

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 77

WEDNESDAY, 8 DECEMBER 1976

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- 1 MEETING OF SENATE: The Senate met at ten a.m., pursuant to adjournment. The President (Senator the Honourable Condor L. Laucke) took the Chair.

2 PRAYERS.

- 3 PETITIONS: Senator Knight presented a petition from 3244 citizens of Australia praying that the Government ensure there be no urban infrastructural development in the Mount Ainslie and Mount Majura foothills area and that it be preserved as a nature reserve.

Petition received.

On the motion of Senator Knight, the petition, exceeding 250 words, was read.

Senator Keefe presented a petition from 49 citizens of Australia praying that the Senate make certain amendments to the Aboriginal Land Rights (Northern Territory) Bill 1976.

Petition received.

On the motion of Senator Keefe, the petition, exceeding 250 words, was read.

Senator Lajovic presented a petition from 212 citizens of Australia praying that the Senate take certain action on behalf of the Hungarian community in relation to Ethnic Radiobroadcasters.

Petition received and read.

Senator Keefe, on behalf of Senator Georges, presented a petition from 22 citizens of Australia praying that the independence of the Australian Broadcasting Commission be preserved.

Petition received and read.

The Clerk announced that Senator Sheil had lodged petitions for presentation, viz.:

From 21 citizens of Australia praying that the Government restore the Petrol Price Equalisation Scheme.

From 75 citizens of Australia praying that the Senate declare the year 1977 as International Captive Nations Year.

Petitions received.

4 QUESTIONS.

- 5 MIGRANT LANGUAGES IN SCHOOLS—PAPER—MINISTERIAL STATEMENT: The Minister for Education (Senator Carrick), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Migrant Languages in Schools—Report of the Committee on the Teaching of Migrant Languages in Schools, dated March 1976.

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

Senator Mulvihill, 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 Mulvihill have leave to continue his speech on the resumption of the debate.

6 PAPERS: The following Papers were presented, by Command of His Excellency the Governor-General:

Habitat: United Nations Conference on Human Settlements, held at Vancouver, 31 May to 11 June 1976—

Report of the Australian Delegation.

Official Report of the United Nations.

Petroleum—Royal Commission—Sixth Report of the Royal Commission on Petroleum, entitled "The Use of Liquefied Petroleum Gas in Australia", dated 1 November 1976.

The following Papers were presented, pursuant to Statute:

Audit Act—Regulations—Statutory Rules 1976 No. 260.

Defence Forces Retirement Benefits Act and Defence Force Retirement and Death Benefits Act—Third Supplement to the Twenty-fifth and Final Report of the Defence Forces Retirement Benefits Board, for period 1 July 1972 to 30 September 1972, and the Fourth Report of the Defence Force Retirement and Death Benefits Authority, other than on Part III of the Act, for year 1975–76.

Industrial Research and Development Grants Act and Industrial Research and Development Incentives Act—Report of the Australian Industrial Research and Development Incentives Board, for year 1975–76.

7 EDUCATION AND THE ARTS—STANDING COMMITTEE—PROGRESS REPORT ON EMPLOYMENT OF MUSICIANS BY THE AUSTRALIAN BROADCASTING COMMISSION: The Chairman of the Standing Committee on Education and the Arts (Senator Davidson) brought up a Progress Report of the Committee on the Employment of Musicians by the Australian Broadcasting Commission, dated December 1976.

Ordered to be printed.

Senator Davidson, by leave, moved—That the Senate take note of the Report.

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

8 EDUCATION AND THE ARTS—STANDING COMMITTEE—BROADCASTING AND TELEVISION—TRANSCRIPT OF EVIDENCE: The Chairman of the Standing Committee on Education and the Arts (Senator Davidson), by leave, laid upon the Table a copy of the Transcript of Evidence taken in previous Sessions during consideration of the Reference on Broadcasting and Television (Vol. 1, 1972–73; Vol. 2, 1973–74).

Senator Davidson, by leave, made a statement.

9 SOCIAL WELFARE—STANDING COMMITTEE—REPORT ON ANNUAL REPORT OF COMMONWEALTH SERUM LABORATORIES COMMISSION: The Chairman of the Standing Committee on Social Welfare (Senator Baume) brought up the Report of the Committee on the Annual Report 1974–75 of the Commonwealth Serum Laboratories Commission.

Ordered to be printed.

Senator Baume, by leave, made a statement.

10 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE—REPORT ON CANBERRA CITY WASTES: The Chairman of the Joint Committee on the Australian Capital Territory (Senator Knight) brought up a Report of the Committee, entitled "Canberra City Wastes—A Long-term Strategy for Collection and Disposal", dated December 1976.

Ordered to be printed.

Senator Knight, by leave, made a statement relating to the Report.

11 NATIONAL RESOURCES—STANDING COMMITTEE—REFERENCE OF MATTER: Senator Thomas, pursuant to Notice of Motion not objected to as a Formal Motion, moved—That the following matter be referred to the Standing Committee on National Resources for inquiry and report: The Commonwealth's role in the assessment, planning, development and management of Australia's water resources, having particular regard to:

- (a) the diverse responsibilities of the Commonwealth and the States, and
- (b) the National Water Policy Statement recently endorsed by the Australian Water Resources Council.

Question—put and passed.

Senator Davidson, by leave, made a statement relating to the reference.

- 12 POSTPONEMENT: The Leader of the Government in the Senate (Senator Withers) moved—That, after consideration of Government Business, Order of the Day No. 1 (Aboriginal Land Rights (Northern Territory) Bill 1976, Aboriginal Councils and Associations Bill 1976 (No. 2) and States Grants (Aboriginal Assistance) Bill 1976), intervening business be postponed till after the consideration of Government Business, Order of the Day No. 9 (Tariff Structure—Review—Ministerial Statement).

Question—put and passed.

- 13 FOREIGN AFFAIRS AND DEFENCE—STANDING COMMITTEE—VARIATION OF RESOLUTION: The Chairman of the Senate Standing Committee on Foreign Affairs and Defence (Senator Sim), by leave, moved—That the Resolution of the Senate of 23 September 1976 referring the following matter to the Committee for inquiry and report—The need for an increased Australian commitment toward development in the South Pacific—be varied by leaving out the words “toward development”.

Question—put and passed.

- 14 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) BILL 1976

ABORIGINAL COUNCILS AND ASSOCIATIONS BILL 1976 (No. 2)

STATES GRANTS (ABORIGINAL ASSISTANCE) 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

Ordered—That the Bills be considered in the following order: Aboriginal Councils and Associations Bill 1976 (No. 2), States Grants (Aboriginal Assistance) Bill 1976 and Aboriginal Land Rights (Northern Territory) Bill 1976.

ABORIGINAL COUNCILS AND ASSOCIATIONS BILL 1976 (No. 2)—

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

Ordered—That the Chairman of Committees (Senator Drake-Brockman) report progress and ask leave to sit again.

The President resumed the Chair; and Senator Drake-Brockman reported that the Committee had considered the Bill and had made progress, and asked leave to sit again.

Ordered—That the Committee have leave to sit again at a later hour of the day.

- 15 VACANCY IN THE REPRESENTATION OF VICTORIA—CHOICE OF SENATOR AUSTIN WILLIAM RUSSELL LEWIS: The President informed the Senate that, pursuant to the provisions of the Constitution, he had notified the Governor of the State of Victoria of the vacancy in the representation of that State caused by the death of Senator the Honourable Ivor John Greenwood, Q.C., and that he had received, through His Excellency the Governor-General, from the Governor of the State of Victoria, a certificate of the choice of Austin William Russell Lewis as a Senator to fill the vacancy.

The certificate was laid on the Table and read by the Clerk as follows:

Government House
Melbourne
7th December 1976

Your Excellency,

ELECTION OF A SENATOR

By letter dated 14th October, 1976 the President of the Senate, pursuant to the provisions of Section 21 of the Commonwealth of Australia Constitution, notified

me that a vacancy had happened in the representation of the State of Victoria in the Senate through the death of Senator the Honourable Ivor John Greenwood, Q.C., which occurred on the 13th October, 1976.

I now have the honour to inform Your Excellency that on the 7th day of December, 1976, pursuant to Section 15 of the Commonwealth of Australia Constitution both Houses of the Parliament of Victoria, sitting and voting together, chose a person to hold the place in the Senate rendered vacant by the death of Senator the Honourable Ivor John Greenwood, Q.C.

Pursuant to Section 15 of the Commonwealth of Australia Constitution, I hereby certify to Your Excellency that the name of the Senator so chosen is Austin William Russell Lewis, Esquire.

I have the honour to be,
Sir,
Your most humble servant

HENRY WINNEKE
GOVERNOR

His Excellency the Honourable

Sir John Kerr, A.K., G.C.M.G., K.St.J., Q.C.,
Governor-General of the Commonwealth of Australia,
Government House,
CANBERRA. A.C.T. 2600

New Senator Sworn: Austin William Russell Lewis, Senator for the State of Victoria, was then introduced and, pursuant to the Commonwealth of Australia Constitution Act, made and subscribed the Oath of Allegiance at the Table.

16 ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) BILL 1976

ABORIGINAL COUNCILS AND ASSOCIATIONS BILL 1976 (No. 2)

STATES GRANTS (ABORIGINAL ASSISTANCE) BILL 1976:

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

In the Committee

ABORIGINAL COUNCILS AND ASSOCIATIONS BILL 1976 (No. 2) further considered.

Senator Keefe moved an amendment, viz.: Page 16, clause 30, sub-clauses (5) to (7), lines 28 to 36, leave out the sub-clauses.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 23	
Senator—	Senator—
Bishop	McLaren
Brown	Melzer
Cameron	Mulvihill
Cavanagh	O'Byrne
Coleman	Primmer
Colston	Robertson
Gietzelt	Ryan
Grimes	Sibraa
Keefe	Walsh
McAuliffe	Wheeldon
McClelland,	
Douglas	<i>Teller:</i>
McIntosh	Georges

NOES, 31	
Senator—	Senator—
Archer	Lewis
Baume	Maunsell
Bonner	Messner
Carrick	Missen
Collard	Scott
Cormack,	Sheil
Sir Magnus	Sim
Davidson	Tehan
Drake-Brockman	Thomas
Durack	Townley
Guilfoyle	Walters
Hall	Webster
Jessop	Wright
Kilgariff	Young
Knight	
Lajovic	<i>Teller:</i>
Laucke	Chaney

Amendment negatived accordingly.
Bill agreed to.

STATES GRANTS (ABORIGINAL ASSISTANCE) BILL 1976—

Bill, by leave, taken as a whole.

Senator Keeffe moved an amendment, viz.: Page 2, clause 7, sub-clause (2), line 22, at end of sub-clause, add “and the purposes for which the amount was paid”.

Debate ensued.

Question—That the words proposed to be added be added—put.

The Committee divided—

AYES, 23		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Bishop	McLaren	Archer	Martin
Brown	Melzer	Baume	Maunsell
Button	Mulvihill	Bonner	Messner
Cameron	O'Byrne	Collard	Missen
Cavanagh	Primmer	Cormack,	Scott
Coleman	Robertson	Sir Magnus	Sheil
Colston	Ryan	Davidson	Sim
Gietzelt	Sibraa	Drake-Brockman	Tehan
Keeffe	Walsh	Durack	Thomas
McAuliffe	Wheeldon	Guilfoyle	Townley
McClelland,		Hall	Walters
Douglas	<i>Teller:</i>	Jessop	Wood
McIntosh	Georges	Kilgariff	Wright
		Knight	Young
		Lajovic	
		Laucke	<i>Teller:</i>
		Lewis	Chaney

Amendment negatived accordingly.

Bill agreed to.

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) BILL 1976—

The Minister for Social Security (Senator Guilfoyle), by leave, moved the following amendments together, viz.:

Page 2, clause 3, sub-clause (1), line 32, after “includes”, insert “a prospecting authority and also”.

Page 23, clause 40, at end of clause, add the following new sub-clause:

“(7) Sub-section (1) does not apply in relation to the land described in Schedule 3, being the land known as the Eastern Areas on Groote Eylandt.”.

Page 24, clause 43, sub-clause (2), line 19, leave out “or (6)”, insert “, (6) or (7)”.

Page 24, clause 43, sub-clause (2), line 23, leave out all words after “an”, insert “agreement under seal with the Land Council containing such terms and conditions as are agreed on by the parties having regard to the effect of the grant of the mining interest on Aborigines, which terms may include a requirement for the payment to the Land Council by the applicant of an amount or amounts specified in, or calculated in accordance with, the agreement”.

Page 44, after Schedule 2, add the following new Schedule:

“SCHEDULE 3

Section 40

EASTERN AREAS ON GROOTE EYLANDT

All those pieces of land in the Northern Territory of Australia containing an area of 43.96 square kilometres more or less;

Firstly

Commencing at the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 30 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 32 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 03 minutes with

longitude 136 degrees 32 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 03 minutes with longitude 136 degrees 30 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 02 minutes with longitude 136 degrees 30 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 02 minutes with longitude 136 degrees 30 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 01 minutes with longitude 136 degrees 30 minutes 30 seconds.

Secondly

Commencing at the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 28 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 31 minutes thence proceeding to the intersection of latitude 14 degrees 04 minutes 30 seconds with longitude 136 degrees 31 minutes thence proceeding to the intersection of latitude 14 degrees 04 minutes 30 seconds with longitude 136 degrees 34 minutes 15 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes 30 seconds with longitude 136 degrees 34 minutes 15 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes 30 seconds with longitude 136 degrees 31 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes with longitude 136 degrees 31 minutes 30 seconds thence proceeding to the intersection of latitude 14 degrees 06 minutes with longitude 136 degrees 30 minutes thence proceeding to the intersection of latitude 14 degrees 05 minutes with longitude 136 degrees 28 minutes 45 seconds thence proceeding to the intersection of latitude 14 degrees 04 minutes with longitude 136 degrees 28 minutes 45 seconds.”.

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 31		NOES, 22	
Senator—	Senator—	Senator—	Senator—
Archer	Martin	Bishop	McIntosh
Baume	Maunsell	Brown	McLaren
Bonner	Messner	Cameron	Melzer
Collard	Missen	Cavanagh	Mulvihill
Cormack,	Scott	Coleman	Primmer
Sir Magnus	Sheil	Colston	Robertson
Davidson	Sim	Devitt	Ryan
Drake-Brockman	Tehan	Gietzelt	Sibraa
Durack	Thomas	Keeffe	Walsh
Guilfoyle	Townley	McAuliffe	Wheeldon
Hall	Walters	McClelland,	<i>Teller:</i>
Jessop	Wood	Douglas	Georges
Kilgariff	Wright		
Knight	Young		
Lajovic			
Laucke	<i>Teller:</i>		
Lewis	Chaney		

Amendments agreed to accordingly.

Clause 1 agreed to.

Clause 2 read—

Senator Keeffe moved an amendment, viz.: Page 1, lines 6 to 10, leave out the clause, insert the following clause:

“2. This Act shall come into operation on a date to be fixed by Proclamation.”. Commencement.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 23		NOES, 32	
Senator—	Senator—	Senator—	Senator—
Bishop	McIntosh	Archer	Martin
Brown	McLaren	Baume	Maunsell
Cameron	Melzer	Bonner	Messner
Cavanagh	Mulvihill	Collard	Missen
Coleman	Primmer	Cormack,	Scott
Colston	Robertson	Sir Magnus	Sheil
Devitt	Ryan	Davidson	Sim
Gietzelt	Sibraa	Drake-Brockman	Tehan
Keeffe	Walsh	Durack	Thomas
McAuliffe	Wheelodon	Guilfoyle	Townley
McClelland,		Hall	Walters
Douglas		Jessop	Webster
McClelland,	<i>Teller:</i>	Kilgariff	Wood
James	Georges	Knight	Wright
		Lajovic	Young
		Laucke	<i>Teller:</i>
		Lewis	Chaney

Amendment negated accordingly.

Clause 2 agreed to.

Clause 3, as amended, read—

Senator Keeffe moved an amendment, viz.: Page 2, sub-clause (1), lines 13 and 14, leave out “, but does not include land in a town”.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Bishop	McIntosh	Archer	Martin
Brown	McLaren	Baume	Maunsell
Cameron	Melzer	Bonner	Messner
Cavanagh	Mulvihill	Collard	Missen
Coleman	Primmer	Cormack,	Scott
Colston	Robertson	Sir Magnus	Sheil
Devitt	Ryan	Davidson	Sim
Gietzelt	Sibraa	Drake-Brockman	Tehan
Keeffe	Walsh	Durack	Thomas
McAuliffe	Wheelodon	Guilfoyle	Townley
McClelland,	<i>Teller:</i>	Hall	Walters
Douglas	Georges	Jessop	Wood
		Kilgariff	Wright
		Knight	Young
		Lajovic	
		Laucke	<i>Teller:</i>
		Lewis	Chaney

Amendment negated accordingly.

Senator Keeffe moved a further amendment, viz.: Page 3, sub-clause (1), lines 41 and 42, leave out “, and includes any area that, by virtue of regulations in force under that law, is to be treated as a town”.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Bishop	McIntosh	Archer	Martin
Brown	McLaren	Baume	Maunsell
Cameron	Melzer	Bonner	Messner
Cavanagh	Mulvihill	Collard	Missen
Coleman	Primmer	Cormack,	Scott
Colston	Robertson	Sir Magnus	Sheil
Devitt	Ryan	Davidson	Sim
Gietzelt	Sibraa	Drake-Brockman	Tehan
Keeffe	Walsh	Durack	Thomas
McAuliffe	Wheeldon	Guilfoyle	Townley
McClelland,	<i>Teller:</i>	Hall	Walters
Douglas	Georges	Jessop	Wood
		Kilgariff	Wright
		Knight	Young
		Lajovic	
		Laucke	<i>Teller:</i>
		Lewis	Chaney

Amendment negated accordingly.

Senator Keeffe moved a further amendment, viz.: Page 4, sub-clause (1), lines 14 and 15, leave out “, but does not include land in a town”.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Bishop	McIntosh	Archer	Martin
Brown	McLaren	Baume	Maunsell
Cameron	Melzer	Bonner	Messner
Cavanagh	Mulvihill	Collard	Missen
Coleman	Primmer	Cormack,	Scott
Colston	Robertson	Sir Magnus	Sheil
Devitt	Ryan	Davidson	Sim
Gietzelt	Sibraa	Drake-Brockman	Tehan
Keeffe	Walsh	Durack	Thomas
McAuliffe	Wheeldon	Guilfoyle	Townley
McClelland,	<i>Teller:</i>	Hall	Walters
Douglas	Georges	Jessop	Wood
		Kilgariff	Wright
		Knight	Young
		Lajovic	
		Laucke	<i>Teller:</i>
		Lewis	Chaney

Amendment negated accordingly.

Senator Keeffe moved a further amendment, viz.: Page 4, sub-clause (4), lines 30 to 34, leave out the sub-clause, insert the following sub-clause:

“(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.”.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 21		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Brown	McLaren	Archer	Martin
Cameron	Melzer	Baume	Maunsell
Cavanagh	Mulvihill	Bonner	Messner
Coleman	Primmer	Collard	Missen
Colston	Robertson	Cormack,	Scott
Devitt	Ryan	Sir Magnus	Sheil
Gietzelt	Sibraa	Davidson	Sim
Keeffe	Walsh	Drake-Brockman	Tehan
McAuliffe	Wheelodon	Durack	Thomas
McClelland,		Guilfoyle	Townley
Douglas	<i>Teller:</i>	Hall	Walters
McIntosh	Georges	Jessop	Wood
		Kilgariff	Wright
		Knight	Young
		Lajovic	<i>Teller:</i>
		Lewis	Chaney

Amendment negated accordingly.

Clause 3, as amended, agreed to.

Clauses 4 to 9, by leave, taken together, debated and agreed to.

Clause 10 read—

Senator Keeffe moved an amendment, viz.: Page 7, sub-clause (3), lines 25 to 29, leave out the sub-clause.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 21		NOES, 29	
Senator—	Senator—	Senator—	Senator—
Brown	McLaren	Archer	Maunsell
Cameron	Melzer	Baume	Messner
Cavanagh	Mulvihill	Bonner	Missen
Coleman	Primmer	Collard	Scott
Colston	Robertson	Davidson	Sheil
Devitt	Ryan	Drake-Brockman	Sim
Gietzelt	Sibraa	Durack	Tehan
Keeffe	Walsh	Guilfoyle	Thomas
McAuliffe	Wheelodon	Hall	Townley
McClelland,		Jessop	Walters
Douglas	<i>Teller:</i>	Kilgariff	Wood
McIntosh	Georges	Knight	Wright
		Lajovic	Young
		Lewis	<i>Teller:</i>
		Martin	Chaney

Amendment negated accordingly.

Clause 10 agreed to.

Clause 11 debated and agreed to.

Clause 12 agreed to.

Clause 13 read—

Senator Keeffe moved an amendment, viz.: Page 9, sub-clause (2), paragraph (b), sub-paragraph (iii), line 35, after “matter”, insert “and after giving paramount consideration to the interests of the traditional Aboriginal owners”.

Debate ensued.

Question—That the words proposed to be inserted be inserted—put.

The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Brown	McLaren	Archer	Messner
Button	Melzer	Bonner	Missen
Cameron	Mulvihill	Carrick	Scott
Cavanagh	Robertson	Collard	Sheil
Coleman	Ryan	Cormack,	Sim
Colston	Sibraa	Sir Magnus	Tehan
Devitt	Walsh	Davidson	Thomas
Gietzelt	Wheeldon	Drake-Brockman	Townley
Grimes	Wriedt	Durack	Walters
Keeffe		Guilfoyle	Webster
McAuliffe		Hall	Withers
McClelland,	Teller:	Jessop	Wood
Douglas	Georges	Kilgariff	Wright
		Lajovic	Young
		Lewis	
		Martin	Teller:
		Maunsell	Chaney

Amendment negated accordingly.

Clause 13 agreed to.

Clauses 14 to 20, by leave, taken together, debated and agreed to.

Senator Keeffe moved an amendment, viz.: Page 14, after clause 20, insert the following new clause:

“ 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 functions of the Council; and
- (c) the Aboriginal Council agrees to hold and apply the land for that purpose or those purposes,

Grant of land to Aboriginal Council for particular 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.”.

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

AYES, 20		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Brown	McLaren	Archer	Missen
Button	Melzer	Bonner	Scott
Cameron	Mulvihill	Carrick	Sheil
Cavanagh	Robertson	Collard	Sim
Coleman	Ryan	Davidson	Tehan
Colston	Sibraa	Drake-Brockman	Thomas
Devitt	Walsh	Durack	Townley
Keeffe	Wheeldon	Guilfoyle	Walters
McAuliffe	Wriedt	Hall	Webster
McClelland,	Teller:	Jessop	Withers
Douglas	Georges	Kilgariff	Wood
		Lajovic	Wright
		Lewis	Young
		Martin	
		Maunsell	Teller:
		Messner	Chaney

Proposed new clause negatived accordingly.

Clauses 21 and 22, by leave, taken together, debated and agreed to.

Clause 23 read—

Senator Keeffe moved an amendment, viz.: Pages 15 and 16, leave out the clause, insert the following clause:

- “ 23. (1) The functions of a Land Council are—
- (a) to administer Aboriginal land in its area that is held by Land Trusts; Functions of Land Council.
- (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 Land 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 persons (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.”.

Debate ensued.

Question—That the words proposed to be left out be left out—put.
The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Brown	McIntosh	Archer	Messner
Button	McLaren	Bonner	Missen
Cameron	Melzer	Carrick	Scott
Cavanagh	Mulvihill	Collard	Sheil
Coleman	Robertson	Davidson	Sim
Colston	Ryan	Drake-Brockman	Tehan
Devitt	Sibraa	Durack	Thomas
Gietzelt	Walsh	Guilfoyle	Townley
Keeffe	Wheeldon	Hall	Walters
McAuliffe	Wriedt	Jessop	Webster
McClelland,	<i>Teller:</i>	Kilgariff	Withers
Douglas	Georges	Knight	Wood
		Lajovic	Wright
		Lewis	Young
		Martin	<i>Teller:</i>
		Maunsell	Chaney

Amendment negated accordingly.

Clause 23 agreed to.

Clauses 24 to 39, by leave, taken together and agreed to.

Clause 40, as amended, read—

Senator Keeffe moved an amendment, viz.: Pages 22 and 23, leave out the clause, insert the following clause:

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

Grants of
mining
interests.

- (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.”.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Brown	McIntosh	Archer	Messner
Button	McLaren	Bonner	Missen
Cameron	Melzer	Carrick	Scott
Cavanagh	Mulvihill	Collard	Sheil
Coleman	Robertson	Davidson	Sim
Colston	Ryan	Drake-Brockman	Tehan
Devitt	Sibraa	Durack	Thomas
Gietzelt	Walsh	Guilfoyle	Townley
Keeffe	Wheeldon	Hall	Walters
McAuliffe	Wriedt	Jessop	Webster
McClelland,	<i>Teller:</i>	Kilgariff	Withers
Douglas	Georges	Knight	Wood
		Lajovic	Wright
		Lewis	Young
		Martin	<i>Teller:</i>
		Maunsell	Chaney

Amendment negated accordingly.

Clause 40, as amended, agreed to.

Clause 41 read—

Senator Keeffe moved an amendment, viz.: Page 23, lines 15 to 28, leave out the clause, insert the following clause:

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

Application
of Acts
authorizing
mining on
Aboriginal
land.

- (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.”

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 22		NOES, 31	
Senator—	Senator—	Senator—	Senator—
Button	McIntosh	Baume	Messner
Cameron	McLaren	Bonner	Missen
Cavanagh	Melzer	Carrick	Scott
Coleman	Mulvihill	Collard	Sheil
Colston	Robertson	Davidson	Sim
Devitt	Ryan	Drake-Brockman	Tehan
Gietzelt	Sibraa	Durack	Thomas
Grimes	Walsh	Guilfoyle	Townley
Keeffe	Wheeldon	Hall	Walters
McAuliffe	Wriedt	Jessop	Webster
McClelland,	<i>Teller:</i>	Kilgariff	Withers
Douglas	Georges	Knight	Wood
		Lajovic	Wright
		Lewis	Young
		Martin	<i>Teller:</i>
		Maunsell	Chaney

Amendment negatived accordingly.

Clause 41 agreed to.

Clause 42 read—

Senator Keeffe moved an amendment, viz.: Page 23, after sub-clause (3), insert the following new sub-clause:

“(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.”.

Debate ensued.

Question—That the words proposed to be inserted be inserted—put.

The Committee divided—

AYES, 21		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Button	McLaren	Baume	Messner
Cameron	Melzer	Bonner	Missen
Cavanagh	Mulvihill	Carrick	Scott
Coleman	Robertson	Collard	Sheil
Colston	Ryan	Davidson	Sim
Gietzelt	Sibraa	Drake-Brockman	Tehan
Grimes	Walsh	Durack	Thomas
Keeffe	Wheeldon	Guilfoyle	Townley
McAuliffe	Wriedt	Hall	Walters
McClelland,		Jessop	Webster
Douglas	<i>Teller:</i>	Kilgariff	Withers
McIntosh	Georges	Knight	Wood
		Lajovic	Young
		Lewis	
		Martin	<i>Teller:</i>
		Maunsell	Chaney

Amendment negated accordingly.

Clause 42 agreed to.

Clause 43, as amended, debated and agreed to.

Clause 44 agreed to.

Clause 45 read—

Senator Keeffe moved an amendment, viz.: Page 25, sub-clause (1), lines 27 to 37, leave out the sub-clause, insert the following sub-clauses:

“(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 whom 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.”.

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 21		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Button	McLaren	Archer	Maunsell
Cameron	Melzer	Baume	Messner
Cavanagh	Mulvihill	Bonner	Missen
Coleman	Robertson	Carrick	Scott
Colston	Ryan	Collard	Shiel
Gietzelt	Sibraa	Davidson	Sim
Grimes	Walsh	Drake-Brockman	Tehan
Keeffe	Wheeldon	Durack	Thomas
McAuliffe	Wriedt	Guilfoyle	Townley
McClelland,		Hall	Walters
Douglas	<i>Teller:</i>	Jessop	Withers
McIntosh	Georges	Kilgariff	Wood
		Knight	Young
		Lajovic	
		Lewis	<i>Teller:</i>
		Martin	Chaney

Amendment negatived accordingly.

Clause 45 agreed to.

Clauses 46 to 49, by leave, taken together and agreed to.

Clause 50 read—

Senator Keeffe moved an amendment, viz.: Pages 27 to 29, leave out the clause, insert the following clause:

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

- (a) to ascertain, and to report to the Minister on, the needs of Functions of
Commis-
sioner. 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.”

Debate ensued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

AYES, 21		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Button	McLaren	Archer	Maunsell
Cameron	Melzer	Baume	Messner
Cavanagh	Mulvihill	Bonner	Missen
Coleman	Robertson	Carrick	Scott
Colston	Ryan	Collard	Shiel
Gietzelt	Sibraa	Davidson	Sim
Grimes	Walsh	Drake-Brockman	Tehan
Keeffe	Wheeldon	Durack	Thomas
McAuliffe	Wriedt	Guilfoyle	Townley
McClelland,		Hall	Walters
Douglas	<i>Teller:</i>	Jessop	Withers
McIntosh	Georges	Kilgariff	Wood
		Knight	Young
		Lajovic	
		Lewis	<i>Teller:</i>
		Martin	Chaney

Amendment negatived accordingly.

Clause 50 agreed to.

Clauses 51 to 62, by leave, taken together and agreed to.

Clause 63 debated and agreed to.

Clauses 64 to 67, by leave, taken together and agreed to.

Senator Keffe moved an amendment, viz.: Page 34, after clause 67, insert the following new clause:

“ 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—

Aboriginals
entitled to
enter upon
pastoral
leases, &c.

(a) to enter and remain on the 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 1 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.”.

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

AYES, 21		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Button	McLaren	Archer	Maunsell
Cameron	Melzer	Baume	Messner
Cavanagh	Mulvihill	Bonner	Missen
Coleman	Robertson	Carrick	Scott
Colston	Ryan	Collard	Sheil
Gietzelt	Sibraa	Davidson	Sim
Grimes	Walsh	Drake-Brockman	Tehan
Keffe	Wheeldon	Durack	Thomas
McAuliffe	Wriedt	Guilfoyle	Townley
McClelland,		Hall	Walters
Douglas	Teller:	Jessop	Withers
McIntosh	Georges	Kilgariff	Wood
		Knight	Young
		Lajovic	
		Lewis	Teller:
		Martin	Chaney

Proposed new clause negatived accordingly.

Clause 68 agreed to.

Senator Keeffe moved an amendment, viz.: Page 34, after clause 68, insert the following new clause:

“ 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—

Protection
and
conservation
of wildlife on
Aboriginal
land.

- (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.”.

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

AYES, 22		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Button	McIntosh	Archer	Maunsell
Cameron	McLaren	Baume	Messner
Cavanagh	Melzer	Bonner	Missen
Coleman	Mulvihill	Carrick	Scott
Colston	Robertson	Collard	Sheil
Gietzelt	Ryan	Davidson	Sim
Grimes	Sibraa	Drake-Brockman	Tehan
Harradine	Walsh	Durack	Thomas
Keeffe	Wheeldon	Guilfoyle	Townley
McAuliffe	Wriedt	Hall	Walters
McClelland,	<i>Teller:</i>	Jessop	Withers
Douglas	Georges	Kilgariff	Wood
		Knight	Young
		Lajovic	
		Lewis	<i>Teller:</i>
		Martin	Chaney

Proposed new clause negated accordingly.

Clause 69 read—

Senator Keeffe moved an amendment, viz.: Pages 34 and 35, leave out the clause, insert the following clause:

“69. (1) A person shall not desecrate land in the Northern Territory Land not to be desecrated.
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 Aborigines 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.”.

Debate ensued.

Question—That the words proposed to be left out be left out—

The Committee divided—

AYES, 22		NOES, 30	
Senator—	Senator—	Senator—	Senator—
Button	McIntosh	Archer	Maunsell
Cameron	McLaren	Baume	Messner
Cavanagh	Melzer	Bonner	Missen
Coleman	Mulvihill	Carrick	Scott
Colston	Robertson	Collard	Sheil
Gietzelt	Ryan	Davidson	Sim
Grimes	Sibraa	Drake-Brockman	Tehan
Harradine	Walsh	Durack	Thomas
Keeffe	Wheeldon	Guilfoyle	Townley
McAuliffe	Wriedt	Hall	Walters
McClelland,	<i>Teller:</i>	Jessop	Withers
Douglas	Georges	Kilgariff	Wood
		Knight	Young
		Lajovic	
		Lewis	<i>Teller:</i>
		Martin	Chaney

Amendment negated accordingly.

Clause 69 agreed to.

Ordered—That the Chairman of Committees (Senator Drake-Brockman) report progress and ask leave to sit again.

The President resumed the Chair; and Senator Drake-Brockman reported that the Committee had considered the Bill and had made progress, and asked leave to sit again.

Ordered—That the Committee have leave to sit again on the next day of sitting.

And it being after eleven p.m.—

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

Notice of Motion: Senator Wood, by leave, gave a Notice of Motion as follows—That, ten sitting days after today, he would move—That the following parts of the *Consumer Affairs (Amendment) Ordinance 1976*, as contained in Australian Capital Territory Ordinance No. 49 of 1976, and made under the *Seat of Government (Administration) Act 1910*, be disallowed:

- (a) sub-sections (2) and (3) of the new section 15c contained in section 11;
- (b) sub-section (3) of the new section 15E contained in section 11; and
- (c) the new section 16 contained in section 13.

Senator Wood, by leave, made a statement relating to the Notice of Motion.

Debate ensued.

Leave Refused: Senator Walters asked leave to incorporate a document in *Hansard*.
Objection being raised, leave not granted.

Debate continued.

Document Tabled: Senator Georges, by leave, laid upon the Table the following document:

Australia East Timor Association (A.C.T.)—Invitation, dated 3 December 1976, to a wreath-laying ceremony at the Australian War Memorial on 7 December 1976.

Debate continued.

And the Senate having continued to sit till twelve o'clock midnight—

THURSDAY, 9 DECEMBER 1976, A.M.

Debate continued.

Question—resolved in the affirmative.

The Senate adjourned at one minute past twelve o'clock midnight till this day at ten a.m.

18 ATTENDANCE: Present, all Senators except Senator Rae.

J. R. ODGERS,
Clerk of the Senate