

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 72

WEDNESDAY, 1 DECEMBER 1976

1 MEETING OF SENATE: The Senate met at fifteen minutes past two p.m., pursuant to adjournment. The President (Senator the Honourable Condor L. Laucke) took the Chair.

2 PRAYERS.

3 PETITIONS: Senator Gietzelt presented a petition from 36 citizens of Australia praying that the Government make child care funds available for long day care centres.

Petition received and read.

Senator Wood presented a petition from 46 citizens of Australia praying that the Government restore the Imperial system of measurement.

Petition received and read.

Senator Keffe presented three petitions, similar in wording, from 13, 27 and 49 citizens of Australia praying that the Senate make certain amendments to the Aboriginal Land Rights (Northern Territory) Bill 1976.

Petitions received and one petition read.

Senator Ryan presented a petition from 299 citizens of Australia praying that a public inquiry be held into the reasons for the latest rent increases applied to Government flats and houses by the Department of the Capital Territory.

Petition received and read.

Senator Douglas McClelland, on behalf of Senator Primmer, presented a petition from 148 citizens of Australia praying that the independence of the Australian Broadcasting Commission be preserved.

Petition received and read.

The Clerk announced that the following Senators had lodged petitions for presentation, viz.:

Senator Chaney, from 30 citizens of Australia praying that the independence of the Australian Broadcasting Commission be preserved.

Senator Maunsell, from 13 citizens of Australia praying that the Government ensure continuity of programmes and allow effective forward planning in its child care policy.

Senator Sheil (six), from 15, 18, 19, 50, 67 and 121 citizens of Australia praying that the Government restore the Petrol Price Equalisation Scheme.

Senator Chaney, from 78 citizens of Australia praying that the Government abolish the means test on all aged pensions.

Petitions received.

4 QUESTIONS: Questions without Notice being proceeded with—

Distinguished Visitors: The President drew attention to the presence in the gallery of a delegation from the United Kingdom Branch of the Commonwealth Parliamentary Association, led by the Right Honourable Lord Drumalbyn, K.B.E., and, on behalf of honourable Senators, extended to members of the delegation a warm welcome.

Further Questions without Notice were answered.

- 5 STATES GRANTS COMMISSIONS—NEW SOUTH WALES, SOUTH AUSTRALIA AND VICTORIA—FIRST REPORTS (1976–77)—PAPERS—MINISTERIAL STATEMENT: The Minister for Education (Senator Carrick), by Command of His Excellency the Governor-General, laid upon the Table the following Papers:

States Grants Commissions—

First Reports (1976–77) of New South Wales, dated 29 September 1976; South Australia, dated 25 October 1976; and Victoria, dated 30 August 1976.

Statistical information on the distribution of Commonwealth funds to local government authorities in New South Wales, Queensland and Western Australia.

Senator Carrick, by leave, made a statement relating to the Papers.

The Leader of the Opposition in the Senate (Senator Wriedt), by leave, moved—That the Senate take note of the Papers.

Ordered—That the debate be adjourned till the next day of sitting, and that Senator Wriedt have leave to continue his speech on the resumption of the debate.

- 6 DARWIN DISASTER WELFARE COUNCIL—FINAL REPORT—PAPER—MINISTERIAL STATEMENT: The Minister for Social Security (Senator Guilfoyle), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Darwin Disaster Welfare Council—Final Report, dated March 1976.

Senator Guilfoyle, by leave, made a statement relating to the Paper.

Senator Robertson, by leave, moved—That the Senate take note of the Paper.

Ordered—That the debate be adjourned till the next day of sitting, and that Senator Robertson have leave to continue his speech on the resumption of the debate.

- 7 METRIC CONVERSION BOARD—ANNUAL REPORT 1975–76—PAPER—MINISTERIAL STATEMENT: The Minister for Science (Senator Webster), pursuant to Statute, laid upon the Table the following Paper:

Metric Conversion Act—Sixth Annual Report of the Metric Conversion Board, for year 1975–76.

Senator Webster, by leave, made a statement relating to the Paper.

Senator Wood, by leave, also made a statement.

Senator Grimes, by leave, moved—That the Senate take note of the Paper.

On the motion of Senator Webster the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.

- 8 AUSTRALIAN INSTITUTE OF CRIMINOLOGY—ANNUAL REPORT 1975–76—PAPER: The Minister for Veterans' Affairs (Senator Durack), pursuant to Statute, laid upon the Table the following Paper:

Criminology Research Act—Fourth Annual Report of the Australian Institute of Criminology, together with financial statements and the Auditor-General's Report thereon, for year 1975–76.

Senator Keeffe, by leave, moved—That the Senate take note of the Paper.

Ordered—That the debate be adjourned till the next day of sitting, and that Senator Keeffe have leave to continue his speech on the resumption of the debate.

- 9 CRIMINOLOGY RESEARCH COUNCIL—ANNUAL REPORT 1975–76—PAPER: The Minister for Veterans' Affairs (Senator Durack), pursuant to Statute, laid upon the Table the following Paper:

Criminology Research Act—Fourth Annual Report of the Criminology Research Council, together with financial statements and the Auditor-General's Report thereon, for year 1975–76.

Senator Keeffe, by leave, moved—That the Senate take note of the Paper.

Ordered—That the debate be adjourned till the next day of sitting, and that Senator Keeffe have leave to continue his speech on the resumption of the debate.

- 10 LEGISLATIVE DRAFTING INSTITUTE—ANNUAL REPORT 1975-76—PAPER: The Minister for Veterans' Affairs (Senator Durack), pursuant to Statute, laid upon the Table the following Paper:
Legislative Drafting Institute Act—Second Annual Report of the Legislative Drafting Institute, together with financial statements and the Auditor-General's Report thereon, for year 1975-76.
Senator Keeffe, by leave, moved—That the Senate take note of the Paper.
Ordered—That the debate be adjourned till the next day of sitting, and that Senator Keeffe have leave to continue his speech on the resumption of the debate.
- 11 FOREIGN AFFAIRS AND DEFENCE—STANDING COMMITTEE—REPORT ON AUSTRALIA AND THE REFUGEE PROBLEM: The Chairman of the Standing Committee on Foreign Affairs and Defence (Senator Sim) brought up the Report of the Committee on Australia and the Refugee Problem, together with the Transcript of Evidence.
Ordered—That the Report be printed.
Senator Sim, by leave, moved—That the Senate take note of the Report.
Senator Primmer, by leave, made a statement relating to the Report.
Ordered—That the debate be adjourned till the next day of sitting, and that Senator Sim have leave to continue his speech on the resumption of the debate.
- 12 PUBLIC WORKS—JOINT STATUTORY COMMITTEE—REPORT: Senator Kilgariff, on behalf of the Parliamentary Standing Committee on Public Works, brought up the following Report:
Consolidation into Bankstown, New South Wales, of the Bankstown and Lidcombe Government Aircraft Plants operated by Hawker de Havilland Australia Pty Ltd (Second Report—1976).
- 13 TOURISM—PROPOSED SELECT COMMITTEE OF HOUSE OF REPRESENTATIVES—MINISTERIAL STATEMENT: The Minister for Industry and Commerce (Senator Cotton), by leave, made a statement relating to the proposed establishment of a Select Committee of the House of Representatives on Tourism and moved—That the Senate take note of the Statement.
Debate ensued.
Ordered—That the debate be adjourned till the next day of sitting, and that Senator Douglas McClelland have leave to continue his speech on the resumption of the debate.
- 14 SUSPENSION OF STANDING ORDERS TO DEAL WITH BILLS TOGETHER: The Minister for Industry and Commerce (Senator Cotton), by leave, moved—That so much of the Standing Orders be suspended as would prevent the Questions with regard to the remaining stages for the passage through the Senate of the Asian Development Fund Bill 1976 and the Asian Development Bank (Special Funds Contributions) Amendment Bill 1976 being put in one motion at each stage, and the consideration of such Bills together in Committee of the Whole.
Question—put and passed.
- 15 ACTS INTERPRETATION AMENDMENT BILL 1976: Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.
Debate resumed.
Question—put and passed.
Bill read a second time.
The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

Bill, by leave, taken as a whole.

On the motion of the Minister for Veterans' Affairs (Senator Durack) the following amendments were, by leave, taken together and agreed to, viz.:

Page 1, clause 2, sub-clause (1), line 7, after "sub-section (2)", insert "of this section and to sub-section 8 (5)".

Page 7, clause 8, sub-clause (1), after proposed section 19BA, insert the following new section:

- “ ‘ 19BAA. Where a Department of State of the Commonwealth is abolished and, immediately after its abolition, a Department with the same name as the abolished Department is established—
- (a) the first-mentioned Department shall, for the purposes of section 19B, be deemed not to have been abolished; and
- (b) that Department and the other Department shall, for the purposes of section 19BA, be deemed to be the same Department.”.

Application
of sections 19a
and 19BA
where
Department
abolished and
Department
with same
name
established.

Page 8, clause 8, after sub-clause (2), insert the following new sub-clauses:

- “(3) After the commencement of this sub-section—
- (a) section 40 of the *Audit Act* 1901 shall have effect as if the words ‘ at the Treasury ’ were not included in the section;
- (b) sub-section 55 (1) of the *Audit Act* 1901 shall have effect as if the words ‘ in the Treasury ’ were not included in the sub-section;
- (c) section 60 of the *Audit Act* 1901 shall have effect as if, in place of the words ‘ in the Treasury ’ in the section, there were substituted the words ‘ by the Treasurer ’;
- (d) sub-section 71 (2) of the *Audit Act* 1901 shall have effect as if, in place of the words ‘ Secretary to the Department of the Treasury ’ in paragraph (a) of the sub-section, there were substituted the words ‘ Secretary to the Department of Finance ’;
- (e) the Treasury Regulations in force immediately before the commencement of this sub-section, or those Regulations as amended and in force from time to time after the commencement of this sub-section, may be cited as the Finance Regulations or in such other manner as is provided by the Regulations;
- (f) any reference in a law of the Commonwealth or of a Territory, or in an instrument under or having effect for the purposes of such a law, to the Treasury Regulations shall be read as a reference to the Regulations referred to in paragraph (e); and
- (g) any reference in a law of the Commonwealth or of a Territory, or in an instrument under or having effect for the purposes of such a law, to a Commonwealth Sub-Treasury (whether by that name or a similar name) shall, if the Treasurer, after the commencement of this sub-section, establishes under the Regulations referred to in paragraph (e) offices by the name of Accounting Offices, be read, in the case of a reference that is not a reference to a particular Sub-Treasury, as a reference to an Accounting Office so established and, in the case of a reference to a particular Sub-Treasury, as a reference to the Accounting Office established in place of that Sub-Treasury.

“(4) Provision may be made by regulations under the *Audit Act* 1901 for and in relation to the application and effect, after the commencement of this sub-section, of any directions given before the commencement of this sub-section by the Secretary to the Department of the Treasury under the Regulations referred to in paragraph (3) (e) and of any instrument issued, or act or thing done, before the commencement of this sub-section, being an instrument, act or thing under or having effect for the purposes of the Regulations referred to in paragraph (3) (e) or of those directions.

“(5) If a Department of State of the Commonwealth by the name of the Department of Finance is not established on or before the day on which this Act receives the Royal Assent, sub-sections (3) and (4) shall not come into operation until the day on which such a Department is established.”.

On the motion of Senator Durack the following further amendment was agreed to, viz.: Page 1, Title, after "1901", insert "and for other purposes".
 Bill, as amended, further debated and agreed to.
 Bill to be reported with amendments, and an amendment in the Title.

The President resumed the Chair; and the Chairman of Committees (Senator Drake-Brockman) reported accordingly.
 On the motion of Senator Durack the Report from the Committee was adopted, and the Bill read a third time.

- 16 QANTAS AIRWAYS LIMITED (LOAN GUARANTEE) BILL 1976 AND AIRLINE EQUIPMENT (LOAN GUARANTEE) BILL 1976: Order of the Day read for the adjourned debate on the Question—That these Bills be now read a second time.

Debate resumed.

Question—put and passed.

Bills read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bills.

In the Committee

Bills, by leave, taken as a whole, debated and agreed to.

Bills to be reported without amendment.

The President resumed the Chair; and the Chairman of Committees (Senator Drake-Brockman) reported accordingly.

On the motion of the Minister for Education (Senator Carrick) the Report from the Committee was adopted, and the Bills read a third time.

- 17 HISTORIC SHIPWRECKS BILL 1976: Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.

Debate resumed.

Ordered—That the debate be adjourned till a later hour of the day, and that Senator Kilgariff have leave to continue his speech on the resumption of the debate.

- 18 MT LYELL MINING OPERATIONS—SELECT COMMITTEE—STATEMENT BY CHAIRMAN: The Chairman of the Select Committee on Mt Lyell Mining Operations (Senator Wright), by leave, made a statement relating to the progress of the Committee's inquiries and the probable time of presentation of its Report.

Senator Devitt, by leave, moved—That the Senate take note of the Statement.

Ordered—That the debate be adjourned till the next day of sitting, and that Senator Devitt have leave to continue his speech on the resumption of the debate.

- 19 HISTORIC SHIPWRECKS BILL 1976: Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

Bill, by leave, taken as a whole.

On the motion of the Minister for Administrative Services (Senator Withers) the following amendment was debated and agreed to, viz.: Page 2, clause 2, line 7, at end of clause, add "but shall not apply in relation to waters (including waters above the continental shelf) adjacent to the coast of a State until a Proclamation has been made declaring that this Act applies in relation to waters adjacent to the coast of that State".

Bill, as amended, agreed to.

Bill to be reported with an amendment.

The President resumed the Chair; and the Temporary Chairman of Committees (Senator Young) reported accordingly.

On the motion of Senator Withers the Report from the Committee was adopted, and the Bill read a third time.

- 20 APPROPRIATION (URBAN PUBLIC TRANSPORT) BILL 1976: Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

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

Bill to be reported without amendment.

The President resumed the Chair; and the Temporary Chairman of Committees (Senator Coleman) reported accordingly.

On the motion of the Minister for Education (Senator Carrick) the Report from the Committee was adopted, and the Bill read a third time.

- 21 INCOME TAX LAWS AMENDMENT (ROYALTIES) BILL 1976: Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee

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

Bill to be reported without amendment.

The President resumed the Chair; and the Temporary Chairman of Committees (Senator Young) reported accordingly.

On the motion of the Minister for Industry and Commerce (Senator Cotton) the Report from the Committee was adopted, and the Bill read a third time.

- 22 CUSTOMS TARIFF (COAL EXPORT DUTY) AMENDMENT BILL 1976: Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.

Debate resumed.

Senator Collard addressing the Chair—

And it being eleven p.m.—

- 23 ADJOURNMENT: The President, under Sessional Order, put the Question—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at twenty-three minutes past eleven p.m. till to-morrow at ten a.m.

- 24 ATTENDANCE: Present, all Senators except Senators James McClelland and Rae.

J. R. ODGERS,
Clerk of the Senate