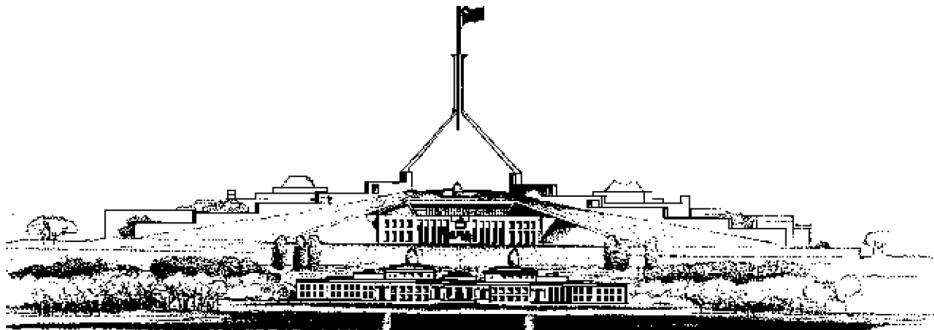




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 23, 1978
Tuesday, 6 June 1978

THIRTY-FIRST PARLIAMENT
FIRST SESSION—FIRST PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

THIRTY-FIRST PARLIAMENT

(FIRST SESSION: FIRST PERIOD)

Governor-General

His Excellency Sir Zelman Cowen, Knight of the Order of Australia, Knight Grand Cross of the Most Distinguished Order of St Michael and St George, Knight of the Most Venerable Order of the Hospital of St John of Jerusalem, one of Her Majesty's Counsel learned in the law, Governor-General of the Commonwealth of Australia and Commander-in-Chief of the Defence Force.

Third Fraser Ministry (Liberal Party—National Country Party Government)

*Prime Minister	The Right Honourable John Malcolm Fraser, C.H.	(LP)
*Deputy Prime Minister and Minister for Trade and Resources	The Right Honourable John Douglas Anthony	(NCP)
*Minister for Industry and Commerce	The Right Honourable Phillip Reginald Lynch	(LP)
*Minister for Primary Industry	The Right Honourable Ian McCahon Sinclair	(NCP)
*Minister for Administrative Services	Senator the Right Honourable Reginald Greive Withers	(LP)
*Minister for Employment and Industrial Relations	The Honourable Anthony Austin Street	(LP)
*Minister for Transport	The Honourable Peter James Nixon	(NCP)
*Treasurer	The Honourable John Winston Howard	(LP)
*Minister for Education and Minister Assisting the Prime Minister in Federal Affairs	Senator the Honourable John Leslie Carrick	(LP)
*Minister for Foreign Affairs	The Honourable Andrew Sharp Peacock	(LP)
*Minister for Defence	The Honourable Denis James Killen	(LP)
*Minister for Social Security	Senator the Honourable Margaret Georgina Constance Guilfoyle	(LP)
*Minister for Finance	The Honourable Eric Laidlaw Robinson	(LP)
*Minister for Aboriginal Affairs and Minister Assisting the Prime Minister	The Honourable Robert Ian Viner	(LP)
Minister for Health	The Honourable Ralph James Dunnet Hunt	(NCP)
Minister for Immigration and Ethnic Affairs	The Honourable Michael John Randal MacKellar	(LP)
Minister for the Northern Territory and Minister Assisting the Minister for Primary Industry	The Honourable Albert Evan Adermann	(NCP)
Minister for Construction and Minister Assisting the Minister for Defence	The Honourable John Elden McLeay	(LP)
Minister for National Development	The Honourable Kevin Eugene Newman	(LP)
Minister for Science	Senator the Honourable James Joseph Webster	(NCP)
Minister for Post and Telecommunications	The Honourable Anthony Allan Staley	(LP)
Attorney-General	Senator the Honourable Peter Drew Durack, Q.C.	(LP)
Minister for Productivity	The Honourable Ian Malcolm Macphee	(LP)
Minister for Business and Consumer Affairs	The Honourable Wallace Clyde Fife	(LP)
Minister for Special Trade Representations and Minister for Veterans' Affairs and Minister Assisting the Minister for Trade and Resources	The Honourable Ransley Victor Garland	(LP)
Minister for Home Affairs and Minister for the Capital Territory	The Honourable Robert James Ellicott, Q.C.	(LP)
Minister for Environment Housing and Community Development and Minister Assisting the Minister for Employment and Industrial Relations	The Honourable Raymond John Groom	(LP)

* Minister in the Cabinet

PARTY ABBREVIATIONS

LP—Liberal Party of Australia; NCP—National Country Party of Australia

Members of the House of Representatives

THIRTY-FIRST PARLIAMENT—FIRST SESSION: FIRST PERIOD

Speaker—The Right Honourable Sir Billy Mackie Snedden, K.C.M.G., Q.C.

Chairman of Committees and Deputy Speaker—Mr Percival Clarence Millar

Deputy Chairmen of Committees—John Lindsay Armitage, Peter Hertford Drummond, Geoffrey O'Halloran Giles, Alan William Jarman, Henry Alfred Jenkins, Vincent Joseph Martin and the Honourable Ian Louis Robinson

Leader of the House—The Right Honourable Ian McCahon Sinclair

Leader of the Opposition—The Honourable William George Hayden

Deputy Leader of the Opposition—The Honourable Lionel Frost Bowen

Manager of Opposition Business—Mr Michael Jerome Young

PARTY LEADERS

Leader of the Liberal Party of Australia—The Right Honourable John Malcolm Fraser, C.H.

Deputy Leader of the Liberal Party of Australia—The Right Honourable Phillip Reginald Lynch

Leader of the National Country Party of Australia—The Right Honourable John Douglas Anthony

Deputy Leader of the National Country Party of Australia—The Right Honourable Ian McCahon Sinclair

Leader of the Australian Labor Party—The Honourable William George Hayden

Deputy Leader of the Australian Labor Party—The Honourable Lionel Frost Bowen

Member	Division	Party	Member	Division	Party
Adermann, Hon. Albert Evan	Fisher, Qld	NCP	Jarman, Alan William	Deakin, Vic.	LP
Aldred, Kenneth James	Heaty, Vic.	LP	Jenkins, Dr Henry Alfred	Scullin, Vic.	ALP
Anthony, Rt Hon. John Douglas	Richmond, N.S.W.	NCP	Johnson, Leonard Keith	Burke, Vic.	ALP
Armitage, John Lindsay	Chifley, N.S.W.	ALP	Johnson, Hon. Leslie Royston	Hughes, N.S.W.	ALP
Baillieu, Marshall	La Trobe, Vic.	LP	Johnson, Peter Francis	Brisbane, Qld	LP
Baume, Michael Ehrenfried	Macarthur, N.S.W.	LP	Johnson, James Roger	Hotham, Vic.	LP
Birney, Reginald John	Phillip, N.S.W.	LP	Jones, Barry Owen	Lalor, Vic.	ALP
Blewett, Dr Neal	Bonython, S.A.	ALP	Jones, Hon. Charles Keith	Newcastle, N.S.W.	ALP
Bourchier, John William	Bendigo, Vic.	LP	Jull, David Francis	Bowman, Qld	LP
Bowen, Hon. Lionel Frost	Kingsford-Smith, N.S.W.	ALP	Katter, Hon. Robert Cummin	Kennedy, Qld	NCP
Bradfield, James Mark	Barton, N.S.W.	LP	Keating, Hon. Paul John	Blaizland, N.S.W.	ALP
Braithwaite, Raymond Allen	Dawson, Qld	NCP	Killen, Hon. Denis James	Moreton, Qld	LP
Brown, John Joseph	Parramatta, N.S.W.	ALP	Klugman, Dr Richard Emanuel	Prospect, N.S.W.	ALP
Brown, Neil Anthony	Diamond Valley, Vic.	LP	Lloyd, Bruce	Murray, Vic.	NCP
Bryant, Hon. Gordon Munro, E.D.	Wills, Vic.	ALP	Lucock, Philip Ernest, C.B.E.	Lyne, N.S.W.	ALP
Bungey, Melville Harold	Canning, W.A.	LP	Lusher, Stephen Augustus	Hume, N.S.W.	NCP
Burns, William George	Isaacs, Vic.	LP	Lynch, Rt Hon. Phillip Reginald	Finders, Vic.	LP
Burr, Maxwell Arthur	Wilmot, Tas.	LP	MacKellar, Hon. Michael John Randal	Warrington, N.S.W.	LP
Cadman, Alan Glyndwr	Mitchell, N.S.W.	LP	MacKenzie, Alexander John	Clare, N.S.W.	NCP
Cairns, Hon. Kevin Michael	Lilley, Qld	LP	McLean, Ross Malcolm	Perth, W.A.	LP
Calder, Stephen Edward, D.F.C.	Northern Territory	NCP	McLeay, Hon. John Elden	Boothby, S.A.	LP
Cameron, Hon. Clyde Robert	Hindmarsh, S.A.	ALP	McMahon, James Leslie	Sydney, N.S.W.	ALP
Cameron, Donald Milner	Fadden, Qld	LP	McMahon, Rt Hon. Sir William, G.C.M.G., C.H.	Lowe, N.S.W.	LP
Cameron, Even Colin	Indi, Vic.	LP	McVeigh, Daniel Thomas	Darling Downs, Qld	NCP
Carlton, James Joseph	Mackellar, N.S.W.	LP	Macphee, Hon. Ian Malcolm	Balaclava, Vic.	LP
Cass, Hon. Moses Henry	Maribyrong, Vic.	ALP	Martin, Vincent Joseph	Banks, N.S.W.	ALP
Chapman, Hedley Grant Pearson	Kingston, S.A.	LP	Martyr, John Raymond	Swan, W.A.	LP
Cohen, Barry	Robertson, N.S.W.	ALP	Millar, Percival Clarence	Wide Bay, Qld	ALP
Connolly, David Miles	Bradfield, N.S.W.	LP	Moore, John Colinton	Ryan, Qld	LP
Corbett, James	Maranoa, Qld	NCP	Morris, Peter Frederick	Shortland, N.S.W.	ALP
Cotter, John Francis	Kalgoorlie, W.A.	LP	Neill, Maurice James	St George, N.S.W.	LP
Dawkins, John Sydney	Fremantle, W.A.	ALP	Newman, Hon. Kevin Eugene	Bass, Tas.	LP
Dean, Arthur Gordon	Herbert, Qld	LP	Nixon, Hon. Peter James	Gippsland, Vic.	NCP
Dobie, Hon. James Donald Mathieson	Cook, N.S.W.	LP	O'Keefe, Frank Lionel	Paterson, N.S.W.	NCP
Drummond, Peter Hertford	Forrest, W.A.	LP	Peacock, Hon. Andrew Sharp	Kooyong, Vic.	LP
Edwards, Dr Harold Raymond	Berowra, N.S.W.	LP	Porter, James Robert	Barker, S.A.	LP
Ellicott, Hon. Robert James, Q.C.	Wentworth, N.S.W.	LP	Robinson, Hon. Eric Laidlaw	McPherson, Qld	LP
Everingham, Hon. Douglas Nixon	Capricornia, Qld	ALP	Robinson, Hon. Ian Louis	Cowper, N.S.W.	NCP
Falconer, Peter David	Casey, Vic.	LP	Ruddock, Philip Maxwell	Dundas, N.S.W.	IP
Fife, Hon. Wallace Clyde	Farrer, N.S.W.	LP	Sainsbury, Murray Evans	Eden-Monaro, N.S.W.	LP
Fisher, Peter Stanley	Mallee, Vic.	NCP	Scholes, Gordon Glen Denton	Corio, Vic.	ALP
FitzPatrick, John	Riverina, N.S.W.	ALP	Shack, Peter Donald	Tangney, W.A.	LP
Fraser, Rt Hon. John Malcolm, C.H.	Wannon, Vic.	LP	Shipton, Roger Francis	Higgins, Vic.	LP
Fry, Kenneth Lionel	Fraser, A.C.T.	ALP	Short, James Robert	Ballarat, Vic.	LP
Garland, Hon. Ransley Victor	Curtin, W.A.	LP	Simon, Barry Douglas	McMillan, Vic.	LP
Giles, Geoffrey O'Halloran	Wakefield, S.A.	LP	Sinclair, Rt Hon. Ian McCahon	New England, N.S.W.	NCP
Gillard, Reginald	Macquarie, N.S.W.	LP	Snedden, Rt Hon. Sir Billy Mackie, K.C.M.G., Q.C.	Bruce, Vic.	LP
Goodluck, Bruce John	Franklin, Tas.	LP	Staley, Hon. Anthony Allan	Chisholm, Vic.	LP
Graham, Bruce William	North Sydney, N.S.W.	LP	Stewart, Hon. Francis Eugene	Grayndler, N.S.W.	ALP
Groom, Hon. Raymond John	Braddon, Tas.	LP	Street, Hon. Anthony Austin	Corangamite, Vic.	LP
Haslem, John Whitten	Canberra, A.C.T.	LP	Thomson, David Scott, M.C.	Leichhardt, Qld	NCP
Hayden, Hon. William George	Oxley, Qld	ALP	Uren, Hon. Thomas	Reid, N.S.W.	ALP
Hodges, John Charles	Petrie, Qld	LP	Viner, Hon. Robert Ian	Stirling, W.A.	LP
Hodgman, Michael	Denison, Tas.	LP	Wallis, Laurie George	Grey, S.A.	ALP
Holding, Allan Clyde	Melbourne Ports, Vic.	ALP	West, Stewart John	Cunningham, N.S.W.	ALP
Howard, Hon. John Winston	Bennelong, N.S.W.	LP	Whitlam, Hon. Edward Gough, A.C., Q.C.	Werriwa, N.S.W.	ALP
Howe, Brian Leslie	Batman, Vic.	ALP	Willis, Ralph	Gellibrand, Vic.	ALP
Humphreys, Benjamin Charles	Griffith, Qld	NCP	Wilson, Ian Bonython Cameron	Sturt, S.A.	LP
Hunt, Hon. Ralph James Dunnet	Gwydir, N.S.W.	ALP	Yates, William	Holt, Vic.	LP
Hurford, Christopher John	Adelaide, S.A.	ALP	Young, Michael Jerome	Port Adelaide, S.A.	ALP
Hyde, John Martin	Moore, W.A.	LP			
Innes, Urquhart Edward	Melbourne, Vic.	ALP			
Jacobi, Ralph	Hawker, S.A.	ALP			
James, Albert William	Hunter, N.S.W.	ALP			

PARTY ABBREVIATIONS

ALP—Australian Labor Party; LP—Liberal Party of Australia; NCP—National Country Party of Australia.

THE COMMITTEES OF THE SESSION

(FIRST SESSION: FIRST PERIOD)

STANDING COMMITTEES

ABORIGINAL AFFAIRS—Mr Ruddock (*Chairman*), Mr Calder, Mr Dawkins, Dr Everingham, Mr Falconer, Mr Holding, Mr Roger Johnston and Mr Thomson.

ENVIRONMENT AND CONSERVATION—Mr Hodges (*Chairman*), Mr Baillieu, Mr Cohen, Mr Cotter, Mr Fisher, Mr Howe, Dr Jenkins and Mr Simon.

EXPENDITURE—Mr Kevin Cairns (*Chairman*), Chairman of the Joint Committee of Public Accounts or his nominee, Mr Aldred, Mr John Brown, Mr Dawkins (to 24 May), Dr Edwards, Mr Fry (from 24 May), Dr Klugman, Mr Lloyd, Mr Lusher, Mr McLean, Mr Morris and Mr Stewart.

HOUSE—Mr Speaker, Mr John Brown (from 7 March), Mr Gillard, Mr Peter Johnson, Mr Barry Jones (to 7 March), Mr Katter, Mr Martin and Mr Les McMahon.

LIBRARY—Mr Speaker, Mr Baillieu, Mr Bryant, Mr Jacobi, Mr Martyr, Mr Morris and Mr O'Keefe.

PRIVILEGES—Mr Donald Cameron (*Chairman*), Mr Lionel Bowen, Mr Clyde Cameron, Mr Hodgman, Mr Jacobi, Mr Jarman, Mr Lucock, Mr Scholes and Mr Yates.

PUBLICATIONS—Mr Hodges (*Chairman*), Dr Blewett, Mr FitzPatrick, Mr Gillard, Mr Goodluck, Mr Howe and Mr Ian Robinson.

ROAD SAFETY—Mr Katter (*Chairman*), Mr Bradfield, Mr Goodluck, Mr Humphreys, Mr Peter Johnson, Mr Charles Jones, Mr Morris and Mr Porter.

STANDING ORDERS—Mr Speaker (*Chairman*), the Chairman of Committees, the Leader of the House, the Deputy Leader of the Opposition, Mr Anthony, Mr Bryant, Mr Kevin Cairns, Mr Giles, Dr Jenkins, Mr Scholes and Mr Young.

JOINT STATUTORY COMMITTEES

BROADCASTING OF PARLIAMENTARY PROCEEDINGS—Mr Speaker (*Chairman*), The President, Senator Sir Magnus Cormack, Senator Douglas McClelland, and Mr Donald Cameron, Mr Corbett, Mr Barry Jones, Mr Jull and Mr Scholes.

PUBLIC ACCOUNTS—Mr Connolly (*Chairman*), Chairman of the House of Representatives Standing Committee on Expenditure, Senator Colston, Senator Lajovic, Senator Messner, and Mr Armitage (to 2 May), Mr Bradfield, Mr John Brown (from 2 May), Mr Cadman, Mr Barry Jones, Mr Lusher and Mr Martin.

PUBLIC WORKS—Mr Bungey (*Chairman*), Senator Kilgariff, Senator Melzer, Senator Young, and Mr Calder, Mr Humphreys, Mr James, Mr Keith Johnson and Mr Sainsbury.

JOINT COMMITTEES

AUSTRALIAN CAPITAL TERRITORY—Senator Knight (*Chairman*), Senator Archer, Senator Devitt, Senator Ryan, and Mr Burns, Mr Dean, Mr Fry, Mr Haslem, Mr Innes and Mr Lucock.

FOREIGN AFFAIRS AND DEFENCE—Senator Sir Magnus Cormack (*Chairman*), Senator Bishop, Senator Scott, Senator Sibraa, Senator Sim, Senator Wheeldon, Senator Young, and Mr Armitage, Dr Blewett, Mr Bryant, Mr Dobie, Mr Jacobi, Mr Katter, Dr Klugman, Mr Martyr, Mr Neil, Mr Scholes, Mr Shipton, Mr Short, Mr Simon and Mr Thomson.

NEW AND PERMANENT PARLIAMENT HOUSE—The President and Mr Speaker (*Joint Chairmen*), the Minister for the Capital Territory, Senator Drake-Brockman (to 31 May), Senator McIntosh, Senator Maunsell (from 31 May), Senator Melzer, Senator Missen, Senator O'Byrne, Senator Young, and Mr Haslem, Mr Innes, Mr Keith Johnson, Mr Keating, Mr Lloyd and Mr Simon.

SELECT COMMITTEE

TOURISM—Mr Jull (*Chairman*), Mr Cohen, Mr Drummond (to 15 March), Mr Goodluck, Mr Charles Jones, Mr Ian Robinson, Mr Sainsbury, Mr Short (from 15 March) and Mr Stewart.

PARLIAMENTARY DEPARTMENTS

SENATE

Clerk—J. R. Odgers, C.B.E.
Deputy Clerk—R. E. Bullock, O.B.E.
First Clerk-Assistant—K. O. Bradshaw
Clerk-Assistant—A. R. Cumming Thom
Principal Parliamentary Officer—H. C. Nicholls
Usher of the Black Rod—H. G. Smith
Senior Clerk of Committees—A. H. Higgins

HOUSE OF REPRESENTATIVES

Clerk of the House—J. A. Pettifer
Deputy Clerk of the House—D. M. Blake, V.R.D.
First Clerk-Assistant—A. R. Browning
Clerk-Assistant—L. M. Barlin
Operations Manager—B. P. Harvey
Senior Parliamentary Officers:
Sergeant-at-Arms Office—I. C. Cochran
Procedure Office—J. K. Porter
Table Office—I. C. Harris
Committee Office—M. Adamson

PARLIAMENTARY REPORTING STAFF

Principal Parliamentary Reporter—K. R. Ingram
Assistant Principal Parliamentary Reporter—J. F. Kerr
Leader of Staff (House of Representatives)—A. J. G. Simpson
Leader of Staff (Senate)—J. McKnight

LIBRARY

Parliamentary Librarian—A. L. Moore, O.B.E.

JOINT HOUSE

Secretary—R. W. Hillyer

THE ACTS OF THE SESSION

(FIRST SESSION: FIRST PERIOD)

Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-management) Act 1978
(Act No. 11 of 1978)—

An Act to empower Aboriginals and Torres Strait Islanders who live on reserves in Queensland to manage and control their own affairs.

Aboriginal Councils and Associations Amendment Act 1978 (Act No. 56 of 1978)—

An Act to amend the *Aboriginal Councils and Associations Act* 1976.

Aboriginal Land Rights (Northern Territory) Amendment Act 1978 (Act No. 21 of 1978)—

An Act to amend the *Aboriginal Land Rights (Northern Territory) Act* 1976.

Aboriginal Land Rights (Northern Territory) Amendment Act (No. 2) 1978 (Act No. 83 of 1978)—

An Act to amend the *Aboriginal Land Rights (Northern Territory) Act* 1976.

Aboriginal Land Rights (Northern Territory) Amendment Act (No. 3) 1978 (Act No. 70 of 1978)—

An Act to amend the *Aboriginal Land Rights (Northern Territory) Act* 1976 for purposes related to the self-government of the Northern Territory.

Acts Interpretation Amendment Act 1978 (Act No. 35 of 1978)—

An Act to amend the *Acts Interpretation Act* 1901.

Administrative Appeals Tribunal Amendment Act 1978 (Act No. 65 of 1978)—

An Act to amend the *Administrative Appeals Tribunal Act* 1975 for purposes related to the self-government of the Northern Territory.

Administrative Changes (Consequential Provisions) Act 1978 (Act No. 36 of 1978)—

An Act to amend certain Acts in consequence of certain administrative changes, and to provide for related matters.

Administrative Decisions (Judicial Review) Amendment Act 1978 (Act No. 66 of 1978)—

An Act to amend the *Administrative Decisions (Judicial Review) Act* 1977 for purposes related to the self-government of the Northern Territory.

Air Accidents (Commonwealth Government Liability) Amendment Act 1978 (Act No. 69 of 1978)—

An Act to amend the *Air Accidents (Commonwealth Government Liability) Act* 1963 for purposes related to the self-government of the Northern Territory.

Airline Equipment (Loan Guarantee) Act 1978 (Act No. 18 of 1978)—

An Act relating to the provision of certain equipment for a domestic airline.

Appropriation Act (No. 3) 1977-78 (Act No. 42 of 1978)—

An Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sum appropriated by the *Appropriation Act (No. 1) 1977-78*, for the service of the year ending on 30 June 1978.

Appropriation Act (No. 4) 1977-78 (Act No. 43 of 1978)—

An Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sum appropriated by the *Appropriation Act (No. 2) 1977-78*, for certain expenditure in respect of the year ending on 30 June 1978.

Ashmore and Cartier Islands Acceptance Amendment Act 1978 (Act No. 59 of 1978)—

An Act to amend the *Ashmore and Cartier Islands Acceptance Act* 1933 for purposes related to the self-government of the Northern Territory.

Atomic Energy Amendment Act 1978 (Act No. 31 of 1978)—

An Act to amend the *Atomic Energy Act* 1953.

Australian Apple and Pear Corporation Amendment Act 1978 (Act No. 15 of 1978)—

An Act to amend the *Australian Apple and Pear Corporation Act* 1973.

Australian Capital Territory Supreme Court Amendment Act 1978 (Act No. 3 of 1978)—

An Act to amend the *Australian Capital Territory Supreme Court Act* 1933.

Australian National Railways Amendment Act 1978 (Act No. 9 of 1978)—

An Act to amend the *Australian National Railways Act* 1917, and for other purposes.

Australian Science and Technology Council Act 1978 (Act No. 81 of 1978)—

An Act to establish an Australian Science and Technology Council.

Bounty (Drilling Machines) Act 1978 (Act No. 10 of 1978)—

An Act to provide for the payment of a bounty on the production of certain drilling machines.

Bounty (Polyester-Cotton Yarn) Act 1978 (Act No. 7 of 1978)—

An Act to provide for the payment of a bounty on the production of certain polyester-cotton yarn.

Broadcasting and Television Amendment Act 1978 (Act No. 52 of 1978)—

An Act to amend the *Broadcasting and Television Amendment Act* 1977.

Broadcasting Stations Licence Fees Amendment Act 1978 (Act No. 50 of 1978)—

An Act to amend the *Broadcasting Stations Licence Fees Act* 1964.

THE ACTS OF THE SESSION—*continued*

- Commonwealth Banks Amendment Act 1978 (Act No. 77 of 1978)—
An Act to amend the *Commonwealth Banks Act* 1959.
- Commonwealth Grants Commission Amendment Act 1978 (Act No. 86 of 1978)—
An Act to amend the *Commonwealth Grants Commission Act* 1973.
- Commonwealth Motor Vehicles (Liability) Amendment Act 1978 (Act No. 67 of 1978)—
An Act to amend the *Commonwealth Motor Vehicles (Liability) Act* 1959 for purposes related to the self-government of the Northern Territory.
- Compensation (Commonwealth Government Employees) Amendment Act 1978 (Act No. 68 of 1978)—
An Act to amend the *Compensation (Commonwealth Government Employees) Act* 1971 for purposes related to the self-government of the Northern Territory.
- Conciliation and Arbitration Amendment (Federal Court of Australia) Act 1978 (Act No. 53 of 1978)—
An Act to amend the *Conciliation and Arbitration Act* 1904 in respect of the jurisdiction of the Federal Court of Australia.
- Control of Naval Waters Amendment Act 1978 (Act No. 8 of 1978)—
An Act to amend the *Control of Naval Waters Act* 1918, and for related purposes.
- Co-operative Farmers and Graziers Direct Meat Supply Limited (Loan Guarantee) Act 1978 (Act No. 16 of 1978)—
An Act to authorize the giving of a guarantee in respect of a borrowing by Co-operative Farmers and Graziers Direct Meat Supply Limited.
- Crimes (Foreign Incursions and Recruitment) Act 1978 (Act No. 13 of 1978)—
An Act relating to Incursions into Foreign Countries and Recruitment for Service in Armed Forces in Foreign Countries.
- Customs Tariff Amendment Act 1978 (Act No. 2 of 1978)—
An Act to amend the *Customs Tariff Act* 1966.
- Customs Tariff Amendment Act (No. 2) 1978 (Act No. 47 of 1978)—
An Act relating to duties of Customs.
- Customs Tariff Validation Act 1978 (Act No. 49 of 1978)—
An Act to provide for the validation of certain collections of duties of Customs.
- Dairy Industry Stabilization Amendment Act 1978 (Act No. 94 of 1978)—
An Act to amend the *Dairy Industry Stabilization Act* 1977.
- Dairy Industry Stabilization Levy Amendment Act 1978 (Act No. 95 of 1978)—
An Act to amend the *Dairy Industry Stabilization Levy Act* 1977.
- Dairy Produce Amendment Act 1978 (Act No. 96 of 1978)—
An Act to amend the *Dairy Produce Act* 1924.
- Environment Protection (Alligator Rivers Region) Act 1978 (Act No. 28 of 1978)—
An Act to provide for the appointment of a Supervising Scientist for the purpose of protecting the environment in the Alligator Rivers Region of the Northern Territory from the effects of uranium mining operations, and for other purposes.
- Environment Protection (Northern Territory Supreme Court) Act 1978 (Act No. 30 of 1978)—
An Act relating to the enforcement by the Supreme Court of the Northern Territory of Australia of certain provisions for the protection of the environment in the Alligator Rivers Region.
- Environment Protection (Nuclear Codes) Act 1978 (Act No. 32 of 1978)—
An Act to make provision for and in relation to the establishment of codes of practice with respect to nuclear activities, and for other purposes.
- Estate Duty Amendment Act 1978 (Act No. 23 of 1978)—
An Act to amend the *Estate Duty Act* 1914.
- Estate Duty Assessment Amendment Act 1978 (Act No. 22 of 1978)—
An Act to amend the *Estate Duty Assessment Act* 1914.
- Evidence Amendment Act 1978 (Act No. 14 of 1978)—
An Act relating to the admissibility of business records in evidence in proceedings in federal courts.
- Excise Tariff Amendment Act 1978 (Act No. 48 of 1978)—
An Act relating to duties of Excise on petroleum.
- Gift Duty Amendment Act 1978 (Act No. 25 of 1978)—
An Act to amend the *Gift Duty Act* 1941.
- Gift Duty Assessment Amendment Act 1978 (Act No. 24 of 1978)—
An Act to amend the *Gift Duty Assessment Act* 1941.
- Health Insurance Amendment Act 1978 (Act No. 89 of 1978)—
An Act to amend the *Health Insurance Act* 1973, and for other purposes.

THE ACTS OF THE SESSION—*continued*

- Health Insurance Levy Assessment Amendment Act 1978 (Act No. 90 of 1978)—**
An Act to amend the law relating to income tax in relation to the imposition, assessment and collection of a health insurance levy.
- Hospitals and Health Services Commission (Repeal) Act 1978 (Act No. 91 of 1978)—**
An Act to repeal the *Hospitals and Health Services Commission Act* 1973, and for related purposes.
- Housing Assistance Act 1978 (Act No. 79 of 1978)—**
An Act relating to financial assistance to the States for the purpose of housing.
- Income Tax (Arrangements with the States) Act 1978 (Act No. 87 of 1978)—**
An Act relating to the assessment and collection by the Commonwealth on behalf of a State of personal income tax imposed by the State and the making of payments by a State to the Commonwealth in partial discharge of the liability of residents of that State in respect of Commonwealth personal income tax, and for related purposes.
- Income Tax Assessment Amendment Act 1978 (Act No. 57 of 1978)—**
An Act to amend the law relating to income tax.
- Industries Assistance Commission Amendment Act 1978 (Act No. 1 of 1978)—**
An Act to amend the *Industries Assistance Commission Act* 1973.
- International Sugar Agreement Act 1978 (Act No. 26 of 1978)—**
An Act relating to the International Sugar Agreement, 1977.
- Lands Acquisition Amendment Act 1978 (Act No. 61 of 1978)—**
An Act to amend the *Lands Acquisition Act* 1955 for purposes related to the self-government of the Northern Territory.
- Loan Amendment Act 1978 (Act No. 27 of 1978)—**
An Act to amend the *Loan Act* 1977.
- Loan Consolidation and Investment Reserve Amendment Act 1978 (Act No. 37 of 1978)—**
An Act to amend the *Loan Consolidation and Investment Reserve Act* 1955 and for purposes connected therewith.
- Maritime College Act 1978 (Act No. 54 of 1978)—**
An Act relating to the Australian Maritime College.
- Ministers of State Amendment Act 1978 (Act No. 82 of 1978)—**
An Act to amend the *Ministers of State Act* 1952.
- National Health Amendment Act 1978 (Act No. 88 of 1978)—**
An Act to amend the *National Health Act* 1953.
- National Parks and Wildlife Conservation Amendment Act 1978 (Act No. 29 of 1978)—**
An Act to amend the *National Parks and Wildlife Conservation Act* 1975.
- National Water Resources (Financial Assistance) Act 1978 (Act No. 5 of 1978)—**
An Act to grant financial assistance to the States in connexion with the development and management of national water resources.
- Northern Territory (Self-Government) Act 1978 (Act No. 58 of 1978)—**
An Act to provide for the Government of the Northern Territory of Australia, and for related purposes.
- Northern Territory Supreme Court Amendment Act 1978 (Act No. 4 of 1978)—**
An Act to amend the *Northern Territory Supreme Court Act* 1961.
- Northern Territory Supreme Court Amendment Act (No. 2) 1978 (Act No. 64 of 1978)—**
An Act to amend the *Northern Territory Supreme Court Act* 1961 for purposes related to the self-government of the Northern Territory.
- Ombudsman Amendment Act 1978 (Act No. 63 of 1978)—**
An Act to amend the *Ombudsman Act* 1976 for purposes related to the self-government of the Northern Territory, and for purposes incidental thereto.
- Ordinances and Regulations (Notification) Act 1978 (Act No. 38 of 1978)—**
An Act relating to the notification of the making of certain Ordinances, regulations and other instruments.
- Parliamentary Contributory Superannuation Amendment Act 1978 (Act No. 41 of 1978)—**
An Act to amend the *Parliamentary Retiring Allowances Act* 1948.
- Pay-roll Tax (Territories) Assessment Amendment Act 1978 (Act No. 55 of 1978)—**
An Act to amend the *Pay-roll Tax (Territories) Assessment Act* 1971.
- Pay-roll Tax (Territories) Assessment Amendment Act (No. 2) 1978 (Act No. 62 of 1978)—**
An Act to amend the *Pay-roll Tax (Territories) Assessment Act* 1971 to terminate the tax upon wages related to the Northern Territory of Australia, and for related purposes.
- Primary Industry Bank Amendment Act 1978 (Act No. 78 of 1978)—**
An Act relating to the proposed Primary Industry Bank of Australia.

THE ACTS OF THE SESSION—*continued*

- Public Service Arbitration Amendment Act 1978 (Act No. 93 of 1978)—
An Act to amend the *Public Service Arbitration Act* 1920.
- Qantas Airways Limited (Loan Guarantee) Act 1978 (Act No. 19 of 1978)—
An Act relating to the provision of certain equipment for Qantas Airways Limited.
- Remuneration Tribunals Amendment Act 1978 (Act No. 60 of 1978)—
An Act to amend the *Remuneration Tribunals Act* 1973 for purposes related to the self-government of the Northern Territory.
- Seat of Government (Administration) Amendment Act 1978 (Act No. 40 of 1978)—
An Act to amend section 12 of the *Seat of Government (Administration) Act* 1910.
- Softwood Forestry Agreements Act 1978 (Act No. 20 of 1978)—
An Act relating to agreements between the Commonwealth and the States in connexion with softwood forestry.
- States and Northern Territory Grants (Bluetongue Virus Control) Act 1978 (Act No. 80 of 1978)—
An Act to make provision for the grant of financial assistance to the States and the Northern Territory for purposes arising out of the control of bluetongue virus, and for other purposes.
- States Grants (Petroleum Products) Amendment Act 1978 (Act No. 12 of 1978)—
An Act to amend the *States Grants (Petroleum Products) Act* 1965.
- States Grants (Schools Assistance) Amendment Act 1978 (Act No. 33 of 1978)—
An Act to amend the *States Grants (Schools) Act* 1972, the *States Grants (Schools Assistance) Act* 1976 and the *States Grants (Schools Assistance) Act* 1977, and for related purposes.
- States Grants (Tertiary Education Assistance) Amendment Act 1978 (Act No. 34 of 1978)—
An Act to amend the *States Grants (Universities Assistance) Act* 1976, the *States Grants (Advanced Education Assistance) Act* 1976, the *States Grants (Technical and Further Education Assistance) Act* 1976 and the *States Grants (Tertiary Education Assistance) Act* 1977, and for related purposes.
- States Grants (Urban Public Transport) Act 1978 (Act No. 46 of 1978)—
An Act to grant financial assistance to the States for the purposes of public transport in urban areas.
- States (Personal Income Tax Sharing) Amendment Act 1978 (Act No. 85 of 1978)—
An Act to amend the *States (Personal Income Tax Sharing) Act* 1976.
- Statutory Rules Publication Amendment Act 1978 (Act No. 39 of 1978)—
An Act to amend the *Rules Publication Act* 1903.
- Superannuation Acts Amendment Act 1978 (Act No. 17 of 1978)—
An Act to amend the *Superannuation Act* 1922, the *Superannuation Act* 1976 and the *Superannuation Amendment Act* 1976, and for related purposes.
- Supply Act (No. 1) 1978–79 (Act No. 44 of 1978)—
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 30 June 1979.
- Supply Act (No. 2) 1978–79 (Act No. 45 of 1978)—
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 30 June 1979.
- Tasmania Grant (The Mount Lyell Mining and Railway Company Limited) Amendment Act 1978 (Act No. 84 of 1978)—
An Act to amend the *Tasmania Grant (The Mount Lyell Mining and Railway Company Limited) Act* 1977.
- Television Stations Licence Fees Amendment Act 1978 (Act No. 51 of 1978)—
An Act to amend the *Television Stations Licence Fees Act* 1964.
- Territory Authorities (Financial Provisions) Act 1978 (Act No. 6 of 1978)—
An Act relating to moneys appropriated for the purposes of certain authorities of the Territories, the borrowing of moneys by such authorities and the liability of such authorities to taxation.
- Trade Union Training Authority Amendment Act 1978 (Act No. 92 of 1978)—
An Act to amend the *Trade Union Training Authority Act* 1975.
- Wool Industry Amendment Act 1978 (Act No. 71 of 1978)—
An Act to amend section 28A of the *Wool Industry Act* 1972.
- Wool Tax Amendment Act (No. 1) 1978 (Act No. 72 of 1978)—
An Act to amend the *Wool Tax Act* (No. 1) 1964.
- Wool Tax Amendment Act (No. 2) 1978 (Act No. 73 of 1978)—
An Act to amend the *Wool Tax Act* (No. 2) 1964.
- Wool Tax Amendment Act (No. 3) 1978 (Act No. 74 of 1978)—
An Act to amend the *Wool Tax Act* (No. 3) 1964.
- Wool Tax Amendment Act (No. 4) 1978 (Act No. 75 of 1978)—
An Act to amend the *Wool Tax Act* (No. 4) 1964.
- Wool Tax Amendment Act (No. 5) 1978 (Act No. 76 of 1978)—
An Act to amend the *Wool Tax Act* (No. 5) 1964.

THE BILLS OF THE SESSION

(FIRST SESSION: FIRST PERIOD)

- Australian Overseas Projects Corporation Bill 1978—
Initiated in the House of Representatives. First Reading.
- Bounty (Agricultural Tractors) Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Bounty (Books) Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Casey University—Australian Defence Force Academy Bill 1978—
Initiated in the House of Representatives. First Reading.
- Commonwealth Employment Service Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Continental Shelf (Living Natural Resources) Amendment Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Criminology Research Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Defence Service Homes Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Diplomatic and Consular Missions Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Export Expansion Grants Bill 1978—
Initiated in the House of Representatives. First Reading.
- Fisheries Amendment Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Great Barrier Reef Marine Park Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Income Tax Assessment Amendment Bill (No. 2) 1978—
Initiated in the House of Representatives. First Reading.
- Income Tax (Companies and Superannuation Funds) Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Income Tax (Non-Resident Companies) Bill 1978—
Initiated in the House of Representatives. First Reading.
- Income Tax (Rates) Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- International Monetary Agreements Amendment Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Pig Slaughter Levy Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Public Service Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Re-establishment and Employment Amendment Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Sales Tax (Exemptions and Classifications) Amendment Bill 1978—
Initiated in the House of Representatives. Third Reading.
- Trade Practices Amendment Bill 1978—
Initiated in the House of Representatives. First Reading.
- Whaling Amendment Bill 1978—
Initiated in the House of Representatives. Third Reading.

**THE PARLIAMENT CONVENED
THIRTY-FIRST PARLIAMENT—FIRST SESSION**

The Parliament was convened by the following proclamation (Gazette No. S10 of 1978):

PROCLAMATION

Commonwealth of Australia
ZELMAN COWEN
Governor-General

By His Excellency the
Governor-General of
the Commonwealth of
Australia

WHEREAS by section 5 of the Constitution of the Commonwealth of Australia it is provided, amongst other things, that the Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit:

NOW THEREFORE I, Sir Zelman Cowen, the Governor-General of the Commonwealth of Australia, by this Proclamation appoint Tuesday, 21 February 1978, as the day for the Parliament of the Commonwealth to assemble for the despatch of business:

And all Senators and Members of the House of Representatives are hereby required to give their attendance accordingly at Parliament House, Canberra, in the Australian Capital Territory, at 11 o'clock in the morning on Tuesday, 21 February 1978.

Given under my Hand and the Great Seal of Australia on 16 January 1978.
By His Excellency's Command,

MALCOLM FRASER
Prime Minister
GOD SAVE THE QUEEN!

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Tuesday, 6 June 1978

Mr SPEAKER (Rt Hon. Sir Billy Snedden) took the chair at 2.15 p.m., and read prayers.

DEATH OF FORMER SENATOR SIR KENNETH MORRIS

Mr SPEAKER—I inform the House of the death on 1 June 1978 of the Honourable Sir Kenneth Morris, a former senator, who represented the State of Queensland from 1963 to 1968. He was a State Minister of the Crown and Deputy Premier between 1957 and 1963. As a mark of respect to the memory of the deceased, I invite honourable members to rise in their places.

Honourable members having stood in their places—

Mr SPEAKER—I thank the House.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows and copies will be forwarded to the appropriate Ministers:

Medical Benefits: Abortions

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The petition of the undersigned citizens of Australia respectfully sheweth:

That Item 6469 of the standard Medical Benefits Table is the means by which payment is made for the slaughter of thousands of unborn babies every year.

Your petitioners therefore humbly pray that the Government should ensure that Item 6469 is removed from the standard Medical Benefits Table.

And your petitioners as in duty bound will ever pray.

by Mr Birney, Mr Falconer and Mr Ruddock.

Petitions received.

Citizen Forces: Long Service and Good Conduct Medals

The Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble petition of the undersigned members and ex-members of the Citizens Forces of Australia respectfully sheweth:

1. On 14 February 1975, the then Australian Government deprived the Officers and men of the Australian Citizen Naval Military and Air Forces of the distinctive and historic Decorations and Medals for long service and good conduct, namely the Reserve Decoration, the Efficiency Decoration, the Air Efficiency Award, the Efficiency Medal and Long Service and Good Conduct Medals, awarded for long and meritorious voluntary service in the Citizen Forces:

2. The proposed substitution of the National Medal for these Decorations and Medals varies the principle of selective recognition of efficient voluntary service in the Citizen Forces in that it recognises the period of service only and embraces also full time service as well in the defence forces as in the police, fire brigade and ambulance services:

3. This deprivation caused and is continuing to cause serious discontent amongst personnel of the Citizen Forces who willingly and cheerfully give of their spare time outside their normal full time civilian careers, to serve Her Majesty and Australia:

4. The Reserve Forces of Australia have been recognised by the present Government as a valuable—and cost-effective—component of the Defence Forces. Anomalously, whilst the Government is actually supporting recruiting for these Forces it has imposed and continued this deprivation which as foresaid has depressed the morale of the Citizen Forces:

5. Her Majesty has not cancelled the said Decorations and Medals.

Your petitioners therefore humbly pray.

Your Honourable House take appropriate action to resume the award of the several distinctive and historic Reserve Forces Decorations and Medals and members of the Royal Australian Naval Reserve, Citizen Military Force (Army Reserve) and Citizen Air Force.

by Mr Aldred and Mr Fisher.

Petitions received.

Pensioners: Home Maintenance Loans

To the Honourable Speaker and Members of the House of Representatives in Parliament assembled the petition of the undersigned citizens of Australia respectfully sheweth:

That it is necessary for the Commonwealth Government to renew for a further term of at least 3 years the States Grants (Dwellings for Pensioners) Act 1974-77, renewed for one year expiring on the 30th June 1978.

The demand for dwellings has not slackened as the waiting list (all States) of 12,060 single and 4,120 couples as at the 30th June 1977, sheweth.

Your petitioners respectfully draw the attention of the Commonwealth Government to the Report of the Committee of Inquiry into Aged Persons' Housing 1975 under the Chairmanship of the Rev. K. Seaman (now Governor of South Australia) which recommended additional funds to State housing authorities to meet the demand for low-rental accommodation in the proportion of \$4 for \$1 with the proviso that the States do not reduce their existing expenditure and

That the Act include married pensioners eligible for supplementary assistance and migrants as specified by the Seaman Report and that particular consideration be paid to the special needs and requirements of the prospective tenants in the location and design of such dwellings.

Furthermore, your petitioners desire to draw the Government's attention to the hardship of many pensioner home owners caused by the high cost of maintenance.

The Social Security Annual Report 1976-77 shows that 24.6 per cent, or 283,000 home owning pensioners, have a weekly income in excess of the pension of less than \$6 per week.

Your petitioners strongly urge the Commonwealth Government to establish a fund whereby loans can be made to means tested pensioners for the purpose of effecting necessary maintenance to their homes. Such a loan to be at minimal interest rates sufficient to cover administrative costs and to be repaid by the estate upon the death of a single pensioner before probate or upon the death of the surviving spouse in the case of married pensioners or where two pensioners jointly own the dwelling.

Administration to be carried out by local government bodies.

And your petitioners as in duty bound will ever pray.
by Mr FitzPatrick.

Petition received.

Medical Benefits: Abortions

To the Right Honourable the Speaker and Members of the House of Representatives in Parliament assembled. A Petition of the undersigned respectfully sheweth:

That withdrawal of government benefits under schedule 6469 for first trimester abortion would discriminate against and disadvantage the least privileged in our society.

Your Petitioners most humbly pray that the House of Representatives, in Parliament assembled, should:

Under no circumstances withdraw government benefit under schedule 6469 for first trimester abortion.

And your petitioners as in duty bound will ever pray.

by Mr Macphee.

Petition received.

International Air Fares

To the Honourable the Speaker and Members of the House of Representatives in Parliament assembled. The humble Petition of undersigned citizens of Australia respectfully sheweth:

That the Government's continued procrastination on the introduction of lower international air fares is causing confusion and concern within Australia's travel industry and amongst Australia's air travellers who were postponing overseas travel in expectation of the reduced international air fares.

That the Government's decision not to make available to the public the Report of the Review of International Civil Aviation Policy was further compounding the confusion and uncertainty and was denying Australians right of access to information on the options available.

That the Government's policy of secrecy was suppressing public debate on the issue and was adding to the impression that the Government was reluctant to allow Australians access to lower priced international air fares.

Your petitioners therefore humbly pray that:

The Report of the Review of International Civil Aviation Policy be released and the introduction of reduced international air fares be no longer deferred in order to end the confusion and concern of the travel industry and the public.

by Mr Wallis.

Petition received.

QUESTIONS WITHOUT NOTICE

TAXATION INDEXATION

Mr HAYDEN—I ask the Treasurer: Can he explain why the Government has used a much larger discount factor applied to the consumer price index for tax indexation purposes than has been used by the Conciliation and Arbitration Commission for wage indexation purposes?

Mr HOWARD—I am grateful to the Leader of the Opposition for asking me a question about

the tax indexation factor because it does give me the opportunity to make some additional comments to those that were made on Friday. The first thing I would like to say is that to the extent that members of the Opposition, or indeed anybody in the community, comment upon what they see to be the comparative modesty of the additional tax indexation benefits, they are acknowledging the success of the Government's economic policies. Indexation is all about relating benefits to or protecting people in a taxation situation against the ravages of inflation. Obviously—

Mr Hurford—Are you going to answer the question?

Mr HOWARD—Would the honourable gentleman like me to answer the question? He will have his opportunity to answer questions when he is on this side of the House. I will deal with the honourable gentleman's question. To the extent to which inflation is moderated, naturally the discount factor involved will be moderated. I point out to the honourable gentleman and to the House that the start point of the indexation factor for taxation as from 1 July is 10.9 per cent, which represents the average level of the consumer price index for the 12 months ended 31 March 1978 over the level for the 12 months ended 31 March 1977. By any measure, particularly having regard to current levels of inflation, that is a particularly generous start point, because the increase in the consumer price index for the year ended 31 March 1978 was only 8.2 per cent.

So if one is looking at current levels of inflation—it is not unreasonable to do that, particularly having regard to the fact that we are talking about the indexation of taxation from 1 July 1978—one can see that an indexation factor related to the average level of the CPI for the 12 months ended 31 March 1978 over the same for the 12 months ended 31 March 1977 is not ungenerous. The 7.6 per cent indexation factor, which was announced last week, is derived from the 10.9 per cent by netting out the effects of, firstly, the increase in indirect taxes of 0.1 per cent; secondly, the increase in health care charges in 1976 of 1.6 per cent; and, thirdly, the increase following the exchange rate adjustments in December 1976 of 1.6 per cent. As was announced by my predecessor almost 12 months ago in the Budget Speech of 1977, from 1 July this year we will be applying half indexation only. Nothing was concealed there. There was nothing underhand about that. My predecessor said that in the Budget Speech of last year. The reason we said that in the Budget Speech last

year was that a very major benefit was derived from the 1 February tax cuts. We said at that time that the revenue for this coming financial year simply could not afford the full effects of the 1 February tax cuts plus full tax indexation.

If anybody on the other side has a quibble—I notice that the Leader of the Opposition in the Senate is talking about 36 per cent indexation—about the generosity of the tax indexation factor let me remind him that the start point is 10.9 per cent which, on any analysis, is certainly not the current rate of inflation. I think it is proper to say that the current level of inflation is much closer to the 8.2 per cent for the 12 months recorded to 31 March. When one takes into account the discount factors that have been applied by the Government on this occasion—there is nothing secretive or new about them—one realises that on any measure the announcement that I made last Friday represents a further progress in the Government's policy of taxation reform. I stress to the House again that when inflation is falling it is only natural that indexation benefits or indexation compensation must fall at the same time, because to argue otherwise is to argue that at a time of zero inflation one should have indexation compensation, and that is a palpable nonsense.

FEDERALISM POLICY: STAGE TWO

Mr CADMAN—Is the Treasurer aware of the statement made by the Premier of New South Wales at the weekend concerning stage two of the Commonwealth's federalism policy? Can he assure the House that, as Mr Wran has announced there will be no change to charges and taxes in New South Wales, the policy must be a most generous one?

Mr HOWARD—My attention has been drawn to statements made by Mr Wran at the weekend. I would like to say two things about those statements. The first is that it is quite obvious that, with a State election in New South Wales in the breeze, Mr Wran is endeavouring once again to revive the bogey-man of double taxation. I say to the House that there have been few charges peddled in the Australian political environment in recent years which are as untrue as the statement peddled by the New South Wales Premier that this Government's federalism policy represents double taxation. I invite his attention and the attention of sceptics on the other side of the House and in the community generally to the terms of the second reading speech at the time of the introduction of that legislation last week. All that legislation does is give to the States the option of choosing one of three courses. Firstly, they can make no change regarding income tax

levels in their own States; secondly, they can impose a tax surcharge; or, thirdly, they can give a tax rebate. In no way does the legislation oblige a State to impose additional taxation. All it does—quite consistently with this Government's policy toward the responsibilities of State governments—is give to individual States greater fiscal flexibility. That is what State Premiers over the years, both Labor and Liberal, have asked for. So, for Mr Wran to revive once again the bogey of double taxation is, I believe, stretching the credibility of the New South Wales community beyond bounds. It is not double taxation; it has never been double taxation. Mr Wran knows that and he ought to be honest enough, in possibly the lead up to a New South Wales election campaign, to admit that from the outset. The real truth of the matter is—Mr Wran inadvertently conceded this over the weekend when he made certain commitments about his own—

Mr UREN—I rise on a point of order. The Treasurer has had a Dorothy Dix question. It is a very lengthy reply—

Mr SPEAKER—Order! The honourable member cannot know, nor can I, whether it was a Dorothy Dix question.

Mr UREN—My point of order is that it is a very lengthy reply and it is against your ruling—

Mr SPEAKER—I ask the Treasurer to draw his answer to a conclusion.

Mr HOWARD—With pleasure, Mr Speaker. In the course of the same speech, the New South Wales Premier made certain commitments about New South Wales taxes and charges. If the New South Wales Premier believes that his State has a capacity to do certain things in that area, that must be the best proof possible of the generosity of the tax-sharing arrangements that he has obtained from the present Federal Government. A State's ability to give taxation concessions ought to be freely acknowledged as being the result of the federalism policies of this Government.

TRADE UNION TRAINING AUTHORITY

Mr CLYDE CAMERON—My question is to the Minister for Employment and Industrial Relations. I ask the honourable gentleman whether he is aware of the considerable apprehension among trade union organisations that, in the light of what the Government has already done to alter the structure and the control of the Clyde Cameron College and of the Trade Union Training Authority generally, the Government is planning to cut back, or, if not cut back, to refuse to give an adequate increase in the Budget for the

forthcoming year to meet running costs and, more importantly perhaps, capital costs to complete the Clyde Cameron College and to meet the costs of certain capital expenditure which has to be met at the various State training centres. Will the Minister give an assurance that will allay the concern that these trade union organisations now have?

Mr STREET—I am well aware of the honourable member's great interest in this subject, particularly the project which bears his name. It has been agreed for some time on both sides of this House that trade union training is both necessary and desirable. I assure the honourable member that those two factors will be borne in mind closely by the Government during its consideration of the Budget Estimates.

SIR WILLIAM VINES

Mr SHORT—I direct a question to the Acting Prime Minister. I refer to the recent welcome announcement by the Prime Minister of the establishment of the Sir Robert Menzies Memorial Trust to commemorate the memory of the greatest public figure in Australia's history. Is it a fact that the Prime Minister announced that the head of the national committee for the Trust is to be Sir William Vines? Is it also a fact that Sir William Vines was described in another place last week as a proven fraud and charlatan? Will the Acting Prime Minister take this opportunity publicly to refute this cowardly, untrue and vicious attack?

Mr SPEAKER—Order! The question is out of order but, because of the nature of the question, I will permit an answer to be given. I call the Acting Prime Minister.

Mr ANTHONY—All I can say about anybody who uses the privilege of Parliament to make such allegations against an outstanding Australian is that his actions are deplorable and despicable. Sir William Vines has been a very outstanding Australian, particularly in his services to rural industries. I recall the position he occupied as Secretary of the International Wool Secretariat and the magnificent job he did in that position. He was also the first Chairman of the Australian Wool Corporation and helped to put that body together by incorporating all the various broker interests and wool grower interests. Today the Corporation is an established organisation underpinning wool marketing in Australia and, indeed, throughout the world. All I can say to people who want to sling off and make remarks about Sir William Vines is that many Australians will rise to defend him. I am one of those people.

FOREIGN INVESTMENT GUIDELINES

Mr KEITH JOHNSON—Has the Treasurer seen reports in this morning's Press that there is to be a sharp relaxation of the Government's foreign investment guidelines? Will he say whether the Government intends to reduce the requirement for Australian holding in mining and industrial ventures from 85 per cent, as established by the Labor Government, to only 51 per cent? Will foreign controlled companies be given interim Australian status if they have only 25 per cent local ownership?

Mr HOWARD—I have seen those reports. I have nothing to add to the answer I gave on this subject in the House last week.

REVIEW OF FAMILY LAW ACT

Mr SHACK—Can the Minister representing the Attorney-General advise the House how far the Government has progressed towards effecting a review of the Family Law Act and the operations of the Family Court?

Mr VINER—On behalf of the Attorney-General, I can answer the question asked by the honourable gentleman. I know that since taking office the Attorney-General has expressed publicly on a number of occasions his interest in having a general review of the Family Law Act. The matter was considered recently by the Government. The Attorney-General will be presenting a submission to the Government in the very near future on the way in which the review can be conducted.

CHARTER FLIGHTS TO AND FROM AUSTRALIA

Mr JOHN BROWN—Is the Minister for Transport aware of the disruptive tactics adopted by his Department following the decision of the High Court of Australia in favour of AUS Student Travel Service Pty Ltd operating charter flights to and from Australia? Will the Minister assure the House that pending further hearings, licences issued under section 14 of the Air Navigation Act for charter flights are issued in time for the flights to operate on schedule so as not to cause unnecessary hardship to Australian travellers both here and abroad?

Mr NIXON—Some weeks ago spokesmen for AUS Student Travel—I think they described themselves as the President and General Manager of AUS Student Travel, but my terminology may be wrong—came to see me. I informed them at the time that I believed what they were doing to be in breach of the air navigation regulations and advised them that they ought to follow the

provisions of the air navigation regulations correctly and properly. I said that I would be forced to make sure that they were not doing something that other travel agents in Australia were not permitted to do. In other words, I make the general observation that all people travelling outside Australia ought to be treated in a non-discriminatory fashion. I made that point to AUS Travel. In the event, we served notice on AUS Travel that we thought that it was in breach of the regulations. The outcome has been a High Court challenge and the High Court has upheld the Government's action. I can say no more other than that until such time as there is a complete change of the air navigation regulations, and acting in accordance with my proper responsibility as Minister for Transport to make sure that air navigation regulations are upheld, I am not prepared to give to AUS Travel some benefit which other travel agents cannot give to those people who travel under their aegis. Therefore, I am not able to concur with the honourable member's proposition.

ABORIGINES: NATIONAL FRONT POLICY

Mr FALCONER—Has the attention of the Minister for Aboriginal Affairs been drawn to Press reports concerning the establishment in Australia of an extremist and racist organisation known as the National Front which is calling for a policy of apartheid or separate development for Aborigines? Can the Minister say whether any such policy will be implemented by the Government?

Mr VINER—I thank the honourable gentleman for his question because it affords me an opportunity to deny in the most unequivocal terms that the present Government—indeed I expect this would be so of any government in Australia—will have a policy of apartheid or separate development for Aborigines. Both I and the Prime Minister have very firmly said on previous occasions that that is not the policy of this Government. I have noticed from Press reports that the National Front representatives in Australia have said that they propose to give a better deal to Aborigines. Then it was revealed that the better deal was a policy of apartheid.

Might I take the opportunity also to counsel people who are commenting on Aboriginal affairs policy in Australia and claiming that in the area of land rights there is a suggestion of separatism. Our policy in that area is not one of separatism; it is a policy which recognises the

particular and special relationship which Aborigines have for land which has been their traditional land. I might say also that if anyone suggests that the land rights policy, particularly the kind of land rights which this Government has introduced in the Northern Territory, is a policy of separatism he might just as well say that the policies of all governments, both State and Commonwealth, for the past 60-odd years which set aside special areas as reserves are policies of separatism. I think that when the land rights policy of the present Government, as shown through the land rights legislation, is properly understood it will be seen that it not only acknowledges the Aborigines traditional relationship with land but also can provide the Aborigines, on a basis of equality, with a firm economic foundation for their future development.

Having answered that question, Mr Speaker, might I have the indulgence of the House to add a couple of words to the answer which I gave to the honourable member for Tangney? I should have advised the honourable member that the general review which the Attorney-General has under consideration is a review by a parliamentary committee.

AURUKUN AND MORNINGTON ISLAND

Dr EVERINGHAM—I ask the Minister for Aboriginal Affairs: Has his Department evicted auxiliaries of the Institute of Cultural Affairs from Oombulgurri without consulting the Aboriginal Council? Has any agent, officer or associate of a State government suggested that such action or any similar action should be taken with regard to representatives of the Institute of Aboriginal Studies at Aurukun? If so, will the Minister make the terms of such requests available to the relevant Aboriginal Council without delay? Will he promptly inform the House of disagreements between the Aurukun or Mornington Island councils with State authorities as to the access of individuals or organisations to their leasehold land?

Mr VINER—Upon my return from overseas yesterday I became aware of action at Oombulgurri concerning the continued work there of the Institute of Cultural Affairs. I sought some advice from my Department as to the background of this work. My Department certainly did not eject representatives of ICA from Oombulgurri. I am advised that at a meeting of 57 adult community members the decision of the council of the community to dismiss the ICA was unanimously endorsed. The personnel of the ICA left on Wednesday 31 May. Officers of my Department were present at the time as well as representatives

from the Aboriginal Legal Service, the National Aboriginal Conference and the Anglican Church. My advice is that this was entirely a decision of the Aboriginal people themselves. However, I am advised also that on Friday 2 June, the Aboriginal community held a meeting at which it was decided to invite the ICA to return to Oombulgarri subject to its meeting certain conditions. These conditions related to a reduction in the number of personnel, who should be suitably qualified, that they should operate under a contract, that they should provide training for Aboriginals in necessary skills and that they should abide by council decisions. I am advised that officers of my Department are travelling to Oombulgarri to undertake a general review of the situation and the events of last week. It will be seen that my Department, as I said, certainly did not eject the ICA but was acting in support of the community in whatever decisions it made.

The honourable gentleman referred also to the Aurukun and Mornington Island communities. In relation to recent developments there, I am advised that last Thursday a very successful meeting was held between leaders from both those communities and the Queensland Minister for Local Government, Mr Hinze, and the Queensland Minister for Aboriginal and Islander Advancement, Mr Porter. I understand that my colleague the Minister for Post and Telecommunications, who was acting for me last week, spoke to Mr Hinze after that meeting and that Mr Hinze was very pleased with the way the meeting went. My Department was also advised—

Mr SPEAKER—Order! I ask the honourable gentleman to draw his answer to a conclusion.

Mr Viner—My Department was advised also that the Aboriginal leaders themselves were very pleased with the result of the meeting. It removed many of the fears they had previously had concerning the administration of the new Queensland legislation. I believe that the House can look forward to fruitful and co-operative action in future between those two communities, the Commonwealth and the Queensland Government.

PHOSPHATE FERTILISERS

Mr KATTER—Is the Acting Prime Minister aware of reports today that he is again going to ask Cabinet to provide financial assistance for BH South Ltd so that rock phosphate mining at The Monument in Queensland can continue?

Are these reports correct? Further, can the Acting Prime Minister advise the House of the outcome of his discussions last Friday with the phosphate manufacturers, BH South Ltd, and the Christmas Island Phosphate Commission?

Mr ANTHONY—In answering previous questions on this matter, some from the honourable member for Kennedy, I have emphasised the importance of Australia having regular and secure supplies of phosphate rock at reasonable prices. The announcement that Queensland Phosphate Ltd would close down was a matter of concern for the Government. This is a rather complex issue because we have depended entirely for our supplies on Nauru and other island suppliers which, of course, are not infinite supplies. These matters need to be looked at seriously. There is the problem of whether manufacturers are able to cope with the type of rock that comes from the Duchess deposit. As a result of these various problems, in conjunction with the Minister for Industry and Commerce and the Minister for Administrative Services, who looks after the Christmas Island Phosphate Commission, I called a meeting of the various groups—the fertiliser manufacturers, Christmas Island Phosphate Commission and Queensland Phosphate Limited. This was a very frank and free discussion but the important thing that came out of it was revised estimates brought forward by the Christmas Island Phosphate Commission. They showed that the supply/demand situation was better than had been anticipated even some months ago. There have been some changes in the Nauruan situation and the Commission also believes that by mixing the A and B grade phosphate from Christmas Island it has sufficient supplies for possibly another 10 years.

The upshot of all these discussions was that if the manufacturers of superphosphate were to take the Duchess rock they could only progressively take it in small amounts in the initial years, and this would not be of sufficient volume to help Duchess with its problem. As it all turned out I do not think there is anything more the Government can do in relation to the decision of Queensland Phosphate Ltd to close the mine, unfortunate as that is, because the circumstances are such that the Australian manufacturers are not able to take that sort of rock at this point of time and there does not seem to be any serious problem as to the supply situation for the next 10 years.

INQUIRY INTO THE AUSTRALIAN BROADCASTING COMMISSION

Mr LIONEL BOWEN—I direct my question to the Minister for Post and Telecommunications and I refer to the Minister's statement last week that there was need for a wide-ranging public inquiry into the structure and administration of the Australian Broadcasting Commission. Can the Minister advise the House the type of people he has in mind to conduct the inquiry, including their qualifications, and will he also indicate the timetable he proposes for the implementation of the inquiry?

Mr STALEY—I have really nothing to add to what I said in this House last week; namely that the Green report recommends that there should be an inquiry into the ABC on a regular basis and that the first inquiry should be in 1980. As I said last week, I believe that in principle there is a good case for regular and independent inquiry into the ABC and that I would in due course consider asking the Government whether the sort of inquiry envisaged by the Green report ought to be brought on earlier than 1980.

DISALLOWED QUESTION

Mr Jarman proceeding to address a question to the Leader of the House—

Mr SPEAKER—Order! The question is out of order. The Leader of the House is not responsible for party room issues.

EMPLOYMENT IN METAL TRADES

Mr HURFORD—My question is directed to the Minister for Industry and Commerce. Has he studied the results of the annual survey of the metal trades by the Metal Trades Industry Association to which 565 firms responded? Has he noted that after two years of his Government's policies the work force in the industry has declined drastically with a further 5.7 per cent fall in employment in the period March 1977 to March 1978? Has he noted that there has been a further decline also in the utilisation of production capacity? What plans has he to create jobs rather than preside over a further decline?

Mr LYNCH—It is typical of the honourable gentleman that he should seek again to create gloom and apprehension simply because of one report which has just been brought down. I would remind the honourable gentleman that so far as manufacturing industry is concerned the improvement in the Australian economy which is now becoming increasingly evident will set, in the view of the Government, a much stronger growth rate for manufacturing industry during the second half of this year. I would also remind

the honourable gentleman that the Confederation of Australian Industry and the Bank of New South Wales survey of industrial trends conducted early March 1978 indicated that manufacturers were more optimistic concerning the general business outlook for the next six months than they were in December of 1977. According to that survey, a higher proportion of manufacturers than in the December quarter expected an increase in new orders and output. The honourable gentleman is also very much aware of the strong lift that has occurred in investment and, although I have made the point recently that some of that increase in investment no doubt would have taken place because of the bunching in this financial year as a result of the transition from the 40 per cent to 20 per cent allowance, it still reflects a very healthy and encouraging trend towards additional investment by the manufacturing sector at the present time.

I will go further in response to the honourable gentleman and say that, if he looks at the value of manufactured exports, he will find that they increased by 10 per cent in the eight months to February 1978. I hope that he will also draw some encouragement from the indices of the prices of articles produced and materials used by manufacturing which reflect the general downward trend of inflation as measured in the manufacturing sector. I quote also the Australia and New Zealand Banking Group Ltd index of factory production for March 1978, which indicates that production was above the levels prevailing prior to the Victorian power strike.

So far as positive initiatives are concerned, a large number of new measures has been introduced in recent months by this Government. I remind the honourable gentleman of the major export drive, which was reflected in the announcement made by the Deputy Prime Minister, the establishment of the Overseas Projects Corporation, and the inquiry into the processing of raw materials. The honourable gentleman is personally aware of the very significant work being undertaken by the Australian Manufacturing Council, and the Government is looking forward with a great degree of interest to the bringing down of the Crawford report, which I hope will be before the end of the year.

URBAN FREEWAY FUNDING IN NEW SOUTH WALES

Mr CARLTON—Has the Minister for Transport received any new approaches from the New South Wales Government for assistance with the funding of urban freeways in Sydney?

Mr NIXON—No, I have not received any new approaches from the New South Wales Government for funds for urban arterial freeways. However, I read in the Press over the weekend a statement by the Premier of New South Wales, Mr Wran, about the construction of freeways in New South Wales. All I can say is that, with the possible exception of the retention of some land for the Warringah Freeway corridor, there is nothing new in the statement that I understand was proffered to the Australian Labor Party conference on the weekend from what was said earlier this year, on 30 March. The fact is that I have not seen yet a copy of the New South Wales proposals for urban freeway construction in the ensuing year. I expect to get that in the next couple of weeks.

I understand that at the conference, Mr Wran put forward a proposition that he would be asking the Commonwealth for \$50m through the Loan Council for freeway construction. Of course, that proposition will have to wait until the Premiers Conference to be dealt with. I make the point in passing that, in the same speech, Mr Wran said that he would not be putting up State taxes or car registration costs or in any way imposing additional costs on New South Wales motorists. I suppose that Mr Wran sees himself in the position of blithely going along to the Premiers Conference and asking the other State Premiers and the Prime Minister to agree, through the Loan Council, to \$50m for freeway construction, at the same time being very generous to his own taxpayers in New South Wales by saying that he will not raise taxes. If by chance the State Premiers and Commonwealth do not agree with Mr Wran's proposition that State freeways should be funded in that way, Mr Wran will find himself in the political situation of being able to blame somebody else. Whilst that might sound like good politics, I make the point that it is cheap politics. Mr Wran ought to stand up and be counted in a responsible financial fashion, and I must express some disappointment that the Premier of a State should barter so lightheartedly with both the taxpayers' minds and the taxpayers' money.

FEDERALISM POLICY

Mr HAYDEN—My question, which is directed to the Treasurer, follows an answer given by him earlier concerning finances for the States and the Government's federalism policy. Is it a fact that total payments to the States in the current Budget, as a proportion of the gross domestic product, are down some \$800m as against the Budget in 1975-76? Is it a fact that the suspended

Minister for Finance has publicly forecast further substantial cuts in finances for the States? Is it the intention of the Australian Government to force States to impose a second system of State taxes by denying them increasingly larger amounts of financial assistance?

Mr HOWARD—I can inform the House that it is not the intention of this Government to force or oblige the States to do other than accept the responsibilities of federalism as well as the privileges of federalism. The revenue sharing arrangements which are embraced in stages 1 and 2 of the Government's federalism policy seek to create a situation whereby the States have greater control over the manner in which they arrange their own priorities. Consistent with that, the fixed percentage of income tax collections that the States have received and, indeed, the share of income tax revenue that local government has received have created a situation in which the States and local government can make more decisions in their own right and on their own account. I do not believe that anybody can fairly categorise the financial treatment that the States have received from this Commonwealth Government as being other than very generous when compared with the financial treatment that they would have received if the Whitlam Government's arrangement, even including the betterment factor, had been continued.

MIGRANT SERVICES AND PROGRAMS

Mr ALDRED—I direct a question to the Minister for Immigration and Ethnic Affairs. I refer to last week's statement concerning migrant services and programs, which was a welcome initiative by the Government. Does the Minister agree that, regrettably, the new arrangements propose the phasing down of the Good Neighbour Councils and the withdrawal of funding from them, resulting in the tragic loss of the expertise and experience in migrant affairs that the councils have built up over many years? Could the Minister envisage a continuing role for the Good Neighbour Councils under the new arrangements, providing they were suitably modified to fill more recently emerging needs? Will he undertake to examine this possibility?

Mr MacKELLAR—I am glad that the honourable member has asked this question because it gives me an opportunity to comment on what is a most significant matter. The Government has accepted the recommendations that government support for Good Neighbour Councils be phased out over a two-year period. It will be replaced by

new arrangements which expand the opportunities for community involvement in the development and management of migrant assistance programs. Mr Speaker, as you would personally know, the work of the Good Neighbour Councils has been of immense value over the last 26 years. They have been of tremendous help to so many newcomers who have made this country their home. I would be the first to place on record my appreciation of the work that so many thousands of volunteers have put in over these years.

In the new arrangements there will be important roles for all people within the community who have the welfare of migrants at heart. In answer to a part of the honourable gentleman's question, I may say that I have already been in communication with the Presidents of the Good Neighbour Councils, inviting them to a meeting to be held later this month to discuss the ramifications of the Government's acceptance of the recommendations in the Galbally Committee's report. The new arrangements will require the recruitment of full time specialists, who might well come from the expert ranks of the Good Neighbour Council movement.

ELECTORAL REDISTRIBUTION INQUIRY

Mr HOLDING—My question is directed to the Acting Prime Minister. The right honourable gentleman will recall telling the House last Thursday that the Government 'has no intention of claiming privilege for members or Ministers' who might be required to give evidence to the McGregor Royal Commission. Is he aware of reports from the Prime Minister's touring party that the Prime Minister is expected to refuse to testify before the Royal Commission if he is so called? If so, do the assurances on this matter given to the House last week extend to include the Prime Minister?

Mr ANTHONY—I made it quite clear that the Government had no intention of exercising privilege over the Royal Commission calling people before it to give evidence. I also made it quite clear that evidence relating to Cabinet meetings or informal meetings of Ministers, which are virtually Cabinet meetings whether they be held at the Lodge or anywhere else, would not be revealed. It is not the Government's intention that these conversations become public. The question of whether the Prime Minister will or will not take the action referred to by the honourable member is a hypothetical one and I do not intend answering it.

FLOODS IN VICTORIA

Mr BAILLIEU—My question, which is addressed to the Acting Prime Minister, refers to the recent disastrous floods which have occurred in certain parts of Victoria, particularly in Gippsland. Can the Acting Prime Minister give the House an assurance that the Federal Government will co-operate in the excellent measures announced already by the Victorian Government to help people who have been disadvantaged in the recent floods?

Mr ANTHONY—I think all of us are well aware of the disastrous floods in Victoria. I think we all want to say how concerned we are about the hardship that has been inflicted and the loss of property and stock that has occurred. We would all want to express sympathy to the people affected by these unfortunate circumstances. The Commonwealth has always acted speedily in these matters and will continue to do so. The Federal Minister for Transport (Mr Nixon) has already visited the areas concerned and he reported to Cabinet this morning on the extent and damage of the floods. As a result of that report I immediately sent a telex to the Premier of Victoria assuring him that we would undertake to give assistance under our natural disaster arrangements. Last year we provided \$3.2m to Victoria to help with natural disasters and this financial year we have already provided about \$1.8m. It is hard to estimate the amount of money needed to meet the circumstances of the present floods but the Commonwealth will give whatever financial help and support it can. We have also used our armed forces. They took immediate action to protect human life. When emergency supplies have been necessary we have given whatever assistance we could. I want to assure the honourable member and the people of Victoria that the Commonwealth will not hesitate to provide what assistance is necessary.

VIETNAMESE REFUGEES

Mr LES McMAHON—Is the Minister for Immigration and Ethnic Affairs aware that suggestions have been made that the Government is contemplating allowing the Vietnamese refugees known as 'Boat' people to become residents in the electorate of Sydney? Is he aware that they could be sheltered in the Commonwealth Glebe estate and also at motels in Glebe? Has he discussed this matter with the Minister who has the Glebe estate under his jurisdiction?

Mr MacKELLAR—Vietnamese or any Indo-Chinese refugees coming to Australia will be accommodated in hostels around Australia. I have not taken up with any particular Minister

the location of refugees in the Glebe estate. I have not heard of that suggestion.

Mr Les McMahon—What about motels in Sydney?

Mr MacKELLAR—I have not heard of even that suggestion.

AMERICAN RESTRAINTS ON BEEF IMPORTS

Mr FISHER—What information can the Acting Prime Minister give the House about the prospects for an easing of the American restraints on beef imports?

Mr ANTHONY—On a number of occasions in answering questions in this House and statements outside, I have pointed to the need for the United States of America to consider very seriously increasing her meat quotas this year or lifting her voluntary restraints altogether because of the way in which meat prices in America have been rising very substantially, and so having a bearing on her own inflation. I am informed that since February this year, on a seasonally adjusted basis, beef prices in the United States of America have risen at the annual rate of 68 per cent, which is a very substantial lift. Last Friday I put out a statement that it was reported that, in discussions between President Carter and his senior advisers, it was agreed that this question ought to be looked at. I think it is most fortunate and most timely that our Prime Minister is now in the United States, able to put the point of view of Australia and her beef industry to the President's special economic adviser on inflation, Mr Strauss, in relation to the supply of beef to that country.

I understand that President Carter's advisers have put three options to him: To wait for 60 to 90 days and see what action ought to be taken; to remove import restraints completely; or to renegotiate restraints at a substantially higher level than at present. I hope that America will not do what she did in 1972, in similar circumstances, when she delayed for a considerable time before actually lifting the import restrictions. By that time a good deal of damage had been done. I believe that there is a very strong case at the moment for America easing her voluntary restraints on meat and letting more in. If she wants to control her inflation problems and the impact on them of meat, Australia is very well placed to supply additional meat if she requires it.

INDUSTRIES ASSISTANCE COMMISSION REPORT

Mr FIFE (Farrer—Minister for Business and Consumer Affairs)—For the information of

honourable members I present a report which will be of great significance and interest to honourable members. It is the interim report of the Industries Assistance Commission on vices.

PERSONAL EXPLANATIONS

Mr HODGMAN (Denison)—Mr Speaker, I wish to make a personal explanation.

Mr SPEAKER—Does the honourable gentleman claim to have been misrepresented?

Mr HODGMAN—I do. In the television program *This Day Tonight* shown in Tasmania last week the claim was made that in some way the honourable member for Franklin (Mr Goodluck) and I had procured the Minister for Employment and Industrial Relations (Mr Street) to dismiss two Community Youth Support Scheme project officers at Glenorchy in Tasmania. The claim is completely untrue. I refute it, as does the honourable member for Franklin. I wish to read two sentences from a report submitted by the Director of the Glenorchy Young Men's Christian Association Youth Centre to the Department of Employment and Industrial relations in Hobart. I will read the sentences verbatim. They are brief and confirm the complete repudiation of the claim made, for whatever purpose, by two persons on television last week. The project was in fact terminated by the Director, as he says, for three reasons. I simply read two of them:

1. The lack of a suitable venue. The project has not operated satisfactorily since the loss of the CWA hall.

2. My belief that the project is not working as it should—there is no job orientation or community work component and the group has become largely, a 'drop-in' recreation program.

I resent the imputation, so does the honourable member for Franklin, and we reject it completely.

Sir WILLIAM McMAHON (Lowe)—I claim to have been misrepresented. In today's *Australian Financial Review* there appears an article, the second paragraph of which states:

In 1972, just before the election campaign, Prime Minister McMahon was asked by *Time* magazine what future he saw for Australia.

The Prime Minister was reported by *Time* to have replied that he did not have a paper before him on the future but would ask for one.

Opposition members interjecting—

Sir WILLIAM McMAHON—Wait a moment. If you like lies, laugh to your hearts' content about a man who was the devoted supporter of your own party. I agreed to see a reporter from *Time* but before doing so I took the usual practice of finding out what the party thought about

him. I was told that he was a leftist and had to be watched with great care. Consequently, I took a tape recording of everything he said, not only when he was in my office—

Honourable members interjecting—

Sir WILLIAM McMAHON—Wait a minute. He is a supporter of honourable members opposite. If that is the way they like to giggle about their supporters, they do the same as I do behind their backs. Not only did I take a tape recording when he was in my office but a tape was taken when he was being seen out of the office by my private secretary. He did not ask me about the future of Australia and he expressed total satisfaction with the answers that had been given. Similarly, when my private secretary was seeing him out of the office, he said to the news man from *Time* that if there were any other questions he would like to ask then I would be only too happy to give an answer. Notwithstanding that, we had this report in *Time*. I offered the tape recording to *Time*. I denied the request about the future had been made. *Time* did not want to see the tape because by that time it felt that the matter was dead. I make this comment: Like other articles coming out of the *Australian Financial Review* lately, there is carelessness about facts. I had to write to the publishers on 1 April in a similar way. I must say that the editorship of the *Australian Financial Review* seems to fall far below the standard set by the *Sydney Morning Herald*-*Sydney Sun* group of newspapers and the high standard that they expect, particularly of their editorial statements.

PARLIAMENTARY CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 1978

Bill returned from the Senate with a message intimating that the Senate had agreed to the Bill as amended by the House of Representatives at the request of the Senate and without further amendment.

GOVERNMENT ECONOMIC POLICY Discussion of Matter of Public Importance

Mr SPEAKER—I have received a letter from the honourable member for Gellibrand (Mr Willis) proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The failure of the Government's economic strategy and the disastrous implications of its continuance.

I call upon those members who approve of the proposed discussion to rise in their places.

More than the number of members required by the Standing Orders having risen in their places—

Mr WILLIS (Gellibrand) (3.15)—The Opposition raises this matter of public importance today because it believes it to be important that in this last sitting week before the Budget session the Parliament assesses the success or otherwise of the Government's economic strategy over the current financial year and considers the implications for the next financial year of the continuance of those policies. On any reasonable, unbiased review of the economic performance of this country over the past year one would have to conclude that the Government had failed abjectly to generate economic recovery. This is hardly surprising in view of the crude, unsophisticated approach it has adopted. Indeed, its approach has all the subtlety of the caveman's technique. Whilst administering strong blows to the economy's public sector it simultaneously attempts to galvanise it into action by stimulating its private sector. However, the hapless economy has been more stunned than stimulated by these primitive measures, the only achievement being some reduction in its body temperature as measured by the rate of inflation. The cost of that achievement, however, has been enormous. It has meant enormous losses in production, far more unemployed, increased social misery resulting from that unemployment, and reduced living standards. It is unthinkable that such a policy could be continued for another year but there is every indication that such will be the case. This Government is so pre-occupied with the objective of reducing the rate of inflation that it is seemingly prepared to pay any price to achieve it, believing apparently that economic salvation will then emerge. So far it has not, nor is it likely to while current policies prevail.

The Opposition takes the view that the appropriate policy stance is not to single-mindedly tackle inflation regardless of its implications for unemployment, but rather to tackle inflation and unemployment simultaneously. In adopting that approach we are adopting the approach which is recommended by such authoritative bodies in the world as the Organisation for Economic Co-operation and Development and the International Monetary Fund, both of which throughout the course of this year have stressed to their member countries their increasing concern at the level of unemployment and the growth of unemployment and the need for economies to take measures to reduce unemployment as well as tackle inflation. The approach that the Opposition says should be adopted by this country has the authority of the Organisation for Economic

Co-operation and Development and the International Monetary Fund behind it. This Government, in asserting that inflation must be tackled first, regardless of what happens in respect of unemployment, is not adopting the approach which those organisations have recommended.

It is particularly important to note that in this situation it is bad for Australia to adopt the approach that it is adopting. This is because unemployment in Australia is increasing much more rapidly than unemployment in other countries. During the last year, the unemployment rate in Australia increased by 1.2 per cent. In the United States of America, the unemployment rate was reduced by this same percentage. Most other countries suffered a slight increase in unemployment, but it was nothing of the order which occurred in Australia during the final quarter of the last 12 months. The Opposition says that it is no wonder that concern exists within the community, that there is increasing concern from the business sector about what this Government is doing and that demands are being made on the Government to start to do something to stimulate the economy.

In recent days, bodies such as the Australian Industries Development Association and the Metal Trades Industry Association of Australia have called on the Government to adopt more stimulative policies and, indeed, to contemplate in the course of such action Budget deficits which would have been unthinkable for this Government a year or two ago. With a Budget deficit of \$3 billion in prospect, this Government must think of much higher Budget deficits in the future than it would have been prepared to consider earlier. The business sector is more prepared to wear such Budget deficits. I will come to deal with this point later in my speech. However, the Opposition thinks it is very important that the Government does not hack into or reduce Government expenditure and does not reduce the deficit too much. If it does that, it will certainly bring about a much more recessionary influence in the economy than it has done already.

If we look at the state of the economy now, we can see why the business sector and other sectors of the community are so concerned about what has happened already under this Government. During last year, non-farm gross product has moved in nothing like the way the Government wanted it to move. It budgeted for a growth of 4 per cent in the financial year 1977-78. But, in the first six months of the year, the non-farm gross product has decreased by 0.6 per cent on a seasonally adjusted basis. It can be seen that

there has been nothing like the kind of economic movement in respect of total output, as measured by non-farm gross product, that the Government expected. There is no prospect of the 4 per cent growth rate being achieved.

I will now deal with more up to date figures relating to production. The index of factory production issued by the Australian and New Zealand Banking Group Ltd was six points below the figure of March of last year. In seasonally adjusted terms, it has shown a declining trend during this year. The latest production figures for April which were published by the Australian Bureau of Statistics show that 20 out of the 34 items monitored had declined in the month of April. The housing industry is in a terrible mess. In the March quarter of 1978, housing approvals were 13.3 per cent below those for the March quarter of 1977. Housing commencements were down 23.3 per cent and housing completions were down 16.6 per cent. It can be seen from a quick scan of the various output measures that output has moved disastrously in the course of this financial year. That has been reflected also in what has happened to unemployment.

There were 402,500 people registered as unemployed in April, representing 6.3 per cent of the work force. That figure is 134,000 or 50 per cent above the level of two years ago. This Government came into office promising to turn on the lights and to give jobs to all those people who wanted to work. It has managed to increase unemployment by 50 per cent over the course of the last two years. In the first four months of this year, unemployment has averaged 25 per cent above the level of previous years. In addition, not only are more people unemployed but also the duration of unemployment is increasing. In April of this year, the average duration of unemployment was 22.6 weeks. In May of 1976—roughly two years ago—it was 17.6 weeks. Not only are more people unemployed but also are they unemployed for longer periods. This means that the total number of people who are affected by unemployment is much higher. The figures of the Bureau of Statistics showed that the total number of persons who were unemployed for some period during 1976 was 806,000. We should not think that unemployment affects only the number of people who are unemployed at any specific time. If we have 400,000 people unemployed at the present time, that does not mean that only 400,000 people in Australia are affected by unemployment. In fact, as I have said, 806,000 people were affected in 1976. The Statistician has not done the sums yet in regard

to 1977. But the Opposition has made calculations using the average number of unemployed people and the duration of unemployment in 1977. From those figures, it can be said that approximately 884,000 Australians were affected by unemployment in the year—that is, 14.3 per cent of the work force. One in every seven Australians was unemployed for some period during that year.

These are very substantial figures. Governments just cannot close their minds to those sorts of figures and just adopt policies regardless of what is happening in respect of unemployment when it reaches that sort of level. It is extraordinarily important that the Government take some notice of the unemployment rate. It is important also to note that not only are the number of unemployed persons increasing; also, the number of jobs available, relative to the number of people unemployed is going down all the time. The ratio of unemployed people to job vacancies has increased from 12.4 in April 1976 to 21.6 in April 1978. It can be seen that there has been a tremendous increase in that ratio over that period. What chance have these 400,000 unemployed people to obtain a job when there are 21.4 unemployed people for each registered job vacancy? If we take into account all the jobs available, which is roughly double the number of jobs which are registered, there are still about 13 unemployed people for each actual job vacancy. There is no prospect for most of those people obtaining jobs in the near future until the Government stimulates the economy and jobs are created.

The counterpart to unemployment is employment. In March 1978, the total number of wage and salary earners in Australia was 24,000 less than in March 1976. In private employment, the figure was 91,000 less in March 1978 than it was in March 1976. In the course of the last two years, this Government has turned on the lights to the extent that 91,000 fewer people are employed in private enterprise than was the case two years ago. The Budget estimate for an increase of 2 per cent in employment over the course of this financial year has no possible chance of being attained. In fact, over the course of the first nine months of this year in seasonally adjusted terms, there has been a reduction of 800 in the total number of persons in employment receiving wages and salaries. It can be seen that the Government's budgetary strategy has been hopelessly astray in respect of each of these key economic indicators—output and employment. They have both performed miserably compared

with what the Government budgeted for. Resources have been switched not from the Government sector to the private, by this Government's continued attacks upon the Government sector, but from the Government sector to the unemployed sector. That has been the major achievement of this Government in the course of the last year and, indeed, during the last 2½ years.

Also, in line with its budgetary policy, the Government has had a conspicuous lack of success in regard to its monetary policy. The Prime Minister (Mr Malcolm Fraser) promised a 2 per cent fall in interest rates during this year. But he has since reclassified that promise to a prediction and later said that the fall really incorporates the reduction in interest rates which occurred towards the end of last year. In fact, there has been no general fall in interest rates although the long term bond rate has been reduced by over one per cent and some mortgage rate reductions have been accomplished. Also, the Opposition makes the point that not only has the promise not been fulfilled nor is it not likely to be fulfilled in the course of this year, but also it was very stupid for the Government to make that promise. It enabled the smart operators and speculators in this country to make massive profits by moving into government bonds before any interest rate reductions were made. Indeed, so stupid is this policy that even Government back benchers have been criticising it.

The Budget outcome reflects the recession which we have been discussing. We know now that there will be a very substantial blow-out of the deficit. Instead of the deficit being \$2.2 billion, it will be about \$3 billion for this financial year. This will be caused by the fall in income tax receipts, the fall in sales tax receipts and the fall in customs duty receipts to figures below what was budgeted for and to an increase in unemployment benefit payments. All of those factors reflect the fact that we are in a recession. There are fewer people at work, less sales and more people unemployed. Therefore, there are more unemployment benefits to be paid. The Melbourne Institute of Applied Economic and Social Research estimates that the deficit for 1978-79 would be \$3.75 billion if the policies of the Government were unchanged. As the Government has preached that large deficits are inflationary and as it has made political capital out of that in the past, doubtless it will be forced to reduce the deficit below that level. Indeed, last week the suspended Minister for Finance (Mr Eric Robinson) made a speech, through the Minister for Environment, Housing and Community

Development (Mr Groom), in which he forecast that there would be further cuts in government expenditure. Those cuts in government expenditure will mean that the deficit will be cut back, but they will have the effect also of further pushing the economy into recession.

I recommend to the Government that it reads a speech given by Professor Perkins of the Melbourne University to the autumn forum of the Victorian branch of the Economic Society of Australia and New Zealand in which he pointed to the utter stupidity of such policies. To treat a deficit which is blowing out because of a recession by adopting measures further to cut government expenditure is to give precisely the wrong treatment because it will mean that the economy will be more recessed. That will mean in turn that the Budget deficit more than likely will blow out again. So the vicious cycle develops of recession, meaning a blowing out of the deficit; the Government cuts government expenditure; there is more recession and more blowing out of the deficit; the Government cuts government expenditure again and so on until, as Professor Perkins put it, there is the logical outcome of zero output.

This is an extraordinarily important point for this Government to understand. The Government is now on a path which will lead this country further and further into a vicious cycle of deflation unless it breaks out of it by reversing its economic policy in respect of government expenditure. The Government simply cannot go on with this policy of trying to rein in a deficit which is being blown out by a recession by means of further cutbacks in government expenditure, which are themselves recessionary. Indeed, as Professor Perkins said, the Government should be taking account of the full employment budget and taking into account what government expenditure and tax rates are at the moment and projecting those into a full employment situation to see what impact the Government's budgetary policies are having. If the full employment position is one which gives some stimulation to the economy, that is the appropriate factor to bear in mind and not the fact that the deficit as it is now, at a point of enormous recession, is substantially blown out.

What this means is that this Government is going to be cutting back on specific purpose payments to the States. According to the Minister for Finance, the Government is going to be cutting back on social security, health and education programs. It is quite likely that we will see such policies as the reinstatement of the means test for age pensioners or the imposition of a means test

on family allowances. There has been speculation about those matters. Such speculation has not been denied by the Government. I challenge the Treasurer (Mr Howard), now to deny that the Government in fact is contemplating adopting such measures. This means the continuance of government economic strategies which have been disastrous for the unemployed people of this country; no job creation programs, which is a scandal in itself; minimal action in regard to retraining programs; little or no manpower planning; and continued encouragement to employers to replace labour.

Mr DEPUTY SPEAKER (Mr Millar)— Order! The honourable member's time has expired.

Mr HOWARD (Bennelong—Treasurer) (3.28)—The Government welcomes this opportunity, in the last week of this parliamentary session, to debate the matter of the state of the economy. I listened with some care and attention to what the honourable member for Gellibrand (Mr Willis) had to say. I was somewhat disappointed that he got himself lost in the rhetoric in which the Opposition is inclined to get lost when talking about the economy, instead of recognising, as I hope all honourable members on both sides of the House recognise, that the further progress which obviously needs to be achieved in solving the economic problems of Australia is not going to be achieved through using simplistic descriptions of alternative economic strategies.

One of the persistent mistakes which the Opposition has made over the past three or four months—indeed, it is a mistake which is repeated by people in sections of the community who have the habit of commenting regularly on political matters—is to use simplistic labels in describing this Government's approach to the handling of the Australian economy. We are variously described as following a hard line and a restrictionist, deflationary, tight money policy. All these descriptions are designed to paint the picture of a government being absolutely and blindly committed to one particular point of view, to the total exclusion of all other points of view. The truth of the matter is that the Government has for a considerable period followed a policy mix which it believes is the right one for the current conditions of the Australian economy.

The honourable member for Gellibrand seeks to quote from statements made by the Organisation for Economic Co-operation and Development and the International Monetary Fund in support of the alternative policies which he urges

on the Government. The most recent comprehensive report to come from either of those bodies is the recent OECD survey of the Australian economy. The honourable gentleman would have to concede that that survey certainly was not critical of the general strategy being followed by the Government. It drew attention to the very solid performance that the Government has achieved, particularly in its anti-inflationary stance, and realistically drew attention to the continued problems with which this Government still grapples as a result of policies which had been followed on earlier occasions. I make no apology for the fact that we as a Government have set our sight on defeating inflation as our principal economic responsibility and principal economic objective. We believe that it was the runaway inflation in the early years of the 1970s which constituted the real cause of the then collapse of the Australian economy. However much historians, economic or otherwise, might try to write their chapters on the early years of the 1970s, they will be forced back to accepting that it was a government's abandonment of an anti-inflationary policy which cost this country dearly in terms of unemployment, international respectability as a stable economy and faith in the future of the Australian economy so far as the private sector of this country is concerned.

Unlike the Opposition, we do believe that there is a link between unemployment and inflation. Unlike the Opposition, we do not believe that unemployment and inflation can be traded off. Unlike the Opposition, we do believe that we have to have a disciplined wages policy if it is necessary to achieve long term progress so far as unemployment is concerned. It is singularly significant, in my view, that the honourable member for Gellibrand spent probably one-half of his speech talking about the problem of unemployment in Australia without wasting a syllable on wages policy. In other words, we have the alternative economic spokesman of this country—the Opposition's spokesman on Treasury matters—talking about unemployment in a debate on a matter of public importance relating to the Australian economy, without even mentioning the matter of wages policy. If ever anything demonstrated the continued dilemma of the Australian Labor Party as far as unemployment is concerned it is its deafening silence on the matter of wages policy. The truth is that the Opposition has no wages policy. The truth is that it is endemic incapable of developing a sensible wages policy.

Mr Willis—What is your wages policy?

Mr HOWARD—The honourable member for Gellibrand interjected and inquired what is our wages policy. I shall come to that in just a moment. The fact is that for a quarter of an hour we heard the alternative economic strategy of the Opposition and that half of that speech was devoted to concern about unemployment, but not a word was said about wages policy. In other words, the alternative economic spokesman of this country says that wages policy has nothing whatever to do with unemployment. If ever anybody in an economic context is flying in the face of the economic experience of this country in recent years it is the honourable member for Gellibrand. Anyone who has studied the period when this country entered the threshold of higher unemployment will know that that directly resulted from the colossal increase in wage levels in this country between 1972 and 1975.

Anyone who reads the recent OECD survey of the Australian economy will find reference to the fact that, compared with other OECD countries for which comparable statistics are kept, Australia's record with respect to the gap between real wages and productivity between 1972 and 1975 was the worst. So we have a body from whose statements the honourable member for Gellibrand quotes with approval in his remarks stating that one of the serious problems of the Australian economy is the gap between real wages and productivity. In the face of that survey the honourable member for Gellibrand said nothing about wages policy in the context of unemployment. Of course, the Opposition has no policy on wages. It is incapable of developing a coherent strategy on wages policy other than a continued commitment to the concept of 100 per cent wage indexation. From the moment this Government took office in December 1975 it said that Australia could not afford full wage indexation. The Government has not deviated from that principle since it was elected in December 1975. It will not deviate from that principle while that remains the responsible economic course for it to take.

In all candour I must say to the House that if the policies of the Opposition, the trade union movement and a number of Labor State governments had been followed by the Conciliation and Arbitration Commission, we would have had more unemployment and more inflation in Australia over the past two and a half years than we have had. In the teeth of that, for the Opposition to profess concern about unemployment and to talk about alternative strategies without a syllable of acknowledgement of the significance of wages policy on unemployment is to my mind

to go not within a bull's roar of presenting an alternative economic strategy. The Government's policy on wages is well known. Its approach to the Conciliation and Arbitration Commission is well known. Its concern that the Commission has not taken greater account of the impact of wage increases on employment prospects is well known also. If the alternative policies which have been espoused, not here but elsewhere, had been applied our situation would be worse.

Over the past two and a half years this Government has followed a mix of policies. It has set itself—very properly in my view—on a course of reducing the level of inflation in the belief that inflation is the principal cause of our economic ills. There can be no doubt, even on the other side of the House, that the Government has had very considerable success in reducing the level of inflation in Australia. We have a situation now where our rate of inflation broadly accords with the average rate of inflation amongst our trading partners. The honourable member for Gellibrand chose some of the less satisfactory indicators in the economy. I suppose that is a very natural thing for an Opposition speaker to do in a debate such as this.

Mr Willis—They are pretty important ones.

Mr HOWARD—I think the level of business investment in Australia is pretty important. I think the success the Government had had in reducing the level of inflation is pretty important. Consumer confidence is pretty satisfactory and as a consequence the savings ratio has fallen. I think the fact that retail sales in Australia over the past few months have shown a comfortable increase is also highly significant. Yet the honourable member for Gellibrand suggests that I am not talking about significant indicators. I should have thought that all those indicators are highly significant. This Government has followed a course of restraint where restraint is necessary. It has provided stimulus, particularly to Australian consumers, where that has been necessary. Anyone who has looked at the level and the nature of the income tax relief which this Government has given, both in terms of tax indexation and the restructuring of the rate scale that came into force in February of this year, would have to acknowledge that this Government has been, above all, a government of taxation reform. The Government has provided incentive and stimulus through the taxation system.

The honourable member for Gellibrand talked about the deficit.

I have said—in fact I said it first several months ago—that the deficit for the current financial year will be greater than the amount budgeted for. The honourable member says that that is the result of recession and deflation. I say that in a very major way the increase in the size of the deficit is the result of greater success of the Government's economic policy than was foreseen at the time of the last Budget. One of the reasons taxation collections are less than was calculated at the time of the Budget is that inflation has fallen faster than was believed at the time of the Budget. Another reason is that the rate of increase in real wages in the Australian community has not been as great as was forecast at the time of the Budget. A further reason is that the level of import replacement has been greater than was forecast at the time of the Budget. All these things represent indications of the success of the Government's economic strategy. For the honourable member for Gellibrand to seek to criticise the Government so far as the deficit is concerned is not, I think, to acknowledge that greater success has been achieved in these areas than was forecast at the time of the Budget.

The deficit will be greater than the amount budgeted for. I have said that before and I say it again. The great bulk of the expected increase in the deficit is not the result of a relaxation of expenditure restraint by this Government. It will, to a very significant degree, be as a result of a revenue shortfall for reasons for which the Government ought to be commended and praised rather than criticised. I remind the House that there is a very significant difference between a Budget deficit of a particular level which is the result of a completely unrestrained approach to government spending and a Budget deficit of that same level which is the result of the Government having achieved greater success with its economic strategies at an earlier date than thought possible.

I would be the last person to say to the House that all of our economic problems are behind us. I would be the last person to deny that unemployment in Australia is not a significant social and economic problem. What I do say to the Opposition is that it will never solve the problem of unemployment in this country if it refuses to accept the impact of wage increases on employment prospects. It will never solve the problems of unemployment in Australia if it pretends there is no link between unemployment and inflation and that unemployment can be solved by governments spending more and more of the taxpayers' money. I simply remind the Opposition that that strategy was tried between 1972

and 1975. It was found dismally wanting on that occasion. It would be found dismally wanting if it were to be tried again.

Mr DAWKINS (Fremantle) (3.42)—The problem of the Government's insensitivity, which has always been acknowledged, now is becoming a major threat. The Government is insensitive to criticism of its failings; it is insensitive to the consequences of its policies; it is insensitive to international opinion; and it is insensitive to recent suggestions which have been put forward for changes in its economic policy. I was interested to note that in relation to international opinion the Treasurer (Mr Howard) was prepared to dismiss the Organisation for Economic Co-operation and Development strategy for a global recovery and yet was prepared to embrace the conclusions of the OECD study of Australia. It is worth pointing out, in relation to the latter study, that that document is heavily doctored by Treasury officials. They visit the OECD in Europe and make sure that in its studies, and reviews of and statements about the Australian economy, it holds to the Government line and does not do or say anything which would be an embarrassment to the Government. Instead of taking any notice of this sort of criticism, the Government just holds maniacally to its own obsessions and fantasies.

The point, of course, is that the Australian economy now is further from the goals set for it by this Government two and a half years ago than it was at the time it came to power. It is not a question of the Government failing to oversee an improvement in the economy; in fact, in many respects the economy has worsened. I do not want to go over again the very important points that the honourable member for Gellibrand (Mr Willis) made when he mentioned, for instance, that there are nearly 100,000 fewer jobs in the private sector than there were when this Government came to power. However, I do want to refer to one point. During Question Time today the Minister for Industry and Commerce (Mr Lynch) indicated that many businesses had a more optimistic outlook now than they had late last year. I refer to one of the Government's own documents prepared by the Department of Employment and Industrial Relations in which 39 industry groups were studied. Of those 39 industry groups, 19 believed, in relation to the forecast for future employment, that employment would remain stable; seven thought there would be an improvement; and 12 thought there would be a decline. Therefore out of the 39 there are something like 31 that thought things would either get

worse or remain much the same. This is a forecast not of a private organisation, or of the Labor Party, but of one of the Government's own departments.

The Government not only fails to realise that it is getting further away from its own economic targets, but again today we found that it fails to acknowledge that it is its policies that are responsible for that failure and no one else's. It has been pursuing a policy, as we saw again today, of trying to lay the blame in other directions. We saw again the tired old argument of trying to blame the former Government for the problems which the economy still encounters, for the worse problems that it encounters than when the former Government was in power. How can one say that actions taken three years ago by a former government are responsible for the deterioration which has taken place in the last two years? Since the Hayden Budget which offered the promise of recovery, we have had two Liberal Budgets which have taken the Australian economy further and further into recession.

Again we had the Treasurer talking about wages policy and blaming wage increases as being responsible for the continuing recession and for the continuing unemployment. The Treasurer seems to proceed on the basis that wages are unrelated to income and that income is unrelated to demand. What the Treasurer has to acknowledge is that since this Government has been attacking wages the purchasing power of the average pay packet has declined by something like \$12 a week and if the average worker has \$12 a week less to spend it cannot be said that he is able to maintain the demand which will fully employ this economy. One cannot simply say that wages policy can be seen in isolation from the whole question of total demand and the need to maintain disposable incomes.

The Government says it is a pity that the Conciliation and Arbitration Commission has not taken any notice of its arguments. Perhaps the Commission would have taken notice of those arguments if they had been backed up by a few accurate statistics rather than highly dubious ones. In fact, it has not been the unions which have torn holes in the Government arguments so much as the Bench itself. Time and time again the Bench has taken to task the advocate for the Government and has torn holes in the argument which that advocate has been putting up on behalf of the Government. Perhaps if the Government would tell the truth in front of the Commission it might be taken more seriously.

Though we did not hear it today we hear all too often the suggestion that it is industrial disputation which is responsible for continuing unemployment and for sluggish investment. We find, however, that industrial disputation is at a 10-year low. In February of this year there were fewer industrial disputes, fewer days lost, than for any February period in the last 10 years. Indeed, if one is talking about industrial disputation discouraging investment, in any event we find that in recent times the greater the level of investment that does take place the more jobs are eliminated in the private sector. So one cannot simply extend from an increase in investment an increase in jobs because in recent times we have seen that quite the contrary has occurred.

We have also seen the Government attack persistently the Industries Assistance Commission for its particular policies. We have seen the Government abusing the Commission. We have seen the Government change the law to try to force the Commission to give the Government the sort of recommendation it wants to receive, and recently we have seen an attempt by the Government to stack the Commission to make it more compliant and more easily intimidated by the Prime Minister (Mr Malcolm Fraser). The fact is, however, that it is in those highly protected industries that we have seen the jobs fall most drastically. We have seen that in the two most highly protected industries the number of jobs has fallen twice as quickly as for manufacturing industry as a whole. And not only that; we find that in those highly protected industries the wages of workers are something like \$30 a week less than they are for manufacturing industry as a whole. So under this Government not only do workers receive less wages but the security of their jobs is less as well.

It is amusing under these circumstances—or frightening I suppose—that the Prime Minister takes this opportunity to remove himself from the scene, to go overseas in an attempt to bring the rest of the world back from what he sees as the brink of economic crisis. The Prime Minister has looked around the world and has noticed that some countries are talking about mildly reflating their economies. So he has set off as a one-man rescue operation to prevent those countries from taking that sort of action. One sees that he will be so isolated or he sees himself that he will be so isolated in that endeavour that he has had to take with him an enormous entourage of advisers, ladies-in-waiting and assorted hangers-on, large enough to double as a cheer squad on appropriate occasions. This latest trip of the Prime Minister is just another excess of an

excessive Prime Minister. One would have thought that he could have stayed home and helped the Treasurer, whom we all know to be untried in his task of trying to put together a Budget for this year. We also notice that the anguish and torture of this task, which has been thrown on the Treasurer's shoulders, shows continually on his face.

The trouble is that this Government sees economic policy as simply being an abstract procedure, simply an accounting exercise, and the Government has no truck with any social goals or human aspirations or even with the consequences for people of its policies. The Government is not concerned about the fact that there are more than an extra 100,000 people out of work than when it took office. It is not concerned that one in 10 of those people who are on unemployment benefits has been on those benefits for 12 months or more, or that three out of 10 of them have been on unemployment benefits for six months or more. This Government is creating a new class of people who have to rely on unemployment benefits as their permanent source of income. But that, of course, is the least of this Government's concern. In the last few months it has simply engaged in harassment of those unemployed, whereby 200,000 people have been interrogated by officials from the Government and in New South Wales alone 30 per cent of those interrogated have lost their benefits in a monumentally indiscriminate exercise which has been exposed by the fact that half of those removed from benefits were later reinstated to their just entitlement. This Government has no concern about the consequences of its policies for people. It is about time that it listened not only to the Opposition but also to other people in the community who are urging change.

MR DEPUTY SPEAKER (Mr Millar)— Order! The honourable member's time has expired.

MR LUSHER (Hume) (3.52)—Like the Treasurer (Mr Howard) I welcome this opportunity to engage in some economic debate in this Parliament. The processes through which the honourable member for Gellibrand (Mr Willis) and the honourable member for Fremantle (Mr Dawkins) have been are not convincing. I think it is interesting that today, of all days, the Australia and New Zealand Monthly Business Indicators Book arrived on my desk. I will just quote from the first sentence. The ANZ Bank says:

... the significant reduction occurring in domestic inflation, together with the favourable outlook for interest rates and the improved tone in Australia's balance of payments

for March and April, should provide the foundations for a stronger economy in 1978-79.

I think that this is something which in itself is significant and which from the outset gives the lie to what the Opposition is trying to say about this Government's achievements in the area of economic policy. Although the honourable member for Fremantle whinged about the fact that this Government comes back to the performance of the Labor Party when in office, it is still true to say that this economy is suffering the scars of those three years when his party held the reins and ran the economy of Australia. What happened in that period was of such shattering significance that the Australian economy has not yet fully recovered from it. And despite the whinges of the Opposition that we are trying to hide behind what happened in that period and that we have had two years to bring things back into some sort of line, the fact of the matter is that we have significantly improved the economy over the last couple of years despite the significant shambles that was left behind by the former Administration.

It is interesting for honourable members and for the Australian public at large to consider again some of the things the Labor Party did. Wages completely outstripped prices and productivity, and at one stage during the Labor Party's period in office the share of wages jumped to around 70 per cent from what had been the traditional level of about 60 per cent in the late 1960s and early 1970s. Wages in 1974 got completely out of hand, with effects not only on consumers but also on employers. Those effects are still very much a part of the problems with which this Government has to deal. In addition, as a result of the Labor Party's administration there was a significant decline in consumer confidence, and the Labor Government has to take the blame for the problem—still very much a part of the economic environment in which we live—that the savings ratio, which traditionally had been below 10 per cent, went to about 19 per cent. Although it is coming down as a result of the confidence that has been put back into the economy by our Government, it is still something with which we have to grapple.

People do not change overnight the views they hold about their experiences in recent years. They want to see, quite justifiably, real and lasting improvements as a result of our policy. The public sector exploded completely in the years of the Whitlam Government. The Budget deficit increased significantly, even though there were no taxation adjustments such as the ones that are being made by this Government. In terms of the

deficit, it is important to recognise that this Government is financing its deficit, something the former Government did not do. The M3 in 1972-73 expanded by about 26 per cent in one financial year and was followed by substantial increases in the later years of the Whitlam period of administration. Inflation went close to 20 per cent, and interest rates followed inflation and also went to extraordinarily high levels. The Organisation for Economic Co-operation and Development has pointed out that our inflation-unemployment experiences over that period were due more to the domestic wage explosion than to factors such as the import price rise for oil and other raw materials which were important factors in other countries.

This Government has been concerned to grapple with the problems the economy had to face as a result of the years of the Whitlam Administration. A government does not walk into an economy and overnight reverse the sorts of results that these people took three years to bring about. The Government has improved the situation quite considerably. It has brought inflation down below double digit figures and it is now in line with the sort of inflation rates being experienced in overseas countries. We have problems of a continuing nature in the unemployment field, and I will come back to that if time permits. Deliberate policy objectives have been followed by this Government. Its fiscal policy has been directed towards reversing and halting the explosion in the public sector and deliberately allowing scope for the transfer of resources back to the private sector. In monetary policy there has been a deliberate attempt to restore stability to the growth in the monetary aggregates. On the wages front, since the day we came into office we have been arguing before the Conciliation and Arbitration Commission for real reductions in wage payments. In its external policy in relation to exchange rates and overseas borrowings the Government has been trying deliberately to bolster up the domestic policy it has been following.

It is abundantly clear that unless our economic fundamentals are put right economic prosperity cannot be a reality in Australia. I indicated before that inflation is down significantly. The savings ratio, which I have also mentioned, is moving back into line with the traditional figures, and obviously that brings with it an increase in consumer spending that is a very important factor in demand. We have seen significant increases in private investment, and there is no doubt that confidence is returning in that sector. The monetary expansion has been

moderate, and there have been reductions in interest rates and inflation as well as government expenditure as a result of the policies of this Government.

It is important to look at the question of unemployment. It is just not good enough for the Opposition to argue that we have brought about a deliberate increase in the number of unemployed in the economy. It is a totally false charge that the Government has used unemployment as a weapon to fight inflation. Increasing recognition is coming from all sides that there is no prospect of solving the unemployment problem in isolation from the inflation problem. That is something which all serious and concerned economic commentators have spoken of and accept. It is only by restoring confidence in the economy as a whole that we have any prospect of bringing about significant reductions in the number of unemployed. Until people who employ labour have a situation where they can employ people economically there is no prospect of the unemployment situation improving. We need to get profitability back into the private sector. We need to get a real reduction in the rate of wages paid, otherwise there is no prospect of bringing about an improvement. A lasting reduction in the rate of unemployment we are now experiencing can result only from a combination of policies which on a general level produce economic recovery and improve the climate for job seekers. Unless we get that sort of situation we are not in the hunt. This Government is seeking to bring about those circumstances so that there will be a real prospect of job expansion in Australia.

It is also relevant to put into perspective the sort of unemployment problem we are facing. The Australian Bureau of Statistics figures show that between November 1973 and November 1975 unemployment in Australia rose by 160 per cent from 105,000 to 275,000. In the period between November 1975 and November 1977, a period of two years, there was an increase of only 14 per cent or about 40,000 in the unemployment figures. This Government has slowed down the inbuilt factors involved in the breakdown in the Australian economy over the three year period that the present Opposition was in government. I want to quote briefly from the OECD survey published in April. Under the heading 'Conclusions' it is stated:

Nearly four years after the initial downturn in activity, the Australian economy is still undergoing a process of slow cyclical recovery and gradual adjustment of some of the major imbalances which developed in recent years. As explained, even though policies have been fairly tight, real output has grown at an average rate of about 3 per cent in the three years since the trough. During the same period, the rate of

inflation, which has been the main focus of policy attention, has been approximately halved and is now running at a rate of around 8 or 9 per cent. This is an important achievement, and has brought Australia nearly into line with the OECD average.

I think we have to say that the overall tone and tenor of the OECD report is not uncomplimentary to this Government's achievement in the area of economic recovery.

Mr DEPUTY SPEAKER (Mr Drummond)— Order! The honourable member's time has expired.

Discussion concluded.

EXPORT EXPANSION GRANTS BILL 1978

Bill presented by Mr Anthony, and read a first time.

Second Reading

Mr ANTHONY (Richmond—Acting Prime Minister and Minister for Trade and Resources) (4.3)—I move:

That the Bill be now read a second time.

On 13 April I made a comprehensive statement to the House announcing a series of export development initiatives the Government had decided to take. These initiatives were directed towards encouraging Australian firms to more actively seek out and pursue export opportunities and to increase their export sales. The purpose of this Bill is to bring into effect one of the key measures described in the statement—namely a new export incentives scheme based on increased export performance. Because of the importance of the matter, the complexity of the administrative issues involved and the need to ensure that the provisions of the Bill when enacted will achieve the objective of the Government of rewarding efforts to increase exports, the Government does not intend to seek the passage of the Bill in the time remaining for this session. The Government would have preferred to see the Bill enacted during this session. However, there is not enough time left to allow full consideration of this matter, which has such important implications. Its introduction now will give the trading community concrete evidence that the Government is determined to fulfil its promise to bring in the new export incentives scheme and at the same time give Parliament adequate opportunity of seeking how the Government intends the new scheme to operate.

The debate on the Bill and its enactment will take place during the Budget session by which time honourable members will have had the opportunity to consider thoroughly the issues involved. Dealing with the matter in this way will

not affect the entitlements under the new scheme. As previously announced, grants will be payable in respect of increased exports in 1977-78 over the base period of the preceding three years.

The new scheme will be complementary to the current export market development grants scheme which has been in force for some years but which by itself does not give sufficient encouragement for increased exports. With respect to the EMDG scheme honourable members will recall that, following the report of the Industries Assistance Commission, the Government announced that it had accepted the Commission's recommendations and that appropriate amendments would be made to the Act. Intended amendments to the Act were set out in my statement to the House of 13 April 1978. Because of the need to give priority to preparing the Bill now before the House, a Bill to give effect to the decisions amending the EMDG scheme will not be introduced until the Budget session. It should be noted that the current provisions of the Export Market Development Grants Act remain in force for the 1977-78 grant year. Applications for grants in respect of the 1977-78 grant year therefore should be made in the normal manner and application forms will be made available shortly.

The Bill now before the House will provide a financial incentive by way of grants to encourage exporters to improve their export performance and more actively pursue export opportunities. This measure is in accordance with the Government's long-term policy of providing encouragement for the development of export orientated industries. The cost of this scheme is estimated to be about \$66m in the first year of its operation. It will operate until 30 June 1982 with allowance for review before this date to ascertain whether the scheme should be extended or modified.

Honourable members will note that similar administrative provisions to that of the current Export Market Development Grants Act are proposed. The scheme will be administered by the Export Development Grants Board. There will be an additional provision to permit appeals against the Board's decisions to be heard by an independent body—the Administrative Appeals Tribunal.

The Export Expansion Grants Bill provides for the payment of taxable cash grants calculated on a formula applied to the increase in exports in the grant year over the average annual exports in the three immediately preceding years. Provision is to be made by way of regulation for a variation of the base period relating to the particular

goods and services to take account of special situations and for the Board to determine, if it considers such action warranted, the base period figure for individual claimants who have been affected by abnormal trading conditions or extraordinary circumstances.

I will now draw the attention of honourable members to some of the particular provisions where the Bill spells out the Government's intentions in more detail than previously given. In the case of the new exporters, it will be necessary to make provision for the Board to determine a notional base so as to avoid damaging the interests of existing exporters and yet retain an incentive. Accordingly the Bill provides for new exporters to be given a notional base figure which will be equal to two-thirds of the grant year export earnings. The scheme is to cover exports of manufactured goods, some bulk farm and agricultural products, services provided overseas, value added industrial services provided in Australia performed on overseas owned items subsequently re-exported, and the sale of industrial property rights and know-how that are substantially of Australian origin.

The new scheme is designed to provide incentives to those export sectors that will be most responsive to such incentives and to distribute the funds available in an equitable manner as between small and large exporters. The Bill therefore will provide for, initially, a list of exclusions that are considered not to lend themselves to this kind of incentive. Accordingly the Government had decided to exclude certain items from the scheme at this stage. These are listed in clause 3 of the Bill. Generally speaking the items excluded relate to materials in the raw or unprocessed state with very little value added. Export earnings arising from eligible goods are to be the f.o.b. value of the goods themselves including packaging and export payment insurance premiums. In the case of supply overseas of eligible services and including internal value added industrial services such as ship and aircraft repair to foreign vessels, the export earnings will be the value of the net considerations received or receivable from the overseas party to the contract.

Entitlement to a grant is to be vested in those individuals, partnerships, companies or prescribed bodies who are carrying on business in Australia and who have increased their export earnings in respect of eligible goods, services and know-how. The person who will be entitled to receive a grant will be the person who is the Australian contracting party in the export transaction with the overseas buyer, and is entitled to the export earnings resulting from the contract. In

short, those who have sought out the opportunities for increasing exports and who carry the responsibility to see the export transactions through will be entitled to the grants.

As I have mentioned previously the amendments to the Export Market Development Grants Act will be introduced for passage in the next session. The two schemes taken together will provide a comprehensive program of incentives to underpin the Government's long-term policy of encouraging the development of export oriented productive resources. I commend the Bill to honourable members.

Debate (on motion by Mr Willis) adjourned.

DAIRY INDUSTRY STABILIZATION AMENDMENT BILL 1978

Bill presented by Mr Sinclair, and read a first time.

Second Reading

Mr SINCLAIR (New England—Minister for Primary Industry) (4.13)—I move:

That the Bill be now read a second time.

The purpose of this Bill and the related Bills is to provide for the implementation of the stage II marketing arrangements for the dairy industry in Australia from 1 July 1978 through the introduction of a system of selective underwriting. As honourable members will be aware the Australian dairy industry has been experiencing severe economic pressures for many years. A major factor has been the depressed conditions in the international market for dairy products. This situation is largely attributable to the effects of the common agricultural policy of the European Economic Community through its price support policy which has led to the over-production of dairy products and their subsequent disposal on overseas markets at heavily subsidised prices to the detriment of the Australian dairy industry.

In its report of September 1976 on the dairy industry, the Industries Assistance Commission recommended the implementation of a staged mandatory marketing scheme for the manufacturing sector of the industry with a view to achieving a stable and viable basis of operation for the dairy industry. The stage I arrangements, which were introduced on 1 July 1977, provide for the imposition of a levy of prescribed products. The purpose of the levies is to protect the domestic price structure for prescribed products and through their disbursement to provide each manufacturer with an equalised return from his domestic and export sales of such products.

The IAC recommended that stage II of the dairy industry marketing arrangements should provide for a National Aggregate Entitlement—NAE—scheme. The objective of the scheme was to ensure that market signals are more effectively passed back to producers and processors in order to encourage production to be in line with remunerative markets.

After prolonged discussions by the Australian Agricultural Council and the Standing Committee on Agriculture, which included consideration of a series of working party reports, it was not found possible to introduce a national aggregate entitlement scheme because of the difficulties which had arisen in obtaining agreement between the States on the calculation of the size of the initial national aggregate entitlement and its allocation amongst the States. The Government considers that the objectives of an NAE scheme can be achieved through an alternative arrangement based on the selective underwriting of dairy products which involve disciplines being imposed at the factory level on a product basis rather than at the farm level. I might add that another reason why the national and State aggregate entitlement schemes could not work was that, where there was an incapacity to get agreement amongst the State governments, the complementary legislation necessary to ensure that an over quota levy would be payable was just not achievable. In those circumstances we had no alternative but to look at some other form by which meaningful production restraint could be imposed.

The objective of the selective underwriting arrangements is to bring production into line with remunerative markets consistent with the stage 2 objectives. The important feature of the new arrangements is that the Government's underwriting will be directed at reducing the production of less profitable products—for example, butter—while allowing scope for an increase in the production of more profitable products, such as fresh milk products, cheese and wholemilk powder. The principle of selective underwriting has been accepted by the Australian Dairy Farmers Federation and the Australian Dairy Industry Conference.

I will now briefly outline to the House the details of the selective underwriting arrangements which are to apply for the 1978-79 season. The operation of the new arrangements will be reviewed by the Government towards the end of the 1978-79 season. I hope that at that stage we will be able to get greater agreement amongst the States than has been apparent in negotiations to date. The main dairy product currently in

over-production is butter and a limit will be imposed on the quantity of production to be underwritten consistent with the objectives of the stage 2 arrangements. The underwriting limitation will also be extended to the production of the by-products derived from the production of butter, namely, skim milk powder and casein. The quantity of butter to be underwritten for 1978-79 will be limited to 96,000 tonnes and the pro rata equivalent for skim milk powder and casein, but with manufacturers being free to decide whether they produce skim milk powder and/or casein.

Production in excess of the underwriting ceiling for butter and the pro rata equivalent for skim milk powder and casein will receive only the average export pool return. The underwriting ceiling of 96,000 tonnes for butter represents about 84 per cent of the estimated average production for the two-year period 1976-77 and 1977-78 and about 87 per cent of the estimated production for 1977-78. The underwriting ceiling for butter will be allocated to factories in proportion to each factory's production in the base period, that is, the two-year period 1976-77 and 1977-78. As I shall explain later in my speech, provision will be made, however, to allow for the adjustment of factory quotas where the operation of special circumstances can be demonstrated.

The underwriting arrangements for leivable cheese—cheddar and gouda—will cover all domestic and export sales ex 1978-79 production as the production capacity of the industry coupled with the estimated milk flow position should keep production in line with market requirements. In the case of whitemilk powder, production is normally limited to firm orders because of its limited keeping qualities. The Government decided, therefore, that administrative arrangements should be devised to ensure that this practice is continued. A significant departure from the present practice could lead to a substantial build-up of stocks which may have to be sold at stockfood prices because of quality deterioration. It is not considered that any special administrative arrangements will be required for cheese for the 1978-79 season for the reason I have already mentioned, namely, that cheese production for 1978-79 should be in line with the increased demand expected from the domestic and export markets.

I now turn to the main provisions of this Bill and the accompanying legislation, which provide the mechanism for the operation of the selective underwriting arrangements. The Dairy Industry Stabilization Amendment Bill provides that where underwriting ceilings are fixed for a

prescribed dairy product the quantity so fixed will be allocated to factories by the Minister for Primary Industry in accordance with principles formulated and announced by him after consultation with the Australian Dairy Corporation. Provision has been made in the Bill for the tabling of the principles in the Parliament in the same manner as is followed in respect of regulations. Basically the product underwriting quotas that are established for each factory will be determined in proportion to their production in the base period adopted. As I have already mentioned, the base period chosen in the case of butter for the 1978-79 season is the two-year period 1976-77 and 1977-78.

The principles formulated by the Minister will include a provision to permit transfers of product quotas between branch factories of a company. The principles formulated will also include provisions for adjustment to a factory's normal pro rata allocation where a factory can demonstrate that its allocation requires adjustment due to the operation of special circumstances in the base period. Such special circumstances would include fire, the involuntary suspension of production due to microbiological causes or similar difficulties, animal disease or severe drought. Because of the limitations imposed under section 51 (iii) of the Constitution, any adjustments to a factory's pro rata allocation must be made on a uniform basis and the Bill includes a special uniformity clause to cover this aspect. There is provision for factories to make application to the Administrative Appeals Tribunal for a review of quotas fixed by the Minister for Primary Industry.

There will be no re-allocation of production shortfalls in the initial product quotas set for factories either within States or between States. If it became evident, however, that due to shortfalls by particular factories the production of a product—for example, butter—in a year would not be sufficient to meet the requirements of remunerative markets, an appropriate additional amount would be allocated. The additional amount would be allocated across the board on a uniform basis, in accordance with the constitutional requirements that bounties be uniform across Australia, to those factories which wished to receive an increased quota.

To give effect to the stage II objectives the Bill provides for interim and final stabilisation payments to be restricted to factory product quotas where an underwriting ceiling is fixed on the production of prescribed dairy products. This is to ensure that if a factory produces in excess of its product quota, it will receive only the average

export pool return for the excess production. The formula in the principal Act for the calculation of the rates of stabilisation payments has been amended to cater for the new provisions. Provision is also made in this Bill and in the accompanying Dairy Produce Amendment Bill 1978 for moneys standing to the credit of a product account in the Dairy Products Stabilisation Trust Fund to be transferred to the corresponding product account in the export pool. This provision is purely a safeguard measure against the possibility of a shortfall occurring in a product export pool for a specific prescribed product.

The Bill also includes several amendments which are consequential on amendments to the accompanying Dairy Industry Stabilization Levy Amendment Bill 1978 and the Dairy Produce Amendment Bill 1978, to which I shall be referring in my second reading speeches on those Bills. The Commonwealth Government has already announced its preparedness to share with the States on a \$2 Commonwealth to a \$1 State basis the total cost of underwriting all prescribed products under the stage 2 arrangements—that is, butter, skim milk powder, casein, cheese and wholemilk powder—at the equivalent of 80c per lb butterfat, that is, \$1.76 per kilogram, at the farm gate for the 1978-79 season.

Mr Deputy Speaker, I know you would agree with me that that offer represents a very significant inducement to State governments and dairy farmers alike to fit in with what are reasonable, rational and, I believe, reasonably generous forms of assistance to enable the transition of the manufacturing sector of the dairy industry. It is disappointing that at this stage some State governments do not seem to be prepared to co-ordinate and co-operate in a genuine effort to overcome the basic difficulties that exist in this industry. Unless we are able to get that co-ordination, the individual dairy farmers are the ones who will suffer. If a State does not take up this offer, the Commonwealth will meet the lesser but still the full cost of underwriting the production of all prescribed products in that State under the stage II arrangements to the equivalent of 75c per lb butterfat—that is, \$1.65 per kilogram—at the farm gate for the 1978-79 season. But the solution is in the hands of the State governments. If they are genuine in their belief that there is a necessity to help the dairy industry during its transition and if they are genuine in their belief that it is from the manufacturing sector that the principal difficulties emerge, it is for them to take decisions which hopefully will lead to a co-ordination of effort at the Federal

and State levels and to a betterment of the conditions of Australian dairy farmers.

The review of the selective underwriting arrangements which I mentioned would be made towards the end of the 1978-79 season will include a review of any independent action taken by the States on the underwriting of dairy farmer returns in order to ensure that there is no incompatibility with the interests of the dairy industry as a whole. I urge individual State governments to take note of the concern that we must have that measures that they may or may not take at this stage may well frustrate the whole purpose of this attempt to assist the industry towards a more stable and viable future. The measures given effect to in this Bill and the accompanying legislation represent a further positive step by the Commonwealth Government to get the dairy industry back on a stable and profitable basis. It should be recognised by all sectors of the industry, however, that there is a limitation on what governments can do. Particularly there needs to be recognition that the Constitution inhibits the extent to which the Federal Government, on its own initiative and within its legislative capacity, can undertake procedures and practices across the board in any agricultural industry.

It is the prime responsibility of the industry itself to produce those kinds of dairy products that are in accord with market requirements and to market those products in a way that will stimulate consumption and maximise industry returns. The marketing arrangements which have operated for many years for manufactured dairy products have tended to operate against product innovation and the development of effective marketing techniques. The selective underwriting arrangements will place greater responsibility on the production decisions to be taken by manufacturers and thus should help to stimulate greater initiative in the production and marketing fields. For its part the Commonwealth Government will continue to stand ready to assist the dairy industry to the greatest extent possible. I believe that the measures outlined in this legislation provide a very significant opportunity for the dairy industry to overcome many of the traumas of the past. The introduction of this legislation means that we have complied with the undertaking given by me as Federal Minister for Primary Industry that we will be proceeding with the stage II legislation as at 1 July. It is now up to the producers and to State governments to ensure that the initiatives that are contained in this legislation will work. I commend the Bill to the House.

Debate (on motion by Mr Willis) adjourned.

**DAIRY INDUSTRY STABILIZATION
LEVY AMENDMENT BILL 1978**

Bill presented by Mr Sinclair, and read a first time.

Second Reading

Mr SINCLAIR (New England—Minister for Primary Industry) (4.27)—I move:

That the Bill be now read a second time.

The purpose of this Bill is to make some minor amendments to the Dairy Industry Stabilisation Levy Act 1977 which are considered desirable to facilitate the operations of that Act. Under the Dairy Industry Stabilisation Levy Act 1977 liability for the payment of the levy falls on the proprietor of the factory at which the prescribed product was produced. There is a growing practice in the industry for factories to supply milk to another factory under contract for processing into a prescribed dairy product. Under the present Act, however, the proprietor of the contracting factory is liable to pay the levy even though at no time does he own the finished product.

Provision has therefore been made in the Bill to remove this anomaly by providing that levy is payable by the proprietor of the factory who owns the finished product whether it is manufactured at his factory or made under contract at another factory on his behalf. The opportunity has also been taken to clarify the definition of milk fat and skim milk powder with a view to removing an anomaly which exists under the present legislation. I commend the Bill to the House.

Debate (on motion by Mr Willis) adjourned.

**DAIRY PRODUCE AMENDMENT BILL
1978**

Bill presented by Mr Sinclair, and read a first time.

Second Reading

Mr SINCLAIR (New England—Minister for Primary Industry) (4.29)—I move:

That the Bill be now read a second time.

This Bill, which is complementary to the Dairy Industry Stabilisation Amendment Bill 1978, makes provision for a number of consequential amendments that have been made necessary by that Bill. As I explained in my second reading speech on the Dairy Industry Stabilisation Amendment Bill 1978, a principal feature of the selective underwriting arrangements for the dairy industry is that where a ceiling has been fixed on the quantity of a prescribed product to

be underwritten in a production period, manufacturers will receive only the average export pool return for any production in excess of their product quotas. Accordingly, an appropriate provision has been made in the Bill to supplement the measures contained in the Dairy Industry Stabilisation Amendment Bill 1978.

There is also provision in the Bill for approved costs and expenses to be paid out of the proceeds of the dairy product export pools in respect to the storage, distribution, sale or promotion of dairy produce in overseas markets. At the present time these payments are made from the levy proceeds in the Dairy Products Stabilisation Trust Fund and the new provision will ensure that the dairy product export pools truly reflect the average final export pool return for the respective products. A number of other machinery provisions have been included to facilitate the operation of the accounting procedures in respect to the product accounts held in the Dairy Products Stabilisation Trust Fund, established under the Dairy Industry Stabilisation Act 1977, and the corresponding accounts in the export pools established under the Dairy Produce Act 1924. I commend the Bill to the House.

Debate (on motion by Mr Willis) adjourned.

**MINISTERS OF STATE AMENDMENT
BILL 1978**

Bill presented by Mr Street, and read a first time.

Second Reading

Mr STREET (Corangamite—Minister for Employment and Industrial Relations) (4.31)—I move:

That the Bill be now read a second time.

Honourable members will be aware that, pursuant to section 66 of the Constitution, provision for the annual sum payable out of Consolidated Revenue for the salaries of Ministers of State is made in the Ministers of State Act 1952-73. The Act was last amended in 1973, and the annual sum appropriated is now insufficient to meet current ministerial salaries as recommended by the Remuneration Tribunal. That is the reason for this proposal. At the same time, clause 4 of the Bill repeals the sections of the principal Act which previously provided for the allowances payable to the Prime Minister, the Deputy Prime Minister and Ministers of State. These allowances are now determined from time to time by the Remuneration Tribunal. I commend the Bill to the House.

Debate (on motion by Mr Willis) adjourned.

**PUBLIC SERVICE AMENDMENT BILL
1978**

Bill presented by Mr Viner (on behalf of Mr Staley), and read a first time.

Second Reading

Mr VINER (Stirling—Minister for Aboriginal Affairs and Minister Assisting the Prime Minister) (4.33)—I move:

That the Bill be now read a second time.

I am pleased to introduce this Bill which makes a number of changes to the Public Service Act that will be particularly welcomed by members of the Australian Public Service. The Bill deals with a wide range of matters and is in fact the most substantial amendment to the Public Service Act since that Act was passed in 1922. Also, many of the provisions are necessarily quite complex, and public servants could be expected to seek an opportunity to study the impact of legislation so vital to their lives and careers. Accordingly, it is the Government's intention to allow the Bill to lie on the table over the winter recess for public and parliamentary examination. Before the Bill is fully debated in the Budget session, the Government will fully take into account all representations received from the public or interested organisations.

The major parts of the Bill concern, firstly, the rights of officers of the Australian Public Service who move to other areas of Commonwealth employment and, secondly, the disciplinary provisions applicable to Public Service Act staff. These and some other parts of the Bill are based on proposals put forward by the Joint Council, an employer-employee body established under the Public Service Act to examine matters of general interest throughout the Public Service. The Government is very conscious and appreciative of the valuable work undertaken by Joint Council, which in fact held its 59th meeting in Darwin last week. The Royal Commission on Australian Government Administration recommended an expanded role for the Joint Council and the establishment of consultative processes within Departments, and the Government is awaiting a report on these recommendations from the Public Service Board, after the Board has completed discussions with employee organisations, departments and authorities.

I turn now to those parts of the Bill—primarily clause 31—which relate to the rights of officers of the Australian Public Service who move to other areas of Commonwealth employment. In this regard, the Commonwealth is conscious of the need to encourage mobility within the Commonwealth employment sector and of the significant

advantages that derive from such mobility. The Government's intention is that the provisions in this Bill should assist officers to gain appropriate experience outside the Public Service proper—that is to say, the central Public Service—without loss of their Public Service rights. This entitlement, however, will not be at the expense of the rights of officers who remain in the Public Service. This part of the Bill is based on the report of a sub-committee of the Joint Council set up to review the Officers' Rights Declaration Act, an Act which currently specifies the rights of staff who move from the Public Service to some other area of Commonwealth employment. The review was proposed by the Public Service Board against the background that the present Act presents numerous technical difficulties of a legal and administrative nature and that changes in the size and nature of Commonwealth Government employment have also meant that it is now operating in quite a different situation from that which existed in 1928, when the Act was introduced.

Two of the main difficulties with the present Act concern, firstly, the loss of promotion and promotion appeal opportunities in the Public Service of public servants upon taking up employment in an authority and, secondly, the unfettered right of such persons to be re-appointed to a position in the Public Service whether or not an appropriate vacancy exists at the relevant time. The new scheme proposed by the Joint Council to replace the existing Act overcomes these difficulties by adopting a 'two tier' approach. The first tier covers officers who join a Commonwealth authority for periods of up to three years. It provides for leave without pay from the Public Service, with the preservation of all of the rights normally applied to staff on leave without pay. The second tier covers those who at the end of the initial three-year period decide to stay with the authority. It provides that these officers sever their direct connection with the Public Service but retain certain specified rights such as the right to apply for transfer and promotion to Public Service positions in accordance with the normal merit procedures set out in the Public Service Act.

The Joint Council also proposed that officers who are appointed by the Governor-General or a Minister to a statutory office should be covered by the first tier for the duration of their term of office. In addition, the Joint Council recommended that, where officers are transferred out of the Public Service to an independently staffed authority as a result of the transfer of functions to that authority, the second tier should apply to

cover the Public Service rights of transferred officers. The Bill reflects these recommendations of the Joint Council. The Government's intention is that the new scheme should apply to all officers of the Public Service who take up employment outside the Public Service Act with Commonwealth authorities and bodies, including Commonwealth owned companies such as Qantas Airways Ltd and Commonwealth Hostels Limited, and, with their agreement, joint Commonwealth-State bodies.

Provision is made in the Bill so that the scheme recommended by the Joint Council may be extended to non-Commonwealth employment in certain circumstances. For example, the Government has in mind applying the provisions to the transfer of staff of the Australian Legal Aid Office to the States. However, it is not intended at this stage to extend the scheme beyond situations such as the ALAO transfer. The Government's policy is that, from the commencing day of the new scheme, the present Officers' Rights Declaration Act will no longer be available in relation to officers of the Public Service who take up employment with Commonwealth authorities after that date. The present Act will continue to have effect in relation to persons who, on commencing day, are covered by that Act. However, these persons may at any time thereafter elect to be covered by the new provisions. In addition, where such persons exercise the right of promotion appeal in relation to a Public Service vacancy, that action will constitute an election to be covered by the new scheme.

The opportunity has also been taken to correct certain inequities and administrative problems that inadvertently occurred in relation to the transfer of staff of the former Postmaster-General's Department to the Postal and Telecommunications Commissions. In addition, provision is made so that various other particular transfers of staff from the Public Service to Commonwealth authorities which have occurred while this Bill has been in the course of preparation may be brought within the provisions of the second tier. These transfers, all of which have occurred as a result of the transfer of functions from the Public Service to a new employing authority, include the transfer of staff to the Northern Territory Public Service, the transfer of staff of the Department of the Prime Minister and Cabinet to the National Gallery, and the transfer of canteen staff of various departments to Commonwealth Hostels Limited.

I turn now to the other major part of the Bill, namely the revised disciplinary arrangements, located primarily in clause 20. The disciplinary

provisions in the Public Service Act have remained virtually unchanged since 1922, and a sub-committee of the Joint Council undertook a comprehensive review, aimed at bringing the provisions into line with modern concepts of the role of the disciplinary process in public administration.

The report is based on the adoption of certain fundamental principles which have been accepted by the Joint Council, the Board, and now the Government. These principles can be summed up in the following way: The primary aim of disciplinary provisions should be to facilitate efficient administration and public confidence in the integrity of the administration; there should be no unnecessary concern with the private lives of staff members; provisions should be seen as a complement to other management processes of supervision, leadership and staff counselling, with disciplinary action generally being a last resort; the disciplinary process should continue to be essentially administrative rather than judicial, but the principles of natural justice and fairness should be observed. The new disciplinary code in the Bill makes various changes to the current scheme, which take into account the principles I have just mentioned and which are designed to make the disciplinary process function more efficiently and effectively.

I might briefly mention some of the more important changes. Consistent with the approach that disciplinary provisions are an integral part of the management process, there is greater emphasis on the primary role of departments. In particular, powers now exercisable by the Board in relation to disciplinary action following a criminal conviction, and certain suspension matters, will in future be the responsibility of departments. Greater emphasis is placed on specification of the rights of persons against whom disciplinary action is taken, including such matters as rights of reply to charges, entitlements to reasons for decisions, extension of appeal rights to cover all formal disciplinary action, and provisions enabling findings to be reviewed when new evidence comes to light. So as to emphasise the principle that there should be no unnecessary concern with the private lives of staff members, disciplinary action based on 'improper conduct' will be possible only where the conduct is relevant to the officer as an officer, and a similar approach is taken to possible disciplinary action following a criminal offence.

New provisions have been included to avoid the need to use the full disciplinary processes where officers absent themselves from duty without authority. Action will be able to be taken that

will have the effect of deeming such persons to have forfeited their office. There will, however, be appeal rights. The proposed changes have been generally endorsed in the report of the Royal Commission on Australian Government Administration. The Royal Commission also was of the view the special disciplinary provisions in section 56 of the Public Service Act relating to First and Second Division officers should not continue to apply to Second Division officers. In the Bill, Second Division officers are grouped with Third and Fourth Division officers for disciplinary purposes. Special provisions will continue to apply to First Division officers. These are similar to current section 56, but do make some changes; in particular, the entitlement of any person to formally charge an officer under section 56 is considered to be inappropriate and has been deleted, although the Bill, in proposed section 57, gives statutory recognition to the right of any person to make an allegation.

A number of other proposals are included in the Bill. Clauses 25 to 27 replace the existing specific provisions in the Public Service Act enabling the Board to grant leave without pay with a general power vested in departments to grant leave for such purposes as are prescribed in the regulations and on such terms and conditions as are prescribed. Within guidelines which the Board proposes to issue, departments will have greater flexibility under the new provision in organising their resources. Joint Council proposals in relation to recognition of prior service and recreation leave arrangements are implemented in clauses 15 and 23 respectively. Clause 8 implements a recommendation of the Royal Commission on Australian Government Administration that current restrictions on the appointment of graduates to the Public Service should be eliminated. Clauses 9 to 14 will enable the Public Service Board to waive the normal probationary requirements for officers of the Service in appropriate cases. Other changes of a more technical nature are also included.

The Bill is long, and many of the provisions are quite technical. Several factors have contributed to this, including the number of separate proposals incorporated in the Bill, the need to apply the new provisions dealing with mobility of officers to a number of existing situations, and the technical complexities arising from the current legislative framework of Commonwealth employment. A detailed explanatory memorandum has been distributed in order to assist honourable members and other interested parties to understand the Bill. I commend the Bill to the House.

Debate (on motion by Mr Willis) adjourned.

HOSPITALS AND HEALTH SERVICES COMMISSION (REPEAL) BILL 1978

Bill presented by Mr Hunt, and read a first time.

Second Reading

Mr HUNT (Gwydir—Minister for Health) (4.45)—I move:

That the Bill be now read a second time.

This Bill will give effect to the Government's decision to abolish the Hospitals and Health Services Commission. The Commission was established as an interim committee by the Labor Government in 1973. The Act to provide for its formal establishment received royal assent on 19 December 1973. The Commission has achieved its purpose and it is time for a body with wider terms of reference to take over. Honourable members will be aware of the Government's determination to bring about a greater co-ordination of health and welfare programs. This determination was illustrated by the recent appointment of the Social Welfare Policy Committee of Ministers and its supporting Permanent Heads Committee. These Committees have been established to ensure the integrated development of plans and policies and to review existing policies and programs in the health and welfare field. To support the Permanent Heads Committee the Government has established a policy secretariat under the control of the former Chairman of the Hospitals and Health Services Commission, Dr Sidney Sax. It is this secretariat which will take over where the Hospitals and Health Services Commission leaves off.

The social welfare policy secretariat will be physically located in the Department of Social Security. It will have responsibilities ranging over the whole field of health and welfare and will in fact absorb some of the ongoing activities of the Hospitals and Health Services Commission. Let me emphasise that the new secretariat will have far wider responsibilities and a wider range of functions than the Commission. Detailed statements have been made on the duties and functions of the secretariat and I do not wish to repeat them here. Let me summarise by saying that Dr Sidney Sax and his secretariat will cover the whole range of social welfare and health programs, with a far-ranging brief that will support the planning and programming activities of many departments, but primarily, of course, those of the Department of Social Security and those of my own Department. The Bill before the House provides for the repeal of the

Hospitals and Health Services Commission Act and makes necessary administrative provisions concerning the winding up of the commission. I draw honourable members' attention to clause 5 which provides for the transfer of the Commission's assets and liabilities to the Commonwealth, and to clause 8 which authorises me to give directions as to the disposal of the Commission's documents. Some former activities of the Commission will be carried on by my Department. The National Health Services Advisory Committee, which honourable members will recall was set up under the auspices of the Hospitals and Health Services Commission late last year, will continue to function and to provide the Government with independent advice on health matters. Dr Sax will continue to chair this Committee. The Committee provides a forum at which health policy issues can be debated and from which advice can flow to the Government. Its establishment was an experiment—a very worthwhile experiment—and only time will tell whether it will be as successful and worth while as I hope and anticipate it will. I would also draw honourable members' attention to clause 6 of the Bill. This clause provides that grants made under the Hospitals and Health Services Commission Act and subject to conditions will continue to be subject to those conditions and will be under the control of the Minister for Health.

I would like now to pay tribute to the work of the Hospitals and Health Services Commission, and particularly to its Chairman Dr Sax. Dr Sax has shown his ability to serve governments of very different political character and has become the kind of expert adviser that this Government and future governments should encourage. He has provided exceptional expertise and independent advice. He has worked splendidly through and with the Department of Health. The Government has tended to use the expertise of Dr Sax and his previous Deputy Chairman, Mr John Blandford, for special tasks as individuals. In this field, too, they have been most successful. There are many solid achievements by the hospitals and Health Services Commission. It may be invidious to pick on three but I would mention particularly the community health program, the report on rural health, and the health services research and evaluation activities. On behalf of the Government I wish to thank all those who have served on the Hospitals and Health Services Commission for the sound contributions they have made to the betterment of a more broadly based health services delivery system. I commend the Bill to the House.

Debate (on motion by Dr Klugman) adjourned.

NATIONAL HEALTH AMENDMENT BILL 1978

Bill presented by Mr Hunt, and read a first time.

Second Reading

Mr HUNT (Gwydir—Minister for Health) (4.51)—I move:

That the Bill be now read a second time.

This Bill provides for amendments to the National Health Act to implement 3 separate decisions of the Government. Firstly, the Bill fulfils an undertaking by the Government to assist persons who live in isolated areas to obtain specialist medical treatment. I have previously stressed the Government's intention to improve accessibility to health services for people living in isolated areas. In particular, for these people, the costs of obtaining specialist medical treatment is considerably greater than if they were living in the major cities. I have indicated the Government's intentions to redress the disadvantage suffered by people living in remote areas, because of the high costs of travel and accommodation incurred in seeking specialist medical attention which is not available locally.

Take for example, the case of a child living in Bourke who is referred to a Sydney specialist because there is no appropriate specialist closer. While the acceptable form of travel under the scheme will normally be surface travel, air travel will be permissible when medically necessary. If in this example it is necessary to travel by air, the costs of return economy class air travel for the parent and the child amount to \$204.20, and when one adds the cost of accommodation for say 2 days and nights, the total cost to the parents could be of the order of a further \$60. Therefore the total cost would be in excess of \$250. The arrangements under this legislation will involve the parents in an outlay of \$20 per person patient contribution, for fares and a refund of a maximum \$15 per person for the overnight accommodation. Thus under the isolated patients travel and accommodation scheme, the parent of such a patient will be entitled to receive a maximum benefit of \$224.20 for an approved specialist consultation while making a patient contribution of \$40 towards the cost of the fare.

People living in large urban and metropolitan centres do not always generally appreciate some of the disabilities suffered by people living in the remote regions of Australia. Many small communities do not have ready access to general

practitioners and hospital services, let alone specialist attention. The Government, through its financial assistance to the Royal Flying Doctor Service; the community health program; the Mobile Dental Clinic under the school dental program; the encouragement to graduate doctors to practise in rural areas under the family medicine program, is endeavouring to improve the access of health services to people in remote areas. I pay a tribute to those employed by the Flying Doctor Service, the nurses, other health and social workers in the community health services, the dentists and therapists in the mobile dental clinics and the doctors who provide services to the people living in these disadvantaged communities.

The isolated patients travel and accommodation scheme will add a new dimension to the efforts being made to help bring people in isolated areas within reach of services that others in the community take for granted. There are those who complain that decreasing the medical benefit from 85 per cent to 75 per cent of the medical benefits schedule will bear heavily on the sick. In cases where a specialist charges the schedule benefit as the fee for his consultation this will result in an increase of \$2.60 per service. This remains a relatively small additional direct patient contribution compared to the high costs of travel and accommodation incurred by those sick people who have to travel great distances for such services.

Although we are endeavouring to impose a sense of responsibility on both the providers and users of health services, we are also endeavouring to redress, at least to some extent the additional hardships of people living in remote areas, who have little or no service facilities available. The scheme provided for in this Bill is designed to ease this imbalance.

The basic scheme is established by clause 4 of the Bill, which inserts a new Part in the National Health Act. The scheme will provide benefits to subsidise the costs incurred by patients, who reside away from major population centres, and who are required to travel long distances for specialist medical treatment. The isolated areas concerned will be identified by reference to local government areas in regulations under the Act. The Australian Capital Territory and the local government areas listed in regulations—urban and near urban—will be excluded from the scheme. All other areas, including all of the Northern Territory, will be included. Benefits will not extend to residents of external territories or for services rendered outside Australia.

To be eligible a person must be referred for specialist treatment, which is available only at a centre more than 200 kilometres away. It will be necessary for the patient to obtain the prior approval of the Director-General of my Department by satisfying him that all the relevant criteria have been met. In cases of emergency this qualification will be dispensed with. In such circumstances the Bill provides for subsequent approval.

The benefits will comprise a travel allowance and an accommodation allowance. New section 17 provides that the travel allowance payable will normally be the economy class return fare of the most direct scheduled road or rail service, less a prescribed amount. This amount which in effect is the patient's contribution to the fare, will be \$20. Where the return fare is less than \$20, no travel allowance will be paid. Other types of transport will be allowed where the referring medical practitioner certifies that the patient's medical condition would be likely to worsen if economy class surface transport were used. An accommodation allowance will be payable where, for the purposes of treatment, it is necessary for a patient to stay away from his residence overnight. New section 18 provides that the maximum allowance in this case will be \$15 a night. The allowance will be payable for one or two nights, or up to eight nights where the consultant physician or specialist certifies the necessity for the extended stay. The accommodation allowance will not be paid to a patient, who becomes an inpatient of a hospital for the period he is in hospital, or in cases where the patient does not have to pay for commercial accommodation.

The Government recognises that there will be some patients who, because of their age or particular medical condition, would need to be accompanied on their journey. The Bill therefore includes provision for payment of additional benefits, where it is necessary for a patient to be accompanied by a professional attendant or an escort. A professional attendant would be a nurse or other person with the capacity to attend to the patients medical needs, and an escort would normally be a parent, guardian or relative. As a general rule, allowances will be payable for either an attendant or an escort, but not for both. However, in certain circumstances, usually a child under 14 years of age and as provided in the new section 14, a patient may be accompanied by both an attendant and an escort. The allowances payable to attendants and escorts will be at the same rate and generally subject to the same conditions as apply to approved patients.

There will be certain exclusions from the scheme, and these are set out in new sub-sections 13 (2), 17 (5) and 18 (3) of the Bill. In essence, benefits will not be payable where a journey to obtain a professional service is made by ambulance or any form of emergency transport, or where the patient has received or claimed an amount for compensation or damages, or receives assistance through some other scheme. Clause 12 of the Bill provides for appeals to the Administrative Appeals Tribunal for review of decisions relating to the approval of patients under new section 13 and to the approval of professional attendants and escorts under new section 14. The scheme is to come into operation as soon as the necessary regulations under the Act have been made. The estimated cost in a full year is expected to be \$7m.

While the Bill provides for the Commonwealth to administer the scheme, it is intended that Commonwealth and State health authorities will co-operate in that administration. Preliminary discussions have been held already between officers of my Department and representatives of the State authorities on this matter. It may well be that administration of the scheme will eventually pass to the States. The viability and scope of existing services in isolated areas will not be undermined, nor will services available through the community health program and other support programs be constrained by any travel and accommodation subsidy scheme. The primary aim should still be, wherever practicable, to bring the services to the people. One recognises that assisting people financially to travel to the services is only a 'second best' option. A continuing review of the utilisation of the scheme will be undertaken. This will assist in identifying any deficiencies in the scheme.

The isolated patients' travel and accommodation assistance scheme is a major component of the Government's commitment to improve the accessibility of health services for isolated communities and to alleviate health costs to people in these areas. Further, Mr Deputy Speaker, the Bill introduces legislative provisions for the introduction into the health insurance arrangements of the concept of optional deductibles which I foreshadowed in my statement in the House on 24 May 1978. The proposed new provisions allow health insurance organisations to plan and, with the approval of the Minister for Health, operate benefit tables in addition to, or in place of, the basic medical and hospital benefits tables now operated by registered organisations. These new arrangements can apply to both medical and hospital benefits. The

proposed provisions will operate from a date to be proclaimed. It is not intended that they should be brought into operation until the new concept has been discussed in detail with the health insurance industry and other interested organisations and appropriate guidelines adopted.

These guidelines for deductibles will be the benchmarks against which the acceptability of proposed medical and hospital benefits plans, incorporating deductibles, will be measured. The Bill requires the guidelines to be prescribed by regulations.

I would emphasise that contributors to medical and hospital benefit plans offering deductibles will be regarded as contributing to standard medical and hospital benefit tables and, for this purpose, payment of those medical and hospital contributions will exempt such contributors from payment of the health insurance levy. At this time nursing home benefits will not come within approved medical and hospital benefit plans offering deductibles. However, the Government will be prepared to consider their inclusion if, at some future time, it is shown that such a widening of the scheme would be desirable. Appropriate legislation would be enacted if such schemes were deemed to be desirable. As I stated previously, this innovation has two objectives: Firstly, to reduce health insurance contributions for those willing to accept a larger direct share of responsibility for the costs of their health care; and, secondly, to provide a deterrent against the overuse of health services.

The Bill, in amending section 73BA, imposes a further condition to which the registration of medical benefits organisations are to be subject. This condition prohibits such organisations from entering into bulk billing arrangements for medical services other than those provided to eligible pensioners and their dependants. This amendment places medical benefit organisations in the same position as that which will apply to Medibank Standard under the new bulk billing arrangements.

Finally, the Bill provides for an increase in the general patient contribution for pharmaceutical benefits. I draw the attention of honourable members to clause 11, which will increase from \$2.00 to \$2.50 the maximum amount that approved pharmaceutical chemists may charge for the supply of a pharmaceutical benefit. This increase will take effect from 1 July 1978. As in the past, eligible pensioners—that is, those holding a pensioner health benefits card—will not be charged for pharmaceutical benefits. Similarly,

no charge will be made for repatriation pensioners.

It is now over two years since the patient contribution was set at \$2. The increase of 25 per cent to \$2.50 is broadly in line with the movements in prices and incomes since March 1976 and therefore is more of an adjustment than a change. The increase in the patient contribution is one of the means by which the increasing expenditure on the pharmaceutical benefits scheme can be reduced. This increase is expected to result in a saving of \$20m in the financial year 1978-79. I commend this Bill to the House.

Debate (on motion by Dr Klugman) adjourned.

HEALTH INSURANCE AMENDMENT BILL 1978

Bill presented by Mr Hunt, and read a first time.

Second Reading

Mr HUNT (Gwydir—Minister for Health) (5.9)—I move:

That the Bill be now read a second time.

The Bill before the House contains provisions which give effect to certain measures I announced in the House on 24 May. These relate to the levels of medical benefits to be payable for medical services and the abolition of bulk billing, except for persons with pensioner health benefit entitlements. Other major provisions in the Bill relate to changes in the public and private health insurance system and the cost sharing of the operating costs of the Australian Capital Territory hospitals. As I advised the House on 24 May, the level of medical benefits payable by Medibank and health insurance organisations for medical services is to be reduced from 1 July 1978. The Bill, in clause 5, provides for medical benefits to be paid at the rate of 75 per cent of the schedule fees, with a maximum patient contribution of \$10 for any one service where the schedule fee is charged. However, the level of medical benefits to be paid for services provided to eligible pensioners and their dependents is to be negotiated with the Australian Medical Association, the Australian Optometrical Association and the Australian Dental Association. The level of benefits specified in the Bill for services provided to these persons is 85 per cent of the schedule fees.

The Bill enables a lower level to be prescribed by regulations following the negotiations with the professional bodies I have mentioned. The amendment effected by clause 7 abolishes bulk

billing for medical services other than those provided to eligible pensioners and their dependents. The level of medical benefits payable in these circumstances will be the rate negotiated with the AMA, the AOA, and the ADA. A consequential amendment resulting from the proposal to restrict bulk billing is contained in clause 9.

Since the changes to Medibank from 1 October 1976 persons from overseas temporarily residing in Australia and Australian residents temporarily overseas, in general, have been either subject to the Medibank levy or covered as privately insured persons with private health insurance organisations in Australia registered under the National Health Act. Such persons from overseas may have eligibility for health care coverage provided by their overseas employer or a health insurance fund in the overseas country. Further, Australian residents temporarily absent from Australia may be adequately covered by an overseas plan or may take out adequate private insurance, suitable to local conditions, with an overseas fund. However, such coverage does not provide exemption from the health insurance levy. This means there are circumstances in which persons in the categories to which I have referred are financially penalised by being subject to the levy or by contributions to an Australian private health organisation registered under the National Health Act, while having adequate and satisfactory health insurance cover by an overseas operator.

The Government has decided to vary the arrangements to assist these people. Accordingly the Bill, in clause 4, provides that such a person may be deemed to be a privately insured person by a declaration of the Minister for Health, where the Minister is satisfied that a person has adequate coverage and protection against liability for medical and hospital expenses. This action will exempt the person from payment of the health insurance levy. The declaration will apply for a period specified in the declaration and I propose that such approvals will be reviewed on a regular basis. Whilst introducing this concession within the health insurance arrangements, the Government is concerned that any change to the existing position should not lead to a breaking down of the universal coverage in Australia. For this reason permanent residents in Australia, Commonwealth and State public servants overseas whose conditions of remuneration adequately cover their position and Australian citizens overseas who are employed as locally engaged staff at Australian establishments outside Australia and entitled to the provision of health care reimbursement of

expenses as part of the employment conditions, are excluded from the concession.

From 1 August of last year the Government introduced measures directed to restraining medical benefits expenditure on pathology services. It has come to the Government's attention that over the past few years there has been a gradual but significant increase in health screening activity. In many cases such services are provided to apparently healthy people—for example, for purposes of recreation or sport and for testing of an individual's physical fitness. Under existing legislation medical benefits are payable for such services regardless of there being any indication medically for the necessity for the services or its effectiveness. I am sure honourable members will agree that the medical benefits system should not operate in such circumstances and that the costs of such services should be borne by the individual electing to have them rendered.

The Bill provides, in clause 6, that unless the Minister for Health otherwise directs, a medical benefit is not payable in respect of a health screening service. Of course, it is not intended that benefits be prohibited where the examination or test is reasonably required for the management of the medical condition of the patient, and the direction power of the Minister will be for this purpose.

Dr Klugman—What about for diagnosis?

Mr HUNT—Only where a doctor believes it is necessary in the management of the condition of the patient. Medical consultations by patients' own doctors for medical check up, in the course of normal practice, would continue to qualify for benefits.

It is also intended that the services provided by several non profit organisations, namely Medicheck (Sydney) and the Shepherd Foundation in Melbourne should continue to attract medical benefits provided that they meet certain conditions. Broadly, these are that both Medicheck and the Shepherd Foundation use their records for specific research studies designed to establish the value of the screening services provided by these centres and that they bear the costs involved in undertaking the studies. This proposal conforms with the Government's policy of curtailing expenditure under the health insurance arrangements and eliminating abuses. It is estimated that savings up to \$10m in a year could accrue to Medibank and the private health insurance organisations from the non-payment of medical benefits for these unnecessary services.

Recently there has been considerable comment in the media on the claims of Mr Milan Brych to be an expert on cancer. I do not wish, at this time, to reopen the debate on the question of Mr Brych's qualifications, except to state, once again, that the Government does not consider Mr Brych to be a qualified medical practitioner, nor has it ever intended to give any impression of recognition of Mr Brych because of the payment of medical benefits for his services. Indeed an offer has been made to Mr Brych to allow his treatment, therapy and clinical methods to be evaluated by a top team of specialists and scientists. So far Mr Brych has not responded to this offer. The Government is still awaiting a response from Mr Brych to this specific offer. I have publicly stated that, at an appropriate time, the Health Insurance Act would be amended to exclude services rendered to Australian residents overseas, by persons such as Mr Brych, from attracting medical benefits. At the present time, the Act provides for medical benefits to be payable for such services when rendered by a person authorised to practise medicine under the law of the country concerned. The Act thus presently relates only to registration and not to qualifications.

Clause 8 of the Bill enables the Minister for Health, where he is satisfied that a prescribed person is not acceptable as such for benefit purposes, because of lack of training, unavailability of proper medical or surgical facilities or for any other reason, to declare by notice in the Commonwealth Gazette that the person is unacceptable as a prescribed person. The notice does not take effect for at least one month after publication to enable persons who may be undergoing a course of treatment with the person concerned to make other arrangements. I would emphasise that the Government's action is motivated by a concern to avoid a situation where Australians are encouraged to seek treatment from unqualified persons overseas by virtue of the availability of medical benefits. I consider discretionary power to be necessary in these circumstances because of my concern that people may regard benefit payments as implied 'recognition' of what appears to be inexpert and possibly dangerous treatment.

A further amendment in the Bill relates to Commonwealth payments in respect of recognised hospitals in the Australian Capital Territory. Under the hospital cost-sharing agreements between the Commonwealth and the States, the Commonwealth is obliged to pay 50 per cent of the net operating costs of recognised hospitals to

the States, based on agreed budgets. Commonwealth payments are made to either the State Treasury or State health authority. No Commonwealth payments are made direct to individual recognised hospitals in the States. The amendments made by clause 10 of the Bill are designed to place Commonwealth payments under the Health Insurance Act for recognised hospitals in the Australian Capital Territory on a comparable basis to those payments made to States.

Firstly, this is achieved by the Bill providing for Commonwealth payments under the Health Insurance Act to be based on an approved budget for a period, usually a financial year, covering all recognised hospitals in the Territory. The budget is to be submitted by the Capital Territory Health Commission. The Commonwealth payment for this purpose shall be 50 per cent of the approved net operating costs shown in the budget of recognised hospitals or 50 per cent of the actual net operating costs of the hospitals, whichever is the less. At present, the Commonwealth is required under the Health Insurance Act to meet 50 per cent of the actual net operating costs of the hospitals. Secondly, there is a new provision for the Commonwealth to make a further payment where the Minister for Health is satisfied circumstances justify the making of such a payment. However, the total Commonwealth payment under the Health Insurance Act shall not exceed 50 per cent of the actual net operating costs of recognised hospitals in respect of the period. Thirdly, the Commonwealth payment is to be made to the Capital Territory Health Commission. The Commonwealth payments are to be made, as they are to the States, subject to conditions determined by the Minister for Health who, in determining the conditions, must have regard to the heads of agreement set out in Schedule 2 of the Health Insurance Act. This will ensure that obligations accepted by the States under the agreements, such as free treatment for Medibank standard persons and levels of hospital charges, will also apply in respect of recognised hospitals in the Australian Capital Territory.

Recognised hospitals in the Northern Territory will continue to be administered by my Department until their operation is transferred to the control of an independent Northern Territory administration. This transfer is expected to take place from 1 January 1979. At that time it would be appropriate to examine the position of recognised hospitals in the Northern Territory. In the meantime, my Department will institute administrative procedures for the Northern Territory which in effect establishes the application

of principles of cost sharing along the lines adopted with States. Provision is also made in the Bill to rectify an anomaly resulting from the hospital agreements entered into in 1975 between the Commonwealth and the States being declared invalid in May 1976. Section 17 and repealed section 18 of the Health Insurance Act, which was repealed with effect from 1 October, 1976, prohibited the payment of medical benefits in certain circumstances. The legislation before the House provides that medical benefits shall not be payable on any claim received by Medibank, unless an account was rendered prior to the date of this announcement, in respect of medical services provided for a patient who would have been a hospital patient or an outpatient of, or diagnostic services provided to an inpatient of, a hospital that would have been a recognised hospital if the relevant hospital agreements had been valid prior to 1 October 1976. Any claims received in respect of that period and rejected on the basis of sections 17 and repealed section 18 being applicable will be re-examined. Of course, if the doctor has already received payment from a hospital for such services, medical benefits will not be paid. A remaining provision of the Bill, clause 11, contains a consequential amendment resulting from the abolition of the Hospitals and Health Services Commission. I commend the Bill to the House.

Debate (on motion by Dr Klugman) adjourned.

HEALTH INSURANCE LEVY ASSESSMENT AMENDMENT BILL 1978

Bill presented by Mr Hunt, and read a first time.

Second Reading

Mr HUNT (Gwydir—Minister for Health) (5.25)—I move:

That the Bill be now read a second time.

This Bill will amend certain health insurance levy provisions of the taxation law. It provides that, commencing in the 1978-79 income year, where a child of a divorced or separated couple would, under the existing law, be taken to be a dependant for levy purposes of both parents, the child will be taken to be a dependant solely of the parent who is paid family allowances for the child. This will avoid the situation that could arise at present where both parents may be required to pay levy up to the full family ceiling through the same child being taken as a dependent of each of them.

The Bill will also exempt from levy for the 1978-79 and subsequent years foreign government representatives in Australia, and their families, unless the person concerned is an Australian citizen or a person who ordinarily resides in Australia. At present these people may be liable for the levy but not eligible for standard Medibank benefits.

Another change to the health insurance levy arrangements will follow from an amendment to the Health Insurance Act that has just been proposed by me as Minister for Health. Under that amendment, an Australian resident temporarily overseas, or a non-resident temporarily in Australia, who has adequate health care cover under an overseas health fund or plan, may be treated as a privately insured person. Broadly, the effect of this will be that such persons will be exempt from the health insurance levy. At present only those whose private insurance is with an Australian health fund qualify for exemption from the levy in this way.

The Bill also makes some changes of a technical kind, which I do not think I need discuss in this introductory address. A memorandum explaining the Bill in detail is being circulated to honourable members. I commend the Bill to the House.

Debate (on motion by Dr Klugman)
adjourned.

**ABORIGINAL LAND RIGHTS
(NORTHERN TERRITORY)
AMENDMENT BILL (No. 3) 1978**

Second Reading

Consideration resumed from 31 May, on motion by Mr Staley:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

In Committee

The Bill.

Dr EVERINGHAM (Capricornia)—by leave—I move:

1. After clause 4, insert the following new clause:

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

2. After clause 7, insert the following new clauses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It will be noted that these amendments are, in intent and import, identical with those which we moved to the Aboriginal Land Rights (Northern Territory) Amendment Bill 1978. They refer, in particular, to the matter of secrecy and the matter of proclamations being laid before the House. I do not want to enlarge on the remarks I made at the time of the first amending Bill this year, other than to say that it is consistent with Labor Party policy from before 1975 when we introduced land rights legislation and it is consistent with the stand that we took in 1976 when the principal Act was carried. We ask the Minister to look carefully at our amendments and their intent to establish that what we are concerned about is a matter of priorities.

We will concede that there are rights for mining and minerals and that Australia has an urgent need for them. I do not know that I greatly disagree with a number of points that the Minister for Aboriginal Affairs (Mr Viner) made

in 1975 when he was speaking on such matters. He said, for example, that he was opposed to certain mineral legislation of the then Whitlam Government because, in his view, it was discouraging mining and mining exploration. He is entitled to that view. It was not shared, of course, by the Labor Party at that time. At page 1302 of *Hansard* for 11 September 1975 he is reported as saying:

Some of the things at which we will be looking are: The need to restructure the mineral industry's concession and taxation framework to allow established mines to survive and expand and new ones to break in . . . We see as a matter of high priority the definition of Australia's mineral and energy resources . . . We see an urgent need to restore Federal-State co-operation. We see an urgent need to establish new levels of consultation between industry and government.

We can accept those particular sentiments as legitimate, but we just wonder whether they reflect the priorities of the Government in Aboriginal affairs and whether mineral development and State rights are being allowed to ease out Aboriginal rights. The Minister, when speaking on the Petroleum and Minerals Authority Bill, said on 12 December 1973, as reported in *Hansard* for that day:

Is the right to explore for minerals pursuant to this law a law in respect of mining or is it a law in respect of trade and commerce between the States, in a Territory or between a State and a Territory, or is it a law with respect to overseas trade? I . . . suggest that it does not have any constitutional validity.

He was showing again his concern for State rights with regard to minerals. We have felt uneasy, as I believe people at Aurukun and other places have felt uneasy, that this concern in some way may have weakened his resolve in approaching States on matters of Aboriginal rights and his part in framing legislation for land rights in the Northern Territory. I could go on quoting because the Minister spoke on many occasions on that subject before he became Minister. We are concerned to have his assurance that the Opposition's amendments, which we bring forward for the second time this year, will receive due consideration and that the sentiments reflected therein will be given due weight when Aboriginal rights vis-a-vis mineral rights are considered.

Mr VINER (Stirling—Minister for Aboriginal Affairs) (5.36)—I will indicate briefly the Government's attitude to the amendments. As the honourable member for Capricornia (Dr Everingham) has already said, the amendments are the same as those put forward by him on 3 and 10 May during the debate on another Bill earlier this year, that is, the Aboriginal Land Rights (Northern Territory) Amendment Bill. On that occasion the amendments were rejected

by the Government and likewise they are rejected on this occasion. There is no need for me to elaborate on the reasons. We are quite satisfied that the Government's legislation is effective and in the interests of Aboriginals and that it protects and satisfies their interests. I noticed with some interest references by the honourable member to speeches on mineral matters that I made in this House when in Opposition. Of course, it does not take very much to discern the attempt on the part of the Opposition to denigrate my efforts for Aboriginals as a Minister because of things that I said concerning mining matters when in Opposition. By any measure, when the Opposition looks at the alacrity with which I and the Government moved in the Aurukun bauxite situation in 1976 it could not deny the bona fides of this Government to act promptly for Aboriginal interests against the interests of a State.

As I have pointed out to the Committee before, my visit to Aurukun in January 1976 not only occurred on my birthday, and I stayed there overnight on 21 January, but it happened also to be the first visit to Aurukun by a Federal Minister. On that occasion statements by myself and the Prime Minister (Mr Malcolm Fraser) quite firmly indicated to the Queensland Government that we were not satisfied with the agreement that Government had entered into with respect to the mining of bauxite at Aurukun and that we would support Aboriginals in their endeavour to have proper consultation with both the Government and the Aurukun mining consortium. We were not satisfied that proper consultation had been carried out. Our view was vindicated by none other than the Queensland Ombudsman, who made his own independent investigation and told the Queensland Parliament that he was not satisfied that proper consultation had been carried out. More than that, the Commonwealth, through the Queensland Aboriginal Legal Aid Service, funded litigation by the community first of all to the Queensland Supreme Court and then, when the judgment of that Court in favour of the Aurukun community was under challenge by the Queensland Government in the Privy Council, the Commonwealth funded the defence by the community. If I could use a colloquialism, we put our money where our mouth is as a Commonwealth Liberal-National Country Party Government.

I have said on a number of occasions that my understanding of the economics of the bauxite industry today clearly indicates that it is most unlikely that the bauxite at Aurukun will ever be mined. I noticed over the weekend a statement

by a Queensland Government back-bencher, Dr Scott-Young, that it was his understanding on information that had been given to him, quite obviously from the mining consortium, that the consortium had either abandoned or was about to abandon any idea of mining the bauxite. I can well understand the decision by the consortium, if it does decide to abandon mining. As I have said, on my own knowledge of the industry and of the world-wide economics of the industry, it is most unlikely that bauxite will ever be mined at Aurukun. Again, the alacrity with which the Government responded in the Aurukun and Mornington Island situation shows how we were prepared publicly to oppose a State government when we saw that the interests of Aboriginals were being overridden.

The CHAIRMAN—Order! I regret interrupting the Minister but I draw to the attention of visitors in the Speaker's Gallery the fact that they occupy that place by courtesy of Mr Speaker and one of the prerequisites is that they do not intrude on the proceedings of the House. I ask them to observe that requirement as I do honourable members sitting in the benches immediately in front of the Speaker's Gallery.

Mr Viner—Mr Chairman, I was simply saying that as time goes on I think it will be seen that what the Commonwealth has been able to achieve in the Aurukun and Mornington Island situation indicates the strength of its purpose and its understanding of Aboriginal interests.

Though the Opposition has sought to criticise the legislation, as time goes by we will see the full benefit of the action of the Commonwealth in ensuring that the Queensland Parliament passed special legislation for the Aurukun and Mornington Island communities which gives them self-management and security of tenure of their land, something they have never had before. The meeting held last Thursday between leaders of the two communities, the Queensland Minister for Local Government, Mr Hinze, the Queensland Minister for Aboriginal and Island Affairs, Mr Porter, and the co-ordinating and advisory committee established by that legislation, of which my regional director in Brisbane is a member, will lay the foundation for the success of all the Commonwealth's efforts to bring about self-management for those two communities and to provide a security of tenure to the traditional land occupied by them, a security which they did not enjoy previously. I am quite sure that these rather pitiful attempts by the Opposition to look back upon my speeches with respect to the development of Australia's great natural resources will fall on barren ground. They will not be able

to flower because there is simply no seed for the Opposition to plant.

Finally, may I add that when agreement is eventually reached under the land rights legislation in the Northern Territory for the mining or uranium in the Alligator Rivers Region, we will see the full flowering of the land rights granted to the Aboriginals in the Northern Territory as a consequence of the deliberate action by the Liberal-National Country Party Government to put Aboriginals in a position that they have never occupied before in the history of Australia. They will be able to deal in their own right with regard to land that is traditionally theirs with those who wish to exploit it. No longer is it the position that the exploiters can roll back the Aboriginals who traditionally lived in such areas. The Aboriginals today, through the deliberate policy of the Liberal-National Country Party Government, can stand upright and negotiate from a position of strength on the exploitation of their land. As I said, we will see the full flowering of land rights legislation when that agreement is finally entered into by the Northern Land Council with respect to mining at Ranger and subsequently with those other companies that wish to exploit the uranium deposits of Aboriginal traditional land.

Mr HOLDING (Melbourne Ports) (5.45)—I enter this debate very briefly to correct the impression that the Minister for Aboriginal Affairs (Mr Viner) endeavoured to give to the House and to the people of Australia when he suggested that somehow the negotiations between this Government and the Queensland Government in respect of the Aurukun and Mornington Island settlements constituted some sort of a triumph for the Minister and his Government. I would think it is the view of the average Australian—it is certainly the view of Opposition members—that the negotiations that were entered into by the Minister and the acquiescence that he gave to legislation which passed through the Queensland Parliament probably constituted one of the more shameful betrayals of Aboriginal hopes and aspirations that has taken place in Australia since Federation.

As a comparatively new member, I sat in this House and was pleased to hear the Prime Minister (Mr Malcolm Fraser) and the Minister for Aboriginal Affairs when the matter of the future of the Aboriginals at Aurukun and Mornington Island was being debated. Clear and unequivocal assurances were given by the Prime Minister and the Minister that the Aboriginal peoples at both Aurukun and Mornington Islands would be given rights to determine their own future and

that those rights would be made secure by the land passing to them. What occurred was a stand-off by the Queensland Government in a series of statements not only by the Premier of that State but also by Mr Hinze, the Queensland Minister for Local Government. We had the spectacle of Senator Bonner being roundly abused on the public media by Queensland State Ministers. I do not recall a single occasion when the Minister for Aboriginal Affairs issued any public statement either in support of Senator Bonner or to deal with the sorts of damnable propositions which were being perpetrated in Queensland by so-called 'responsible' Ministers of that State.

This whole argument which equates a government policy with some form of Australian apartheid has of course emanated almost solely from the Queensland Government. The Queensland Minister for Local Government and Main Roads is on record condemning what he calls 'separate development'. It is quite interesting that the same gentleman who condemns what he quite wrongly sees as 'separate development' for Aborigines in Queensland is a public supporter of separate development and the scourge and injustices that take place against the black people in Africa. They are two quite different sets of standards.

Not once in the course of that debate did the Minister for Aboriginal Affairs enter the lists to say that if he has to express a viewpoint on behalf of the Government and on behalf of the Aboriginal people he stands by and supports not only the position of the people of Aurukun and Mornington Island but also the statements made by Senator Bonner. Far from the Minister coming into this House and saying that he has produced some sort of a triumph in these negotiations, I believe that when he looks at what occurred here he will see the shameful betrayal of the Aboriginal people. I was a member of a Labor Party committee that received representations from the people of Aurukun and Mornington Island. They journeyed to Canberra, so concerned were they about their future, but they were not even told by this Minister what were the results of the negotiations. The people—

The CHAIRMAN—Order! The honourable member for Melbourne Ports is roving fairly freely. I extended a considerable latitude to the Minister for Aboriginal Affairs (Mr Viner) and I am eager to extend the same latitude to the honourable member. But he is rather testing my generosity in the matter. I ask him to bring his remarks more directly to the clauses under consideration.

Mr HOLDING—I would not want to test your generosity too far, Sir. I just want to deal quite specifically with and answer these points that were raised by the Minister in his second reading speech. Without imposing on your generosity, I would say that it is fair enough for me to deal with these points that he made and indeed to invite him to inform the House how it is that he and the Prime Minister can say that this Government is committed to the proposition of Aboriginal people being able to participate in and determine their future when deputations of Aborigines from Aurukun and Mornington Island, while discussions were going on with the Queensland Government, were denied any access to those conferences by the Minister. They were not even told, when they sought that information, what their future would be. What had happened in the cosy complicity of Government rooms in Queensland was that the Minister had made a deal which of course involved, I believe, a shameful betrayal of the future of those people, and he knows it.

Members of this Parliament are still receiving correspondence from residents of Aurukun and Mornington Island and the Uniting Church in Australia. Nobody, least of all the Minister, believes that what occurred in this set of negotiations did him or his Government any credit at all. The Commonwealth should have stood up to the Government of Bjelke-Petersen and his ministerial thugs and should have had at least the decency to stand behind some of the public positions that were taken by Senator Bonner. But what we had all along the line was a shameful capitulation. The Minister has come into this House on this occasion and said that all sorts of things were achieved at Aurukun and Mornington Island. I suggest it would have been better for him if he had concentrated in those other areas where perhaps some achievements might have been made.

Mr BRYANT (Wills) (5.52)—It is the objective of members of the Opposition with the amendments that have been placed before the Parliament to strengthen the original Act so that we are able to deal more satisfactorily with what we consider to be the likely actions of the Northern Territory Legislative Assembly. I think the Northern Territory Legislative Assembly has nearly as unhappy a record in these matters as the Queensland Government. There are some matters to which we think the House should pay attention. We should do something about the legislation before the Parliament and, as my friend the honourable member for Capricornia

(Dr Everingham) pointed out, the secrecy provisions. We should strengthen the need for consultation. We ought not to allow the Northern Territory Legislative Assembly to have any authority whatsoever in this area. It is a national matter; it is for the national Parliament and the national Government to enforce and to see that it is re-enforced by legislation.

I speak this evening particularly to take on what I call the 'pretentious nonsense' of the Minister for Aboriginal Affairs (Mr Viner) in his references to the principles upon which this Government is operating. The issue of land rights goes to the very heart of the Aboriginal situation. The beginning and almost the end of the principal aspirations of Aborigines are to have a place of their own on this continent. The issue has been fought tooth and nail. It has been opposed as bitterly as one can oppose a matter in this Parliament from its very conception by the people opposite, by members of the National Country Party in particular and by their side runners or fellow travellers—call them what we will—in the Liberal Party of Australia.

I have been involved in this issue for almost the whole of the 20-odd years that I have been in this House. I recall that when we launched a campaign back in 1963 concerning the people of Yirrkala in the Northern Territory, every possible effort was made even to keep me off the select committee which was appointed. It was suggested that I ought not to be on it because I had a personal interest in the matter; I had taken action involving a court case in Darwin. Ever since, we have had to drag land rights into this House and the other place against the wishes of honourable members opposite to keep the issue alive. It is instructive to read the debates at the time when this legislation was first introduced. If I remember rightly, my friend, the honourable member for Hughes (Mr Les Johnson), was the initiator of the current legislation which lapsed when the Government changed in 1975. Without recounting too much history, I was the Minister for Aboriginal Affairs in 1973 when the Aboriginal Land Commissioner was appointed and the Interim Northern Land Council was established. The whole principle was brought into legislative being at that stage.

Judging from the performance of my colleagues opposite over the Aurukun situation I am afraid—in fact I am certain—that there is no security in this legislation. If we take the analogy of Aurukun and transfer it to the Northern Territory situation what guarantee do we have that the Aborigines will have permanent rights and security of tenure of their land? Is it not true that

the Queensland legislation still is the paramount force in these matters in Queensland, that we have not passed legislation which strengthens the Minister's hand or gives him absolute authority to stop the Queensland Government taking away any of that land and that if it chooses to do something in relation to mining, forestry or anything else, he has no power at this stage to stop it? It is my firm conviction that there is only one security against governments and legislative assemblies in the Northern Territory, Queensland or anywhere else that we can give to the Aboriginal people as to their lands. It is by this Government, by legislation, taking over that land, securing it, paying for it if it must—I have pointed out in this House before that a very interesting debate could take place in the High Court and various other places as to what the Government ought to pay for it—and then proceeding to deed it to the Aboriginal people in perpetuity. I can see no security, no absolute tenure for the Aboriginal people, unless we do that.

This evening we are attempting again to strengthen the legislation and bring it back to something of the concept which was initiated in this House five years ago by another government. I am gratified that the Minister is a convert. He has reached a stage now where, when he is flying home to the west in the splendid isolation of the front seat of one of the Boeings, he could almost regard himself as having thought of it all himself and, against the opposition of the rest of us, against even the opposition that once used to come from the honourable member for the Northern Territory (Mr Calder), having brought it into being. That is not true. I am grateful for his support, gentle and backsliding as it is. As I have pointed out, he is abdicating his duties. But I hope that if I keep at it even the honourable members opposite will understand. I do not have much faith—

Mr Roger Johnston—I understand.

Mr BRYANT—The honourable member says that he understands. That is true enough. Hitler understood about gas ovens but that did not make the use of them right.

Mr Shipton—That is unfair.

Mr BRYANT—I will withdraw it. I am using it as an analogy with no relationship whatsoever to practical application. I am sorry that metaphors, analogies and so on have no place in the understanding of honourable members opposite. I am rather touched by the Minister's assurance that he has secured all these things and that he has done it on his own account. He rather reminds me of the imperial rescript of the Emperor of

Japan at the end of the war that he had chosen to bring the war to a conclusion when, of course, everybody on our side, the Allies, thought that we had done so. The Minister can only be thanked, I suppose, for not slipping further back in history. I think he has abdicated his duty. I think that in these matters he has failed to do for the Aboriginal people those things which he ought to have done and those things which I think he knows in his heart he ought to have done. I hope that the Government will take the step now of removing any power of discretion from the Northern Territory Legislative Assembly. The Minister must be reminded, in case he has forgotten, that the Northern Territory Legislative Assembly is of the same political persuasion as the Premier of Queensland. There are not many people in Australia, even among honourable members opposite in the Liberal Party, who would place any faith in the Premier of Queensland when it came to the preservation of human rights or anything else.

Mr Graham—You would not face up to defining who are the Aboriginal people. The Aboriginal people do not accept your definition.

Mr BRYANT—The Aboriginal people of Australia are those who choose to call themselves Aboriginal people and who are accepted by the Aboriginal communities as such. The honourable member for North Sydney can use his own definitions if he wishes. The fact is that it is pretty clear throughout the community and to Australians generally that unless we strengthen this land rights legislation almost everything we do for the Aboriginal people will be brought into disarray. I ask the Minister to give serious consideration to strengthening the original Act in the way we have suggested in the amendments we have placed before him.

Sitting suspended from 6 to 8 p.m.

Mr CALDER (Northern Territory) (8.0)—Before addressing myself to the amendments I want to refer to the matters about which the honourable member for Wills (Mr Bryant) spoke. I hope, Mr Chairman, that you will allow me the same latitude as you allowed him. As the Minister for Aboriginal Affairs, the honourable member for Wills brought about his self-destruction by instituting overnight self-determination for Aborigines. So he does not have the right to point the finger at anyone else. He espoused the view that the Northern Territory Legislative Assembly should not have the right to legislate with regard to Aboriginal land. I ask: Why should it not have that right? The

honourable member said that the Northern Territory Legislative Assembly has an unhappy record, but it introduced legislation granting land rights to Aboriginals long before this Parliament ever did. I am not sure about the year but I think that it was in 1972 that the Legislative Assembly issued about 60 or 63 Aboriginal land leases. I am taking part in the debate tonight because the honourable member for Wills has been putting out the story, to Australia and the world, that the Territorians have no right to legislate in respect of Aboriginal land in the Northern Territory. The honourable member lives in Victoria. I know that he was sympathetic to the Aboriginal cause—I would not ever take that away from him—but by the same token, in complete ignorance, he did more damage to the Aboriginal cause—

Mr Holding—Rubbish!

Mr CALDER—I repeat that he damaged the Aboriginal cause. The other city slicker sitting alongside him, who has never been to these places, says: ‘Rubbish!’ He may learn something when he goes there. I hope that he does, because he may then be able to influence his party to do something for Aborigines instead of making political capital out of them all the time. That is all I have to say about that matter.

Mr Les Johnson—You had better get on with the Bill.

Mr CALDER—Yes. The honourable member for Wills did not speak to the Bill either. I will not take advantage any more of the Chairman’s good nature but I had to put the facts straight as the honourable member had said that the Northern Territory Legislative Assembly should not have the right to make laws for Aborigines. Members of the Assembly live in the Territory. They would know 10 times more about Aborigines, Aboriginal rights and Aboriginal lore than all honourable members opposite put together. They should bear that in mind.

Mr HOLDING (Melbourne Ports) (8.4)—I enter the debate again to make a couple of points. Firstly, I want to pay a tribute to my colleague the honourable member for Wills (Mr Bryant) who, as a Minister in a former government, did more than any Minister in this place, before or since, to open up the whole question of Aboriginal land rights.

Mr Calder—I take a point of order, Mr Chairman. Is the honourable member speaking to the amendments? Has he already spoken?

The CHAIRMAN—Order! The honourable member for the Northern Territory will resume

his seat. I remind the honourable member for Melbourne Ports that the Chair has exercised considerable tolerance and latitude in the debate here this afternoon but I think that honourable members have perhaps exhausted their options. I request the honourable member to be more specific in speaking for the second time.

Mr HOLDING—I thank you for your lenience, Mr Chairman. I just want to make a few points very quickly. I remind the Committee that on Australia Day 1972 the then Prime Minister, Mr McMahon, announced that his government would not recognise the claims of Aborigines to ownership of land in the Northern Territory. From looking at *Hansard* I cannot find evidence that any of the honourable gentlemen who wax eloquent on this point dissented in August 1972 from the view which was then expressed by their national leader. Where was the experience of the honourable member for the Northern Territory (Mr Calder)—who told us about his compassion for Aboriginals, which I accept, and his great knowledge of Aboriginals—in August 1972 when the then Prime Minister, whom he supported, said that he would not have a bit of it? What did the honourable gentleman do then? I wonder whether he made a stirring speech. I wonder whether he said: 'From all my knowledge, all my experience and all my compassion, I believe that that is a wrong position, a position that cannot be supported'.

Mr Calder—It has been said ever since, and by me as well. Get on with the clause.

Mr HOLDING—I am delighted to get back to the clause. I realise that the honourable gentleman would prefer me to talk about the legality of the clause than about the record of his party on this matter. I have sat here and listened to the honourable gentleman telling me how much knowledge there is of this issue in the Northern Territory Legislative Assembly. I do not deny its knowledge. But it is not simply a question of knowledge; it is also a question of interest. What was the attitude of Mr Justice Woodward? No one can accuse Mr Justice Woodward of being a young radical. Having examined the record of the honourable gentleman's political colleagues, Mr Justice Woodward was quite emphatic in stating in his report that the future of Aboriginal land rights certainly did not rest, in terms of political judgments or the so-called compassion of members of the National Country Party, in the Northern Territory. Their interests have always been to defend their own economic interests as they see them. They are entitled to that point of view.

Having had a look at the record, all I want to say is that honourable gentlemen opposite have discovered land rights. In 1972 their own Government would not recognise them. The honourable gentleman from the Northern Territory and some of his colleagues, including the present Minister for Aboriginal Affairs (Mr Viner), certainly did not dissent at that stage from the position of their Government. I am sick of hearing all sorts of aspersions being cast at the honourable member for Wills and the other Ministers of the Labor Government. If it had not been for some of those members of the Labor Government speaking eloquently, passionately and almost with a minority voice in this Parliament, the granting of Aboriginal land rights would be 50 years away. I am tired of the unctuous hypocrisy of some honourable gentlemen opposite. I use this occasion to pay tribute to my colleague the honourable member for Wills. The record condemns honourable gentlemen opposite who in 1972 were prepared to let their Prime Minister tell them, as he did on Australia Day—a symbolic day—that, as far as he was concerned, there would be no granting of Aboriginal land rights in Australia. That is the record of honourable gentlemen opposite, including the honourable member for the Northern Territory. All the sentiments and pious hypocrisy that have now been expressed cannot change that simple fact of history.

Motion (by Mr Bourchier) put:

That the question be now put.

The Committee divided.

(The Chairman—Mr P. C. Millar)

Ayes	57
Noes	26
Majority	31

AYES

Adermann, A. E.	Hunt, R. J. D.
Aldred, K. J.	Hyde, J. M.
Baillieu, M.	Jarmain, A. W.
Baume, M. E.	Johnston, Roger
Bourchier, J. W.	Katter, R. C.
Bradfield, J. M.	Kilien, D. J.
Braithwaite, R. A.	Lloyd, B.
Brown, N. A.	Lucock, P. E.
Bungey, M. H.	Lynch, P. R.
Burns, W. G.	Mackellar, M. J. R.
Cadman, A. G.	McLean, R. M.
Cairns, Kevin	McLeay, J. E.
Calder, S. E.	McMahon, Sir William
Cameron, Ewen	McVeigh, D. T.
Carlton, J. J.	Moore, J. C.
Chapman, H. G. P.	Nixon, P. J.
Connolly, D. M.	O'Keefe, F. L.
Cotter, J. F.	Porter, J. R.
Dean, A. G.	Robinson, Ian
Dobie, J. D. M.	Sainsbury, M. E.
Edwards, H. R.	Shack, P. D.

AYES

Ellicott, R. J.
Fife, W. C.
Fisher, P. S.
Giles, G. O'H.
Gillard, R.
Graham, B. W.
Haslem, J. W.
Howard, J. W.

Shipton, R. F.
Staley, A. A.
Thomson, D. S.
Viner, R. I.
Wilson, I. B. C.
Tellers:
Corbett, J.
Hodges, J. C.

NOES

Armitage, J. L.
Blewett, N.
.Bowen, Lionel
Brown, John
Bryant, G. M.
Dawkins, J. S.
Everingham, D. N.
FitzPatrick, J.
Fry, K. L.
Holding, A. C.
Howe, B. L.
Hurfurd, C. J.
Jacobi, R.
James, A. W.

Jones, Barry
Jones, Charles
Keating, P. J.
Klugman, R. E.
McMahon, Les
Marin, V. J.
Morris, P. F.
Scholes, G. G. D.
West, S. J.
Willis, R.
Tellers:
Johnson, Keith
Johnson, Les

PAIRS

Martyr, J. R.
Peacock, A. S.
Jull, D. F.
Garland, R. V.

Whitlam, E. G.
Humphreys, B. C.
Stewart, F. E.
Young, M. J.

Question so resolved in the affirmative.

Amendments negatived.

Mr BRYANT (Wills)—I wish to make a personal explanation.

The CHAIRMAN—Does the honourable member claim to have been misrepresented?

Mr BRYANT—That is correct. Earlier during the debate the honourable member for Bendigo (Mr Bourchier) when making his normal contribution—a short interjection—referred to me as having been responsible for the turtles project in the Torres Strait.

The CHAIRMAN—Order! The level of conversation is too high. I ask honourable members to remain silent.

Mr BRYANT—I can easily shout that lot down but it is much better if we get it straight. The facts are that the Minister of that time, about 1970—the honourable member for Mackellar, the Honourable W. C. Wentworth—established a research project in the Torres Strait with a grant of, I think, \$30,000 through the Australian National University. Subsequently, in the 1971 Budget I think it was something like \$170,000 was made available; and in the 1972 Budget—that was before we came into government—a further \$200,000 was made available. So that by the time we came to office a sum of \$420,000 or thereabouts had been allocated to the project and some 60 or 70 turtle farms had been established. When we came to office I examined the project and determined that there was no way in

which it would work. We set out to try to repair the damage to the economy—

The CHAIRMAN—Order! The Committee should be aware that the honourable member for Wills has the call and he is entitled to address the Committee in silence. I request honourable members to respect that entitlement. The honourable member for Wills has, I believe, virtually made his point in the area in which he was represented.

Mr BRYANT—They are the facts. The actual date and amounts to within \$1,000 or \$2,000 honourable members can check for themselves, but it is a fact that it was established as a research project by the Honourable W. C. Wentworth. He meant it to remain that way—

The CHAIRMAN—Order! The honourable member for Wills is now repeating his statement. I feel he has established his point.

Mr BRYANT—There is just one other point, Mr Chairman.

The CHAIRMAN—I request the honourable member to be particularly brief.

Mr BRYANT—Apparently the honourable member for Bendigo is hard of hearing and hard of learning and he needs to be told pretty often.

Mr BOURCHIER (Bendigo)—Mr Chairman, I wish to make a personal explanation.

The CHAIRMAN—Does the honourable member claim to have been misrepresented?

Mr BOURCHIER—Yes, Mr Chairman, grievously. The honourable member for Wills (Mr Bryant) in his usual style has totally misrepresented what I said. I said that he was responsible for the turtle farming, and while he was Minister he was responsible. If honourable members bother to read the report—

Opposition members interjecting

Mr BOURCHIER—Just a moment. Wait for it. Do not hold your breath. While he was Minister we had the greatest disruption, the worst mis-handling and appropriation of government funds.

The CHAIRMAN—Order! The Chair considers that the honourable member has established the point on which he claims to have been misrepresented.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Mr Viner—Mr Deputy Speaker, I ask for leave of the House to move the third reading forthwith.

Mr DEPUTY SPEAKER (Mr Giles)—I call the honourable member for Hughes.

Mr LES JOHNSON (Hughes) (8.20)—Mr Deputy Speaker, as has been indicated in this debate the Opposition is not at variance with the principles—

Motion (by Mr Bourchier) proposed:

That the question be now put.

Mr Scholes—Mr Deputy Speaker, I rise to take a point of order. There is no question before the Chair.

Mr DEPUTY SPEAKER—Order! No point of order arises. I am putting the question.

Mr Scholes—Mr Deputy Speaker, you cannot put the question. There is no question before the Chair. The Minister did not move a motion. He sought leave to move a motion but the honourable member for Hughes rose and you called him before the Minister moved the motion.

Mr DEPUTY SPEAKER—I see the point which the honourable member for Corio is raising. I ask the Minister to move the motion for the third reading.

Mr Viner (Stirling—Minister for Aboriginal Affairs)—by leave—I move:

That the Bill be now read a third time.

Mr LES JOHNSON (Hughes) (8.22)—Mr Deputy Speaker—

Motion (by Mr Bourchier) agreed to:

That the question be now put.

Original question resolved in the affirmative.

Bill read a third time.

BILLS RETURNED FROM THE SENATE

The following Bills were returned from the Senate without amendment or request:

Appropriation Bill (No. 3) 1977-78.

Appropriation Bill (No. 4) 1977-78.

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) AMENDMENT (No. 2) BILL 1978

Second Reading

Debate resumed from 31 May, on motion by Mr Staley:

That the Bill be now read a second time.

Dr EVERINGHAM (Capricornia) (8.23)—The Aboriginal Land Rights (Northern Territory) Amendment Bill 1978 in some respects is a machinery Bill but it has particular significance for the Opposition and for Aboriginal land rights. Members of the Opposition wish to address themselves to several aspects of the Bill

and to move several amendments, copies of which I have circulated, and which will be considered at the Committee stage. In substance and in import, they are the amendments which were moved in 1976 before the principal Act was passed. It is true that the purpose of the Bill, as expressed by the Minister for Aboriginal Affairs (Mr Viner) in his second reading speech, is to retain the current rights of mining companies in the Alligator Rivers Region, in regard to access to improvements that have been constructed, when the land becomes Aboriginal land. Nevertheless, we feel that the occasion is opportune to draw the attention of honourable members once again to those aspects of the Bill about which we feel uneasy, which tend to erode the provisions that were brought forward earlier by the Labor Government and which were stalled and blocked by the then Opposition in this House and in another place.

The Opposition proposes amendments to the Bill to make it possible for such things as towns and roads to be subject to the same rules as other unalienated Crown land where Aboriginals are laying claim to them. It is true that it would make things much easier for governments, the Aboriginal Land Commissioner and people hearing claims of this kind if they could take away from Aboriginals the right to claim land that is already being used for some other purpose. We do not think that that is an adequate reason for having such provisions included in the definitions of the principal Act. So the Opposition is proposing amendments to take care of that aspect. We are also proposing a number of changes to the functions of a land council. They include changes in the grants made to mining interests, in the application of acts authorising mining on Aboriginal lands, in respect of proclamations to be laid before the Houses of Parliament, in respect of arbitration on agreement sought by a land council, the functions of the Aboriginal Land Commissioner, the entitlement of Aboriginals to enter upon pastoral leases, the protection and conservation of wildlife on Aboriginal land, the desecration of Aboriginal land, the territorial seas adjoining Aboriginal land, the traditional right to use or occupation of Aboriginal land, the application of laws of the Northern Territory to Aboriginal land and amendments to the schedules of the principal Act.

The question of Aboriginal land rights, as has been mentioned in the debate on the Bill which has just been passed, is not something that was dreamed up in recent years or after the days of the Labor Administration in Canberra. The history of the matter goes back to about 1963 and

the bark petition that was presented to this Parliament. The Yirrkala people at that time made clear their objections to mining and the significance of land to them. The merit of the claims received some publicity which started to bring home to people such as politicians and journalists what Aboriginal land rights were all about. In May 1970 the Yirrkala people commenced an action in the Northern Territory Supreme Court. The outcome of that action was not one that was likely to endear these people to a Northern Territory administration, although I must say that some of the speeches from the members of the Northern Territory administration recently are more reassuring and more encouraging. They have adopted what could be called a bipartisan approach to what is now the universally accepted claim by the Aboriginal people to their traditional land. Nevertheless, in 1971 the Court, under Mr Justice Blackburn, ruled against the Yirrkala people and in favour of the Nabalco company.

Two years later, with a different parliament in Canberra, the Labor Government made the point that it would take action on Aboriginal land rights, despite the opposition of the conservative parties which had been in power in 1972 and which opposed land rights at that stage, as was mentioned in the debate on the previous Bill. The Labor Government appointed Mr Justice Woodward to inquire into the manner in which land rights could be put into effect. His second report came before the Federal Government in April 1974. I do not know when the new look in the Liberal and National Country Parties came about or where they spelt out their commitment to Aboriginal land rights. But I know that during the period of the Government appointed by Sir John Kerr—before the 1975 general election—they committed themselves, as they did to many other things, to certain principles to ensure that traditional Aboriginal owners gained inalienable title to their lands. I must say that this commitment still has not been carried out, although it looks as though it is very close to being carried out with respect to parts of the Borroloola land claim which have been accepted.

Other commitments were that Aborigines should also determine how their land rights are to be used and that they should have the same rights as any other land owner to determine who enters the land. In some respects that is inadequate as I think Aborigines ought to have more right than other people have to determine who enters their land as Aborigines view their land as being communally owned. I acknowledge that

an Englishman's home is his castle and that privately owned land should not be entered even by officers of the law unless by due cause and warrant. Nevertheless, when we are looking at the concept which Aborigines have of land rights—namely, a communal, traditional and perpetual ownership of land by a group of people—I believe that there is a case for going beyond that provision which was adopted by the parties opposite. I believe that the Aborigines ought to have more than just the same rights as any other landowner to determine who enters their land.

Another commitment which was made by those parties was that sites significant according to Aboriginal tradition should be preserved and protected. As I mentioned, in 1975 under the Labor Government legislation was introduced but it did not get through the Parliament. In the following year, 1976, the principal Act which this Bill seeks to amend—the Aboriginal Land Rights (Northern Territory) Act—was introduced by the administration of the parties which are now in power. The gamut of powers which have been given to Aboriginal land councils, land trusts, land commissioners and others under this legislation has been debated at length. It was debated not only in 1976 when we moved a very lengthy list of amendments, which have virtually been reproduced to be moved in respect of this Bill, but also to some extent when the three Bills which amended that Act were debated this year.

Basically, we in the Opposition are still uneasy about the degree of commitment to Aboriginal land rights which is spelt out in every one of these Bills, as against a commitment to the rights of States and State-like authorities—including the administration which will be responsible for the Northern Territory when it gains self-government on 1 July—and the rights of mining companies. I stressed this before to the Minister for Aboriginal Affairs. He saw fit to relate my remarks to his previous interest in mining in Australia and to find them somehow impertinent or irrelevant to his commitment to Aboriginal land rights. I stress again that I am not impugning his commitment to Aboriginal land rights. I made that clear earlier today. What I am concerned about is the degree of commitment. It is simply a matter of degree. We are not opposed to this Bill. We are not opposed to the principles of the principal Act. We did not oppose that legislation when it passed through the Parliament. What we are concerned about is the erosion here and there of the rights of Aborigines to their traditional land in favour of commercial development. That erosion is not contained by this Bill.

Although we do not propose to seek to amend the substance of the provisions of this Bill, we propose to recall the amendments we moved to the principal Act when it was before the Parliament in 1976. We are concerned that Aborigines should be recognised as having prime ownership of and prime claims to their land and the prime right to determine the utilisation of their land. We do not entirely oppose the provision which is made for some compromise when there is so-called overriding national concern or when other people would be caused hardship by giving entire sovereignty over traditional land to the Aboriginal people. There is room for negotiation and for compromise; nevertheless, we do not see that just because plans for a street or a town have been laid down those plans ought to have priority over a traditional claim. We believe that priority ought to be given to what the Aborigines want before plans for streets and towns start to be laid down. We believe that priority ought to be given to consulting Aborigines before a Minister makes a decision or before a commissioner makes a decision. Certainly provision is made in the principal Act and in the amending Bill for such consultation.

We propose some fairly innocuous amendments here and there to the effect that not only should consultation occur but also should the Minister have regard to the opinions of the Aborigines consulted. Even though this is an innocuous amendment, it was not accepted in 1976. I submit that it is genuine cause for concern that the Government is not really putting Aboriginal land rights first, before appeasing and conceding to what has been apprehended as being public opinion—in fact, it was a public outcry. In the 1967 referendum an overwhelming vote by the people named matters of Aboriginal concern as matters of responsibility for this Federal Government. In passing, I refer to the remark of an honourable member during a previous debate when he claimed that there was no cause for this Federal Government to take action when all was sweetness and light in the Northern Territory and when the Northern Territory Legislative Assembly was so enlightened in its legislation. Be it ever so enlightened, the people of Australia have not seen it that way. They have determined at a referendum that matters concerning Aborigines ought to be matters of Federal concern and responsibility.

In addition, I think that in a mere theoretical approach to this subject one ought to be able to see that a Federal government is more likely to succeed in achieving justice for Aborigines for the very reason of our Federal structure. The

mere fact that States are charged with the responsibility by and large to determine mineral development, the mere fact that they are reluctant to concede to other governments, whether they be neighbouring State governments or the Federal Government, any of the rights which might bring them credit or profit—particularly mineral exploration, mineral leases, mineral royalties and the like—and the mere fact that this is a State function traditionally ought to make it clear to members of this House and to the public generally that State governments and State-like authorities are not the appropriate bodies to give priority to Aboriginal land claims.

The Federal Government is more disposed and more likely to be able to look at matters in the broad and not to be so uptight, so worried or so concerned whether mining rights are preserved or whether mineral development goes ahead. The Federal Government has more resources and can look at Australia as a whole in a way which ought to preclude it from putting those rights before Aboriginal land rights. There are many ways—perhaps small—in which these mining rights are acceded to or conceded to. The writing was on the wall when the Opposition amendments—there are 28 pages in the version which has now been circulated—which were put in 1976 were all turned down. There is no move in this Bill to restore any of them. That gives us cause for concern. We believe it is legitimate cause for concern. We are registering our objection, protest and continuing concern in this matter by moving again these amendments.

Mr CALDER (Northern Territory) (8.40)—**Mr Deputy Speaker**—(*Quorum formed*) I think the key to this Bill is the fact, as the Minister for Aboriginal Affairs (Mr Viner) stressed in his second reading speech, that the Bill merely confirms the present position of companies in the area and settles any doubt about their legal rights. As such, I should think that both sides of the chamber would support this Bill. I believe that the Opposition supports the Bill but is continuing with its 1976 amendments, which I oppose. I had not intended to say much about this Bill but, since there has been so much from the Opposition about it, I feel that I should speak. Principally, this Bill concerns the rights of people, both black and white. It is essential that we get this matter in the right perspective. Both blacks and whites have to live in this area. Both are entitled to remuneration from the results of minerals exploration in the area. What seems to be happening is that, as a result of certain pressures, the good feeling between blacks and whites

is being affected. I say this with some strength because in the past the feeling has been very good indeed.

Honourable members opposite may say what they like. The honourable member for Melbourne Ports (Mr Holding) can jump up and down in his place and try to create ill feeling. Let us face it, to some extent ill feelings probably have been created. Until this division occurred, anyone who travelled from Groote Eylandt to Arnhem Land and down through the centre would have seen how the blacks and whites were getting on together and moving together to see that the Aborigines received recognition and their fair share of the development that took place. With due respect, it is this Aboriginal land rights legislation which has brought about the fall of the curtain, which is unfortunate. It is our job to see to it that we continue to develop a feeling amongst the people in this area that they must all live in the country together. I have spoken to Gularrwuy Yunupingu on this matter and he agrees with me. What we must do—I think I mentioned this earlier—is look out for the political and legal pressures from either side which are telling the Aborigines various things which, in many cases, are not true. We must look out for opportunism and so on.

This Bill was introduced originally to maintain the status quo of the mining interests in the Alligator Rivers area. (*Quorum formed*) I was discussing the prior right of people who had an interest in the Alligator Rivers area, which is now Aboriginal land, and how that right could be preserved. Protection of this right was recommended by Mr Justice Woodward, whose report we hear quoted on all sides. The legal situation as to the ownership of improvements in this area by these mining companies is somewhat obscure. That is what this Bill is all about. I point out to those honourable members who have made so much of the recommendations of Mr Justice Woodward, on whose report the whole land rights legislation was based, that he was instructed, as the shadow Minister said, to determine how to allocate the land to Aborigines, not whether it should be allocated. That was an instruction from the Whitlam Government. The situation was that Mr Justice Woodward's report was about how to grant the lands to Aborigines, not whether it should be or not, and that report was not debated. It was never debated here. It was never debated in the Northern Territory. It was accepted. Whether it was right or wrong is another question. But it is history that it was not debated. One would want to be really careful in repeatedly quoting it.

I know that the Bill refers to the Alligator Rivers Region, but surely there was an understanding with the Government at this time and that understanding would have referred to the Magellan lease in the Palm Valley area. I frankly think that the Government let that company down. I know that that matter is not dealt with in this Bill but while I am on my feet I think it would be a good idea to make that statement. According to the honourable member for Capricornia (Dr Everingham), who is producing all these amendments which we have heard over and over again, the Yirrkala people objected to mining. If he went up to Yirrkala today and asked Roy Marika whether he would turn his back on the mining royalties I wonder what Roy would say? If he asked Nandjiwarra at Groote Eylandt whether his people would turn their backs on the mining royalties I wonder what he would say?

Mr Holding—Of course not.

Mr CALDER—They would say they would not turn their back on it.

Mr Holding—No.

Mr CALDER—That is right. They would not. So it is rather childish to say in argument here that they did not want it. They do want it and they do want uranium mining. Of course they do.

Mr Baillieu—Are you sure?

Mr CALDER—They have been told they do not want it.

Mr Baillieu—They do?

Mr CALDER—Yes, they do. There is some confusion about the whole situation. We hear of traditional tribal owners saying this and that. In the particular area of which we are speaking we have the Ranger interest, Jabiluka and so on. They are all in a very small area and all are being dealt with by this Bill. I think a note that I had from a person in this area concerning the traditional ownership of the Mount Brockman area might interest the House. It concerns a man called Toby Gangali, whom the Minister would know. Toby Gangali apparently was a guide for a safari operator in that area some years ago. I am just paraphrasing this report as I go through it. The person I refer to says: 'To my knowledge Toby had never been to Mount Brockman in his life'. This person used Toby as a guide. Toby's father was a Mung tribesman from Goulburn Island and his mother was a Jo-an tribeswoman from Jimbat.

I am just using this report to illustrate to some of the people in this House that there is a lot of misinformation around concerning tribal owners

and who really should be dealt with regarding these areas. The person who wrote this refers to Colin Jack-Hinton and George Chalupka as being 'recent day' experts. I am afraid this is what has happened to a great extent in the field of Aboriginal affairs. This person goes on to say that he knows for a fact that the claim that this man Toby Gangali is the traditional owner in this area was made by an anthropologist from the University of Queensland who did a six months' genealogical history of Aborigines in western Arnhem Land and six weeks on the mudguard of a Landrover. And he made errors.

Mr Yates—An instant expert.

Mr CALDER—He is an instant expert. In this House we have an instant expert, the honourable member for Melbourne Ports. (*Quorum formed*). It was said that the then Opposition did not object to the land rights that were brought in in 1972, but in fact I did object as a Territorian because I considered that as they were then phrased they were doing great damage to Aboriginal people. The same can be said of the present legislation. We have seen Aborigines in various areas demand their own representations instead of having one large land council. Everyone who lives in that area knows that large land councils are not accepted. They are not even in Aboriginal law. The Aboriginal people have no comprehension of the Northern Land Council and the Southern Land Council. That is why the Tiwis have demanded their own council. I am just pointing out that this has happened; that there is difficulty because this legislation has been accepted. Probably it was accepted because there was not enough evidence on the other side from traditional Aborigines saying what they really wanted. We should not be listening to the advisers who are telling us, telling the newspapers, telling the Opposition, telling the Government, what the Aborigines want. We must go there and find out what the Aborigines themselves want. We will not do that by listening to the Southern Land Council or the Northern Land Council, we will do it by going there and spending days or weeks with these people. That is how to find out what they want. People can get up in this House and attack me and certainly the Government about what has happened. I can attack the Labor Party for what has happened because it did not have the faintest idea either. But we should all be trying to get the Aborigines and the Europeans to live and work together to develop the Northern Territory. If things keep on going the way they have been, they will be separated.

Mr DEPUTY SPEAKER (Mr Martin)—Order! The honourable member's time has expired.

Mr HOLDING (Melbourne Ports) (9.0)—I enter this debate to make several points.

Motion (by Mr Bourchier) put:

That the question be now put.

The House divided.

(Mr Deputy Speaker—Mr V. J. Martin)

Ayes	69
Noes	26

Majority	43
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AYES

Adermann, A. E.	Hunt, R. J. D.
Aldred, K. J.	Hyde, J. M.
Baillieu, M.	Jarman, A. W.
Baume, M. E.	Johnston, Roger
Bourchier, J. W.	Katter, R. C.
Bradfield, J. M.	Killen, D. J.
Braithwaite, R. A.	Lloyd, B.
Brown, N. A.	Lucock, P. E.
Bungey, M. H.	Lusher, S. A.
Burns, W. G.	Lynch, P. R.
Burr, M. A.	MacKellar, M. J. R.
Cadman, A. G.	MacKenzie, A. J.
Cairns, Kevin	McLean, R. M.
Calder, S. E.	McLeay, J. E.
Cameron, Ewen	McMahon, Sir William
Carlton, J. J.	McVeigh, D. T.
Chapman, H. G. P.	Millar, P. C.
Connolly, D. M.	Moore, J. C.
Cotter, J. F.	Newman, K. E.
Dean, A. G.	Nixon, P. J.
Dobie, J. D. M.	O'Keefe, F. L.
Drummond, P. H.	Porter, J. R.
Edwards, H. R.	Robinson, Ian
Ellicot, R. J.	Sainsbury, M. E.
Falconer, P. D.	Shack, P. D.
Fife, W. C.	Shipton, R. F.
Fisher, P. S.	Staley, A. A.
Giles, G. O'H.	Street, A. A.
Gillard, R.	Thomson, D. S.
Goodluck, B. J.	Viner, R. I.
Graham, B. W.	Wilson, J. B. C.
Groom, R. J.	Yates, W.
Haslem, J. W.	Tellers:
Hodgman, M.	Corbett, J.
Howard, J. W.	Hodges, J. C.

NOES

Armitage, J. L.	Jones, Barry
Blewett, N.	Jones, Charles
Bowen, Lionel	Keating, P. J.
Brown, John	Klugman, R. E.
Bryant, G. M.	McMahon, Les
Dawkins, J. S.	Morris, P. F.
Everingham, D. N.	Scholes, G. G. D.
FitzPatrick, J.	Wallis, L. G.
Fry, K. L.	West, S. J.
Holding, A. C.	Willis, R.
Howe, B. L.	Tellers:
Hurford, C. J.	Johnson, Keith
Jacobi, R.	Johnson, Les
James, A. W.	

PAIRS

Maryr, J. R.	Whitlam, E. G.
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PAIRS

Peacock, A. S.	Humphreys, B. C.
Jull, D. F.	Stewart, F. E.
Garland, R. V.	Young, M. J.

Question so resolved in the affirmative.

Original question resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.

Clause 2.

This Act shall come into operation on the day on which it receives the Royal Assent.

Clause 3.

After section 18 of the Principal Act the following sections are inserted:

'18A. (1) Subject to section 18C, where, on the vesting in a Land Trust of an estate in fee simple in land (hereinafter in this sub-section referred to as "the vested land") that constitutes, or forms part of, the land described in Schedule 2 known as the Ranger Project Area, the vested land is being occupied or used by a person as provided for by a law of the Northern Territory relating to mining for minerals or with the licence or permission of the Crown—

Clause 4.

Section 66 of the Principal Act is amended by omitting from paragraph (d) 'or 18' and substituting ', 18, 18A, or 18B'.

Dr EVERINGHAM (Capricornia) (9.8)—On behalf of the Opposition I seek leave to move together amendments 1 to 19 circulated in my name.

Leave granted.

Dr EVERINGHAM—I move:

(1) After clause 2 insert the following new clause:

'2A. Section 3 of the Principal Act is amended—

- (a) by omitting ", but does not include land in a town" from the definition of "alienated Crown land";
- (b) by omitting ", and includes any area that, by virtue of regulations in force under that law, is to be treated as a town" from the definition of "town";
- (c) by omitting ", but does not include land in a town" from the definition of "unalienated Crown land"; and
- (d) by omitting sub-section (4) and substituting the following sub-section:

"(4) A reference in this Act to the granting of a mining interest in respect of Aboriginal land shall be read as including a reference to the renewal of a mining interest.".

(2) After clause 2 insert the following new clause:

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

(3) After clause 2 insert the following new clause:

'2C. Section 13 of the Principal Act is amended by inserting in sub-paragraph (2) (b) (iii) "and after giving permanent consideration to the interests of the traditional Aboriginal owners" after "matter".'

(4) After clause 3 insert the following new clause:

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

"20A. (1) Where—

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

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

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

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

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

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

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

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

(5) After clause 3 insert the following new clause:

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

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

- (a) to administer Aboriginal Land in its area that is held by Land Trusts;
- (b) where the Land Council holds in escrow a deed of grant of land made to a Land Trust under section 12—

- (i) to negotiate with persons having estates or interests in that land with a view to the acquisition of those estates or interests by the Land Trust; and
 - (ii) until those estates or interests have been so acquired, to negotiate with those persons with a view to the use by Aboriginals of the land in such manner as may be agreed between the Land Council and those persons;
 - (c) to negotiate, on behalf of traditional Aboriginal owners of land in its area held by a Land Trust, being those owners as shown in the register maintained by the Council under section 24, and any other Aboriginals interested in the land, with persons desiring to use, occupy or obtain an interest in that land;
 - (d) to investigate, and to make representations concerning—
 - (i) the requirements for land of Aboriginals living in its area;
 - (ii) the use, whether by means of the acquisition of an interest or otherwise, by Aboriginals of Crown land in its area in which no person (other than the Crown) has an estate or interest; and
 - (iii) priorities in the expenditure of public moneys in connexion with the acquisition or development of land in its area for the benefit of Aboriginals;
 - (e) to compile and keep—
 - (i) a register recording the names of the members of the Land Council; and
 - (ii) a register recording the names of the members of the Land Trusts holding, or established to hold, Aboriginal land in its area and descriptions of each area of such Aboriginal land;
 - (f) to co-operate with, and assist, the Commissioner in exercising his functions and powers in connexion with land in its area;
 - (g) to issue, and revoke, permits to persons, other than Aboriginals, entitling them to enter and remain on Aboriginal land in its area and to impose conditions to be complied with by holders of permits so issued; and
 - (h) to supervise, and provide administrative assistance for, Land Trusts holding or established to hold, Aboriginal land in its area.
- “(2) In carrying out its functions with respect to any Aboriginal land in its area, a Land Council shall have regard to the interests of, and where practicable, shall consult with, the traditional Aboriginal owners of the land as shown in the register maintained by the Council under section 24 and any other Aboriginals interested in the land and, in particular, shall not give a direction under section 27 to a Land Trust with respect to any matter in connexion with land held by that Land Trust unless the Land Council is satisfied that—
- (a) the person (if any) shown in the Register maintained by the Council under section 24 as the traditional Aboriginal owners of that land understand the nature and purpose of the proposed direction and do not oppose it; and
 - (b) any Aboriginal community or group that may be affected by the proposed direction has been consulted and has had adequate opportunity to express its view to the Land Council.

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

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

(6) After clause 3 insert the following new clause:

‘3C. Section 40 of the Principal Act is repealed and the following section substituted:

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

- (a) both the Minister and the Land Council for the area in which the land is situated have consented, in writing, to the making of the grant; or
- (b) the Governor-General has, by Proclamation, declared that the national interest requires that the grant be made and that Proclamation has taken effect in accordance with section 42.”.

(7) After clause 3 insert the following new clause:

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

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

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

(8) After clause 3 insert the following new clause:

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

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

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

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

(9) After clause 3 insert the following new clause:

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

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

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

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

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

(10) After clause 3 insert the following new clause:

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

“50. (1) The functions of the Commissioner are—

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

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

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

(11) After clause 4 add the following new clause:

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

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

- (a) to enter and remain on that land;
- (b) to bring on to, and use on, the land, horses for the transport of persons or goods;
- (c) to take and use the natural waters of the land; and

(d) subject to sub-section (2), to kill wildlife for food on the land.

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

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

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

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

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

(12) After clause 4 add the following new clause:

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

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

(a) the Governor-General has, by Proclamation, declared that the application of those regulations to that area of land has been consented to by a Committee for that area established under this section; or

(b) the Governor-General has, by Proclamation, declared that the national interest requires the application of those regulations to that area of land and that Proclamation has taken effect in accordance with section 42.

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

"(3) A Committee shall consist of—

(a) a Chairman appointed by the Minister after consultation with the Minister administering the National Parks and Wildlife Conservation Act 1975;

(b) such number of members, not being less than 3, as the Minister determines appointed by the Minister on the nomination of the Land Council for the area in which the Aboriginal land concerned is situated; and

(c) a number of members equal to the number determined by the Minister under paragraph (b) appointed by the Minister on the nomination of the Director of National Parks and Wildlife.

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

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

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

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

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

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

"(10) In this section—

'Chairman', means the Chairman of a Committee;

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

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

(a) the regulations are repealed; or

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

(13) After clause 4 add the following new clause:

'4C. Section 69 of the Principal Act is repealed and the following section substituted:

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

Penalty: \$1,000.

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

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

- (a) that the doing of the act, or the causing of the damage, as set out in the charge was accidental;
- (b) where the site was not on Aboriginal land—that the person charged had no reasonable grounds for suspecting that the site was of significance according to Aboriginal tradition; or
- (c) where the site was on Aboriginal land—that:
 - (i) the person charged was lawfully on the land and sought the services of a guide from the Land Council for the area in which the site was situated; and
 - (ii) a guide was not provided within a reasonable time or the guide provided failed to identify the site as one of significance according to Aboriginal tradition.

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

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

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

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

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

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

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

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

(14) After clause 4 add the following new clause:

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

“70. (1) Subject to this section, an Aboriginal is entitled to enter and remain upon Aboriginal land if his

presence on that land would not interfere with the use or enjoyment of an estate or interest in the land held by a person, not being a Land Trust or an Aboriginal Council.

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

Penalty: \$1,000.

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

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

Penalty: \$1,000.

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

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

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

Penalty: \$1,000.

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

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

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

(15) After clause 4 add the following new clause:

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

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

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

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

"(4) Where—

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

(b) at the time of the offence, the person was on board a boat that was carrying fish,

the court may order the forfeiture of that fish or of the proceeds of the sale of that fish.

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

(16) After clause 4 add the following new clause:

'4F. Section 71 of the Principal Act is amended by omitting sub-section (2).'

(17) After clause 4 add the following new clause:

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

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

"(2) The regulations may provide for the exclusion or modification of a law of the Northern Territory in its application to Aboriginal Land.".'

(18) After clause 4 add the following new clause:

'4H. Schedule 1 of the Principal Act is amended by inserting after the description of land set out under the heading "Santa Teresa" the following:

"TANAMI

All that piece of land in the Northern Territory of Australia containing an area of 37 529 square kilometres more or less: Commencing at the intersection of the meridian of east longitude 130 degrees 28 minutes 53.96 seconds with the parallel of south latitude 21 degrees; thence west for a distance of 16 093 metres; thence north to the parallel of south latitude 19 degrees 51 minutes 16.69 seconds; thence east to a point north of the western corner of Pastoral Lease 594 (Willowra); thence south to the said western corner; thence south-easterly, southerly, westerly and again southerly by southwestern, western, northern and again western boundaries of the said Pastoral Lease to the southwestern corner of the said Pastoral Lease; thence southerly by the western boundary of Pastoral Lease 634 (Mount

Barkly) to the southwestern corner of the said Pastoral Lease; thence westerly, northerly and again westerly and southerly by part of northern, an eastern, again a northern and a western boundary of Pastoral Lease 590 (Mount Denison) to the most western southwestern corner of the said Pastoral Lease; thence westerly by part of the northern boundary of the Yuendumu Aboriginal Reserve as notified in Northern Territory Government Gazette No. 24 of 28 May 1952 to the northwestern corner of the said Reserve; thence northerly, westerly, again northerly and again westerly by an eastern, a northern, across a stock route, again a northern, again an eastern and again a northern boundary of Pastoral Lease 802 (Mount Doreen) to the most northern northwestern corner of the said Pastoral Lease; thence northerly and westerly by part of the eastern boundary and the northern boundary of Pastoral Lease 764 (Chilla Well) to its intersection with the meridian of east longitude 130 degrees 28 minutes 53.96 seconds; thence north to the point of commencement.".'

(19) After clause 4 add the following new clause:

'4I. Schedule 2 of the Principal Act is repealed.'

As indicated during the debate on the second reading of the Bill, these are substantially the amendments that were moved to the principal Act in 1976 and their object is the same as it was then. The Opposition still feels the need, as it did at that time, to establish more definitely and more securely the rights of Aborigines to their traditional land. We believe that the Government has been recreant in not accepting a single one of the suggestions contained in the amendments that were moved at that time. For example, with regard to the matter of definitions, section 3 of the principal Act defines a town as being unalienated Crown land, and I have already referred to that in my speech at the second reading stage. This is a reasonable concession to Aboriginal rights. There is no God-given infallibility to those people who put down roads or town plans that they have done it with full prior knowledge and consideration of Aboriginal rights. The Aboriginal right to challenge title to such land ought to be included. We believe that it is wrong that sub-section (4) of section 3 of the principal Act provides:

A reference in this Act to the granting of a mining interest in respect of Aboriginal land shall be read as not including a reference to the renewal . . . of a mining interest . . .

We believe that the renewal of a mining interest ought to be regarded in the same way as a first grant of a mining interest. We see no reason why the renewal of a lease should be exempted from the same requirement as the original lease. After all when any other kind of lease is renewed, the grounds for it are reviewed and they ought to be reviewed in exactly the same way as the initial grant.

In the second amendment we have asked for the omission of sub-section (3) of section 10. That sub-section states:

For the purposes of this section, a lease of land granted under a law of the Northern Territory relating to mining for minerals shall be deemed to be an estate or interest in that land if the lease was granted before the date of commencement of this section or in pursuance of an agreement entered into by the Commonwealth before that date.

We oppose that section because it simply lays open wider the claim of a mining company to establish its interest before an Aboriginal claim has been heard. In our third amendment we talk of grants of interest in land the subject of a deed in escrow. We believe that it would be a very minor amendment to add to section 13 (2) (a) (iii) the words:

and after giving permanent consideration to the interests of the traditional Aboriginal owners.

Section 13 (2) (a) (iii) states:

. . . arbitrator appointed by the Minister is satisfied, after hearing both the views of the applicant and the views of the Land Council on the matter, that the hardship that would be occasioned to the applicant by a refusal of his application would be greater than the hardship that would be occasioned to the Aboriginal communities or groups interested in the land by an approval of the application;

Why does the Government not accept the very reasonable and harmless addition the words proposed? What is wrong with that? Would it not be a little bit of reassurance to the traditional Aboriginal owners that at least their interests would be taken into full consideration? It obliges the Minister in no way at all if he opposes it. He has not said that he opposes it on this occasion but it was opposed by the Government in 1976. In the fourth amendment we have asked for the insertion of a clause regarding the grant of land to an Aboriginal council for a particular purpose to allow the Minister to recommend to the Governor-General such a grant and that it be gazetted. Again this will not take a single power away from the Minister. It makes it possible for him to take the initiative to gazette land for a particular purpose for Aborigines.

The fifth amendment suggests that section 23 of the principal Act, which defines the functions of a land council, be replaced in a way that will give a little bit more flexibility and initiative to Aboriginal owners. It would spell out that the Aboriginal owners of land in the area held by a land trust would be those owners shown in the register maintained by the Council under section 24. The Council ought to be able to investigate and make representations concerning the requirements of land for Aboriginals living in its area; the use, whether by means of the acquisition of an interest or otherwise, by Aboriginals

of Crown land in its area in which no person other than the Crown has an estate or interest; and priorities in the expenditure of public moneys in connection with the acquisition or development of land in its area for the benefit of Aboriginals. These are all reasonable functions of a land council.

I could go through all these amendments. In proposed sub-section (3) of the same section, we believe that a land council should not give a direction under section 23 to a land trust with respect to any matter in connection with the land held by that land trust unless the Land Council is satisfied that the person shown in the register maintained by the Council under section 24 as the traditional Aboriginal owners of that land understand the nature and purpose of the proposed direction and do not oppose it. We believe that wording is preferable to the wording in the principal Act. We have provided that the Land Council have the right to issue and revoke permits to enter and remain on Aboriginal land. We are inserting that right into clause 3. We believe that it is in line with the spirit and the words of the Minister in referring to Aboriginal land elsewhere.

The sixth amendment refers to grants of mining interests. We propose to add words to the end of sub-section (1) of section 40 which reads:

(b) the Governor-General has, by Proclamation, declared that the national interest requires that the grant be made.

That is as the section now stands. We propose to add the words:

and that Proclamation has taken effect in accordance with section 42.

Surely that is a reasonable tightening of the law and it is one that ought to have been put in the original draft. We are proposing in the seventh amendment to repeal section 41 of the principal Act regarding the application of Acts authorising mining on Aboriginal land. The Atomic Energy Act and its application to this question of land rights in the Northern Territory has been debated earlier this year.

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

Mr HOLDING (Melbourne Ports) (9.18)—In speaking to the amendments moved by the Opposition, I think it is fair enough to say that they are not just a list of amendments suddenly produced out of the air but are amendments, like the Labor Party's total position in relation to the Aboriginal land trust legislation, which are based upon the recommendations of Mr Justice Woodward. In any legislation which confers

rights on the Government of the Northern Territory it ought to be noted that in his report at paragraph 740 Mr Justice Woodward stated:

... I have proceeded on the assumption that the basic legislation would be introduced into the Australian Parliament. I think it is important that it should be protected in such a way that its provisions cannot be eroded by the effect of any Northern Territory Ordinances.

The amendments that are now before the Committee are designed to strengthen the present Act to overcome some of the deficiencies which exist in it. We have to go back to the history of this legislation. One would find that the Act as it now is, as it was originally introduced, does not follow as closely the recommendations of the Woodward report as the legislation that was introduced into the Parliament by the honourable member for Hughes (Mr Les Johnson) who was the responsible Minister in the Whitlam Government. Those changes are significant and they have to be understood. I have already pointed out that Mr Justice Woodward expressed concern about the attitude of the Northern Territory legislature. He mentioned disquiet that ordinances of that legislature would erode the principles of Aboriginal land rights. There are significant differences between the Act and the Woodward report. The amendments before the House are concerned to remedy those deficiencies.

I summarise in a very basic way the differences that exist in the strength that the amendments, if passed by this Parliament, would add to the existing legislation. The original Bill introduced by the honourable member for Hughes provided that no 'mining interest' could be created with respect to Aboriginal land without the consent of Aboriginal owners. 'Mining interest' includes the right to explore for minerals. Only if the Governor-General made a proclamation that certain mining interests were in the national interest and neither House of the Federal Parliament moved to disallow the proclamation could the wishes of the owners be disregarded. Under what I suppose could be described as the 'Viner Act', the 'national interest' is to be determined by the Minister after an inquiry. But the Act makes no provision for the way in which the inquiry is to be conducted or for Aboriginal land owners to be represented before it. The present Act, or the Viner Act, makes no provision for the grant of interest to Aborigines in towns or for the grant of land to Aborigines where they already have an interest, such as the Gurindji at Wattie Creek.

The interesting difference is that the original legislation introduced by the Whitlam Government applied to all land in the Northern Territory but the present Act applies only to unalienated Crown land. Under the present Act, there is no specific provision, as was recommended by Mr Justice Woodward, which would expand the rights of Aborigines to enter upon pastoral leases for traditional purposes. There are no specific provisions relating to conservation of sacred sites or territorial waters adjoining Aboriginal land which in the Labor Bill were deemed to be part of the Aboriginal land. This was directly contrary to paragraph 474 (iv) of the Woodward report which was implemented by the Labor Bill and which made it impossible for roads to be built over Aboriginal land contrary to the wishes of Aborigines.

Mr Justice Woodward recommended that Aborigines themselves should control entry to Aboriginal lands—a power traditionally exercised by the Northern Territory Administration. The Labor Bill gave this power to the land councils and exempted any Aborigines from the need to have an entry permit. The Viner Act expands the right of entry of non-Aborigines and limits those exempt from the permit requirement to Aborigines living in the Northern Territory. Under the existing Act, land councils no longer have—as they did under the Labor Bill—the duty to pursue on behalf of Aborigines claims to land. Their duties in the administration of Aboriginal land are far more limited.

In the time remaining to me in this debate, I should like to deal quickly with one of the major pressures which is being exercised in the community by the Australian mining industry which recently has attacked the operation of the Land Rights (Northern Territory) Act. This has been done by way of a 15 page submission to various Government Ministers and by public comment by mining industry leaders reported in the daily Press. The substance of mining industry allegations is a claim that the Northern Land Council representing the traditional owners of Aboriginal land is making unjustified claims for profits from mining industry activities carried out in certain areas. It is being suggested by the mining industry that these claims—under section 44 and section 45 of the Act they must be referred to arbitration—will impede mining operations if no agreement is reached. The Mining Industry Council said that claims on behalf of Aborigines for a share of mining royalties are unjustified. The logic of that argument is that all minerals in Australia vest in the Crown and the Aboriginal land should be treated no differently.

from other land. It objects also to Aborigines seeking access to company books and records, including company projections and sales. Time does not permit me to deal with the very substantial campaign that is being conducted by the mining industry.

I make the point, as clearly as I can, in terms of the view of the Labor Party: The fact is that not merely has this Parliament but also have the people of Australia accepted the fact that land has a special position in Aboriginal society. Land is full of significance for Aborigines. It is not just a hunting ground; it has a ritual, historical and cultural significance. It is inseparable from the total being of its Aboriginal occupants. If any part of the land is taken from the traditional owners, it has to be understood that a part of their culture is taken. From their point of view, the payment of money is insufficient compensation to the owners. If the use of land is essential to mining operations, a person who has the right to use the land—that is, the traditional owners represented by the Northern Land Council—is contributing to a mining venture just as much as if he were contributing cash as capital or a form of expertise. He is in the same position as a partner in a joint venture. .

Mining companies are perfectly aware of the fact—like any person who borrows money from a bank or from any other lender—that if they want to borrow money they have to make their books available so that what they are engaged in can be fully examined. For the mining companies to launch the massive public relations campaign that they have is not only dishonest but also must be treated by this Parliament and by the people of Australia as indicating that their major concern is not the welfare of the people and the interests of the Northern Territory, and least of all their concern for the traditional Aboriginal occupants of the Territory, but their main concern in this situation is to make profit. In order to produce that result they have embarked upon a campaign which is specious, which is false and which is determined to put pressure not merely upon this Government but upon the Government of the Northern Territory.

The amendments moved in this House, if passed, will strengthen the Act. They will strengthen the Act in accordance with the recommendations of the Woodward report. I believe that was an excellent report. I believe at this time, before this Parliament hands over responsibility to the Government of the Northern Territory, it ought to say clearly and unequivocally:

'We will strengthen this legislation in accordance with the Woodward report and in accordance with our review that it is time that the Aboriginal people who, for so long have been discriminated against in terms of their own tradition, their own rights, and their own culture will have their place in the sun and that their rights will not be diminished by mining companies which are prepared to use considerable funds to undermine their claims.'

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

Mr VINER (Stirling—Minister for Aboriginal Affairs) (9.29)—The transparency of the Opposition in moving these amendments has been amply demonstrated by what has been said by the shadow minister for Aboriginal Affairs the honourable member for Capricornia (Dr Everingham) and the honourable member for Melbourne Ports (Mr Holding) in support of the amendments. (*Quorum formed*). I was showing how transparent is the move by the Opposition in respect of these amendments by pointing to the fact that it has no objection at all to the Bill or to any of its detailed provisions. All the amendments which it is moving were moved in 1976 when the principal Act was introduced and passed by this House. A new argument has not been put forward by the Opposition today in support of the amendments moved by it in 1976. So inadequate is the Opposition's preparation for its action in moving these amendments again that it has completely overlooked what it is doing by moving proposed amendment 18, which seeks to include in schedule I of the Act a description of land known as the Tanami Desert. For the information of members of the Opposition I indicate that there is presently before the Aboriginal Land Commission a claim under the Act to the Tanami Desert area, that is, the area that the Opposition now seeks to include in the Act by amendment. I think the hearing has been completed.

In reply to all that the members of the Opposition have said, I just point out that the legislation is working and working well. The first report of the Land Commissioner on the Borroloola land claim has been completed. The recommendations have been accepted by me and reported to this Parliament and are being acted upon. The Northern Land Council is actively involved in negotiations with respect to uranium mining in the Alligator Rivers province. The Central Land Council has been approached with regard to petroleum exploration in its area. Land trusts shortly will be created to which title to land can be passed under the legislation. A new land council—the Tiwi Land Council—is to be established as authorised by the Land Rights Act for the people of Bathurst Island and the Snake Bay

and Garden Point communities. It can be seen how shallow and false is the move by the Opposition today in putting forward the same amendments that were put forward and rejected by this Parliament in 1976. As I have said, the Opposition acknowledges that it accepts the principle of the Bill and all the detailed provisions of it. It seeks to make no amendments to those provisions. It is simply repeating amendments which were rejected by this chamber in 1976. Therefore the Government has no hesitation in rejecting those amendments again today.

Mr BRYANT (Wills) (9.34)—Mr Deputy Chairman—

Motion (by Mr Bourchier) agreed to:

That the question be now put.

Question put:

That the amendments (Dr Everingham's) be agreed to.

Question resolved in the negative.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Mr VINER (Stirling—Minister for Aboriginal Affairs)—I seek leave of the House to move the third reading forthwith.

Mr DEPUTY SPEAKER (Hon. Ian Robinson)—Is leave granted?

Mr Bryant—No. Get around that one.

Suspension of Standing Orders

Mr VINER—Pursuant to contingent notices of motion, I move:

That so much of the Standing Orders be suspended as would prevent the remaining stages of the Bill being passed without delay.

Mr BRYANT (Wills) (9.37)—Mr Deputy Speaker—

Motion (by Mr Bourchier) put:

That the question be now put.

The House divided.

(Mr Deputy Speaker—Mr Ian Robinson)

Ayes 69

Noes 29

Majority 40

AYES

Adermann, A. E.	Hunt, R. J. D.
Aldred, K. J.	Hyde, J. M.
Baillieu, M.	Jarman, A. W.
Baume, M. E.	Johnston, Roger
Bourchier, J. W.	Katter, R. C.
Bradfield, J. M.	Kilien, D. J.
Braithwaite, R. A.	Lloyd, B.

AYES

Brown, N. A.	Luccock, P. E.
Bungey, M. H.	Lusher, S. A.
Burns, W. G.	Lynch, P. R.
Burr, M. A.	MacKellar, M. J. R.
Cadman, A. G.	MacKenzie, A. J.
Cairns, Kevin	McLean, R. M.
Calder, S. E.	McLeay, J. E.
Cameron, Ewen	McMahon, Sir William
Carlton, J. J.	McVeigh, D. T.
Chapman, H. G. P.	Millar, P. C.
Connolly, D. M.	Moore, J. C.
Cotter, J. F.	Newman, K. E.
Dean, A. G.	Nixon, P. J.
Dobie, J. D. M.	O'Keefe, F. L.
Drummond, P. H.	Porter, J. R.
Edwards, H. R.	Sainsbury, M. E.
Ellisott, R. J.	Shack, P. D.
Falconer, P. D.	Shipton, R. F.
Fife, W. C.	Sinclair, I. McC.
Fisher, P. S.	Staley, A. A.
Giles, G. O'H.	Street, A. A.
Gillard, R.	Thomson, D. S.
Goodluck, B. J.	Viner, R. I.
Graham, B. W.	Wilson, I. B. C.
Groom, R. J.	Yates, W.
Haslem, J. W.	Tellers:
Hodgman, M.	Corbett, J.
Howard, J. W.	Hedges, J. C.

NOES

Armitage, J. L.	Jones, Barry
Blewett, N.	Jones, Charles
Bowen, Lionel	Keating, P. J.
Brown, John	Klugman, R. E.
Bryant, G. M.	McMahon, Les
Cohen, B.	Martin, V. J.
Dawkins, J. S.	Morris, P. F.
Everingham, D. N.	Scholes, G. G. D.
FitzPatrick, J.	Uren, T.
Fry, K. L.	Wallis, L. G.
Holding, A. C.	West, S. J.
Howe, B. L.	Willis, R.
Hurford, C. J.	Tellers:
Jacobi, R.	Johnson, Keith
James, A. W.	Johnson, Les

PAIRS

Martyr, J. R.	Whitlam, E. G.
Peacock, A. S.	Humphreys, B. C.
Jull, D. F.	Stewart, F. E.
Garland, R. V.	Young, M. J.

Question so resolved in the affirmative.

Original question so resolved in the affirmative.

Third Reading

Bill (on motion by Mr Viner) read a third time.

BILLS RETURNED FROM THE SENATE

The following Bills were returned from the Senate without amendment or requests:

Supply Bill (No. 1) 1978-79.

Supply Bill (No. 2) 1978-79.

**ORDINANCES AND REGULATIONS
(NOTIFICATION) BILL 1978**

Second Reading

Debate resumed from 1 June, on motion by Mr Macphee:

That the Bill be now read a second time.

Mr SINCLAIR (New England—Minister for Primary Industry)—Mr Deputy Speaker, may I have the indulgence of the House to raise a point of procedure on this legislation? Before the debate is resumed on this Bill I would like to suggest that it may suit the convenience of the House to have a general debate covering this Bill, the Statutory Rules Publication Amendment Bill and the Seat of Government (Administration) Amendment Bill as they are associated measures. Separate questions will of course be put on each of the Bills at the conclusion of the debate. I suggest, therefore, Mr Deputy Speaker, that you allow the subject matter of the three Bills to be discussed in this debate.

Mr DEPUTY SPEAKER (Hon. Ian Robinson)—Is it the wish of the House to have a general debate covering the three measures? I will allow that course to be followed.

Mr LIONEL BOWEN (Kingsford-Smith) (9.45)—The Opposition does not oppose the Bills which are being debated cognately. There are six measures before the House. The first Bill, the Ordinances and Regulations (Notification) Bill, relates to the notification of the making of certain ordinances and regulations. The second Bill, the Statutory Rules Publication Amendment Bill, deals with amendments to the Statutory Rules Publication Act. The third Bill, the Seat of Government (Administration) Amendment Bill, deals with amendments to section 12 of the Seat of Government (Administration) Act. Let me deal with the first Bill. At the moment there is an obligation for copies of regulations to be available for purchase by the public at the time and in the place those regulations are made. I am advised that at the present time there is an action before the High Court on the basis that copies of the regulations have not been available for sale or purchase at the time and in the place they were made. In other words, they could have been out of print. I am assured that this legislation will not affect those cases. There is no retrospectivity involved in the litigation now before the High Court.

The Bill states that the regulations will be available at the time of publication. But if they are not, the validity of the regulations is not affected. In other words, we have to be a little bit practical about the situation. The Minister is

required to give reasons to the House for their not being available. That comes right to the point of the Opposition's attitude to Executive control. There is ministerial responsibility to the Parliament and if a Minister failed in his duty in that regard no doubt he would be suspended from his duties. I think that that is sufficient to indicate to the general public that every possible step has been taken to overcome the problem of copies of regulations being available. It is important that they be available.

We support the legislation on the principle that at all times every effort will be made to ensure that the regulations are so available, but if they are not, due to some human error, an explanation must be given to the Parliament within 15 sitting days of the House. Of course, that may be a considerable time. Naturally any member of the Parliament would be anxious to know why the regulations were not available, and the Minister would have to give a very substantial answer to satisfy the House in that regard.

I turn now to the other pieces of legislation which are the subject of this cognate debate—the Administrative Changes (Consequential Provisions) Bill, the Loan Consolidation and Investment Reserve Amendment Bill and the Acts Interpretation Amendment Bill. The first of them relates to the amendment of certain Acts in consequence of administrative changes. The second is designed to amend the Loan Consolidation and Investment Reserve Act. The third is designed to amend the Acts Interpretation Act. There has to be legislative enactment to provide for administrative changes in ministerial responsibilities. The Administrative Changes (Consequential Provisions) Bill really draws attention to the fact that the Government has created the office of Treasurer as well as the office of Minister for Finance. It makes the point that they are deemed to be now the appropriate titles for those Ministers. Attached to the legislation is a schedule of all the Acts and the provisions that have been amended. They are quite substantial. In other words, it means that as from time to time ministerial responsibilities are changed, this will be deemed to be the situation. There will be no need to amend each Act in which those Ministers have been referred to from time to time. Accordingly, we support that measure.

Notice No. 7 is to amend the Loan Act. It provides a sum of money. It substitutes the amount of \$1,400m for \$1,100m. As we understand the situation which has been explained, again it relates to the fact that there has been a separate Minister for Finance created and there would

need to be a monetary allocation for that particular ministerial responsibility. This measure meets that requirement.

We come to the Acts Interpretation Act. This makes the point again where there is going to be a necessity to refer to the fact that ministerial responsibilities can be varied from time to time by administrative arrangement. Section 19BC of the principal Act is amended to provide for those changes in the future. As they are all machinery measures and as they are in accordance with what one would call normal practice, the Opposition has no objection to the legislation.

Mr HODGMAN (Denison) (9.52)—With the utmost respect to the Deputy Leader of the Opposition (Mr Lionel Bowen), I do not agree that all of these six Bills are necessarily machinery measures. I do not intend to address any remarks to the Administrative Changes (Consequential Provisions) Bill, the Loan Consolidation and Investment Reserve Amendment Bill or the Acts Interpretation Amendment Bill. I do, however, wish to speak to the Ordinance and Regulations (Notification) Bill, the Statutory Rules Publication Amendment Bill and the Seat of Government (Administration) Amendment Bill. The three Bills that I have just referred to are Bills which have been brought into the Parliament to validate certain Acts which have been raised in proceedings in the High Court of Australia in respect of alleged offences against the banking foreign exchange regulations.

Whilst I have no objection at all to the validation of matters which have been brought to the attention of the Parliament and the Government, I want to take a little of the time of the House tonight to applaud the fact that in this case the validation has not been made retrospective. I say that in the shadow of recent legislation that has passed through this House and coming into the Senate, which had a retrospective effect. I do not need to refer to the long list of authorities at common law, to international treaties or United Nations declarations with respect to the effect of retrospective legislation.

Mr Baume—Good Lord.

Mr HODGMAN—Notwithstanding the remarks of my honourable colleague the member for Macarthur (Mr Baume) who has been unusually misguided on this question of retrospectivity, with the greatest respect to him I applaud the fact that in this instance the Government has gone out of its way to ensure that the validating legislation shall not be retrospective

and shall not in any way interfere with the question which is before the High Court of Australia for judicial determination at this point of time.

It is not unknown for governments in less enlightened countries than Australia to change the laws of the land while there is a case on those laws before the courts of the land. (*Quorum formed*). The quorum bells rang for nearly two minutes and the net product is two members of the Australian Labor Party. What a bunch of galahs they are. If this debate was on a television program the people of Australia would see the Government benches packed and two members of the Australian Labor Party sitting opposite. The cream of the joke is that I had only 15 seconds to go when the honourable member for Hughes (Mr Les Johnson) called a quorum.

Mr Les Johnson—I rise to a point of order. I submit that the honourable member cannot misrepresent the situation in that way. He well knows that when the quorum was called there were three supporters of the Government here.

Mr DEPUTY SPEAKER (Hon. Ian Robinson)—Order! There is no point of order. I ask the honourable member for Denison to address his remarks to the matter before the House.

Mr HODGMAN—Mr Deputy Speaker, I willingly concur with what you have just said. The honourable member for Hughes would probably not even be aware that we are dealing with the Ordinances and Regulations (Notification) Bill, the Statutory Rules Publication Amendment Bill and the Seat of Government Administration Amendment Bill, none of which means anything to the Australian Labor Party.

Mr Chapman—They have not got a clue.

Mr HODGMAN—They would not have a clue. Not only do they hate Tasmania but they do not pay attention to important legislation which comes into this Parliament. I just wanted to make the point that it is refreshing to note that on this occasion the Government has not legislated retrospectively. I thank the Minister for Home Affairs and Minister for the Capital Territory (Mr Ellicott) for going out of his way, in conjunction with his colleague the Attorney-General (Senator Durack), to make sure that this legislation is not retrospective. It is pleasing indeed to see Ministers of the Government recognising that our party platform is clearly and unmistakably against retrospectivity.

I was about to refer to the added problem of when legislation is necessary on a matter which is before the highest court in the land. Honourable members will recall the IPEC case which many

years ago went not only to the High Court of Australia but, indeed, to the Privy Council. During that case a government took action to amend the very regulations which were under judicial consideration. I want to say for the sake of the record and for history—and we still have only two Labor members present—

Mr Chapman—Two and a half.

Mr HODGMAN—I am sorry, two and a half. This Government has a firm commitment not to alter the law when a question of law is before the highest court in the land. (*Quorum formed.*) Mr Deputy Speaker, before I conclude my remarks I want the people of Australia to know that after the calling of two quorums we have a grand total of three members of the Australian Labor Party present in the chamber but that the Government benches are absolutely packed. I rose to speak to this Bill for three reasons—

Mr Uren—Mr Deputy Speaker, I raise a point of order. The Standing Orders state that there must be a quorum present in the chamber and that it is the responsibility of the Government to maintain a quorum.

Mr DEPUTY SPEAKER (Hon. Ian Robinson)—Order! There is no substance to the point of order. I call the honourable member for Denison and I advise him to address his remarks to the subject matter that is before the House.

Mr HODGMAN—The question before the House is one of fundamental principle. I could have disposed of it in three minutes. Yet two quorums have been called which means that the Australian Labor Party once again has demonstrated to the people of Australia that it would not recognise a principle if it tripped over it. It would not recognise a principle if it tripped over it in the middle of the night.

Mr Uren—Mr Deputy Speaker, I raise a further point of order. If the honourable member is speaking about so important a principle, surely Government supporters would maintain a quorum so that the honourable member could make his speech.

Mr DEPUTY SPEAKER—Order! There is no substance to the point of order. I call the honourable member for Denison.

Mr HODGMAN—Mr Deputy Speaker, might I say without provoking the former Deputy Leader of the Opposition, the honourable member for Reid (Mr Uren), that the fact of the matter is that I have had a better audience on my side of the House tonight than he has had on his side of the House for the last six months. The

question of principle is one which bears repeating at this point of time. I congratulate the Government on not making the provisions of this legislation retrospective. I also congratulate the Government on not changing the law while a question of importance is before the High Court of Australia. For those reasons I and all honourable members on this side of the House support with very much pleasure the legislation that is before this chamber tonight.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staley) read a third time.

STATUTORY RULES PUBLICATION AMENDMENT BILL 1978

Second Reading

Consideration resumed from 1 June, on motion by Mr Macphee:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staley) read a third time.

SEAT OF GOVERNMENT (ADMINISTRATION) AMENDMENT BILL 1978

Second Reading

Consideration resumed from 1 June, on motion by Mr Macphee:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staley) read a third time.

**ADMINISTRATIVE CHANGES
(CONSEQUENTIAL PROVISIONS) BILL
1978**

Second Reading

Debate resumed from 1 June, on motion by **Mr Macphee**:

That the Bill be now read a second time.

Mr STALEY (Chisholm—Minister for Post and Telecommunications)—Mr Deputy Speaker, may I have the indulgence of the House to raise a point of procedure on this legislation. Before the debate is resumed on this Bill I would like to suggest that it may suit the convenience of the House to have a general debate covering this Bill, the Loan Consolidation and Investment Reserve Amendment Bill and the Acts Interpretation Amendment Bill as they are associated measures. Separate questions will, of course, be put on each of the Bills at the conclusion of the debate. I suggest therefore that you permit the subject matter of the three Bills to be discussed in this debate.

Mr DEPUTY SPEAKER (Hon. Ian Robinson)—Is it the wish of the House to have a general debate covering the three measures? There being no objection, I will allow that course to be followed.

Mr LIONEL BOWEN (Kingsford-Smith) (10.6)—These matters have already been dealt with. We dealt with the six Bills together.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staley) read a third time.

**LOAN CONSOLIDATION AND
INVESTMENT RESERVE AMENDMENT
BILL 1978**

Second Reading

Consideration resumed from 1 June, on motion by **Mr Macphee**:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staley) read a third time.

**ACTS INTERPRETATION AMENDMENT
BILL 1978**

Second Reading

Consideration resumed from 1 June, on motion by **Mr Macphee**:

That the Bill be now read a second time.

Question resolved in the affirmative.

Bill read a second time.

Third Reading

Leave granted for third reading to be moved forthwith.

Bill (on motion by Mr Staley) read a third time.

**DIPLOMATIC AND CONSULAR
MISSIONS BILL 1978**

Second Reading

Debate resumed from 31 May, on motion by **Mr Sinclair**:

That the Bill be now read a second time.

Mr LIONEL BOWEN (Kingsford-Smith) (10.9)—The introduction of the Diplomatic and Consular Missions Bill is welcomed by the Opposition. It relates to injunctions that can be obtained where false claims are made to represent diplomatic or consular services or status. This Bill is entitled: 'A Bill for an Act to prevent the improper use of diplomatic and consular signs and titles'. The method adopted in this Bill can be given effect to by the Attorney-General making an application for an injunction restraining any person from engaging in conduct which would be liable to be interpreted as though that person had some official status in representing another country. Honourable members will see that the Bill provides that this conduct can be by way of displaying or causing or permitting to be displayed flags or insignia which imply or from which it is likely to be implied that there is located on the premises an office of a mission or a residence of a diplomatic or consulate capacity.

This conduct can be by way of making or publishing or causing or permitting to be made or published any representation which implies that there is located in Australia a mission other than the diplomatic or consular mission of that country. The Bill provides that where proceedings are instituted under the relevant clause the court can grant an injunction and also can issue a warrant authorising the sheriff to remove the insignia from the premises or to obliterate any signs. It provides also that the application for the

warrant can be made at any time. The Bill contains ancillary provisions relating to the implementation of the court's order.

Whilst, as I said, the Bill is welcomed, we feel that it is rather weak. We note that the Minister for Post and Telecommunications (Mr Staley) has said that this Bill will have a direct application to what is called the Croatian 'Embassy'. But we make the point also that other people in Australia purport to represent illegal regimes. I mention immediately the Rhodesia Information Centre. We make it clear that this legislation should have been drafted in such a fashion that it would prevent anybody from purporting to represent any regime which was deemed to be illegal. It would have been relatively easy to draft this legislation in such a fashion. I propose at a later stage to move an amendment to the following effect:

... whilst not opposing the Bill, the House calls on the Government to introduce legislation forthwith to have the effect of closing the Rhodesia Information Office.

I shall address my remarks to that matter later. The point is that the Croatian 'Embassy' claims to be an embassy but it is unable to perform any of the functions of an embassy or consulate. As far as the Australian people are concerned, to sum it up, all that the Croatian 'Embassy' does represent is a past fascist regime or outrage. We are anxious to point out that problems are involved in trying to control this type of behaviour. It appears that on several occasions there have been disturbances among the Yugoslav community in Australia. It is recognised that perhaps there are problems back in Yugoslavia, but we make the point that we expect Australians in Australia to act in the best interests of this country. If there are problems overseas, obviously the solution to those problems lies overseas and not in this country.

We are very concerned to know that over a period there has been some delay in dealing with this matter which, from our point of view, could have been dealt with readily at a time much earlier than the present. We make it clear also that this Bill does not discriminate against any part of the Australian community. The Croatian people who have come to this country have done many fine things for which they are to be applauded. We recognise their cultural identity and all the features of their past cultural society in Yugoslavia with which they feel they ought to be identified. But we must make the point that people who purport to be members of the Croatian 'Embassy' in our view do not represent the Government of Yugoslavia which we recognise. We have Yugoslav diplomatic representatives in

Australia and we recognise them. It is an obvious embarrassment not only to the Yugoslav authorities but also to Australia to have other people suggesting that they can represent some portion of Yugoslavia or some proportion of the people who reside in that country. By doing so these people do not further the interests of Yugoslavia and they do not further the interests of the Croatian people.

Associated with this matter is the background of the Ustasha regime, which has a most unsatisfactory record in Yugoslav history. I am reminded that Yugoslavia has a population of over 22 million people. It is a federation. Within the Federation are six States, one of which is the Republic of Croatia. Among Croats of distinction in the Federal Yugoslav Government is the President of Yugoslavia. From our point of view Croats in Yugoslavia enjoy absolute equality with people of other nationalities. Croatia enjoys absolute equality both as a republic and when it is represented in federal bodies.

In the late 1920s the Ustasha movement acquired a reputation for terrorist activities as a result of various acts of terrorism, in particular the assassination in Marseilles of King Alexander of Yugoslavia. In December 1934 the Royal Yugoslav Government brought the activities of the Ustasha movement to the attention of the League of Nations, at which Australia was represented by Lord Bruce, or Mr S. M. Bruce, as he then was. The Ustasha movement was brought to the attention of the League of Nations because the Ustasha movement was being harboured in another country and because the French Foreign Minister was also assassinated in the company of King Alexander.

Germany and Italy invaded Yugoslavia in 1941. Immediately after the invasion on 10 April, the independent State of Croatia was proclaimed with the leader of the Ustasha movement, Ante Pavelich, named as its leader. Pavelich led an axis satellite State and formally declared war on the Allied powers.

Mr DEPUTY SPEAKER (Mr Giles)—Order! I am sorry to interrupt the Deputy Leader of the Opposition, but the problem he gives me is that if he goes on with this very interesting historical dissertation on foreign affairs there is no way that I will be able to stop a debate on Vietnam or anywhere else as the debate continues. I ask the Deputy Leader of the Opposition, if he can, to relate his remarks slightly more closely to the Bill.

Mr LIONEL BOWEN—Thank you, Mr Deputy Speaker. You will, of course, recall that the Minister, when he introduced this Bill, said

that it was designed to close down the so-called Croatian 'Embassy'. I have not addressed my remarks to anything other than the Croatian people and their history. An attitude towards the nation of Yugoslavia is held within the Australian community which indicates that perhaps there is confusion as to what we are about in introducing this legislation. I make it clear, particularly to Australians who are interested, that there is a background to Yugoslavia which shows that an illegal regime is operating in Australia. I was not at all impressed with the remarks made by the honourable member for Denison (Mr Hodgman) when he attempted to interject earlier and claimed that I was trying to denigrate the Croats. In fact, I made it clear in my opening remarks that we praise them. But at times the supporters of the Government have a problem in addressing their minds to the very issue with which they are dealing. The honourable member for Holt (Mr Yates) who is attempting to interject should be patient and bear with me. This legislation could have been introduced very much earlier indeed.

Mr Yates—Why did you not introduce it?

Mr LIONEL BOWEN—If the honourable member understood the situation he would know that we did not have the need to do so at the time because these people were not behaving in that fashion. This legislation relates to a recent activity. What I want to say is this: Anybody in Australia who has been to Yugoslavia will have seen the concern in the Yugoslav mind if there is some adulation about, praise of or reference to the background to which you, Mr Deputy Speaker, addressed your remarks. If you were to go to Mostar and other places in Yugoslavia you would learn of the tragic history of the Ustasha movement which can cause a lot of concern to people here who are of Yugoslav parentage or background.

Mr Hodgman—I take a point of order, Mr Deputy Speaker. Despite your warnings the Deputy Leader of the Opposition continues to talk about matters which are completely estranged from the legislation.

Mr DEPUTY SPEAKER (Mr Giles)—Order! There is no substance to the point of order. The Chair will be the judge as to relevance. I call upon the Deputy Leader of the Opposition to continue.

Mr Hodgman—Mr Deputy Speaker, will you hear me further on the point of order?

Mr DEPUTY SPEAKER—No, I will not recognise the honourable member for the time

being. I call the Deputy Leader of the Opposition.

Mr LIONEL BOWEN—The point I was making is that the background to the problems of the Croats can be found in the history of the Pavelic era and the disasters associated with the administration during the War when 70,000 Serbs lost their lives. It is because of that that we must talk about the background of the Croatian Embassy and the extremists who would be associated with violence against the Government of Yugoslavia. The Australian Government, which has diplomatic relations with Yugoslavia, has a duty to guarantee that all Yugoslavian nationals will be properly respected, that Yugoslavia's representative here will be properly accredited and that nobody else will assume a false image in that regard. As I have said, the people of Croatia are welcome in Australia and have made a positive contribution to the country.

This legislation should be wide enough to deal with the other matters which have been the subject of amendments foreshadowed earlier in the second reading debate. Whilst the Bill may be interpreted to be wide enough to deal with these aspects, there is doubt as to whether this is the situation. I am dealing now basically with other activities in Australia which can lead people to believe that people other than the accredited representatives are representing other nations in Australia. In that regard I refer to the illegal regime called the Rhodesian Government, which maintains in Australia the Rhodesia Information Centre. It is very important that we take action to comply with the United Nations resolution in respect of that regime. As a matter of interest, the United Nations Security Council adopted a resolution in respect of Rhodesia as far back as 27 May 1977 and asked all states to adopt that resolution. Australia did so but after some 12 months no action has been taken to deal effectively with that establishment. I was very concerned to note that we have been making representations as though some action would be taken. When questions were asked of the Foreign Minister (Mr Peacock) last year as to whether action would be taken, he said: 'We will be able to handle this matter in the new year'. The new year is half over but we have no legislation dealing with the Rhodesian Information Centre. I draw the attention of the House to the fact that in June of last year, which was prior to that statement being made, the Australian Government sent a communication to the Secretary-General of the United Nations in the following terms:

The Australian Government proposes to introduce legislation designed to give effect to the most recent resolution directed against the maintenance of Rhodesian information offices and agencies abroad. However, since the current session of the Australian Parliament will end on 3 June 1977, it will not be practicable to introduce such legislation until the next session in August 1977.

Nothing at all has been done by way of legislation. Whilst honourable members might say that this particular piece of legislation might encompass all the activities of the Rhodesia Information Centre, there may be legal argument that it does not do so. A publication is being prepared which indicates clearly that the Liberal Party itself set out on a course of action from June of last year until the present time to prevent any legislation being introduced into the Parliament to deal effectively with the Rhodesia Information Centre.

Mr DEPUTY SPEAKER—Order! I am not convinced that the Rhodesia Information Centre has anything to do with the closure of consulates or embassies.

Mr LIONEL BOWEN—Mr Deputy Speaker, you could be right, but could I argue on the point that it is a question of people making the false representation—which this Bill would encompass—that they represent some other regime. There can be an argument about this. This Bill does not refer to the ‘Croatian Embassy’. It makes no reference to it. It deals with consular activity. I should like you to address your mind to the fact that under the—

Mr DEPUTY SPEAKER—Order! As the Chair understand it, there is no consul dealing with the Rhodesia service to which the honourable member refers.

Mr LIONEL BOWEN—There may be no consul but there is a thing called consular activity. Mr Deputy Speaker, I ask you to address your mind to the United Nations treaty on the question of consular functions. Clause (d) refers to the issuing of passports and travel documents to nationals of the sending state and visas or appropriate documents to persons wishing to travel to the sending state. I am putting before you, Mr Deputy Speaker, that this is what the Rhodesia Information Centre is doing. That is the point. It is carrying out a consular function. Whilst I can perhaps share your—

Mr DEPUTY SPEAKER—Order! I cannot accept that there is any relevance in the honourable member's point of view in relation to an information centre. It is patently absurd to try to establish that.

Mr LIONEL BOWEN—Mr Deputy Speaker, under this Bill ‘the court may, on the application

of the Attorney-General, grant an injunction restraining a person from engaging or attempting to engage in conduct that is, in relation to a diplomatic or consular mission’.

Mr DEPUTY SPEAKER—‘Established in Australia’.

Mr LIONEL BOWEN—Yes, ‘established in Australia’. My point is that a consular mission also carries out a consular function. I do not know whether you would want to peruse the document I have in front of me. It is the Vienna Convention on Consular Relations of 24 April 1963. I shall tender it to you, Mr Deputy Speaker. You will see that ‘consular functions’ refers to the issuing of travel documents and visas.

Mr DEPUTY SPEAKER—Right.

Mr LIONEL BOWEN—What I am putting to you quite strongly is that this is being done now in Australia on behalf of an illegal regime in Rhodesia. This Bill should be able to deal with such activities. I have some reservations but I am entitled to make the point in a second reading debate that the Bill could be strengthened. That is the point I am making. Perhaps we can take action under this Bill, but it certainly would be a lot stronger if specific provisions dealing with actions were contained in the Bill. I am convinced that if the Rhodesia Information Centre started to advertise it would be dealt with quickly. Mr Deputy Speaker, my other point—perhaps it is giving weight to your concern—is that a paper has been circulated that shows that the Government back bench wants no action taken in this regard. I make the point—that gives some weight to your objections—that the Minister for Foreign Affairs has made promises for some time that specific legislation would be introduced and it has not yet been done. My complaint is on the basis that it is not much good dealing with just the Croatian Embassy if in fact another similar set of circumstances could be dealt with if the provisions of the Bill were widened or if another piece of legislation were introduced. I just address my remarks to the bona fides of the Government in relation to this matter. There are other matters which one would like to raise but it is getting late. We want to get this legislation through because it is urgent. As I have said, the Opposition will move an amendment which states that we want effective legislation introduced to deal with the Rhodesia Information Centre. I foreshadow that at in the Committee stage we shall move a relatively minor amendment which—

Mr Hodgman—Ha, ha.

Mr LIONEL BOWEN—It is a minor amendment dealing with the issue and execution of warrants. I would not have thought that would cause any mirth. I move:

That all words after 'That' be omitted with a view to substituting the following words:

'whilst not opposing the Bill, the House calls on the Government to introduce legislation forthwith to have the effect of closing the Rhodesian Information Office'.

Mr DEPUTY SPEAKER—Is the amendment seconded?

Mr Les Johnson—Mr Deputy Speaker, I second the amendment and reserve my right to speak.

Mr HODGMAN (Denison) (10.30)—Whilst having a very healthy regard for the Deputy Leader of the Opposition, the honourable member for Kingsford-Smith (Mr Lionel Bowen), let me say clearly to this Parliament and to the people of Australia that tonight the Labor Party has spoken with two tongues.

Debate interrupted.

ADJOURNMENT

Mr DEPUTY SPEAKER (Mr Giles)—Order! It being 10.30 p.m., I propose the question:

That the House do now adjourn.

Mr Staley—I require the question to be put forthwith without debate.

Question resolved in the negative.

DIPLOMATIC AND CONSULAR MISSIONS BILL

Second Reading

Debate resumed.

Mr HODGMAN (Denison)—Whilst having a healthy regard for the Deputy Leader of the Opposition let me say quite clearly tonight to this Parliament and to the people of Australia that once again we are witnessing the Australian Labor Party speaking with two tongues. Whilst the Deputy Leader of the Opposition might well have been entitled to support the Bill in strictu sensu before this Parliament, he made a number of gratuitous remarks which, I respectfully submit to the Chair were highly offensive to every single Croatian who has come to this country and made his or her home in this land. I find it regrettable that the Deputy Leader of the Opposition, in speaking to this Bill, seemed to imply that those who had a dream of an independent Croatia were in some way inextricably tied up with the Ustasha, going right back to the 1920s and 1930s. I say, without any unkindness to the Deputy Leader of the Opposition, that I take the strongest view that whether he intended it or not

he smeared every single member of the Croatian community in Australia in his speech tonight.

Mr Lionel Bowen—I find those words offensive to me. They are unparliamentary and I ask that they be withdrawn.

Mr DEPUTY SPEAKER—I am very sorry but I did not hear the words that the honourable member used.

Mr Lionel Bowen—The honourable gentleman said that I smeared everybody that I referred to in the course of that discussion. I did no such thing and I ask that the words 'smeared all the members of the Croatian community in Australia' to be withdrawn. It was an unparliamentary reference and it was attributed to me.

Mr DEPUTY SPEAKER—Being a bit behind the ball at this stage of the game I request that the honourable member for Denison withdraw the remark that offends the Deputy Leader of the Opposition.

Mr HODGMAN—Mr Deputy Speaker, with the utmost respect, I said, if the Deputy Leader of the Opposition had been listening, that whether he intended it or not his remarks tonight smeared every member of the Croatian community in Australia. I submit that that is not only not unparliamentary, but also it is the demonstrable truth to anybody who listened to his speech tonight. There is simply nothing for me to withdraw.

Mr Lionel Bowen—I know the honourable gentleman wants to be noticed but I made it clear in the course of my speech that I was referring to the splendid contribution made by the Croatian people in Australia. How in the name of fortune the honourable gentleman then interprets that to mean that I smeared all the Croats is beyond my imagination. It is a deliberate malicious statement made by the honourable member to affect my character. It can be publicised all over Australia and I ask that it be withdrawn.

Mr DEPUTY SPEAKER—I wonder whether I can prevail on the honourable member for Denison to withdraw and get on with his speech.

Mr HODGMAN—Mr Deputy Speaker, I withdraw the remark only out of respect to you but I simply say that the Deputy Leader of the Opposition will find when he reads *Hansard* tomorrow that he described the Croatian Republic as 'a relic of a past fascist outrage'. By that remark, whether he intended it or not, and by his numerous references to Ustasha he cast a shadow of suspicion over every Croatian in this nation who hopes to see the day when there

might one day be a free independent Croatian state.

I cannot remain silent in this Parliament when I hear that sort of comment made because I know it is not true. I believe every member of the Government, and I would hope every member of the Parliament, would also recognise it as being not true. I, for one, am not ashamed to stand in this Parliament, even if somebody might later come along and say 'Oh, you support Ustasha', and say that there are people in this community who have come to our country from Croatia, and Australia is the better for their coming and not the worse for it. To imply any form of association between over 120,000 Australian Croatians with a small, unlawful, and illegal band of terrorists, namely the Ustashi, is less than worthy of the Deputy Leader of the Opposition and less than worthy of the Australian Labor Party.

Mr Lionel Bowen—You are just an actor.

Mr HODGMAN—The Deputy Leader of the Opposition might say that I am just an actor, but let us put it to a vote amongst the people he has been talking about tonight and see what their response is. The Deputy Leader of the Opposition disappoints me because he is a man for whom I do have regard. He comes into this Parliament and, deliberately or otherwise, reflects on the character of 120,000 of our Australian citizens. The amendment moved by the Deputy Leader of the Opposition, proves what a misconception the Labor Party has about this legislation. The amendment seeks to add these words:

whilst not opposing the Bill, the House calls on the Government to introduce legislation forthwith to have the effect of closing the Rhodesian Information Office.

I do not believe there would be a man in this Parliament who does not know my views on the question of Rhodesia. I will say one thing, and that is, if the Deputy Leader of the Opposition were to get his amendment through, how long would it be before the Opposition moved to close down the East Timor Information Centre? How long would it be before it moved to close down any group of Australian citizens who wanted to exercise their democratic right to stand up and say: 'We are opposed to the government of the country of our origin'?

The Deputy Leader of the Opposition says that this Bill is not strong enough. The fact is that the proposed legislation was not brought in to affect the Rhodesia Information Centre. It does not affect the Rhodesia Information Centre, for a very important reason. Australia's international duty under Security Council Resolution No. 409 to prevent the transfer and use of funds by

Rhodesian officers in Australia is of a completely different nature to our international obligations to protect the integrity, representational functions and dignity of missions of foreign countries which are already established in Australia, with the consent of the Commonwealth, to represent that country. I say to the Deputy Leader of the Opposition: Have a look at Resolution 409 and then look at the facts in Australia. As a fellow lawyer, I ask him to ignore the merits of Rhodesia and look at these two simple points: Firstly, has the Rhodesia Information Centre ever held itself out to be an embassy or a consulate? The answer is no. Secondly, has the Rhodesia Information Centre, on evidence in the possession of the Deputy Leader of the Opposition, ever received into Australia, with the consent of the Government of Australia, funds from Rhodesia for the purpose of formally representing that country.

Mr Lionel Bowen—What about your Foreign Minister's promise?

Mr HODGMAN—With all due respect, I say to the Deputy Leader of the Opposition that he is strong on principle but short on fact. He is short on fact because he has not investigated the facts. I repeat: If he were to get this amendment through—I am pleased that the honourable member for Reid (Mr Uren) is now in the chamber—he would move to close down the East Timor Information Centre tomorrow.

Mr Uren—Mr Deputy Speaker, I take a point of order. The honourable member for Denison said that he was glad that I had just arrived in the chamber. I have been in the chamber for at least half an hour.

Mr DEPUTY SPEAKER (Mr Giles)—I hope you are not taking exception to the fact that you are in the chamber.

Mr Uren—I am taking exception to the fact that the honourable member for Denison said that I had just entered the chamber.

Mr DEPUTY SPEAKER—There is no point of order. It is of no interest to the Chair at all.

Mr Uren—But the honourable member—

Mr DEPUTY SPEAKER—Order! I am not concerned when the honourable member came into the chamber. I call the honourable member for Denison.

Mr HODGMAN—Because of the long-standing interest in East Timor of the former Deputy Leader of the Opposition, I thought it was charitable to mention him. For mentioning him I have had a point of order taken against me.

What I am saying is that the danger in the Opposition's amendment, if it were able to accept this principle, is that it would close down in one hit the East Timor Information Centre and, for the second time, the Latvian consulate in Melbourne which has been operating since 1934. I remind the Deputy Leader of the Opposition that it was his government, when he was a Minister of the Crown, which granted de jure recognition to the Soviet incorporation of the Baltic states. Our Government reversed that decision on 16 December 1975, three days after the Federal election. If the Labor Party got back into power its first job would be to close down the Latvian consulate in Melbourne, the second job would be to close down the Rhodesia Information Centre, and the third—typical of its socialist upbringing—would be to close down any group of citizens in this country who wish to raise their protests against the government in their country of origin. I feel that I have to make these points fairly firmly because there are, I suppose, 200,000 or 300,000 Baltic people in this country who remember what Labor did, to its eternal shame.

The Opposition comes in here preaching about removing the rights of people to be able to put up a little sign saying that they represent something. It wants to close down the Rhodesia Information Centre because the Labor Party traditionally is against free speech. The Opposition would rather shut down such places than debate with them. As far as the Rhodesia Information Centre is concerned, it has never put itself forward as an embassy, it has never put itself forward as a consulate. Whether the honourable member for Kingsford-Smith and I agree or disagree with what they are saying, let me say that we on this side of the House, being Liberals and believing in freedom of speech, will preserve their right to say what they want to say. We will not close them down on the pretext that they pass themselves off as a consulate or embassy. We can see the import of the Opposition's amendment. If it is agreed to by this House it will be fair warning to any group in the Australian community that does not happen to agree with the views of the Australian Labor Party that when it gets back into power it will close them down. In the honourable member's speech tonight he could not help intertwining the Ustasha.

Mr Lionel Bowen—It is true.

Mr HODGMAN—The honourable member is defaming 120,000 Croatians in this country. He is following in the footsteps of Lionel Murphy—Lionel Murphy in 1973 or Lionel Bowen in 1978. The honourable member is following in the footsteps of Lionel Murphy, and 120,000 Croatians

in this country will judge him for that. I am a little annoyed that the Deputy Leader of the Opposition would show the cant and hypocrisy by coming into this chamber and asking: 'Why have you not done something about the Rhodesia Information Centre?' He played a very smart trick on the honourable member for Holt (Mr Yates) who asked the Deputy Leader: 'Why did you not do something about it?' The Deputy Leader thought that he was referring to the Croatian embassy and he said: 'Because it did not exist then.' But the Rhodesia Information Centre existed when Labor was in office and Labor did not do a single thing about it. Yet the honourable member for Kingsford-Smith came into this chamber tonight and moved this lilywhite amendment, which I hope the Government will see thrown out of the House with an overwhelming majority. One of the few things that Mr Bjelke-Petersen has said with which I agree is this: 'When the Labor Party preaches, simply ask why it did not practice what it preached when it was in government from 1972 to 1975'.

The Labor Party, I am sad to say, has treated this Bill as yet another opportunity to denigrate a significant section of the Australian ethnic community. Whilst we have our obligations as a nation under the Vienna Treaty, whilst this Bill has received the most careful consideration from at least two Government back bench committees, and I think it is fair to say it has received considerable consideration from the Ministry itself over a period not of weeks but of months, because it is important legislation, I deplore the fact that the Labor Party has used it as a vehicle for scandalising and defaming a section of the community that I do not believe should be so scandalised and defamed. I regret that in the speech of the Deputy Leader he repeatedly referred to Ustasha. I do not know anybody in Ustasha and I have no sympathy for Ustasha, but I would never presume to defame every Palestinian as a member of the Palestine Liberation Organisation; I would never presume to defame every Irishman as a member of the Irish Republican Army. Yet tonight by example the honourable member has put a smear, whether he likes it or not, on 120,000 Croatians in this country.

Mr Goodluck—Very good people.

Mr HODGMAN—I agree with the honourable member for Franklin. The ones we have in our electorates are very decent people. Nobody has ever claimed that there have been any Ustasha activities in Hobart or Tasmania. It is

Lionel Murphy all over again, but four years after the event.

The Opposition should have given credit for the restraint in the legislation. There are two aspects to which I wish to refer. The first aspect is that the proceedings under this legislation, unlike equivalent legislation in the United States of America, are civil and not criminal. I believe that to be a point which is worth noting. In America people who pass themselves off as having consular or diplomatic authority and who do so with an intent to defraud—that can cover a multitude of sins—are liable to the full weight and effect of the criminal law. This legislation is civil. What does it provide? It provides for a hearing before a judge of the Federal Court. That judge must have evidence upon which he is prepared to issue an injunction. It is an open hearing in a court of the land into which any member of the community can walk and to which any member of the community can listen. So, first and foremost, the protection given to the citizen is judicial.

The second proposition is that even if the person fails to comply with the injunction, the provisions for enforcement are not the traditional provisions of contempt of court which could involve imprisonment but are summary provisions which involve a fine of \$200. I can see the left wingers of the Labor Opposition side of the House thinking to themselves: 'Heavens above, that is a pretty light penalty. It should be more. These men should be locked up for 10 or 20 years'. I was one who was more than concerned about this legislation. Frankly, I carry that concern in my heart even to this very moment in the debate. It is only because of Australia's obligations under the Vienna Treaty, and because the legislation as it now stands before us is far more restrained and moderate than perhaps otherwise it might have been that I can say with, I believe, a clear conscience that the legislation probably ought to be passed by the Parliament, although I reserve my own position in relation to it.

What I find particularly distasteful in this debate is the effort made by the Australian Labor Party once again to encroach on the Australian citizen's right of freedom of speech, and his right of expression of political view. I repeat that my views with respect to Rhodesia are well known both within the Party and within the Parliament. I find it to be nothing short of hypocritical in the extreme that during this debate, which specifically deals with embassies and consulates, the Labor Party has taken an opportunity once again to flog the Rhodesian issue.

I simply say in conclusion that I suppose in five or six years time, if we find that Russian involvement in five out of the seven conflicts in Africa has been successful, if we find that strategically Africa, the so-called zone of peace on the western seaboard of the Indian Ocean—western from our point of view—is under Soviet control, somebody might say: 'Why was it that people in this country did not listen to something that was going on? Why was it that until last week the giant United States of America was silent?' I applaud what Dr Brzezinski has said. I applaud what Mr Huang Hua, the Foreign Minister of China, has said. It seems to me that the only group in this country which is actively supporting the Soviet Union is the Opposition in this House. It does not seem to accept what the Russians are doing. It does not accept the threat to the peace of the world. It rejects out of hand what China is saying and it rejects, of course, what the United States is saying.

In speaking to this Bill tonight the Deputy Leader of the Opposition roamed far and wide. Worst of all, in dealing with the protection of the integrity of consulates and embassies he tried yet again to bring smear not only on the people of Croatia but also on thousands of Croatians who have come to Australia.

Mr DEPUTY SPEAKER (Mr Giles)—Order! The honourable member's time has expired. Before I call the honourable member for Wills, I would invite him, if he could, to comment on what I regard as the centre hub of the Bill; that is, the establishment of spurious embassies in Australia and the making of false claims as to diplomatic or consular status. I have not heard a lot of mention to it so far. I hope the honourable member for Wills will lead the way.

Mr BRYANT (Wills) (10.50)—You are definitely showing a great deal of perception tonight, Mr Deputy Speaker, in expecting that kind of enlightenment. Might I start with just a brief commentary upon my friend the honourable member for Denison (Mr Hodgman) who has often expressed sentiments outside the House about freedom, et cetera, which I applaud. But what is he talking about? The Government of which he is a member, which he supports, suppressed transmission by radio in Darwin. It would not even let people listen to it. You and I, Mr Deputy Speaker—other people may have forgotten—may well remember the 'Aboriginal Embassy' situated on the lawns outside this House. The Government of which this Government is an heir used all the forces of law to shift it with a great deal of roughness tending towards police brutality, with the production in the middle of

the night of an ordinance of this Territory to deal with it. So I do not take much heed of what is said by members opposite about such matters.

I support the basic principle of freedom of speech. I think that a person is entitled in this country and in this House to say about any government what he thinks fit, just as he would say it about our own Government. I just want to defend the record for my friend Lionel Murphy, now a justice of the High Court of Australia. Most people in Australia ought to express their gratitude for what he did for the preservation of such matters as freedom of speech, the protection of family rights and so on. I think perhaps they are part of the issue that is before the House. I just remind the Parliament and those people who are listening that this Government has a pretty poor record in matters such as freedom of speech, the Communist Party Dissolution Bill, the putting up of signs such as those put up by the 'Aboriginal Embassy' and the attitude to the people of Timor.

I am not all that happy with this legislation; not that I do not sympathise with the objective. It seems to me that it may well be part of the Government's panic responses to these matters. I suggest that honourable members take the legislation, examine it thoroughly and see where it fits in line with what we might call the objectives; that is, our commitment through treaties, et cetera about diplomats and protocol, what we should do, what we should say and what sort of prescriptions we should apply to the behaviour of people in this country. As I take it, that is the issue before the House. Mr Deputy Speaker, you made a point about the Rhodesia Information Centre being irrelevant to the issue when it was raised by my colleague the Deputy Leader of the Opposition (Mr Lionel Bowen) and discussed by the honourable member for Denison, both of whom, as I understand, are graduates of law schools in this country. Where they can see some conflict, I think you and I, Mr Deputy Speaker, might find that eventually there will be a great deal of conflict about this legislation.

I have a very reserved view of governments' attitudes to freedom of rights and so on wherever some citizen gets in the road and there is a handy piece of legislation which may well be misused to suppress him. Just looking at the legislation, I have reservations; not about the objective because if we have an international commitment to say that groups cannot call themselves an 'embassy', 'consulate' or so on, then we ought to do it. I would be surprised if there is not an ordinance of this Territory with some clause in it somewhere that ages ago could have made

people take down their signs on the so-called 'Croatian Embassy'. I am pretty certain that the building ordinance could have been used. I think that we have to start to look to determine whether we need to produce this kind of legislation. Would it not have been just a simple matter to say: 'It shall be illegal to use the word "embassy" or the word "consulate" in certain contexts?

I examined this legislation and I can see it doing all sorts of things to all sorts of people. The honourable member for Denison mentioned some possibilities. We have to remember that we are just incidents in this parliamentary system. This legislation may well stay on the books for a long while and the words may mean a different thing. Therefore let us take a look at what is contained in the legislation. What do we mean by 'improper use'? When is it improper to march with an Australian flag, an American flag, a Yugoslav flag or any other flag? We have seen this happen in many demonstrations over the last few years. We have seen the way in which police interrupt demonstrations. We have the evidence of demonstrations in Queensland before us where, at the drop of a hat, legislation is used to suppress what any of us would regard as reasonable free assembly, freedom of speech, freedom to demonstrate and all the rest of it. So I am unhappy about the legislation in that regard. I hope that we will apply ourselves to it. I think it is using a sledgehammer to crack a nut.

I am one of those people who would not care if Mr Bjelke-Petersen, despairing of this Government—I do not blame him for that but he is despairing because of different presumptions to those which I hold—went off overseas and bought a piece of real estate and put up a sign: 'The Embassy of Free Queensland' or something. This country has a notable record in this regard despite some blemishes, as I think was the case in respect of the Aboriginal Embassy. The fact that people could sit out in front of our Parliament, put up signs and tents and be left there was, I think, a sign of free people. The fact that someone can call himself Prince Leonard of Hutt River Province in Western Australia, can go through all sorts of antics and even make money out of it and nobody cares, is a sign of a free country. Perhaps we should be concentrating more on encouraging other people in the world to treat these matters of freedom as the essential rather than as forms of nationalism which are characterised by flags and symbols and the like.

I hope that the Deputy Leader of the Opposition will draw attention to these matters when the Bill is discussed in the Committee stage if it is

not rushed through this place. I hope he will draw attention to paragraphs (a) and (b) of clause 4(2) which I hope will be examined thoroughly with a view to preventing those things which are not the aims of this legislation. Paragraph (a) states:

(a) conduct by way of displaying, or causing or permitting to be displayed, either within on or outside premises . . . any sign, flag or insignia that states, implies or is reasonably capable of being taken to imply that there is located at the premises an office of a mission, or the residence of a member of a mission, that represents, in a diplomatic or consular capacity, that country . . .

As I say I have grave reservations not so much about the aim of the Bill but about its scope. Some honourable members have been around for a fair while. Some people in this place have taken part in wars to protect liberties and so on. In my time here I have found many errors in legislation of the kind we are now discussing. It has had to be amended later or it could be misused by authority. Therefore I would rather that we withdraw the legislation altogether and start again. Is it not possible that people could register in some way the establishment of a consulate or embassy in this country? This sort of thing is done under legislation relating to companies and trade marks. The names of businesses are also registered. We could pass a simple piece of legislation which could set out how consulates or embassies could be registered. That legislation could reserve an absolute right for that name and title for the institution. I think that that would be adequate.

I believe the legislation before us has dangerous potential. I am for free speech, free association and free demonstration. I am for the putting up of any flag that one likes. What would be the situation if I marched down a street in London showing the Eureka flag? Would I be offending against equivalent legislation somewhere else? What would be the situation if people marching in a St Patrick's Day procession happened to carry, as they might, Irish Republican Army flags and things like that? We live in a world in which there are great divisions. There are conflicts about which is the Government and which is not the Government. In the recent past there have been two Vietnams, two Koreas and two Germanys. We may well be stepping into an arena in which there will be constant conflict. Instead of the Attorney-General taking action in such cases I would prefer that the people responsible take the action.

Having been responsible for the administration of this piece of happy real estate known as Canberra I believe that in the golden age when things were done properly here we probably

would have thought up an ordinance or a piece of legislation which was much simpler, more direct and more protective than the legislation before us. I think that we may well with the complications of the language and all the factors that go with it be sewing up trouble for ourselves.

I appeal to our Croatian friends that they at least while they want to further their cause by free speech and association and demonstration in this country eschew all violence. I would advise them—I take it that my friend the honourable member for Denison and certainly my colleague the honourable member for Kingsford-Smith would say the same to them—that when they start to indulge in violence they lose all Australian sympathy. It is quite inappropriate to import to this country the divisions of Europe. We should live side by side in the streets comfortably and happily together keeping matters of contention for debate and persuasion. I am rather disappointed with the form of the legislation. I think it is basically too complicated, too legalistic and does not say precisely what it aims to do. I am not sure that we are sewing up troubles for ourselves and perhaps trampling on people's liberty.

I support my colleague the Deputy Leader of the Opposition in his reference to the Rhodesia Information Centre. Clause 4(2)(b) of the Bill states:

. . . conduct by way of making or publishing, or causing or permitting to be made or published, any representation that states, implies or is reasonably capable of being taken to imply that there is located in Australia a mission . . .

I think that the reality of the situation is that the Rhodesia Information Centre can be taken to be a much more definite representation of the Government of Rhodesia than is the Croatian 'Embassy' a diplomatic representation of a part of Yugoslavia. That, I think, would be the interpretation that any reasonable Australian would place upon it. The debate in this House tonight expresses to me the unsatisfactory nature of this legislation. I am not legally trained as are my two colleagues who took part in this debate. But I have spent a long time looking at legislation which has been passed by this House and I have spent a fair amount of time attempting to use the English language with some precision. I do not think that this piece of legislation does what it ought to do with the necessary precision and does not make a proper reference to other people's rights as it ought to. At least if we are to take the action which the Bill purports to effect, let us be dinkum and apply it to other bodies such as the Rhodesia Information Centre which

purport to be something that they are not or should not be in this country.

Mr KEVIN CAIRNS (Lilley) (11.2)—The honourable member for Wills (Mr Bryant) has been guilty of using the most delightfully circitous language and logic that I have heard in this place for a long time. He was able to argue that all kinds of organisations should have recognition in Australia and then somehow turn his argument to the proposition that a Rhodesia Information Centre in Australia does not qualify whereas everything else would qualify with or without flags, with or without premises and with or without rooms, to have that kind of recognition. Perhaps he has forgotten that wherever one starts in a circle one keeps on going around.

I make two points in relation to the basis of the legislation. The legislation is quite clearly proposed because it is diplomatically convenient and because it is suitable to the Government of Yugoslavia. I refer to the speech made by the Acting Minister for Foreign Affairs (Mr Sinclair) when he introduced the Bill into this House. He had this to say:

Rather, it is because the establishment of the so-called 'Embassy' in the present case and possible similar conduct in the future would have important implications for the effective operation of Australia's foreign policy and in regard to our political, trade and other relations with well-established sovereign States.

He gave no evidence that Australia has had those relationships but expressed the thought that it may possibly have that kind of effect upon relations with other states. This merely followed the case made by the Minister for Foreign Affairs (Mr Peacock) in his speech on 5 April when he had this to say:

It is because the establishment of the so-called 'Embassy' has had important ramifications for Australia—ramifications with respect to the Vienna Convention—Australia's responsibilities under it, the effective operation of Australia's foreign policy and our long-standing relations with a universally recognised nation, namely Yugoslavia—that the Government now feels it necessary . . .

to take this course of action. It should be quite clear—it should be crystal clear—to the House that this is being done because the Government of Yugoslavia desires that it be done. This is exemplified further by the answer given by the Minister for Foreign Affairs in the House on 5 April 1978 in relation to this matter. In referring to the Vienna Convention the Minister indicated that Article 22 had the force of law in Australia and so imposed on Australia a special duty to prevent any impairment of the dignity of a diplomatic mission accredited to this country.

If one looks at Article 22 of the Vienna Convention it is quite clear—perfectly obvious—that

the Yugoslavian Government has said to the Australian Government that the so-called Croatian Embassy is inconvenient and that it should not be here. It is clear that it said: 'We do not like it there; it needs to be closed'. That is the reason for this legislation and not adumbration of it and no false philosophising in respect of the matter can disguise that simple but stark fact. So, we can go one step further and ask what are the conditions which cause a nation to grant diplomatic recognition so that rights such as these can be exerted in the host country, Australia, by representation here. Those conditions are very important. In the few minutes left to me I merely want to give two examples which have puzzled me severely. What has happened in this instance is that a case has been made against an embassy which is said to be wrongly here. In the case of Taiwan, let me indicate that a case is made against a Taiwanese Embassy which, I believe, is wrongly absent. If it can be said in any way whatsoever that a nation such as Yugoslavia, or any other nation, has the right to representation here, a right to representation by virtue of Article 22 of the Vienna Convention, such rights ought to be considered or ought to apply in respect of a nation such as Taiwan. It has a separate existence. It is a nation with which we trade. It is a nation with which we have significant trading, commercial and economic activities. It is a nation which is demonstrably free. Yet one is allowed to be represented here and another is not allowed to be represented here. The one country that is allowed to be here then has the right to determine what should happen to the Croatian 'Embassy' in the way that applies in this particular case.

I suggest to the House that recognition and the rights that accompany recognition are rights of convenience. They are nothing else; they are totally rights of convenience. One ought not to waste time recognising them for something else. One other example is worth while quoting. I refer to the amendment moved by the Deputy Leader of the Opposition (Mr Lionel Bowen). I am fascinated with his latent concern in respect of the Rhodesia Information Office.

Mr Lionel Bowen—It is not my concern. You promised it.

Mr KEVIN CAIRNS—The Deputy Leader of the Opposition made it quite clear that whilst not opposing the Bill, he suggested that the House call on the Government to introduce legislation forthwith to have the effect of closing the Rhodesia Information Office.

Mr Lionel Bowen—You promised that on 6 June 1977.

Mr KEVIN CAIRNS—This comes from the Deputy Leader of the Opposition who was a senior Minister in a government which, for example, in negotiating the Accords with Peking China negotiated the most stringent and strict Accords that have been applied by any Western nation according recognition to Peking. Having done that, the Opposition now is willing to accept the absence of rights for others because it is so anxious to kow-tow in order to get diplomatic recognition. I should like to refer to one other example. The consulates of Latvia and other Baltic Consulates in Melbourne were closed under the previous Government and were opened when this Government came to power. What this Government did was to say that on this occasion it judged that there was an ethical right and a responsibility for people to have this kind of recognition, to have this recourse to a Baltic consulate and to be able to appeal to it for lots of personal, social and historical reasons. So those rights were accorded.

In the few moments left I want to bring to the attention of the House the fact that in all of these matters there are very few immutable principles of diplomatic recognition that apply to our recognition of nations, embassies, consulates and so on. They are matters of judgment, but the judgment that we on this side of the House have made over and over again, compared with the judgment made by the Opposition, has been to recognise people unless there is undue difficulty and trouble involved. The attitude of the Opposition is to close up, to constrict and to prevent people from recognising their rights or even from having an information centre available to them. The Opposition's amendment makes that crystal clear.

I do not want to detain the House any longer. I merely want to say that from statements by the Foreign Minister and by the Acting Foreign Minister it is clear that this Bill, insofar as it applies to the Croatian 'Embassy' is the result of a desire by the Yugoslav Government that it be closed. That is quite clear. It is the result of pressure, and governments have to respond to pressure. Occasionally those in government must make judgments as to whether that pressure is justified. I am still waiting for evidence to indicate the effects that that embassy has on international, diplomatic and trade relations and so on. I have not been able to find it and it has not been adduced precisely in the debate here this evening. The propositions have little to do with

the basis of diplomatic recognition here or overseas but because they are politically suitable they have to be followed. I support a great deal of what the honourable member for Denison has said because it is consistent with sound common sense. I do not accuse the Deputy Leader of the Opposition of overstepping the mark in respect of this matter or other matters but the basis of the Bill ought to be understood. It is one where a political judgment is involved. It may be legally consistent, but politically it is quite inconsistent.

Question put:

That the words proposed to be omitted (Mr Lionel Bowen's amendment) stand part of the question.

Question resolved in the affirmative.

Original question resolved in the affirmative.

Bill read a second time.

In Committee

The Bill.

Clause 5.

(1) Where, in a proceeding under section 4 for an injunction (including an interim injunction), the Court has found that conducted by way of displaying a sign or flag, or insignia, either within, on or outside premises, or by way of causing or permitting a sign or flag, or insignia, to be so displayed, constitutes conduct that is, in relation to a diplomatic or consular mission of a country established in Australia with the consent of the Commonwealth, conduct to which sub-section 4 (1) applies, the Court may, upon application made by the Attorney-General issue a warrant authorizing the Sheriff, or a Deputy Sheriff, of the Court, with such assistance as he deems necessary, to remove the sign, flag or insignia from the premises, or to obliterate the sign, flag or insignia on the premises, as the case requires, and, at any time and from time to time while the warrant is in force, to remove or to obliterate, as the case requires, any similar or substantially similar sign, flag or insignia that may subsequently be displayed, within, on or outside the premises.

(3) A warrant issued by the Court under sub-section (1) may authorise entry, if necessary by force, onto or into the premises for the purpose of removing or obliterating the sign, flag, or insignia.

Clause 6.

(1) The Minister may give a certificate, in writing—

(a) certifying that a specified mission is, or is not, a diplomatic or consular mission of a country established in Australia with the consent of the Commonwealth;

Mr LIONEL BOWEN (Kingsford-Smith) (11.15)—Briefly, we have circulated proposed amendments, relating to warrants, to clauses 5 and 6. I want quickly to make the point that a lot has been said this evening about the rights of people. We fully understand that. At present it would appear that under clause 5 (2) one can

make separate applications for both an injunction and a warrant. The point of the amendment is that where one obtains a warrant one at least gives the people who are to be the subject of the enforcement of that warrant a period of notice. I do not think anyone would object to the 14-day notice that is proposed. Otherwise, one could have a warrant being executed without any notice being given. What we are saying—and we believe it to be in accordance with the views expressed by all honourable members tonight—is that we do not want to create an atmosphere of tension. I seek leave to move the two amendments together.

Leave granted.

Mr LIONEL BOWEN—I move:

(1) In Clause 5, after sub-clause '(3) insert the following sub-clause:

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

(2) In Clause 6, line 20, after 'may' insert ', for the purposes of this Act.'

Amendments negatived.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by Mr Staley)—by leave—read a third time.

ADJOURNMENT

The Glebe Estate

Motion (by Mr Staley) proposed:

That the House do now adjourn.

Mr UREN (Reid) (11.18)—I want to protest tonight on behalf of the residents of the Glebe Estate about the increased rents that are being charged by the present Government. The Glebe Estate was purchased by the Whitlam Labor Government in 1974 for an amount of \$17.5m. There are basically three reasons why we purchased that estate: Firstly, to protect the residents living within it; secondly, to protect a townscape which was more than 100 years old; and, thirdly, to stop a proposed freeway from going through it.

Motion (by Mr Bourchier) agreed to:

That the question be now put.

Original question resolved in the affirmative.

House adjourned at 11.20 p.m.