate honourable senators tend to entrench themselves in situations from which they are reluctant to withdraw. I have served with Senator Cavanagh and Senator Poyser for a long time. Therefore

I would be grateful if they would give consideration to the dignity of the Senate and the authority of the Chair.

Senator Cavanagh—My understanding was that I would be called upon to make an explanation rather than to offer an apology. No-one has respected the authority of the Chair more than I have since I have been in the chamber but one cannot bow on this occasion to the display of arrogant stupidity that has led me into this situation. In protest I would say that until this evening we had always had reasonable directions from the Chair and I will obey reasonable directions.

Senator Poyser—I think that the whole incident has been built up out of nothing by a new Temporary Chairman who has come into the Chair.

The PRESIDENT—Order! I cannot allow a reflection on the Chair.

Senator Poyser—As far as I am concerned the intervention of the Temporary Chairman was unwarranted. I take the same position that I took before and I have no intention of apologising to Senator Withers.

Senator Greenwood—I move:

That Senator Cavanagh and Senator Poyser be suspended from the sitting of the Senate.

Senator Murphy—I rise to order, Mr President. Surely the senators are entitled to be dealt with separately. The Senate must be entitled to express itself in respect of senators individually and I ask you, Sir, to rule the motion out of order.

The PRESIDENT—I rule that I can deal with the senators together in the terms of the Standing Orders only by leave of the Senate. Otherwise I must deal with them separately. I prefer to deal with them separately.

Senator Murphy—There is no motion to that effect.

Senator Greenwood—Mr President, I moved a motion dealing with 2 senators. According to your ruling I must ask for leave to do so. I ask for leave to move a motion to deal with Senator Poyser and Senator Cavanagh in the same motion.

The PRESIDENT—Is leave granted?

Opposition Senators—No.

Senator Greenwood—I move:

That Senator Cavanagh be suspended from the sitting of the Senate.

Question put. The Senate divided.

(The President—Senator Sir Magnus Cormack)

Ayes	31
Noes	23
Majority	—

AYES

Bonner, N. T.
Buttfield, Dame Nancy
Byrne, C. B.
Carrick, J. L.
Cormack, Sir Magnus
Cotton, R. C.
Davidson, G. S.
Drake-Brockman, T. C.
Durack, P. D.
Gair, V. C.
Greenwood, I. J.
Guilfoyle, M. G. C.
Hannan, G. C.
Jessop, D. S.
Kane, J. T.
Lawrie, A. G. E.

NOES

Bishop, R.
Brown, W. W. C.
Cameron, Donald
Cant, H. G. J.
Cavanagh, J. L.
Devitt, D. M.
Drury, A. J.
Georges, G.
Keeffe, J. B.
McAuliffe, R. E.
McClelland, Douglas
McClelland, James

PAIRS

Laucke, C. L.
Anderson, Sir Kenneth

Question so resolved in the affirmative.

(Senator Cavanagh thereupon withdrew from the chamber.)

Senator Greenwood—I move:

That Senator Poyer be suspended from the sitting of the Senate.

Question put. The Senate divided.

(The President—Senator Sir Magnus Cormack)

Ayes	31
Noes	22
Majority	—

AYES

Bonner, N. T.
Buttfield, Dame Nancy
Byrne, C. B.
Carrick, J. L.
Cormack, Sir Magnus
Cotton, R. C.
Davidson, G. S.
Drake-Brockman, T. C.
Durack, P. D.
Gair, V. C.
Greenwood, I. J.
Guilfoyle, M. G. C.
Hannan, G. C.
Jessop, D. S.
Kane, J. T.
Lawrie, A. G. E.

NOES

Bishop, R.
Brown, W. W. C.
Cameron, Donald
Cant, H. G. J.
Devitt, D. M.
Drury, A. J.
Georges, G.
Keeffe, J. B.
McAuliffe, R. E.
McClelland, Douglas
McClelland, James
McLaren, G. T.

Teller:
O'Byrne, J.

PAIRS

Laucke, C. L.
Anderson, Sir Kenneth

Fitzgerald, J. F.
Willessee, D. R.

Question so resolved in the affirmative.

(Senator Poyer thereupon withdrew from the chamber.)

In Committee

Consideration resumed.

Declaration of Urgency

Senator GREENWOOD (Victoria — Attorney-General) (10.23) — Mr Chairman, pursuant to standing order 407B, I declare that this Bill is an urgent Bill. I move:

That the Bill be considered an urgent Bill.

Senator Murphy—What is your proposal, senator? We have had not notice of this proposal. I would like you just to let us know what is going on.

Senator GREENWOOD—I refer to standing order 407B. I have exercised the right which a Minister has under that standing order to declare that the Bill is an urgent Bill. I moved that the Bill be considered an urgent Bill. Mr Chairman, I draw your attention to this standing order which states in part:

... and such motion shall be put forthwith—no debate or amendment being allowed.

Senator Keeffe—You are nothing but a Fascist!

Senator Murphy—Well—

The CHAIRMAN (Senator Prowse)— Senator Murphy, are you proposing to debate it?

Senator Murphy—Yes, I move—

Senator GREENWOOD—Mr Chairman—

Senator Jessop—A point of order, Mr Chairman.

The CHAIRMAN—Senator Murphy, I can see no ruling that I can hear you on.

Senator Murphy—I propose, if you will bear with me, to give you one.

Senator Jessop—I have taken a point of order.

Senator Greenwood—I rise to take a point of order.

Senator Jessop—We have a point of order.

The CHAIRMAN—I will hear Senator Murphy.

Senator Greenwood—I rise to a point of order only because the first words that I heard from Senator Murphy were: 'I move'. I feel that if a person proposes to move something that cannot be a point of order.

The CHAIRMAN—Exactly. I uphold your point of order.

Senator Murphy—You can hear a motion for the suspension of the particular standing order.

The CHAIRMAN—There is no standing order which permits me to receive another motion on this subject.

Senator Murphy—Mr Chairman, I propose to move for the suspension of the standing order in question. But I submit that a motion—

Senator Greenwood—I rise to a point of order.

Senator Murphy—Mr Chairman, if you wish to rule that I am in error, I shall move dissent from your ruling.

The CHAIRMAN—Senator Murphy, will you resume your seat.

Senator Murphy—Yes.

The CHAIRMAN—I will hear Senator Greenwood.

Senator Greenwood—I rise on a point of order to say that standing order 407B states that when the motion 'That the Bill be considered an urgent Bill' is moved, such motion shall be put forthwith, no debate or amendment being allowed. I say that the motion which Senator Murphy proposes to move cannot be moved. The motion that I have moved must be put without debate forthwith.

Senator Murphy—Well, Mr Chairman—

The CHAIRMAN—I rule that you have no ground on which to move a motion. I would hear a point of order, but—

Senator Murphy—Well, I dissent from your ruling.

The CHAIRMAN—Will you state your motion?

Senator Murphy—I wish to move without notice for the suspension of the standing order in question.

The CHAIRMAN—I cannot accept or recognise that motion. Do you propose to move dissent from my ruling?

Senator Murphy—Yes.

OBJECTION TO RULING

Senator MURPHY (New South Wales—Leader of the Opposition) (10.28)—Mr Chairman, I formally move:

That the ruling be dissented from.

(Senator Murphy having submitted in writing his objection to the ruling)—

The CHAIRMAN—Order! The procedure is that I report now to the President.

In the Senate

Senator PROWSE—Mr President as Chairman of Committees I have to report that Senator Greenwood moved that the Bill be declared an urgent Bill, whereupon Senator Murphy sought to move a motion which I ruled as not being in conformity with the Standing Orders. Senator Murphy then moved dissent from my ruling.

The PRESIDENT—I uphold the Chairman's ruling.

Senator Murphy—Mr President, I move:

That the ruling of the President be dissented from.

Standing order 448 provides:

In cases of urgent necessity, any Standing or Sessional Order or Orders of the Senate may be suspended on Motion. . . .

The PRESIDENT—Order! I think you must move that the motion of dissent requires immediate determination.

Senator Murphy—I move:

That the motion of dissent requires immediate determination.

Question resolved in the affirmative.

The PRESIDENT—The matter is now open for debate.

Senator MURPHY (New South Wales—Leader of the Opposition) (10.33)—Mr President, I draw your attention and the attention of the Senate to standing order 448. I suggest that that standing order contemplates that a standing order may be suspended in the case of urgent necessity. Standing order 448 states:

In cases of urgent necessity, any Standing or Sessional Order or Orders of the Senate may be suspended on Motion, duly made and seconded, without notice: Provided that such Motion is carried by an absolute majority of the whole number of senators.

The Attorney-General (Senator Greenwood) has moved that the Bill be declared an urgent Bill. He has done so regrettably without any warning whatever to the Senate. Some warning could have been given. If the Minister wanted to do this there is nothing to stop him giving notice so that the matter could come on tomorrow or some arrangement as to times might be agreed upon in order that the matter could be dealt with in a sensible fashion.

Senator Gair—He has had a lot of encouragement to do that, has he not?

Senator MURPHY—He has made no proposal to me, if I may answer that interjection. No proposal has been made to me other than in terms to which I have acceded, and these terms have not been broken in any way. We have not exceeded the time contemplated for dealing with the Committee stage of the Bill, and the Minister in charge of the Bill has made no proposal in relation to the allotment of time or the setting out of some programme in which the matter could be dealt with in a sensible way consonant with the dignity of the Senate. Instead the Minister has put forward a proposition out of the blue under standing order 407B that the Bill be declared an urgent Bill. He seeks to invoke that part of the standing orders which states that the motion shall be put forthwith without any debate or amendment. Reading the standing orders together, I

suggest in the circumstances that it is reasonable to say that an honourable senator could move for the suspension of such standing orders. The Minister's proposal has been thrust upon the Senate without any notification, as far as I am aware, that this tactic would be used. The proposal has been put forward without any request that an arrangement be entered into between the parties dealing with this matter. I seek your indulgence to suggest, Mr President, that instead of this tactic being pursued it might be much better if the Acting Leader of the Government in the Senate (Senator Drake-Brockman) and I were to agree upon times, or if the Attorney-General were to suggest some programme in relation to times.

Senator Byrne—What about the Democratic Labor Party?

The PRESIDENT—Order! The Leader of the Opposition is entitled to be heard and to explain the point to which he wishes to address himself.

Senator MURPHY—I note the interjection which was made. May I suggest that the Attorney-General ought to put forward some programme which he thinks might commend itself not only to the Opposition but also to other honourable senators.

Senator Greenwood—I rise to a point of order. Under the Standing Orders Senator Murphy cannot digress from the matter under discussion. He is speaking to a motion of dissent from your ruling, Mr President, and what he has been saying is not relevant to that motion at all. If he desires to deliver homilies to the Government as to how the Government should conduct itself, there is an appropriate time and place—the adjournment debate—to do this but he should not do so at this time. I submit that he should direct himself on a serious matter such as this to the issue before the Chair.

Senator Drake-Brockman—Mr President, this situation is bordering on the ridiculous. A motion, as moved by the Minister in charge of this Bill, has been accepted by the Chair. Now Senator Murphy is endeavouring to move another motion to that motion. We might as well throw away the Standing Orders if we are to continue in this way. What I am saying is that the Chair accepted the motion

moved by Senator Greenwood and I think we should deal with that motion.

The PRESIDENT—Order! The question is: 'That the ruling of the President be disented from'.

Question put. The Senate divided.

(The President—Senator Sir Magnus Cormack)

Ayes	21
Noes	31
Majority	10
	—

AYES

Bishop, R. McLaren, G. T.
Brown, W. W. C. Milliner, B. R.
Cameron, Donald Mulvihill, J. A.
Cant, H. G. J. Murphy, L. K.
Devitt, D. M. Poke, A. G.
Drury, A. J. Primmer, C. G.
Georges, G. Wheeldon, J. M.
Keeffe, J. B. Wilkinson, L. D.
McAuliffe, R. E. Wriedt, K. S.
McClelland, Douglas Teller:
McClelland, James O'Byrne, J.

NOES

Bonner, N. T. Lillico, A. E. D.
Buttfield, Dame Nancy Little, J. A.
Byrne, C. B. McManus, F. P.
Carrick, J. L. Marriott, J. B.
Cormack, Sir Magnus Maunsell, C. R.
Cotton, R. C. Negus, S. A.
Davidson, G. S. Prowse, E. W.
Drake-Brockman, T. C. Rae, P. E.
Durack, P. D. Sim, J. P.
Gair, V. C. Townley, M.
Greenwood, I. J. Webster, J. J.
Guilfoyle, M. G. C. Withers, R. G.
Hannan, G. C. Wood, I. A. C.
Jessop, D. S. Wright, R. C.
Kane, J. T. Teller:
Lawrie, A. G. E. Young, H. W.

PAIRS

Fitzgerald, J. F. Laucke, C. L.
Willessee, D. R. Anderson, Sir Kenneth

Question so resolved in the negative.

CONCILIATION AND ARBITRATION BILL 1972

In Committee

Consideration resumed.

Consideration interrupted.

The CHAIRMAN (Senator Prowse)— Order! In conformity with the sessional order relating to the adjournment of the Senate, I formally put the question:

That the Chairman do now leave the Chair and report to the Senate.

Question put. The Committee divided.

(The Chairman—Senator Prowse)

Ayes	21
Noes	29
Majority	8

AYES

Bishop, R. McLaren, G. T.
Brown, W. W. C. Milliner, B. R.
Cameron, Donald Mulvihill, J. A.
Cant, H. G. J. Murphy, L. K.
Devitt, D. M. Poke, A. G.
Drury, A. J. Primmer, C. G.
Georges, G. Wheeldon, J. M.
Keeffe, J. B. Wilkinson, L. D.
McAuliffe, R. E. Wriedt, K. S.
McClelland, Douglas Teller:
McClelland, James O'Byrne, J.

NOES

Bonner, N. T. Lillico, A. E. D.
Buttfield, Dame Nancy Little, J. A.
Byrne, C. B. McManus, F. P.
Carrick, J. L. Marriott, J. E.
Cotton, R. C. Maunsell, C. R.
Davidson, G. S. Prowse, E. W.
Drake-Brockman, T. C. Rae, P. E.
Durack, P. D. Sim, J. P.
Gair, V. C. Townley, M.
Greenwood, I. J. Webster, J. J.
Guilfoyle, M. G. C. Withers, R. G.
Hannan, G. C. Wood, I. A. C.
Jessop, D. S. Wright, R. C.
Kane, J. T. Teller:
Lawrie, A. G. E. Young, H. W.

PAIRS

Fitzgerald, J. F. Laucke, C. L.
Willessee, D. R. Anderson, Sir Kenneth
Gietzelt, A. T. Cormack, Sir Magnus

Question so resolved in the negative.

Consideration resumed.

Question put:

That the Bill be considered an urgent Bill.

The Committee divided.

(The Chairman—Senator Prowse)

Ayes	28
Noes	21
Majority	7

AYES

Bonner, N. T. Little, J. A.
Buttfield, Dame Nancy McManus, F. P.
Byrne, C. B. Marriott, J. B.
Carrick, J. L. Maunsell, C. R.
Cotton, R. C. Prowse, E. W.
Davidson, G. S. Rae, P. E.
Drake-Brockman, T. C. Sim, J. P.
Durack, P. D. Townley, M.
Gair, V. C. Webster, J. J.
Greenwood, I. J. Withers, R. G.
Guilfoyle, M. G. C. Wood, I. A. C.
Hannan, G. C. Wright, R. C.
Jessop, D. S.
Kane, J. T.
Lawrie, A. G. E. Teller:
Lillico, A. E. D. Young, H. W.

NOES

Bishop, R. McLaren, G. T.
Brown, W. W. C. Milliner, B. R.
Cameron, Donald Mulvihill, J. A.
Cant, H. G. J. Murphy, L. K.
Devitt, D. M. Poke, A. G.
Drury, A. J. Primmer, C. G.
Georges, G. Wheeldon, J. M.
Keeffe, J. B. Wilkinson, L. D.
McAuliffe, R. E. Wriedt, K. S.
McClelland, Douglas Teller:
McClelland, James O'Byrne, J.

PAIRS

Laucke, C. L. Fitzgerald, J. F.
Anderson, Sir Kenneth Willessee, D. R.

Question so resolved in the affirmative.

Allotment of Time

Senator GREENWOOD (Victoria—Attorney-General) (10.55)—I move:

That the time allotted for the consideration of the remainder of the Bill be as follows:

For the remainder of the Committee stage of the Bill, until 12.30 p.m. on Wednesday, 31st May 1972;

For the remaining stages of the Bill, until 12.45 p.m. on Wednesday, 31st May 1972.

I want to explain, having moved that motion, that the Government regards this as a Bill which should be passed as soon as possible. It is a matter which can be viewed from several standpoints. In the first place this Bill was introduced into the House of Representatives on 26th April and after a period of adjournment of debate it was passed through that place after some 22 hours had been allotted for debate. Debate on the Bill commenced in the Senate last Tuesday and it has been debated continuously since that date.

Senator James McClelland—It has not. You know that is not the truth.

Senator GREENWOOD—If the point at issue is that it has not been debated continuously but has been debated after question time, then I stand corrected. I assume that all honourable senators assume that when one refers to continuous debate it is not debate at the expense of question time. However, it has been debated for a period of a week. Five more hours were spent on the second reading debate in the Senate than were spent in the House of Representatives and this chamber has half the number of members that the House of Representatives has. I have said, with ample evidence to sustain and to justify the comment, that we witnessed a filibustering experience in this place last week. If exception is to be taken to the fact that the debate at the Committee stage must be curtailed, then I believe that Opposition senators have only themselves to blame if they feel that blame is to be apportioned.

What we have seen this evening justifies the course we have taken, I believe, because we have heard, in many of the comments at the Committee stage of the Bill, cameo second reading speeches and that is not the function of the Committee stage. A further point, Mr Chairman, is that the House of Representatives rose last Thursday and is awaiting the passage and return to that place of this Bill. In all the circumstances the Government believes

that the appropriate course is to indicate the time which will be available for the termination of proceedings. Accordingly I have moved for the guillotining of this debate.

Senator MURPHY (New South Wales—Leader of the Opposition) (10.58)—Mr Chairman, we of the Opposition oppose this motion. I put it to the Committee that this is not a reasonable way in which to conduct the business of the Senate. This is a very important Bill. If the Government takes the attitude that debate on the Bill should be confined, then it should have announced that prior to the commencement of the debate. That course is not unknown in other countries. A similar important Bill was before the House of Commons not very long ago and there was a discussion about it beforehand. The British Government wanted to confine and put limits on the debate on that Bill and that matter was determined beforehand. What has happened in this case is quite unreasonable.

Arrangements made in the Senate primarily are made, at present, between the Acting Leader of the Government and myself. There has been no suggestion that anything of this nature would be done. I had anticipated that in the ordinary course of the business of the Senate the Bill would pass through this chamber and go to the House of Representatives tomorrow. I do not think there would be any doubt about that. The Opposition, contrary to what has been said by the Attorney-General has facilitated the passage of other measures through this chamber. We have agreed to the incorporation of second reading speeches. In various ways we have agreed to facilitate proceedings so that there might be a proper debate on this measure. If it were thought that there should be a limitation on this debate today, as is being proposed now, that would have been completely unreasonable. I presume that we have finished this evening's proceedings, unless the Government wishes to continue. It is suggested that the debate in relation to the rest of the Committee stage of the Bill be completed by 12.30 tomorrow. We agreed that we would sit tomorrow morning which is not a usual sitting time so that the Bill might be debated and time would not be wasted. We thought that that was reasonable. Why

should it be insisted that this Bill be through by 12.30? If there is question time tomorrow that means that there will not be more than about 1½ hours in which to debate the extremely important clauses of this Bill. There are proposed amendments in relation to the amalgamation clauses.

Senator James McClelland—There are 19 proposed new sections.

Senator MURPHY—I am told that there are 19 proposed new sections. I hope that some amendments may be made to these clauses because they are all of great significance. Other parts of the Bill are extremely important. I apprehend that some clauses might be defeated in this chamber. If this is the situation no doubt Government honourable senators will want to speak in an attempt to defend the clauses and oppose certain amendments which may be made. I think that it is not fair to the Senate to impose such a strict time limit. I suggest that the proper and common sense way is to leave this motion and see whether before 10 o'clock in the morning the acting Leader of the Government in the Senate and myself can come to some arrangement as to what ought to be done about the Bill. If that cannot be done then the Government can proceed with this or with an amended motion. I suggest and appeal to the Acting Leader of the Government that if we are going to conduct the business of the Senate properly this is the sensible way to do it and not impose a time limit which will affect other matters.

I think that some common sense proposal could be arrived at, otherwise votes are going to be put without any discussion at all on the clauses or perhaps legitimate amendments will not be dealt with by the Senate. If we accept that the Bill is going to go through tomorrow what is wrong with coming to some sensible arrangement? This affects the whole Senate and not just this Bill. I ask the acting Leader of the Government to accede to my suggestion that this motion be stood over. Nothing is going to be lost if a vote has to be taken on it in the morning rather than now. Let us see whether we can sort out the business in a better fashion. I think that it is quite unwarranted to force this motion upon us at this late stage. Had this draconic move been proposed previously

there may have been a suggestion that times would be better allotted than they have been allotted now. Some of the main matters have yet to be dealt with in these clauses. I say that this is quite unreasonable. While I am on my feet I ask the Acting Leader of the Government whether he is prepared to accede to the request which I am making to him.

Senator DRAKE-BROCKMAN (Western Australia — Minister for Air) (11.04)—First of all I say to the Leader of the Opposition (Senator Murphy) that I recognise the fact that the Senate cannot work properly unless there is a working arrangement between the Leader of the Opposition and myself as Acting Leader of the Government in the Senate. Since I have taken over that position I have recognised that this is a very important piece of legislation. I recognised the fact that honourable senators opposite would want to speak at considerable length on this Bill. Because of that attitude—I see that honourable senators on the Opposition benches agree with me—I have given the Opposition the opportunity of putting up all the speakers they wanted to during the debate on the second reading. Honourable senators will note that on Tuesday, 23rd May, the Senate discussed this Bill for 2 hours 30 minutes. On Wednesday, 24th May, we discussed it for 4 hours 15 minutes. On Thursday, 25th May, we discussed it for 6 hours 46 minutes. This makes a total of 13 hours 31 minutes spent on debating the Attorney-General's second reading speech. We find that the House of Representatives spoke on the second reading speech for 8 hours. Surely the Opposition cannot deny that the Government has given it the opportunity of putting up all the speakers they required in relation to this Bill. We have given the Opposition ample opportunity of having its say.

Senator Douglas McClelland—We did it by giving Ministers leave to incorporate second reading speeches in Hansard which would have taken 5 hours to read.

Senator DRAKE-BROCKMAN—I recognise that, but if the honourable senator wants to bring that argument in I point out that we will have to go back to a lot of other arguments, particularly in relation to the debate on Senate committee reports. When I moved the motion in relation to

that matter in the Senate I asked for the co-operation of the Senate so that to save time second reading speeches could be incorporated in Hansard.

Senator Cant—On Thursday.

Senator DRAKE-BROCKMAN—Yes, on Thursday, I say to the Leader of the Opposition that when we went into Committee we spent 31 minutes on Thursday, 25th May. A motion was moved that the Senate should sit from 10 o'clock on Friday. The Senate agreed to that motion and on Friday, 26th May, we had a discussion for 2 hours 30 minutes in Committee. Today we have spent about 3½ hours discussing this Bill. The Senate will recall—I want it to take note of this—that earlier this afternoon I moved a motion in regard to the rearrangement of sitting hours for tomorrow. The Senate gave me approval to call it together at 10 o'clock tomorrow morning. In speaking to the motion the Leader of the Opposition said that he anticipated that this Bill would be dealt with tonight or early tomorrow. This fell into line with my thinking. I was hoping to have the Bill through the Senate by tomorrow lunchtime. The Leader of the Opposition indicated this in his remarks earlier this afternoon. But tonight I find that we are up to clause 13 of the Bill. There are 69 clauses in the Bill. Tomorrow we will have from 10 a.m. until 1 p.m. sitting time. This afternoon I saw the reaction to the suggestion made by Senator Negus that we do away with question time. The Senate would not have a bar of that. No doubt tomorrow we will have an hour for question time and certain procedural matters will have to be dealt with before we get back to the Bill. By 1 o'clock the most we can have is one hour's discussion on this Bill. Honourable senators opposite say that in that one hour they are going to deal with their amendments. But up to this time they have not touched on one of those amendments. All we are doing here is agreeing with the suggestion put forward by the Leader of the Opposition that we will complete the Bill tomorrow but we are introducing machinery measures which will give us that Bill by 1 o'clock. I support the motion as moved.

Senator Murphy—I did not make any arrangement.

Senator DRAKE-BROCKMAN—I said that the honourable senator indicated this.

Senator Murphy—Why is there a necessity to put on an act like this?

Senator DRAKE-BROCKMAN—I have explained.

Senator BISHOP (South Australia) (11.10)—I oppose the proposal advanced by the Attorney-General (Senator Greenwood), not because I do not believe that an arrangement cannot be worked out between Senator Murphy and Senator Drake-Brockman—I think that the leaders in the Senate should decide the question—but because I object to the way in which the motion was introduced in the Senate. In my opinion it is a substantial breach of parliamentary procedure at a time when the tensions of honourable senators are very high. What we should guard against—and I hope you, Mr Temporary Chairman, and the President are listening—is a repetition of the situation which occurred some years ago late in a session when important Bills were being debated and honourable senators took a very great and deep interest in the matters. Honourable senators were becoming more and more concerned and on occasions became personally involved with one another. I remember the Willessee-Gorton incident which is on the literary records of Australia.

On this side of the chamber we have at least 8 honourable senators who have spent years as trade union leaders and we also have some very accomplished legal people. I am not patting myself on the back, if honourable senators think that is what I am doing. But many honourable senators on this side, such as Senator Cavanagh, Senator Milliner, Senator Brown, Senator Cameron, have for 20 or 30 years been protecting the rights of union members in shearing sheds and furniture factories, night and day. Would anybody expect them to sit here like robots while the Minister in charge of this Bill in a most aggressive and militant way deals with the points that they raise. That is the issue that is developing in the Senate tonight and let us recognise it. The Minister in charge of the legislation in this place is a most unsuitable person to have charge of the legislation. He is most aggressive and seems to engage in these personal activities with honourable senators, as a result of which

senators with great experience resent him. We have some difficulties occasionally with the Minister for Works (Senator Wright), who represents the Minister for Labour and National Service (Mr Lynch), but at no time can I remember dealing with former conciliation and arbitration Bills as we have dealt with this Bill.

It comes down not to discussing what progress we will make but to an important Senate procedure. The person who is handling the Bill—young enough to be brilliant in many respects but with an almost minimum amount of industrial experience—is trying to tell people on this side of the House who have had years of experience that they do not know what they are talking about or they are repeating themselves. This legislation contains matters important to everybody in Australia and particularly to unionists. I hope that when we proceed tomorrow there will be some arrangement between the Minister for Air (Senator Drake-Brockman) and the Leader of the Opposition (Senator Murphy). After all, Senator Drake-Brockman is currently the Leader of the Government in the Senate, most of us respect his efforts and I hope he and Senator Murphy will work out an arrangement which will be fair. We should not let develop in this place a situation which could lead to worse tensions than there have been tonight.

Senator KEEFFE (Queensland) (11.13)—I support the remarks made by the Leader of the Opposition (Senator Murphy) and Senator Bishop. It is a tragedy for Australia to have had the circus we have seen put on by the Government here tonight. It is a tragedy for Australia that the Minister who purports to be the Attorney-General descends to schoolboy tactics in order to get his own way. The fact that tonight he moved a motion which is an attempt to bludgeon through this chamber a very important Bill dealing with the livelihood of hundreds of thousands of people in this country is an indictment in itself. It is true that the Leader of the Opposition today entered into an agreement with the Minister for Air (Senator Drake-Brockman), representing the Government, in relation to certain extensions of sittings. But we were not told at that time—and I submit that this was a

confidence trick—that the guillotine would be applied rigidly throughout the whole of this debate. It is unfair to cut down debating time on a major Bill of this nature. The fact that the Attorney-General (Senator Greenwood) rose here tonight and said we had spent so many hours discussing this Bill is so much eye wash and poppycock. He knows it is not true and every honest honourable senator on the Government side knows it is not true.

The CHAIRMAN (Senator Prowse)—Order! Senator, you must not pursue that line of allegation against the Minister.

Senator KEEFFE—Mr Chairman——

The CHAIRMAN—I have instructed you that you may not pursue that line.

Senator KEEFFE—Have I not the right to point out that the Minister has spoken an untruth?

The CHAIRMAN—In language that is parliamentary.

Senator KEEFFE—You do not want me to use the words ‘poppycock’ and ‘eye wash’.

The CHAIRMAN—Or ‘untruth’.

Senator KEEFFE—I will not withdraw the word ‘untruth’. He spoke an untruth tonight. I will withdraw the words ‘eye-wash’ and ‘poppycock’ if they upset him.

The CHAIRMAN—Order! You will withdraw the allegation that the Minister has spoken an untruth.

Senator KEEFFE—I am not going to withdraw that. Heavens above! Where is democracy? I will not withdraw it. He spoke an untruth.

The CHAIRMAN—I have asked you to withdraw the remark.

Senator KEEFFE—What do you want me to do?

The CHAIRMAN—To withdraw the statement that the Minister told an untruth.

Senator KEEFFE—Mr Chairman, I am going to make a statement now.

The CHAIRMAN—I name Senator Keeffe.

Senator Keeffe—I interject once before to say that you were giving rulings like a cow cocky and you are doing it now. I refuse to withdraw and you can do what you like about it. You have wiped democracy out in this country. Do what you like about it. If you do not want to hear the truth you can close the place. You can put up a 'Bullen Brothers' sign on the front door tomorrow; you are acting like a clown.

The CHAIRMAN—Order! I suspend the proceedings of the Committee in order to report to the President that an offence has been committed by Senator Keeffe.

In the Senate

Senator PROWSE—As Chairman, Mr President, I have to report that I requested Senator Keeffe to withdraw the word 'untruth' in connection with a statement by the Attorney-General. Senator Keeffe refused to withdraw and I accordingly named him.

Senator Drake-Brockman—I suggest, Mr President, that you should call on Senator Keeffe to make an apology or any other explanation that he sees fit at this time.

The PRESIDENT—I would like to say to honourable senators that the dignity, the status and the authority of the Senate are not being enhanced by the constant situation with which I am now confronted of making the decision, with the authority of honourable senators, to suspend an honourable senator from the chamber. I have been a practising politician and a back bench senator and I know what happens in the heat of debate. I am sure that the progress of the business of the Senate is not being enhanced by this situation. Senator Keeffe is a man of great experience and I am sure that in the circumstances he will reconsider his position. I am appealing to him in the interests of the Senate, not in any Party interest.

Senator KEEFFE (Queensland) (11.18)—I commend you for your attitude, Mr President. I regret that the Temporary Chairmen in this chamber are not adopting the same attitude.

Senator Wright—There are elections coming on, Mr President.

Senator KEEFFE—Senator Wright, why don't you go home? Mr President, I used a word that is not unparliamentary. I used it with very great justification. You will recall that earlier this evening the Attorney-General (Senator Greenwood) made certain withdrawals of statements that he had made. I feel that my accusation was quite within the bounds of parliamentary procedure. It is not outside the Standing Orders. I regret that the Chairman of Committees has taken personal offence at what I said and again I pay a very great tribute to you for the way in which you are able to control this chamber. I regret that that comment does not apply to some Temporary Chairmen who have tried to control it tonight. But I cannot withdraw the word. It would be against my conscience to do so.

Senator DRAKE-BROCKMAN (Western Australia—Minister for Air) (11.20)—Mr President, I bear in mind what you said. I realise that tempers are running high, but I gave Senator Keeffe the opportunity of making an apology to the Chair. I do not think that he has accepted it. Therefore I have no alternative but to move:

That Senator Keeffe be suspended from the sitting of the Senate.

Question put. The Senate divided.

(The President—Senator Sir Magnus Cormack)

Ayes	28
Noes	21
Majority	7

AYES

Bonner, N. T.	Lillico, A. E. D.
Buttfield, Dame Nancy	Little, J. A.
Byrne, C. B.	McManus, F. P.
Carrick, J. L.	Marriott, J. E.
Cormack, Sir Magnus	Maunsell, C. R.
Cotton, R. C.	Prowse, E. W.
Davidson, G. S.	Rae, P. E.
Drake-Brockman, T. C.	Sim, J. P.
Durack, P. D.	Webster, J. J.
Greenwood, I. J.	Withers, R. G.
Guilfoyle, M. G. C.	Wood, I. A. C.
Hannan, G. C.	Wright, R. C.
Jessop, D. S.	
Kane, J. T.	Teller:
Lawrie, A. G. E.	Young, H. W.

NOES

Bishop, R.	McLaren, G. T.
Brown, W. W. C.	Milliner, B. R.
Cameron, Donald	Mulvihill, J. A.
Cant, H. G. J.	Murphy, L. K.
Devitt, D. M.	Poke, A. G.
Drury, A. J.	Primmer, C. G.
Georges, G.	Wheeldon, J. M.
Keeffe, J. B.	Wilkinson, L. D.
McAuliffe, R. E.	Wriedt, K. S.
McClelland, Douglas	Teller:
McClelland, James	O'Byrne, J.

PAIRS

Laucke, C. L.
Willessee, D. R.

Fitzgerald, J. F.
Anderson, Sir Kenneth

Question so resolved in the affirmative.

The PRESIDENT—Senator Keeffe, by order of the Senate, I suspend you from the remainder of the sitting of the Senate. You will leave the chamber. Black Rod will escort you from the chamber.

(Senator Keeffe thereupon left the chamber)

In Committee
Allotment of Time

Debate resumed.

Senator MILLINER (Queensland) (11.25)—I am sorry that the motion declaring the Bill an urgency Bill has been moved because I believe that such a motion was completely unnecessary. I believe that the extravagant words used by the Attorney-General (Senator Greenwood) were equally unnecessary. If we would reflect for one moment we would see that what he has been doing is casting reflections upon the Chairman of Committees and the President of the Senate. He said that there has been filibustering. If that were so, Mr Chairman, it would have been your responsibility and the responsibility of the President to prevent such action. The Attorney-General could have taken a point of order if he thought that such were the case, but he did not do so.

The CHAIRMAN (Senator Prowse)—Order! Senator Milliner, you are now getting dangerously close to offending the Chair.

Senator MILLINER—Mr Chairman, I am sorry that you have rebuked me in that fashion because I was merely answering what Senator Greenwood had said. He said that we had been filibustering. In my opinion, we had not. I believe that he was offending the Chairman and the President by suggesting accordingly. Mr Chairman, you can look at me as much as you like.

The CHAIRMAN—I suggest that you do not proceed along that line.

Senator MILLINER—How can I not proceed when the Attorney-General injected into the debate an attitude? Surely I am entitled to reply to him. In deference to your wishes, I will not proceed any further, but I resent that attitude. I point out to the Attorney-General how unfair it is to senators on this side who have waited

patiently for the Bill to come before the Senate so that they could discuss it. It does not matter whether we have spent 50 hours reviewing the provisions. Surely that is the responsibility of the Senate. It is the House of review, as we have heard from the Attorney-General on innumerable occasions. Because we exercised our rights to review the legislation, to examine in Committee some of the clauses, we were taken to task. I believe that it was most unfair for us to be charged with filibustering. I believe that on reflection the Attorney-General will acknowledge that what I say is correct.

I will give a further illustration of what I regard as the courtesy of the Attorney-General. He raises his eyebrows now. Let me explain it this way. I waited patiently tonight to ask a question about a clause. I had no intention of speaking at length on it. I wanted to know how it applied. Surely that is my responsibility. He would not have denied me that right. When he saw me rise he rose also. The Chairman, quite properly, gave him the call. He knows that I rose at the same time as he did. Do not deny it because we are sitting opposite each other.

Senator Devitt—Does he deny it?

Senator MILLINER—I do not know whether he denies it, but that is the case. I was denied the opportunity to pursue my line of questioning because he replied immediately to what he thought was sufficient debate on the matter and then applied the gag. Surely that was being a little discourteous to me. The Attorney-General knew that I wanted to ask a question. I repeat that the provocative action of the Attorney-General does nothing to add to the dignity of this chamber. I suggest, with respect, that unless the Attorney-General behaves in a less provocative manner we will get to the stage where there will be similar occurrences to what have taken place tonight.

The CHAIRMAN—I call Senator McManus.

Senator Georges—Oh!

Senator Mulvihill—Now we will listen to what you have to say, Senator McManus.

Senator McMANUS (Victoria) (11.31)—I have listened for about two or three

weeks to the contributions of Opposition senators to the debate on this Bill; I think it is about time somebody else got a chance to speak. I want to say that the Australian Democratic Labor Party will support this motion. After the long hours during which we have listened to second reading speeches on this Bill—many of them were repetition—I do not know of one further argument that could be put before this chamber, even if we were to sit for the next couple of months. Every aspect of the Bill has been fully debated. We have had lengthy debates on it at the second reading and committee stages. I have not troubled the chamber on the matter. The Australian Labor Party has had plenty of opportunities to put its case. If it alleges that it is sincere in its actions, I would like to know why it has required three or four divisions to be conducted, one after the other. If it is anxious to debate the provisions of the Bill, I would like to know why, immediately after one division has been concluded, Opposition senators have called for another division on practically the same question, and then for a third and a fourth division. If anybody tells me that that was not a filibuster then he does not know the meaning of the word 'filibuster'.

Senator Milliner—Perhaps the honourable senator knows it.

Senator McMANUS—I know the meaning of it, having had to listen to Senator Milliner and his colleagues for the last couple of weeks. During that time we have had interminable speeches repeating the same thing over and over again from people who claim that they want the Bill dealt with in a reasonable manner and without any trouble. What has happened during that time? What happened on Friday afternoon is a disgrace to the Senate. What has happened tonight is a disgrace to the Senate. I have been a member of this chamber for many years. During that time I have never heard such insulting language used to a Chairman of Committees as was used in this chamber tonight. In my view the traditions of the Senate have been dealt a very severe blow over the last 2 sitting days. I have been present when honourable senators, including members of the Australian Labor Party, have had grievances against Ministers and have expressed

their feelings in a reasonable way in accordance with the forms of the Senate. They have not grossly insulted a Chairman of Committees in the way that the Chairman of Committees was insulted here today and last Friday.

When people call out the most insulting language that one could imagine and are put out of the Senate for misbehaving in that way and others get up and repeat it the Senate ceases to be a Senate; it becomes in the view of some people a place in which they can indulge in hooliganism. I feel that action ought to have been taken after the events of last Friday. I believe that there should be discussions between the President of the Senate and the leaders of the parties with a view to obviating this kind of thing in the future. I intend to vote for this motion because I feel that the disgraceful way in which the proceedings of the Senate have been carried on in the last couple of days leaves me with no alternative. The sooner we get into recess and get the nasty taste of what has happened out of our mouths the better.

Senator GEORGES (Queensland) (11.35)—In spite of the plea of Senator McManus I wish to make the point that supporters of the Government—particularly the Attorney-General (Senator Greenwood), who is in charge of this Bill—came into this place today with the deliberate intent of disciplining members of the Opposition and some members of the Opposition have been named tonight on what I state to be very flimsy grounds.

The CHAIRMAN—Order! Senator Georges, I suggest to you that you should not pursue that line.

Senator GEORGES—May I indicate to you, Mr Chairman, that the Government is in complete disarray? It is evident that the Attorney-General has deliberately defied even the acting leader of the Government parties, namely, the Acting Leader of the Government in the Senate (Senator Drake-Brockman). I say that because on the motion being put for the adjournment of the Senate tonight the front bench of the Government parties—the senior Ministers of the Government parties—said 'aye' but the Attorney-General, with the connivance of Senator Withers, who sits behind him, opposed the motion and then

proceeded to move a motion that the Bill be considered to be an urgent one. The disarray within the Government at the present time has resulted in 3 members of the Opposition being suspended from this place.

Senator Little—For bad behaviour.

Senator GEORGES—For bad behaviour my foot. They were deliberately provoked.

Senator Wood—I rise on a point of order. Senator Georges is reflecting upon various chairmen by saying that certain Opposition senators were deliberately provoked. I draw your attention to that, Mr Chairman.

The CHAIRMAN—I have been listening carefully to what Senator Georges has been saying. I have already asked him not to pursue a particular line and I repeat that warning.

Senator GEORGES—Mr Chairman, what other line can I take, when that was, as I have said, the deliberate intent of the Attorney-General and those who have supported him? It was not the deliberate intent of all Government senators but of those who have supported the Attorney-General, who, for all I know—it appears that this may be so—is engaging in some petty internal competition with other members of the Government parties because it was fairly clear last week that he came into this place and moved an amendment to this Bill without the knowledge of the Government parties and without the knowledge of the rest of the honourable senators in this place. The Attorney-General has deliberately taken into his own hands the control of the Government side of the Senate. He has done it deliberately and without consideration for the rest of the members of the Government parties, and in doing so he has provoked the Opposition to take such action that has led to the suspension of some of its members.

Senator Young—Where did you get that information from because it is not true and you know it?

Senator GEORGES—It has been fairly clear to us as we have viewed it here. There is complete disorder in the Government. The Minister who should be dealing with this Bill is the Minister who represents in this chamber the Minister for

National Service and it has been declared to the Senate that the Minister who represents in this chamber the Minister for Labour and National Service is Senator Wright. He should be the man who is best able to handle this Bill. But what has happened?

The CHAIRMAN—Order! Senator Georges, could you tell me what is the relevance of what you are saying to the motion before the Chair?

Senator GEORGES—The relevance of what I am saying is—

Senator Webster—This will be difficult.

Senator Kane—Give him a go.

Senator Murphy—That is why we are in this mess.

Senator GEORGES—Yes. If one were properly to define relevance one would find that there has been no relevance to the debate in the contributions of the last three or four speakers. Mr Chairman, I would say that to impose such discipline on me at this point of time is to be somewhat inconsistent. But let me proceed, if I may.

The CHAIRMAN—You will relate what you are saying to the motion, Senator Georges?

Senator GEORGES—I will. I am leading to the intention that we ought to move in some way, if it is within the forms of the Senate, that the Bill be taken out of the hands of the Minister who is handling it at the present time and placed back where it belongs, namely, in the hands of the Minister representing the Minister for Labour and National Service, Senator Wright. It must be obvious even to you, Mr Chairman, that Senator Wright has not been present during this debate. Why? Is it that he knows nothing about the Bill or is it because he has been affronted because the Bill has been taken out of his hands and placed in the hands of this young Turk who has provoked us?

The CHAIRMAN—Order! Senator, I have been very patient and I think it would be better for you to sit down.

Senator Murphy—I rise to order. There have been allegations of infractions of the rules this evening. May I say that Senator Georges should not be required to sit down? If he has spoken strongly it is because he has been subjected to great

provocation. An Opposition senator was dealt with for misconduct this evening for suggesting that what was stated was an untruth, yet a few moments ago a clear interjection was directed to Senator Georges by the Government Whip who said that what Senator Georges was stating was untrue. No action was taken by you, Sir, although you voluntarily had taken action earlier. Senator Georges has been subjected to considerable provocation and I do not really think that he should be required to discontinue his speech if he wishes to continue.

The CHAIRMAN—Senator Georges may resume his speech if he obeys the Chair.

Senator Cant—Mr Chairman, I rise to order. I would like you, with your clerical assistants on each side of you, to name the standing order under which you can interrupt a senator when he is speaking.

The CHAIRMAN—The Chairman has—

Senator Cant—I want the standing order. Give me the standing order.

The CHAIRMAN—You asked me a question.

Senator Cant—I do not want you shouting at me because I can shout, too.

The CHAIRMAN—It is necessary for me to shout.

Senator Cant—Sometimes—the town crier.

The CHAIRMAN—I draw the attention of Senator Cant to standing order 421 which provides:

The President or the Chairman of Committees may call the attention of the Senate or the Committee, as the case may be, to continued irrelevance or tedious repetition, and may direct a Senator to discontinue his speech:

I requested Senator Georges to explain the relevance of his remarks to the Bill before the Chair. He failed to demonstrate that relevance and in addition to failing to demonstrate the relevance which I was anxious to perceive, he proceeded along exactly the same lines. I suggested, seeing that he appeared to be unable to demonstrate relevance under standing order 421, that he resume his seat. But if Senator Georges is prepared to obey the orders of the Chair he may resume.

Senator Cant—It is always advisable when giving rulings in this place to quote the whole of the relevant standing order, not just the part which it suits the Chair to quote.

The CHAIRMAN—Be careful.

Senator Cant—There is a second paragraph to standing order 421 which was quoted by you. It reads:

Provided that such Senator shall have the right to require that the question whether he be further heard be put, and thereupon such question shall be put without debate.

You quoted the part of the standing order that takes away Senator George's privileges but you did not quote that part of the standing order which gives Senator Georges privileges in this place. Therefore I believe that your ruling is out of order.

The CHAIRMAN—Senator Georges has the right under standing order 421 to require that the question whether he be further heard be put. Should he desire to move that question, it should be put without debate.

Senator Wheeldon—I rise to order, Mr Chairman. I refer to your zeal earlier this evening in naming Senator Keefe when he described a statement by the Attorney-General as being an untruth. As Senator Young has said that something said by Senator Georges was untrue, I am asking you whether you also intend to name Senator Young. If not, would you inform the Senate as to the difference between the instance in which Senator Keefe was involved and that in which Senator Young has been involved.

The CHAIRMAN—Standing order 424 provides:

Every such objection must be taken at the time when such words are used, and will not be afterwards entertained.

Senator Wheeldon—Further to the point of order, Mr Chairman, it was you who took the objection while Senator Keefe was speaking, and no other senator. I am asking you why, as you took objection while Senator Keefe was speaking, you did not take the same objection while Senator Young was speaking. If there is some reason, please explain it to the Senate so that we will all be able to understand

what, to a simple minded person like myself, appears to be a most extraordinary piece of conduct.

The CHAIRMAN—There is no ground for your point of order.

OBJECTION TO RULING

Senator WHEELDON (Western Australia) (11.48)—Mr Chairman, I formally move:

That the ruling be dissented from.

(Senator Wheeldon having submitted in writing his objection to the ruling)—

The CHAIRMAN—Order! I have received from Senator Wheeldon a motion in writing that he dissents from my ruling. Under Standing Orders I will report it to the President.

In the Senate

Senator PROWSE—Mr President, during the debate Senator Wheeldon has moved dissent from my ruling. He sought to criticise a ruling of the Chair on certain grounds. I can find no standing order to permit such criticism. I ruled that Senator Wheeldon was not in order and he has moved dissent from my ruling.

The PRESIDENT—The Chairman of Committees reports to me that he has received a motion of dissent from his ruling. I will hear argument from Senator Murphy as to why the ruling should be supported or not supported.

Senator Wheeldon—I move:

That the question requires immediate determination.

The PRESIDENT—I cannot deal with the subject of the question requiring immediate determination until I know the subject matter of the motion of dissent.

Senator Murphy—The question which arose in Committee was this: By a previous ruling of the Chairman which was confirmed by yourself and was concerned in the suspension of Senator Keeffe from the service of the Senate, a decision was made that to say that something was an untruth was an offence to the House and disorderly. In the debate in Committee in the last few minutes a statement was made by a Government senator, by way of interjection, to the effect that what was being said by Senator Georges was untrue. The point has been raised by Senator Wheeldon, as a matter of order, that for the

proper carrying on of the proceedings of the Senate it is necessary that there be consistency and that the Chairman should state to the Committee the reasons why in one case he himself took objection to the statement by Senator Keeffe and in the other case he did not take objection to the statement by Senator Young.

. The point of order that has been raised by Senator Wheeldon, as I conceive it, is that the Committee and the members of it are entitled to know from the Chairman of Committees what is the proper course in order that they may not be exposed themselves, if they use such an expression, to suspension from the sitting of the Senate or that they may not be exposed to being attacked by a Government senator in the same terms without any intervention by the Chair.

This is a most serious matter of order because one honourable senator has been suspended from the sitting of the Senate for using the expression. Senator Wheeldon's point is that an identical or substantially identical expression has been used against an Opposition senator by a Government senator; yet the same chairman, who named the Opposition senator, did not intervene. Surely as a matter of public order and conduct in the proceedings of the Committee Opposition senators are entitled to know where they stand and whether they are not to be permitted to use such an expression in danger of being suspended from the sitting of the Senate and whether they themselves are to be exposed to being accused in the same manner by Government senators. They may need for their protection and as their entitlement to be informed what is the application of the Standing Orders with respect to apparently an identical set of circumstances in order that they may be able to continue in the debate and not be in peril of being suspended or exposed to accusations in terms similar to that for which an Opposition senator has been suspended from the sitting of the Senate. That, as I understand it, is the point of order.

Senator DRAKE-BROCKMAN (Western Australia—Minister for Air) (11.53)—It has been the usual practice in the Senate for many years, as far as I know, that when an honourable senator is speaking and he is called to order by the Chair he does as the Chair suggests. From

time to time, in the course of debate, interjections float across this chamber. It has been the practice in the past, if an honourable senator believes that an interjection is objectionable, to draw the attention of the Chairman to it immediately. This evening, an interjection from Senator Young was allowed to float across the chamber without anybody taking a point of order. I suggest to the Senate that the Chairman of Committees probably did not even hear it because of the interjections and—

Senator Douglas McClelland—He has a good left ear.

Senator DRAKE-BROCKMAN—I do not know whether honourable senators have had an opportunity to sit in the chair when debates become intense and interjections are occurring. But I can assure the Senate, as one who has had experience over a long period in that chair, that it is most difficult to hear some of the interjections which occur. I believe that, in this case, the Chairman gave the only ruling that he could give at the time. If Senator Wheeldon believed that the interjection which floated across the chamber was objectionable, he had the opportunity at the time to rise in his place and draw the attention of the Chairman to it. He did not decide to take this action. It was not until another incident occurred later on that he drew the attention of the Chair to this matter. I do not believe that this motion of dissent from the ruling of the Chairman should be upheld.

Senator WHEELDON (Western Australia) (11.56)—May I speak briefly on this matter. What I asked the Chairman of Committees, Senator Prowse, was to explain to the Committee, so that we would all understand what was happening, why in one instance he named a senator for using the word 'untruth' and on another occasion he ignored a senator who used the word 'untrue'. I do not think that I need to labour the point other than to point out that to say that something that is an untruth is to all intents and purposes identical with saying that something is untrue. If one expression is unparliamentary, clearly the other is equally unparliamentary.

The Chairman of Committees has declined to give any determination to the Committee as to why he took notice of

one incident to the extent of naming a senator and ignored the other, other than to refer to standing order 424 which reads:

Every such objection must be taken at the time when such words are used, and will not be afterwards entertained.

That may be satisfactory in the normal course of events if some other senator had taken the objection to what Senator Keeffe said. But another senator did not take objection to what Senator Keeffe said. It was the Chairman himself who took objection to what Senator Keeffe said.

So we find a situation where one senator uses the word 'untruth' and the Chairman of Committees with great zeal notices it and immediately names him; another senator uses the word 'untrue' and the Chairman ignores it. He has not said at any stage that he did not hear the latter remark. I must say, with respect, that I would find it very difficult to believe that not everybody in the chamber heard it. It has been said by the Minister at the table, Senator Drake-Brockman, that interjections are largely ignored by the Chair. I find that most curious because only this very evening, Senator Withers, as the Temporary Chairman of Committees named 2 senators on this side of the Committee. They were suspended from the sitting of the Senate for interjecting. So, I do not think that we can say that chairmen ignore interjections. Two of our senators have been suspended for interjecting.

I appreciate your position, Mr President. This is a rather torrid debate and feelings are running high. But I put it to you that the proceedings of the Senate and the Committee of the Whole will become completely disorderly if members believe that if an Opposition senator uses the word 'untruth' he will be named by the Chairman of Committees and suspended from the sitting of the Senate and that if a Government senator uses the word 'untrue' this will be completely ignored by the Chair. If this is meant to be law and order, if this is meant to be the proper conduct of the Senate or the Committee of the Whole, it is no wonder that there is so much disorder at the present time in the streets of Australia.

The PRESIDENT—Order! I have heard enough from Senator Murphy, Senator Drake-Brockman and Senator Wheeldon to make up my mind on this matter. I do not

think that it is possible to take unrelated instances and harness them to one word. I have strong faith in the integrity of the Chairman of Committees. He was asked to rule on a point of order raised by Senator Wheeldon. He has no obligation but to rule under standing order 424 as he did. The honourable senator made no attempt to draw the attention of the Chairman of Committees to what was the alleged offence at the time it occurred. I uphold the ruling of the Chair.

Senator Murphy—I ask for leave to move a motion that the order of the Senate suspending Senator Keeffe from the sitting of the Senate be now rescinded.

The PRESIDENT—Is leave granted?

Senator Dr. Drake-Brockman—No.

The PRESIDENT—There being an objection, leave is not granted.

Suspension of Standing Orders

Senator MURPHY (New South Wales—Leader of the Opposition) (11.59)—Mr President, I move:

That so much of the Standing Orders be suspended as would prevent Senator Murphy from now moving that the order of the Senate suspending Senator Keeffe from the sitting of the Senate be lifted.

Mr President, if the Senate is to operate with some reasonableness I think Standing Orders should be suspended. There is a feeling of grievance on this side of the chamber. Whatever justification there may have been for the suspension of Senator Keeffe—you will note that I have deliberately worded my motion to state that the suspension be lifted rather than rescinded—there is a feeling of serious grievance on this side of the chamber. Whether there has been a misunderstanding or a failure to act in one case as in another, there is no doubt that tonight it was unfortunate how matters developed. There has been a great deal of tension in this chamber. In the light of what happened in an earlier case it was most unfortunate that the same action was not taken in the latter case. I think minds might differ on the question of great contention as to whether the words used by Senator Keeffe were improper in a parliamentary sense. Nevertheless, very shortly after Senator Keeffe was suspended we heard very clearly an expression used which was

in similar terms. I think it shocked honourable senators on this side of the chamber that no action has been taken. I suggest that if there is to be a spirit of some reasonableness entering into the debates in this chamber the suspension of Senator Keeffe ought not to continue. If it does continue we will have to raise the matter that so soon thereafter a similar statement was made by a Government senator and no action was taken by the same Chairman of Committees, even though he himself intervened at the time. I ask the Senate to agree to the suspension of standing orders in order that we might move that the suspension of Senator Keeffe be now lifted.

Wednesday, 31 May 1972

The PRESIDENT—I have listened to you, Senator Murphy, and I can well understand the sentiments that encouraged you to move your motion, but I was recalled to the Senate in order to deal with a motion of dissent from the Chairman's ruling. I have given my ruling on this matter. It is my duty now to return the Senate to the Committee of the Whole. As to the matter you now wish to raise, you could only do so by obtaining permission of the Committee to report progress to enable me to return to the Chair. So the Committee must now resume.

Senator Murphy—I rise to a point of order. I draw your attention, Mr President, to standing order 448. It refers to cases of urgent necessity, and this must be a matter that the Senate—

Senator Drake-Brockman—I rise to a point of order. I ask under what standing order Senator Murphy is now speaking.

Senator Murphy—I am speaking under standing order 448. On a point of order I am putting to the President—

The PRESIDENT—Order! My ruling is that the proceedings of the Committee of the Whole have only been temporarily suspended to enable me to return to the Chair to deal with a motion of dissent from the Chairman's ruling. I must return the Senate to the Committee, and it may take further action at some subsequent stage.

Senator Murphy—I move:

That the ruling of the President be dissented from.

The PRESIDENT—Senator Murphy, you cannot move that my ruling be dissented from. I will leave the Chair and return the Senate to the Committee of the Whole.

Senator Murphy—Mr President, I have moved: 'That the ruling of the President be dissented from'.

The PRESIDENT—Senator Murphy, you are totally out of order. My duty as President is to be obedient to the desires of the Senate, namely that it be returned to the Committee of the Whole. Any subsequent proceedings you wish to take can be taken by moving that progress be reported so that I may return to the Chair. I will now leave the Chair.

In Committee

The CHAIRMAN (Senator Prowse) — Order! The time allowed for the discussion on the allotment of time has expired. Therefore I put the question 'That the time for consideration of the Bill be, for the Committee stage until 12.30 p.m. on 31st May and for the remaining stages, until 12.45 p.m. on 31st May.

Question put:

That the motion (Senator Greenwood's) be agreed to.

The Committee divided.

(The Chairman—Senator Prowse)

Ayes	27
Noes	20
Majority	7

AYES

Bonner, N. T.
Buttfield, Dame Nancy
Byrne, C. B.
Carrick, J. L.
Cotton, R. C.
Davidson, G. S.
Drake-Brockman, T. C.
Durack, P. D.
Greenwood, I. J.
Guilfoyle, M. G. C.
Hannan, G. C.
Jessop, D. S.
Kane, J. T.
Lawrie, A. G. E.

NOES

Bishop, R.
Brown, W. W. C.
Cameron, Donald
Cant, H. G. J.
Devitt, D. M.
Drury, A. J.
Georges, G.
McAuliffe, R. B.
McClelland, Douglas
McClelland, James
McLaren, G. T.

Teller:
O'Byrne, J.

PAIRS	
Laucke, C. L.	Fitzgerald, J. F.
Anderson, Sir Kenneth	Willessee, D. R.

Question so resolved in the affirmative.

Progress reported.

SUSPENSION OF STANDING ORDERS

Motion (by Senator Murphy) proposed:

That so much of the Standing Orders be suspended as would prevent me from moving that the order of the Senate suspending Senator Keeffe be now lifted.

Senator DRAKE-BROCKMAN (Western Australia—Minister for Air) (12.13 a.m.)—I cannot agree to the motion. A decision has been made by the Senate. I think that the 2 incidents to which Senator Murphy referred earlier are unrelated. I oppose the motion moved by Senator Murphy.

Question put:

That the motion (Senator Murphy's) be agreed to.

The Senate divided.

(The President—Senator Sir Magnus Cormack)

Ayes	20
Noes	28
Majority	—

AYES

Bishop, R.
Brown, W. W. C.
Cameron, Donald
Cant, H. G. J.
Devitt, D. M.
Drury, A. J.
Georges, G.
McAuliffe, R. B.
McClelland, Douglas
McClelland, James
McLaren, G. T.

Teller:
O'Byrne, J.

NOES

Bonner, N. T.
Buttfield, Dame Nancy
Byrne, C. B.
Carrick, J. L.
Cormack, Sir Magnus
Cotton, R. C.
Davidson, G. S.
Drake-Brockman, T. C.
Durack, P. D.
Greenwood, I. J.
Guilfoyle, M. G. C.
Hannan, G. C.
Jessop, D. S.
Kane, J. T.
Lawrie, A. G. E.

Teller:
Young, H. W.

PAIRS

Fitzgerald, J. F.	Laucke, C. L.
Willessee, D. R.	Anderson, Sir Kenneth

Question so resolved in the negative.

Senate adjourned at 12.19 a.m.
(Wednesday)

ANSWERS TO QUESTIONS UPON NOTICE

The following answers to questions upon notice were given:

OVERSEAS INVESTMENT

(Question No. 1560)

Senator KEEFFE asked the Minister representing the Treasurer, upon notice:

(1) Did Sir William Gunn recently make available for sale in the United States large areas of northern Australia, and were 900,000 shares at \$7 each offered for sale only on the United States market.

(2) Will the receipts to Sir William Gunn over the next 5 years be \$150,000.

(3) What action does the Government intend to take to prevent further deals of this nature being negotiated.

Senator COTTON—The Acting Treasurer has provided the following answer to the honourable senator's question:

(1) The Reserve Bank has advised that a preliminary prospectus dated 29th September 1971 was issued stating that a related registration statement had been filed with the United States Securities and Exchange Commission concerning a proposed issue of 900,000 shares in Gunn Resources and Exploration Inc. The prospectus stated that the company's operations take place in Australia and its assets include certain pastoral leaseholds in northern Australia.

The Reserve Bank indicated that Australian residents who wished to subscribe to the issue would be granted, on application to the Bank, approval to do so.

Recent press reports indicate that plans for the public issue of shares have been abandoned and that alternative proposals are being explored.

(2) I do not know, and it would be inappropriate for me to inquire into such matters.

(3) The honourable senator will be aware that the Treasury Economic Paper 'Overseas Investment in Australia' was tabled in the Senate on 16th May 1972. This paper analyses, from the Australian viewpoint, the principal economic issues raised by overseas investment in Australia and provides a basis for policy discussion. As has been announced, the Government has under review, following tabling of the paper, the policy issues which are raised by overseas investment in Australia in its various forms.

TRAVEL COSTS

(Question No. 1778)

Senator TOWNLEY asked the Minister representing the Prime Minister, upon notice:

(1) What was the cost to the Government of air travel within Australia by Commonwealth Public Servants in the years ending 30th June 1970 and 30th June 1971.

(2) Is more use of economy air travel made by government and parliamentary officers in the United States of America, than is the case in Australia.

(3) Which Commonwealth Government employees are not eligible for first class air travel in Australia when travelling on Government business.

Senator DRAKE-BROCKMAN — The Prime Minister has advised me as follows:

(1) The Treasury has advised that the cost within Australia and its Territories of such travel was:

1969-70—\$7,464,503

1970-71—\$8,004,628

These figures include the cost of air travel by employees under the Public Service Act, the Supply and Development Act, the Naval Defence Act and the Trade Commissioners Act and other departmental employees. Also included is the cost met by the Commonwealth of air fares of persons travelling for interview for departmental positions and of wives and children of Commonwealth Government employees. The cost of air travel by employees of the Papua New Guinea Administration and members of the Defence Forces is not included. These figures do not include costs incurred by the Department of Air as the costs for that Department on the above basis are not available.

(2) On the information available to the Public Service Board, it would appear that more use is made of economy air travel by government and parliamentary officers in the United States of America than in Australia.

(3) The Public Service Board has advised that male occupants of the following designations are, in normal circumstances ineligible under Public Service Regulation 84 for first class air travel in Australia whilst travelling on duty:

Airport Labourer
Animal Attendant
Assistant (Mint), Grade 1
Assistant (Plant Maintenance)
Attendant, Department of Education and Science
Boathand
Boatman
Canteen Assistant
Cleaner
Junior Assistant
Examiner, Grade 1
Garage Attendant
Gardener, Grade 1
Gatekeeper
Kitchenman
Labourer
Lift Attendant
Lineman-in-training
Machinist (Steel Construction)
Meat Inspector-in-training
Missile Range Assistant
Nursing Aide-in-training
Orderly, Grade 1
Polisher
Process Worker
Assistant Projectionist
Sandblaster
Stores Assistant

Tradesman's Assistant
 Watchman
 Workshops Assistant, Grade 1
 Cadet Dietitian
 Cadet Occupational Therapist
 Cadet Physiotherapist
 Dental Therapist-in-training
 Accounting Machinist
 Accounting Machinist-in-training
 Card Punch Operator, Grade 1
 Data Processing Operator-in-training
 Data Processing Operator, Grade 1
 Dental Assistant
 Food Processor, Grade 1
 Food Processor, Grade 2
 Supervisor (Food Processing)
 Hospital Assistant, Grade 1
 Hospital Assistant, Grade 2
 Senior Hospital Assistant
 Mail Officer (Coding)
 Student Nurse
 Supervisor (Family Services)
 Telephonist
 Phonogram Operator
 Teleprinter Operator
 Telex Service Operator
 Typist

BROKEN HILL PTY CO. LTD

(Question No. 1867)

Senator KEEFFE asked the Minister representing the Prime Minister, upon notice:

(1) Did the Broken Hill Proprietary Company Ltd approach the Prime Minister or the Treasurer before increasing the price of tinplate.

(2) Did the Government approve the increase in the price of tinplate in the same way as approval was given to the Broken Hill Proprietary Company Ltd to increase the price of steel.

Senator DRAKE-BROCKMAN—The Prime Minister has provided the following reply:

(1) and (2) Such communication as took place between the Broken Hill Proprietary Company Ltd on the one hand and the Treasurer and me on the other before the Company's steel price rise has been discussed already in the Parliament and elsewhere. I am informed that the tinplate price increase was associated with the basic decision by the Company to increase prices. The Government did not approve the price increases. They were matters for the Company to decide.

SHIPPING
(Question No. 1873)

Senator MULVIHILL asked the Minister representing the Minister for Labour and National Service, upon notice:

SENATE *Answers to Questions*

(1) Would the present industrial dispute at the Port of Newcastle involving the oil tanker 'Texaco Scandinavia' have been avoided by more effective liaison between the Department of Labour and National Service and the Department of Shipping and Transport.

(2) Did evidence provided last week by the Federal Secretary of the Merchant Service Guild, Captain Benson, disclose that the 'Texaco Scandinavia' lacks a permit to operate in the Australian coastal trade and can be termed a 'maritime maverick'; if so, would the acceptance of this evidence have avoided the need for Mr Justice Franki to reach a similar conclusion.

(3) Was the rule of law fully adhered to in the Arbitration Court hearing.

Senator WRIGHT—The Minister for Labour and National Service has supplied the following answer to the honourable senator's question:

(1) It is normal practice for the Departments of Shipping and Transport and Labour and National Service to liaise on matters that might affect industrial relations in the maritime industry and this was done in this case.

(2) In hearings before Mr Justice Franki, a Deputy President of the Conciliation and Arbitration Commission on 21st February, Captain Benson, Federal Secretary of the Merchant Service Guild, alleged that the tanker 'Texaco Scandinavia' was operating illegally in the Australian coastal trade because it did not have a licence to do so. It was subsequently established to the satisfaction of the Commission that the tanker was not operating illegally. A subsequent appeal to a Full Bench was dismissed.

(3) There was no Commonwealth Industrial Court hearing in the 'Texaco Scandinavia' case. The proceedings that took place were before the Commonwealth Conciliation and Arbitration Commission, where all relevant provisions of the Commonwealth Conciliation and Arbitration Act and Conciliation and Arbitration Regulations were fully adhered to.

STEEL: PRICE INCREASE

(Question No. 1890)

Senator POYSER asked the Minister for Civil Aviation, upon notice:

Did the Minister see or read the letter which the Prime Minister stated that, on 22nd February 1972, he had written on 23rd December to Sir Ian McLennan in relation to a possible increase in the price of steel by the Broken Hill Proprietary Company Limited; if so, on what date, at what time and where did he see or read the letter.

Senator COTTON—The answer to the honourable senator's question is as follows:

I refer the honourable senator to the answer given by the right honourable the Prime Minister to Question No. 5179 in the House of Representatives (Hansard, 25th May 1972, page 3173).

GLASS PRICES

(Question No. 1901)

Senator KEEFFE asked the Minister representing the Prime Minister, upon notice:

Is the Prime Minister aware that the price of glass will rise by a margin of up to 17½ per cent; if so, (a) did the monopoly manufacturer of glass, Australian Consolidated Industries Limited, discuss this matter with Government representatives and (b) what is the attitude of the Government to this further contribution to the inflationary trend.

Senator DRAKE-BROCKMAN—The Prime Minister has provided the following answer to the honourable senator's question:

I am informed that Australian Consolidated Industries Limited did not discuss the increases in the price of glass with Government representatives.

As to the increases in the price of glass which have been discussed in Press reports, the attitude of the Government to inflation has been expressed on a number of occasions including my opening address to the Premiers' Conference in February, my recent speech on the Conciliation and Arbitration Bill 1972 and a radio talk I gave on wages, prices and inflation on 10th May 1972.

TAXATION

(Question No. 1957)

Senator GIETZELT asked the Minister representing the Treasurer, upon notice:

Is it a fact that in 1953, when the average weekly earnings were \$32.70, the taxation deduction allowed for a spouse or dependant was \$260 per annum, and that today, when average weekly earnings have exceeded \$90, the concession is only \$312 per annum; if so, (a) would it not be consistent and in the interest of family men that the allowance should be about \$750 per annum, (b) is it because of such obvious anomalies that the Government has ordered the present inquiry into the taxation system, and (c) will the Treasurer assure the public that such anomalies will be removed following this inquiry.

Senator COTTON—The Acting Treasurer has provided the following answer to the honourable senator's question:

The earnings and deductions quoted are correct.

Although an increase in the deduction referred to would be of benefit to those claiming it, it must be recognised that particular concessional deduction provisions in the income tax law are varied from time to time having regard to other concessional deduction provisions and to the other competing claims on the revenue. Changes to the levels of concessions are made in the light of overall Budget policies rather than in relation to movements in average weekly earnings.

The reasons for the Government's decision to set up a high level expert body to conduct a full-scale public inquiry into the taxation system were

set out in the Treasurer's statement in the House of Representatives on 11th April 1972 and go far beyond matters of this kind. Clearly, it would be premature to discuss now what taxation measures will be taken after the enquiry is completed.

LEGAL PROCESS

(Question No. 1970)

Senator BROWN asked the Attorney-General, upon notice:

Is the reported statement by the Commonwealth Police Commissioner, Mr Jack Davis, that a Stipendiary Magistrate refused to issue a warrant to police informing them that they possessed ample power to arrest an offender, true; if so, will the Attorney-General inform the Senate of (a) the name of the Magistrate and (b) the grounds upon which the issue of a warrant was refused.

Senator GREENWOOD—The answer to the honourable senator's question is as follows:

Yes.

(a) Mr W. F. Cuthill, Chief Stipendiary Magistrate, Magistrates Court, Melbourne.

(b) When application was made, at the offices of the Magistrates Court Melbourne for the issue of warrants of arrest in respect of five persons who were alleged to have committed offences against section 51 (1.) of the National Service Act, Mr Cuthill declined to issue warrants as he considered that the police had ample powers of arrest under section 8A of the Commonwealth Crimes Act. That section provides:

'Any constable may, without warrant, arrest any person if the constable has reasonable grounds to believe—

- (a) that the person has committed an offence against a law of the Commonwealth or of a Territory; and
- (b) that proceedings against the person by summons would not be effective.'

NORTHERN TERRITORY

(Question No. 1972)

Senator MULVIHILL asked the Minister representing the Minister for the Interior, upon notice:

(1) When did the Northern Territory Reserve Board first submit the concept of a top national park to the Northern Territory Administration.

(2) What period of time elapsed before the proposal was submitted to the Minister for the Interior.

(3) Who was the Minister for the Interior at the time; what decision did he make; and on what date.

(4) On what date did Noranda Australia Pty Ltd seek authority to prospect in the area.

(5) Was such permission granted by the Northern Territory Administration or was it subject to specific ministerial approval in writing.

(6) What is the difference between an application for authority to prospect and applications for mining leases.

(7) What was the subsequent listing of Noranda Australia Pty Ltd operations in regard to (a) prospecting, and (b) acquisition of mining leases.

(8) Who are the major shareholders in Noranda Australia Pty Ltd and what is the ratio of Australia to foreign capital invested in the company.

(9) Did any other companies follow Noranda Australia Pty Ltd and make application for prospecting rights in the region concerned.

(10) Have any of the companies concerned made applications to wardens' courts to secure mining leases.

(11) In regard to the companies referred to in (8) and (9), what is the length of time for which a permit operates.

(12) Is any fee charged for such a permit; if so, what is the amount.

(13) How many departmental committees were appointed to examine the possibility of a Northern Territory top end national park, when were their recommendations submitted to the Minister for the Interior and what was his reaction.

(14) Did the Minister receive the last report from one of the appointed committees prior to the discussion of the Department of the Interior estimates last year.

(15) Did the Minister's subsequent communication of 17th February 1972 contain the full details which were released to the press on 7th March 1972.

(16) Can Senators have access to all the departmental reports which favoured conservation plans against those of mineral interests.

Senator COTTON—The Minister for the Interior has provided the following answer to the honourable senator's question:

(1) to (16) From 1965 to 1967 the Northern Territory Reserves Board submitted a number of alternative proposals to the Northern Territory Administration for the development of a Top End national park. Mr Weems (Park Adviser to the US Department of the Interior) surveyed the area concerned and submitted his report in November 1968.

Approval in principle was given in May 1969 by the then Minister for the Interior for the reservation of 1,000 square miles for a national park.

It was not then known that minerals of commercial value existed in the proposed park area. Since then large uranium deposits have been discovered within and adjacent to this area.

The Pre-planning Committee was established in August 1969 to carry out an early reconnaissance of the area and prepare a preliminary report to provide basic information which would assist the work of a Planning Team. This committee did not report directly to the Minister.

The Planning Team was appointed to examine such matters as park boundaries, to identify points of interest and make suggestions for future development of the area. Its report was released on 6th March 1972 and is the only official report

in which conservation interests are favoured against mining interests. The report recognises the existence of prospecting activity and the likelihood of mining in the region and emphasises the need for stringent controls to protect the environment.

Copies of the report have been placed in the Parliamentary Library and a copy has been made available to the Honourable Senator.

The steps being taken to ensure that prospecting and mining are allowed to proceed only under carefully controlled conditions have been outlined in press statements and other replies to the Honourable Senator's questions. Action has also been taken to establish a Working Committee to plan an environmental impact study to identify possible changes resulting from mining and other developments and indicate methods to minimise environmental damage. The study will recognise and supplement existing investigations. The Working Committee will define the form and scope of additional environmental studies required and recommend how these could be carried out.

The Working Committee includes a wide range of scientific expertise in conservation and land use and will be seeking additional advice from sources both inside and outside Government circles.

Regarding the Honourable Senator's questions related to prospecting in the area of the proposed national park:

Three separate Authorities to Prospect applied for by Noranda Australia Pty Ltd on the following dates are partly within the proposed park area;

A.P. 1964—20th February 1968

A.P. 2348—28th April 1969

A.P. 2564—16th October 1969

These authorities were granted by the Administrator and the company still holds prospecting rights over the areas concerned. No mineral leases have been granted to date. Any leases will be the subject of a negotiated agreement between the company and the Commonwealth.

Other companies also applied for prospecting rights in the region concerned.

Some of these companies have made applications for mineral leases, but the applications relate to land outside the area of the proposed national park.

An application for an Exploration Licence (new tenure replacing an Authority to Prospect) may be granted by the Administrator after a posting period of 28 days and after he has considered any objection in writing made to him during that period. An application for a mineral lease is heard by a mining warden after the expiration of 30 days from the date of receipt by the warden of the application; the Administrator may grant the application after considering the warden's recommendation.

Noranda Australia Limited is a wholly owned subsidiary of Noranda Mines Limited of Toronto, Canada. The company has announced that consideration is being given to participation by the Australian public in the company's uranium activities.

TRANSPORT INDUSTRIES

(Question No. 1978)

Senator WREIDT asked the Minister representing the Prime Minister, upon notice:

(1) In view of the answer given by the Minister for Civil Aviation to a Question by Senator Willesee on 21st March 1972, is the Senate to understand that the Government is not concerned by the recent purchase of shares by Thomas Nationwide Transport Ltd in Ansett Transport Industries Ltd.

(2) Is the Prime Minister aware that the Managing Director of Thomas Nationwide Transport Ltd when giving evidence to the Senate Standing Committee on Primary and Secondary Industry and Trade, described his company as being 'aggressive' and 'expanding'.

(3) In view of Thomas Nationwide Transport Ltd's dramatic expansion in recent years, will the Prime Minister prepare a paper on the ownership and operation of Australia's transport industries for presentation to the Parliament.

Senator DRAKE-BROCKMAN—The Prime Minister has provided the following answer to the honourable senator's question:

(1) The honourable senator will be aware that since he placed his question on the Notice Paper, there have been many developments in this matter, culminating in an announcement by the chairman of Thomas Nationwide Transport Ltd that his company's directors had resolved not to proceed with the proposed takeover of Ansett Transport Industries Ltd. As to the Government's position I would refer the honourable senator to the answer I gave to a question in Parliament on 11th April 1972 (Hansard page 1398).

(2) I have not made a detailed study of the transcripts of the committee on this specific point.

(3) It is not considered that a case has been made for a study along the lines suggested. The honourable senator will of course be aware of the tabling of the Report of the Standing Committee on Industry and Trade on the proposed takeover of Ansett Transport Industries Ltd by Thomas Nationwide Transport Ltd and of the adjourned debate on this matter.

HYDRO-ELECTRIC COMMISSION PROJECTS

(Question No. 1979)

Senator WRIEDT asked the Minister representing the Treasurer, upon notice:

(1) How much money has the Commonwealth made available to Tasmania for Hydro-Electric Commission projects in each year since 1960, and for which projects.

(2) What restrictions or qualifications are placed on such loans or grants.

(3) Does the Commonwealth stipulate that only certain amounts of specific payment grants or special grants shall be applied to Hydro-Electric Commission projects.

(4) Has the Commonwealth Government involved itself in determining the correctness or otherwise of Commonwealth moneys being used to develop the scheme which will flood Lake Pedder; if so, to what extent.

Senator COTTON—The Acting Treasurer has provided the following answer to the honourable senator's question:

(1) All Commonwealth funds specifically intended for Tasmanian Hydro-Electric Commission projects have been made available under the Tasmania Agreement (Hydro-Electric Power Development) Act 1968. The funds provided to Tasmania under that Act are as follows:

	\$m
1960-61-1966-67	..
1967-68	..
1968-69	..
1969-70	..
1970-71	..
	<hr/> 21,411

These funds were provided to Tasmania on the basis that they were available only to help meet expenditure on the following power projects:

- (a) the completion of works in the Lower Derwent and Mersey-Forth areas;
- (b) the installation of a 120 megawatt thermal station in the vicinity of Bell Bay; and
- (c) the carrying out of the first stage of development of the Gordon River Power Development.

(2) The restrictions or qualifications on the funds made available are set out in the Act. Amongst the more important are:

- (a) that Commonwealth assistance is only available to the extent that funds from the State's and the Hydro-Electric Commission's own sources are inadequate to finance the Commission's programme of development during the 5 years commencing 1st July 1967; and
- (b) that there is a maximum limit of \$47m on funds available from the Commonwealth, which are by way of loan carrying interest at the maximum rate for private semi-governmental authority borrowings having a term of 8 years.

(3) No. Special grants paid by the Commonwealth on the recommendation of the Commonwealth Grants Commission are general purpose revenue grants, as are financial assistance grants paid to the States. Funds available to the States under the borrowing programmes approved by the Loan Council are not allocated by the Commonwealth to specific projects. The use of specific purpose payments to the States is restricted to the purposes for which they are made.

(4) While Commonwealth funds are available under the Act for the projects referred to in (1) above, I have been advised that the fact of Commonwealth financial assistance does not impose any requirement on the State to proceed with the projects regardless of other considerations. Accordingly, the question whether it should proceed with flooding of Lake Pedder is entirely a matter for the State.

SATELLITE BROADCASTING

(Question No. 1985)

Senator DOUGLAS McCLELLAND asked the Attorney-General, upon notice:

(1) Did a Committee of Government experts from a number of nations, including a representative of Australia, meet at Lausanne in April 1971 to discuss the international legal problems that might arise in connection with satellite broadcasting, and did that Committee prepare a report and a proposed draft convention which, if ratified, is intended to afford protection to authors, performers, producers of phonograms, broadcasting organisations and other contributors.

(2) Is a similar meeting to be held in May 1972.

(3) Because of the far-reaching implications to Australia in satellite broadcasting and the effect it can have on Australians, who now earn their livelihoods from within the mass media, will the Attorney-General request the Government to broaden the Australian representation at the May Conference and include representatives of the professional associations of employees engaged in the industry, a representative of the Australian Broadcasting Commission and a representative of the Federation of Commercial Television Stations.

Senator GREENWOOD—The answer to the honourable senator's question is as follows:

(1) and (2) A Committee of Governmental Experts met at Lausanne in April 1971 to consider problems relating to the protection of performers, producers of phonograms and broadcasting organisations raised by transmission via space satellites. The Committee prepared a report and a draft text of a convention. The draft provided for alternative approaches on a number of points. A meeting of a further Committee of Governmental Experts on this matter was held in Paris from 9th to 17th May 1972.

(3) The subject matter of the proposed convention concerns persons and organisations representing a number of fields and the interests of these persons and organisations are not all identical. Australia was represented at the conference by an officer in my Department who is expert in this field and who was fully briefed on the proposed discussions. Before the brief was prepared, interested organisations were invited to comment on the draft text to be considered at the meeting and the views expressed by those organisations were taken into account in the preparation of the brief. The conference did not reach agreement on the text of a draft convention and it is not known at this stage whether a further Committee of Governmental Experts will be convened to attempt to reach agreement on a text to be submitted to a diplomatic conference. The primary purpose of the proposed convention is to secure the protection of broadcasts transmitted via satellites against unauthorised rebroadcasting for domestic reception. To what extent, if at all, specific provision should be made in this instrument for protection

other interests, such as those of authors, performers, producers and record manufacturers, is still the subject of considerable differences of opinion at the international level. In any event, my Department will be having further consultations with all interested groups on the basis of the discussions at the Paris Conference before any final decisions are taken on the Australian attitude to the draft convention and the composition of the Australian delegation to any diplomatic conference convened to adopt the convention.

VISIT OF PRIME MINISTER TO NEW GUINEA

(Question No. 2019)

Senator KEEFFE asked the Minister representing the Minister for External Territories, upon notice:

Is the Minister aware of reports that the former Prime Minister, Mr Gorton, recently revealed that when he visited New Guinea, in July 1970, he asked a Commonwealth policeman for a revolver and carried this weapon when he arrived at Rabaul airport; if so:

- (a) did the report also state that Mr Gorton said he would have had no qualms about using the .38 calibre revolver if demonstrators had broken through police lines,
- (b) did Mr Gorton have the right to carry a revolver in New Guinea and did the Commonwealth policeman involved make any report on the incident, and
- (c) if Mr Gorton had no licence to carry such a weapon in New Guinea, was Mr Gorton breaking the law and could dangerous repercussions have occurred if the thousands of Mataungan demonstrators at the airport had realised that the Prime Minister of Australia was speaking to them of peace while concealing a weapon under his coat.

Senator WRIGHT—The Minister for External Territories has provided the following answer to the honourable senator's question:

- (1) Yes.
- (a) Not as far as I am aware.
- (b) I do not intend to express an opinion as to the legality of any person's alleged conduct including that of Mr Gorton.
- (c) See answer to (b) above.

WOOL

(Question No. 2030)

Senator POKE asked the Minister representing the Minister for Primary Industry, upon notice:

(1) Can the Minister inform the Senate whether the Government is contemplating any action before the next Budget as a result of a recently released submission by the Australian Wool Industry Conference.

(2) Does the Conference's submission, urging the amalgamation of the Australian Wool Commission and the Wool Board and a total acquisition by such an authority of the wool clip, constitute a new concept to the Government, or have relevant Government departments been investigating such a move.

(3) Would an Australian Wool Authority such as that proposed by leaders of the industry have the power to determine the price of wool and would this mean less cost to the Australian taxpayer than the present price support system.

Senator DRAKE-BROCKMAN — The Minister for Primary Industry has provided the following answer to the honourable senator's question:

A statement on Government policy affecting the wool industry will be made before the opening of the new wool selling season on 1st July next following consideration of the Australian Wool Industry Conference submission and the final report of the Randall Committee.

(2) The Australian Wool Industry Conference adopted in principle the concepts of amalgamation of the Australian Wool Board and the Australian Wool Commission and the acquisition of the Australian wool clip in November 1971 and announced its decision at that time. The recommendations which the Conference submitted to the Government in March 1972 were developed on the basis of the Conference's November 1971 decision which was, of course, known to the Government.

(3) Since no decision has yet been made by the Government on the wool industry's recommendations, any comment on the proposed authority's powers would at this time be pure speculation.

CENSUS COLLECTORS

(Question No. 2082)

Senator KEEFFE asked the Minister representing the Treasurer, upon notice:

Can the Minister inform the Parliament if information gleaned by census-takers is confidential; if so, (a) is the Minister aware that a census-taker is alleged to have informed Councillor S. Marsh of the Mulgrave Shire Council that up to 27 Aborigines were living in a home in Hall Road near Edmonton, (b) what was the name of the census-taker involved, and (c) has disciplinary action been taken against the census-taker for disclosing information which should have been confidential.

Senator COTTON—The Acting Treasurer has provided the following answer to the honourable senator's question:

Information supplied to Census collectors in the course of their duties is confidential. I was not aware of the alleged breach of this confidentiality by a Census collector until the matter was raised by the honourable senator. As a result of this matter being raised by the honourable senator, I requested the Commonwealth Statistician to conduct an investigation into the matter. The Commonwealth Statistician wrote to Councillor S.

Marsh of Mulgrave Shire in Queensland on 20th April 1972. In this letter, the Councillor was asked to state:

- whether he had been informed of the number of persons living in a particular dwelling,
- if so (i) the name of the person who provided this information and the approximate date on which the information was given, (ii) whether the person had advised him that the information provided was gained when the person was employed as a member of the Census field staff,
- the location of the dwelling in question,
- any other information on the circumstances of the incident which may be of assistance in determining whether a breach of confidentiality warranting prosecution had occurred.

I am informed that a reply was received from Councillor Marsh on 4th May 1972. In the reply Councillor Marsh said that at no time had he spoken to a Census collector. He stated that during a discussion with residents of Mulgrave Shire, a complaint was made regarding the living conditions of Aborigines in the Shire. When he asked for specific examples, the name and address of the family living in the dwelling cited by the honourable senator was given. It was also suggested (wrongly) to him that a check with the Census collector for the area in question could provide further examples. The Councillor did not, however, speak to the Census collector. According to the Councillor, it was 'more or less common knowledge, except to, perhaps councillors and council officers' that up to 27 persons were living in the dwelling in question. Councillor Marsh's letter makes it clear that at no time was a Census collector approached to provide confidential information and that no breach of confidentiality has occurred.

AIR FARES

(Question No. 2088)

Senator WILLESEE asked the Minister for Civil Aviation, upon notice:

(1) Do the new low price fare proposals by Qantas Airways Ltd infringe any of the regulations of the International Air Transport Association.

(2) Is it the Government's intention to require Qantas to remain a member of the IATA and not act in any way which might make the airline liable to expulsion from the Association.

Senator COTTON—The answer to the honourable senator's question is as follows:

(1) The new one-way fares introduced between Australia and Europe do not infringe any regulations of the International Air Transport Association. Due to disapproval by some Governments of IATA fare resolutions, not affecting fares to and from Australia, that were to have become effective on 1st April 1972, no formal IATA agreement has existed on passenger fares between Europe and Australia on and after that date. Prior to the introduction of the new one-way fare, Qantas had notified IATA of its intention and the reasons therefor.

(2) No circumstances have arisen which have required consideration of the possibility of Qantas' membership of IATA being discontinued. If such circumstances did arise, the matter would certainly be one for consultation between the company and the Government. Qantas accepts the responsibility to observe the rules of IATA while it remains a member.

TAXATION

(Question No. 2096)

Senator NEGUS asked the Minister representing the Treasurer, upon notice:

Will the expert body to be set up to conduct a full-scale public inquiry into the taxation system (a) include in its inquiry all aspects of Federal Estate and Gift Duties and their effect on the community, and (b) be available to assist the various State Governments with inquiries into Probate and Succession Duties and their effect on the community.

Senator COTTON—The Acting Treasurer has provided the following answer to the honourable senator's question:

The terms of reference of the Committee of Enquiry into the overall operation of the Commonwealth taxation system, announced on 18th May 1972, are such as to embrace the matter referred in part (a) of the honourable senator's question. The Committee's powers do not, however, extend to its undertaking the kind of activity referred to in part (b) of the question.

WOOL

(Question No. 2114)

Senator POKE asked the Minister representing the Minister for Primary Industry, upon notice:

Is there any foundation in a report currently being circulated to the effect that the Government is intending to continue the operation of the wool reserve price scheme which was originally intended to expire in June this year; if so, (a) is it likely that legislation to establish the new Australian Wool Authority will be brought before Parliament before the winter recess, (b) is the Government likely to make such a far-reaching decision before they have received the report from the Randall Committee on future plans for the wool industry, and (c) what amount of money is envisaged to be spent on the continuation of the wool reserve price scheme.

Senator DRAKE-BROCKMAN—The Minister for Primary Industry has provided the following answer to the honourable senator's question:

The reserve price scheme for wool which is operated by the Australian Wool Commission does not expire in June 1972. The honourable senator appears to have confused the reserve price scheme, which is designed to mitigate the instability of auction prices, with the wool deficiency payments scheme which was introduced for one

year to supplement a grower's return from wool to a level equivalent to an average of 79.37 c/kg for the entire Australian wool clip. Under current legislation the deficiency payments scheme is due to expire on 30th June 1972.

In his statement of 2nd May 1972 about the wool marketing proposals submitted by the Australian Wool Industry Conference, the Prime Minister announced that the Government will be considering the Randall Committee report in conjunction with these proposals before the commencement of the 1972-73 wool selling season and advising the industry of its decision.

CIGARETTE ADVERTISING

(Question No. 2150)

Senator KEEFFE asked the Minister for Health, upon notice:

(1) Will the Minister explain his delay in giving an answer to Question No. 1784, in the light of the Minister's recent Press statement relating to the advertising of cigarettes.

(2) Was the above question transmitted to the Department of Health for appropriate processing.

Senator GREENWOOD—The Acting Minister for Health has provided the following answer to the honourable senator's question:

(1) It was considered that a more satisfactory reply could be given upon completion of the Government's recent review of the whole subject of smoking and health.

(2) Yes.

TAXATION

(Question No. 2169)

Senator GUILFOYLE asked the Minister representing the Treasurer, upon notice:

(1) Will there be an option as to the commencement date for deductions under Division 10AAA of the Income Tax Assessment Act for capital expenditure on facilities for the transport of minerals.

(2) Will any such option relate to the number of years during which the deductions may be claimed.

Senator COTTON—The Acting Treasurer has provided the following answer to the honourable senator's question:

(1) Where expenditure is incurred by a taxpayer in respect of a facility for the transport of minerals, the annual deductions in accordance with Division 10AAA of the Income Tax Assessment Act commence to be allowable in the first year in which the facility is used in the production of assessable income, following the incurring of the expenditure.

(2) Under the proposed amendment of the law a taxpayer who will first qualify for deductions in 1971-72 or a subsequent year in respect of capital expenditure on a facility for the transport of min-

erals will be able to elect to spread the income tax deductions in respect of that expenditure over a period in excess of 10 years.

OVERSEAS TRAVEL

(Question No. 2170)

Senator WILLESEE asked the Minister representing the Prime Minister, upon notice:

(1) Which Ministers have undertaken official overseas trips since 1st January 1971.

(2) In each case, what were the dates of (a) commencement, and (b) completion of the trip.

(3) In each case, (a) what was the purpose of the trip, and (b) which countries were visited.

Senator DRAKE-BROCKMAN—The Prime Minister has provided the following answer to the honourable senator's question:

(1) Twenty-four Ministers have undertaken official overseas visits since 1st January 1971.

(2) and (3) See the answer provided to Question No. 4940 (House of Representatives Hansard of 23rd May 1972, pages 2938-9).

WORLD TRADE CENTRE

(Question No. 2172)

Senator DOUGLAS McCLELLAND asked the Minister representing the Prime Minister, upon notice:

(1) Has the Premier of New South Wales written to the Prime Minister seeking a declaration of support for the concept of a world trade centre in Sydney.

(2) Does the Prime Minister support such a concept.

(3) Have representations been made to have sections of the Department of Customs and Excise and the Department of Trade and Industry located in such a centre.

(4) What is the attitude of the Government on this matter.

Senator DRAKE-BROCKMAN—The answer to the honourable senator's question is as follows:

(1) to (4) The Premier of New South Wales has written to me concerning Commonwealth participation in the project to establish a World Trade Centre in Sydney. The matter is at present receiving consideration by the Commonwealth Government, but a decision has not yet been made.

SOCIAL SERVICES

(Question No. 2195)

Senator KEEFFE asked the Minister representing the Minister for Social Services, upon notice:

(1) Is the Minister aware that all persons in receipt of unemployment and sickness benefits

who reside in Salvation Army Hostels have had such benefits withdrawn during the past few weeks.

(2) Was this action taken in an effort to reduce registered unemployment figures to a politically acceptable level, and account for the drop of 4,000 registered unemployed in last month's figures.

(3) Did the Department of Social Services Also withdraw unemployment and sickness benefits from such persons who are resident in St Vincent de Paul and other hostels run by church and various charitable bodies.

(4) Will the Minister take immediate and appropriate action to allow the people referred to to re-register and have their social service benefits restored.

Senator GREENWOOD—The Minister for Social Services has provided the following answer to the honourable senator's question:

(1) to (4) Benefit is withdrawn only in those cases where the persons concerned are employed by those organisations or otherwise.

WOOL DEFICIENCY PAYMENT SCHEME

(Question No. 2212)

Senator POKE asked the Minister representing the Minister for Primary Industry, upon notice:

(1) Do statistics from the Reserve Bank clearly demonstrate that the Wool Deficiency Payment Scheme has been, and will be, of more benefit to the banks and the pastoral finance houses than to the wool grower.

(2) Do statistics for April 1972 show that the indebtedness of the rural sector of the population to the banks and pastoral companies has fallen by \$62.3m since July 1971, when the subsidy scheme came into force; if so, does this suggest that the major benefit of the scheme has been to these large financial institutions.

Senator DRAKE-BROCKMAN—The Minister for Primary Industry has provided the following answer to the honourable senator's question:

(1) No.

(2) Statistics published by the Reserve Bank in the April 1972 Bulletin do not show the total rural debt. They do not cover credit extended by lenders such as State Government agencies, assurance societies and private creditors. The statistics do show that advances by the major trading banks to rural borrowers have fallen by \$60m from \$994m to \$934m between July 1971 and January 1972 and that rural advances by pastoral finance companies have fallen by \$21m from \$334m to \$313m between July 1971 and February 1972. The bulletin also shows that deposits by rural interests with the major trading banks have increased by \$85m from \$729m to \$814m between July 1971 and January 1972 and that clients'

credit balances with the pastoral finance companies have increased \$0.7m from \$31.9m to \$32.6m between June 1971 and December 1971. These movements are influenced by seasonal factors such as growers' receipts from the sale of wool and wheat. The amounts by which indebtedness has been reduced and deposits increased are significantly greater this year than last year. This is regarded as reflecting the improvement in farm income that has taken place this year. The wool deficiency payments scheme has been a contributory factor in this improvement.

INSURANCE COMPANIES

Senator COTTON—On 12th April 1972 Senator James McClelland asked me a question without notice concerning proposed legislation for the supervision of general insurance companies in Australia.

The Treasurer has now provided the following answer to the honourable senator's question:

The proposed legislation for the supervision of general insurance companies will not be completed in time for introduction during the present session.

This is despite strenuous efforts by all concerned and the taking of some exceptional measures to speed up the work. For example, when it became apparent early this year that Commonwealth drafting resources could not be diverted to the general insurance legislation owing to the pressures on the Office of Parliamentary Counsel for the preparation of other important legislation, an approach was made to the Victorian Government for drafting assistance. The Victorian Government responded readily to the request by making a senior draftsman available.

The length and complexity of the drafting is due essentially to the nature of general insurance business. General insurance is not a simple homogeneous commercial activity, but one of great variety and flexibility, in which many different types of business organisations, small medium and large, offer insurance cover against a great variety of risks, including through reinsurance the protection of direct insurers themselves. One of the main problems in preparing the legislation has been to ensure that it embraces equitably all the different types of insurers and their businesses.

While it is just as disappointing to all those who have been waiting for this legislation as it is to me not to have a completed Bill ready for this Session, considerable progress has been made.

As I announced in my statement of 9th December 1971 it is proposed that the transitional arrangements for bringing existing insurers within the scope of the new legislation should apply to insurers legally carrying on insurance business on the date of the statement. This means that those wishing to commence insurance business after 9th December 1971 would come under the full provisions of the legislation when it enters into force and should arrange their affairs with this in mind. The statement should thus have had the effect of discouraging the further entry of small unsound companies into insurance business and seems already to have made a contribution towards meeting the problems in the insurance industry which were causing concern.

Furthermore, the statement has put the industry on notice that the time is approaching when it will have to measure up to minimum solvency standards. It has thus given insurers an opportunity of thinking about the business effects of the introduction of a comprehensive supervisory system and of discussing among themselves some of the general implications.