

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOURNALS OF THE SENATE

No. 78

THURSDAY, 9 DECEMBER 1976

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

Senator Sheil, from 11 citizens of Australia praying that the Government restore the Petrol Price Equalisation Scheme.

Senator Knight, from 166 citizens of Australia praying that the Senate review education planning in the Australian Capital Territory with a view to the provision of a government school in Fraser.

Petitions received.

4 QUESTIONS.

5 STANDING ORDERS—STANDING COMMITTEE—STATEMENT BY PRESIDENT: The President made a statement informing the Senate of progress made by the Standing Orders Committee in its consideration of the publication of the Fifth Edition of *Australian Senate Practice*.

6 AUSTRALIAN WATER RESOURCES COUNCIL—NINETEENTH MEETING—PAPER: The Minister for Administrative Services (Senator Withers), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Australian Water Resources Council—Minutes of the Nineteenth Meeting of the Council, held in Perth, 27 September 1976.

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

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

Department of Environment, Housing and Community Development—First Annual Report, for year 1975–76.

Labour Productivity—Report of the Working Party on the Measurement of Labour Productivity, dated November 1975.

National Estate—Supplement to the Report of the Interim Committee on the National Estate, dated August 1976.

The following Papers were presented, pursuant to Statute:

Australian Bureau of Statistics Act—First Annual Report of the Australian Bureau of Statistics, for year 1975–76.

Canned Fruits Export Marketing Act—Fiftieth Annual Report of the Australian Canned Fruits Board, together with financial statements and the Auditor-General's Report thereon, for 1975.

Export Market Development Grants Act—First Annual Report of the Export Development Grants Board, for year 1975–76.

States Grants (Technical and Further Education) Act—Technical and Further Education Commission—Statement relating to financial assistance granted to the States under the Act, for year 1975–76.

Wheat Industry Stabilization Act—Annual Report of the Australian Wheat Board, together with financial statements and the Auditor-General's Report thereon, for year ended 30 November 1975.

- 8 NATURAL DISASTER INSURANCE SCHEME—PAPERS: The Minister for Industry and Commerce (Senator Cotton), by Command of His Excellency the Governor-General, laid upon the Table the following Papers:

Natural Disaster Insurance Scheme—Discussion Paper, entitled "A Natural Disaster Insurance Scheme for Australia", dated December 1976.

Statement by the Minister Assisting the Treasurer, the Hon. Eric Robinson, relating to the Paper.

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

- 9 DAIRYING RESEARCH COMMITTEE—ANNUAL REPORT 1975–76—PAPER: The Minister for Industry and Commerce (Senator Cotton), pursuant to Statute, laid upon the Table the following Paper:

Dairying Research Act—Fourth Annual Report of the Dairying Research Committee, for year 1975–76.

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

- 10 DAIRY ADJUSTMENT PROGRAMS—NEW SOUTH WALES AGREEMENT—PAPER: The Minister for Industry and Commerce (Senator Cotton), pursuant to Statute, laid upon the Table the following Paper:

Dairy Adjustment Act—Dairy Adjustment Programs—Further Agreement between the Australian and New South Wales Governments, dated 3 December 1976.

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

- 11 AUSTRALIAN NATIONAL AIRLINES COMMISSION—ANNUAL REPORT 1975–76—PAPER: The Minister for Education (Senator Carrick), pursuant to Statute, laid upon the Table the following Paper:

Australian National Airlines Act—Thirty-first Annual Report of the Australian National Airlines Commission (Trans-Australia Airlines), 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.

- 12 RAILWAY FREIGHT RATING PRACTICES—BUREAU OF TRANSPORT ECONOMICS—PAPER: The Minister for Education (Senator Carrick), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Railway Freight Rating Practices—Report by the Bureau of Transport Economics, entitled "A Study of Intersystem Railway Freight Rating Practices (with particular reference to the Riverina area of New South Wales)", dated November 1976.

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.

- 13 AUSTRALIAN NATIONAL PARKS AND WILDLIFE SERVICE—PAPER: The Minister for Education (Senator Carrick), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Australian National Parks and Wildlife Service—First Report, for period 13 March 1975 to 30 June 1976.

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.

- 14 POVERTY IN AUSTRALIA—COMMISSION OF INQUIRY—FIFTH MAIN 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:

Poverty in Australia—Fifth Main Report of the Commission of Inquiry into Poverty, by Dr R. T. Fitzgerald, Commissioner, entitled “Poverty and Education in Australia”, dated 13 August 1976.

Senator Guilfoyle, by leave, made a statement relating to the Paper and moved—That the Senate take note of the Paper.

Debate ensued.

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

- 15 DEPARTMENT OF ABORIGINAL AFFAIRS—ANNUAL REPORT 1975–76—PAPER: The Minister for Social Security (Senator Guilfoyle), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Department of Aboriginal Affairs—Annual Report, 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.

- 16 ABORIGINAL HOSTELS LIMITED—ANNUAL REPORT 1975–76—PAPER: The Minister for Social Security (Senator Guilfoyle), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Aboriginal Hostels Limited—Second Annual Report of Aboriginal Hostels Limited, together with financial statements and the Auditor-General’s Report thereon, for period 29 June 1975 to 26 June 1976.

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.

- 17 AUSTRALIAN WAR MEMORIAL—ANNUAL REPORT 1975–76—PAPER: The Minister for Administrative Services (Senator Withers), pursuant to Statute, laid upon the Table the following Paper:

Australian War Memorial Act—Thirteenth Annual Report of the Board of Trustees of the Australian War Memorial, together with financial statements and the Auditor-General’s Report thereon, for year 1975–76.

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

Debate ensued.

And two hours having elapsed from the time fixed for the meeting of the Senate, pursuant to Standing Order 127, the Orders of the Day were called on.

- 18 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 LAND RIGHTS (NORTHERN TERRITORY) BILL 1976 further considered.

Clauses 70 and 71, by leave, taken together.

Senator Keeffe, by leave, moved the following amendments together, viz.:

Page 35, clause 70, lines 9 to 24, leave out the clause, insert the following clause:

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

Entry on
Aboriginal
land.

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.”.

Page 35, after clause 70, insert the following new clause:

“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.

Territorial
sea adjoining
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) 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.

“(4) Any property ordered by a court to be forfeited under sub-section (3) becomes the property of the Commonwealth and shall be dealt with or disposed of in accordance with the directions of the Minister.”.

Page 35, clause 71, sub-clause (2), lines 32 to 35, leave out the sub-clause.

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 25		NOES, 34	
Senator—	Senator—	Senator—	Senator—
Bishop	McIntosh	Archer	Martin
Brown	McLaren	Baume	Maunsell
Cameron	Melzer	Bonner	Messner
Cavanagh	Mulvihill	Carrick	Missen
Coleman	O'Byrne	Collard	Scott
Colston	Primmer	Cormack,	Sheil
Devitt	Robertson	Sir Magnus	Sim
Gietzelt	Ryan	Cotton	Tehan
Grimes	Sibraa	Davidson	Thomas
Keeffe	Walsh	Drake-Brockman	Townley
McClelland,	Wheeldon	Durack	Walters
Douglas	Wriedt	Guilfoyle	Webster
McClelland,	Teller:	Hall	Withers
James	Georges	Jessop	Wood
		Kilgariff	Wright
		Knight	Young
		Lajovic	Teller:
		Lewis	Chaney

Amendments negated accordingly.

Clauses 70 and 71 agreed to.

Clause 72 agreed to.

Clause 73 debated and agreed to.

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

Senator Keeffe, by leave, moved the following amendments together, viz.:

Page 37, clause 74, lines 4 to 6, leave out the clause, insert the following clause:

“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. Application of laws of Northern Territory to Aboriginal land.

“(2) The regulations may provide for the exclusion or modification of a law of the Northern Territory in its application to Aboriginal land.”.

Page 42, Schedule 1, after the description of land under the heading “SANTA TERESA”, insert the following:

“TANAMI

All that piece of land in the Northern Territory of Australia containing an area of 37529 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 16093 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 southeasterly.

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.”.

Page 44, Schedule 2, leave out the Schedule.

Debate ensued.

Question—That the amendments be agreed to—put.

The Committee divided—

AYES, 25		NOES, 34	
Senator—	Senator—	Senator—	Senator—
Bishop	McIntosh	Archer	Martin
Brown	McLaren	Baume	Maunsell
Button	Melzer	Bonner	Messner
Cameron	Mulvihill	Carrick	Missen
Cavanagh	O'Byrne	Collard	Scott
Coleman	Primmer	Cormack,	Sheil
Colston	Robertson	Sir Magnus	Sim
Devitt	Sibraa	Cotton	Tehan
Gietzelt	Walsh	Davidson	Thomas
Grimes	Wheeldon	Drake-Brockman	Townley
Keeffe	Wriedt	Durack	Walters
McClelland,		Guilfoyle	Webster
Douglas		Hall	Withers
McClelland,	<i>Teller:</i>	Jessop	Wood
James	Georges	Kilgariff	Wright
		Knight	Young
		Lajovic	<i>Teller:</i>
		Lewis	Chaney

Amendments negated accordingly.

Remainder of Bill, as amended, agreed to.

Aboriginal Councils and Associations Bill 1976 (No. 2) and States Grants (Aboriginal Assistance) Bill 1976 to be reported without amendment, and Aboriginal Land Rights (Northern Territory) Bill 1976 to be reported with amendments.

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

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

19 SCIENCE AND THE ENVIRONMENT—STANDING COMMITTEE—INTERIM REPORT ON THE IMPACT OF THE WOODCHIP INDUSTRY PROGRAMME: The Chairman of the Standing Committee on Science and the Environment (Senator Jessop) brought up an Interim Report of the Committee on the Impact on the Australian Environment of the Current Woodchip Industry Programme, dated December 1976.

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

Debate ensued.

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.

- 20 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE—REPORT ON THE TORRES STRAIT BOUNDARY: The Chairman of the Joint Committee on Foreign Affairs and Defence (Senator Sir Magnus Cormack) brought up a Report of the Committee's Subcommittee on Territorial Boundaries, entitled "The Torres Strait Boundary" (Two Volumes: Volume 1—Report and Appendixes 1 to 8; Volume 2—Appendix 9, entitled "Historical documents relating to the Maritime Boundary of Queensland").

Ordered to be printed.

Senator Sir Magnus Cormack, by leave, made a statement relating to the Report.

- 21 PUBLICATIONS—STANDING COMMITTEE—NINTH REPORT: The Chairman of the Standing Committee on Publications (Senator Missen) brought up the following Report of the Committee:

NINTH REPORT

The Publications Committee has the honour to report that it has met in conference with the Publications Committee of the House of Representatives.

The Joint Committee, having considered Petitions and Papers presented to Parliament since the last meeting of the Committee, and other papers previously presented, recommends that the following be printed:

Aircraft accident near Cairns Airport, Qld, on 23 October 1975, involving Hawker Siddeley Heron DH114 2E/A1 Aircraft VH-CLS—Accident investigation report by Air Safety Investigation Branch, Department of Transport, dated August 1976.

Australian Apple and Pear Corporation Act—Australian Apple and Pear Corporation—Second Annual Report and financial statements, together with the Auditor-General's Report, for year 1975–76.

Australian Capital Territory Electricity Supply Act—Australian Capital Territory Electricity Authority—Thirteenth Annual Report and financial statements, together with the Auditor-General's Report, for year 1975–76.

Australian Capital Territory Police—Report for year 1975–76.

Australian Shipping Commission Act—Australian Shipping Commission—Report and financial statements, together with the Auditor-General's Report, for year 1975–76.

Commonwealth Grants Commission Act—Commonwealth Grants Commission—Third Report (1976) on financial assistance for local government.

Commonwealth Parliamentary Association—Report of Australian Delegation to Twenty-second Commonwealth Parliamentary Conference, Mauritius, September 1976.

Criminology Research Act—

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

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

Darwin Disaster—Report by Major General Stretton, dated 14 April 1975.

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

Defence Act—Royal Military College of Australia—Report for period 1 February 1975 to 31 January 1976.

Defence Force Retirement and Death Benefits Act—Defence Force Retirement and Death Benefits Authority—Fourth Report, for year 1975–76.

Defence Forces Retirement Benefits Act—Defence Forces Retirement Benefits Board—Third supplement to Twenty-fifth Report, for period 1 July to 20 September 1972.

- Department of Immigration and Ethnic Affairs—Review of activities to 30 June 1976.
- Department of Industry and Commerce—Report for year 1975–76.
- Department of Science—Report for year 1975–76.
- Estimates Committee E—Additional Written Answers.
- Export Finance and Insurance Corporation Act—Export Finance and Insurance Corporation—Report and financial statements, together with the Auditor-General's Report, for year 1975–76.
- Industrial Research and Development Incentives Act—Australian Industrial Research and Development Incentives Board—Annual Report, for year 1975–76.
- Immigration (Education) Act—Report on the Migrant Education Program for 1975–76.
- Industries Assistance Commission—Report—Animal foods, etc., dated 2 August 1976.
- Legislative Drafting Institute Act—Legislative Drafting Institute—Second Annual Report and financial statements, together with the Auditor-General's Report, for year 1975–76.
- Local Government Grants—
- New South Wales—Local Government Grants Commission—Report for year 1976–77.
 - South Australian Interim State Grants Commission—Report for year 1976–77.
 - Victorian State Grants Committee—Report for year 1976–77.
- Medical Research Endowment Act—National Health and Medical Research Council—Report for 1974.
- Metric Conversion Act—Metric Conversion Board—Sixth Annual Report, for year 1975–76, together with Report by the Minister on the operation of the Act.
- National Advisory Council for the Handicapped—Report for year 1975–76.
- Natural Disaster Insurance Scheme for Australia—Discussion Paper.
- Patent, Trade Marks and Designs Office—Report for year 1975–76.
- Petroleum—Royal Commission—Sixth Report—Use of liquefied gas in Australia.
- Petroleum Search Subsidy Act—Seventeenth Annual Statement, for year 1975–76.
- Priorities Review Staff—Report, dated August 1976, on the First Report of the National Population Inquiry (the Borrie Report).
- States Grants (Dwellings for Pensioners) Act—Second Annual Statement by Minister, for year 1975–76.
- States Grants (Schools) Act—Statement of financial assistance granted to each State in 1975.
- Tasmanian State Grants Commission—First Report, for year 1976–77.
- Teaching Migrant Languages in Australian Schools—Committee on teaching migrant languages in Australian schools—Report.
- Trade Practices Act—Trade Practices Commission—Report on Consumer Education, dated 28 October 1976.
- Transport—Department of Transport—Third Annual Report, for year 1975–76, including the Report by the Minister pursuant to the Air Navigation Act.
- United Nations—Human Settlement Conference, Vancouver, 31 May to 11 June 1976—Report of Australian Delegation.

8 December 1976

A. J. MISSEN,
Chairman

Senator Missen, by leave, moved—That the Report be adopted.

Question—put and passed.

- 22 INTER-PARLIAMENTARY UNION—MADRID CONFERENCE 1976—PAPER: Senator Young, by leave, laid upon the Table the following Paper:
Inter-Parliamentary Union—Report of the Australian Delegation to the Sixty-third Conference of the Inter-Parliamentary Union, held at Madrid, 23 September to 1 October 1976.

Ordered to be printed.

- 23 COMMONWEALTH PARLIAMENTARY ASSOCIATION—THIRD AUSTRALASIAN PARLIAMENTARY SEMINAR—PAPER: Senator Davidson, by leave, laid upon the Table the following Paper:

Commonwealth Parliamentary Association—Summary Report of Proceedings of the Third Australasian Parliamentary Seminar, held in Sydney, Canberra, Townsville and Brisbane, September 1976.

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

- 24 FREEDOM OF INFORMATION LEGISLATION—REPORT OF INTERDEPARTMENTAL COMMITTEE—PAPERS: The Minister for Veterans' Affairs (Senator Durack), by Command of His Excellency the Governor-General, laid upon the Table the following Papers:

Freedom of Information Legislation—

Report of Interdepartmental Committee on Policy Proposals for Freedom of Information Legislation, dated November 1976.

Statement by the Attorney-General, the Hon. R. J. Ellicott, Q.C., relating to the Report.

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

- 25 REPROGRAPHIC REPRODUCTION—REPORT OF COPYRIGHT LAW COMMITTEE—PAPERS: The Minister for Veterans' Affairs (Senator Durack), by Command of His Excellency the Governor-General, laid upon the Table the following Papers:

Reprographic Reproduction—

Report of the Copyright Law Committee on Reprographic Reproduction, dated October 1976.

Statement by the Attorney-General, the Hon. R. J. Ellicott, Q.C., relating to the Report.

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

- 26 COMMISSIONER FOR COMMUNITY RELATIONS—FIRST REPORT (1976)—PAPERS: The Minister for Social Security (Senator Guilfoyle), pursuant to Statute, laid upon the Table the following Papers:

Racial Discrimination Act—

Report of the Commissioner for Community Relations, for year ended 30 June 1976.

Statement by the Minister for Immigration and Ethnic Affairs, the Hon. M. J. R. MacKellar, relating to the Report.

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

- 27 PERSONAL EXPLANATION: Senator Kilgariff, by leave, made a personal explanation relating to a matter raised during the second reading debate on the Aboriginal Land Rights (Northern Territory) Bill 1976 on 8 December 1976.

The Minister for Social Security (Senator Guilfoyle) and Senator Keeffe, by leave, made statements relating thereto.

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

Asian-Oceanic Postal Convention, signed at Melbourne, 27 November 1975.

Astronauts—Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects launched into Outer Space, signed at Washington, 22 April 1968.

World Health Organization—Amendments to Articles 24 and 25 of the Constitution of the World Health Organization, adopted on 17 May 1976 by the Twenty-ninth World Health Assembly.

The following Papers were presented, pursuant to Statute:

Acts Interpretation Act—Order under section 19BA of the Act, dated 7 December 1976.

Northern Territory (Administration) Act—Ordinances 1976—

No. 60—Seeds.

No. 61—Parole of Prisoners.

- 29 DEFENCE SERVICE HOMES AMENDMENT BILL 1976—*Message from the House of Representatives*: The following Message from the House of Representatives was received and read:

MR PRESIDENT,

Message No. 228

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to make provision for a Defence Service Homes Corporation, and for related purposes*", and acquaints the Senate that the House of Representatives has agreed to the Bill without amendment.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

- 30 STATES GRANTS (RURAL ADJUSTMENT) BILL 1976—*Message from the House of Representatives*: The following Message from the House of Representatives was received and read:

MR PRESIDENT,

Message No. 225

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to an Agreement between the Commonwealth and one or more of the States in respect of a Scheme to provide Assistance to Persons engaged in Rural Industries*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

The Minister for Industry and Commerce (Senator Cotton) moved—That the Bill may be taken through all its stages without delay.

Question—put and passed.

On the motion of Senator Cotton the Bill was read a first time.

Senator Cotton moved—That this Bill be now read a second time.

On the motion of Senator Gietzelt the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

- 31 BROADCASTING AND TELEVISION AMENDMENT BILL (No. 2) 1976
BROADCASTING STATIONS LICENCE FEES AMENDMENT BILL 1976
TELEVISION STATIONS LICENCE FEES AMENDMENT BILL (No. 2) 1976—

Messages from the House of Representatives: The following Messages from the House of Representatives were received and read:

MR PRESIDENT,

Message No. 224

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Broadcasting and Television Act 1942'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

MR PRESIDENT,

Message No. 222

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend Section 6 of the 'Broadcasting Stations Licence Fees Act 1964'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 7 December 1976

B. M. SNEDDEN,
Speaker

MR PRESIDENT,

Message No 223

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend Section 6 of the 'Television Stations Licence Fees Act 1964'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 7 December 1976

B. M. SNEDDEN,
Speaker

Suspension of Standing Orders to Deal with Bills Together: The Minister for Education (Senator Carrick), by leave, moved—That so much of the Standing Orders be suspended as would prevent the Questions with regard to the several stages for the passage through the Senate of the Bills being put in one motion at each stage, and the consideration of such Bills together in Committee of the Whole.

Question—put and passed.

Senator Carrick moved—That the Bills may be taken through all their stages without delay.

Question—put and passed.

On the motion of Senator Carrick the Bills were read a first time.

Senator Carrick moved—That these Bills be now read a second time.

On the motion of Senator Button the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

32 FOREIGN PROCEEDINGS (PROHIBITION OF CERTAIN EVIDENCE) AMENDMENT BILL 1976—
Message from the House of Representatives: The following Message from the House of Representatives was received and read:

MR PRESIDENT,

Message No. 226

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Foreign Proceedings (Prohibition of Certain Evidence) Act 1976'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

The Minister for Veterans' Affairs (Senator Durack) moved—That the Bill may be taken through all its stages without delay.

Question—put and passed.

On the motion of Senator Durack the Bill was read a first time.

Senator Durack moved—That this Bill be now read a second time.

On the motion of Senator Button the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

33 CUSTOMS TARIFF VALIDATION BILL (No. 2) 1976
CUSTOMS TARIFF AMENDMENT BILL (No. 2) 1976—

Messages from the House of Representatives: The following Messages from the House of Representatives were received and read:

MR PRESIDENT,

Message No. 229

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to provide for the Validation of certain Collections of Duties of Customs'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

MR PRESIDENT,

Message No. 230

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to Duties of Customs*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

Suspension of Standing Orders to Deal with Bills Together: The Minister for Veterans' Affairs (Senator Durack), by leave, moved—That so much of the Standing Orders be suspended as would prevent the Questions with regard to the several stages for the passage through the Senate of the Bills being put in one motion at each stage, and the consideration of such Bills together in Committee of the Whole.

Question—put and passed.

Senator Durack moved—That the Bills may be taken through all their stages without delay.

Question—put and passed.

On the motion of Senator Durack the Bills were read a first time.

Senator Durack moved—That these Bills be now read a second time.

On the motion of Senator Button the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

34 ABORIGINAL LAND RIGHTS IN THE NORTHERN TERRITORY—JOINT SELECT COMMITTEE—
Message from the House of Representatives: The following Message from the House of Representatives was received and read:

MR PRESIDENT,

Message No. 227

The House of Representatives transmits to the Senate the following Resolution which was agreed to by the House of Representatives this day, and requests that the Senate concur and take action accordingly:

- (1) That a Joint Select Committee be appointed to examine and report on—
 - (a) the operation of provisions of the *Aboriginal Land Rights (Northern Territory) Act 1976* relating to the identification of traditional owners of Aboriginal land and the means of establishing the views of such owners to the satisfaction of the relevant Land Council;
 - (b) the adequacy of provisions of the laws of the Northern Territory relating to entry to Aboriginal land, the protection of sites of significance, wildlife conservation and entry to seas adjoining Aboriginal land, and
 - (c) any other matters referred by the Minister for Aboriginal Affairs.
- (2) That the committee consist of the 5 members of the House of Representatives Standing Committee on Aboriginal Affairs nominated by the Prime Minister, the 3 members of the House of Representatives Standing Committee on Aboriginal Affairs nominated by the Leader of the Opposition, and 3 Senators nominated by the Leader of the Government in the Senate and 3 Senators nominated by the Leader of the Opposition in the Senate.
- (3) That every nomination of a member of the committee be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (4) That the Committee elect as Chairman of the committee one of the members nominated by the Prime Minister or by the Leader of the Government in the Senate.

- (5) That the committee elect a Deputy Chairman who shall perform the duties of the Chairman of the committee at any time when the Chairman is not present at a meeting of the committee, and at any time when the Chairman and Deputy Chairman are not present at a meeting of the committee, the members present shall elect another member to perform the duties of the Chairman at that meeting.
- (6) That the committee have power to appoint sub-committees consisting of 3 or more of its members and to refer to any such sub-committee any of the matters which the committee is empowered to examine.
- (7) That the committee or any sub-committee have power to send for persons, papers and records, to move from place to place and to sit during any adjournment of the Parliament.
- (8) That 7 members of the committee constitute a quorum of the committee, and a majority of the members of a sub-committee constitute a quorum of that sub-committee.
- (9) That in matters of procedure the Chairman or Deputy Chairman presiding at the meeting have a deliberative vote and, in the event of an equality of voting, have a casting vote, and that, in other matters, the Chairman or Deputy Chairman have a deliberative vote only.
- (10) That the committee be provided with all necessary staff, facilities and resources.
- (11) That the committee or a sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
- (12) That the committee report by 31 May 1977 and that any member of the committee have power to add a protest or dissent to any report.
- (13) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

House of Representatives,
Canberra, 8 December 1976

B. M. SNEDDEN,
Speaker

The Leader of the Government in the Senate (Senator Withers), by leave, moved—

- (1) That the Senate concurs in the Resolution transmitted to the Senate by Message No. 227 of the House of Representatives relating to the appointment of a Joint Committee on the operation of the provisions of the *Aboriginal Land Rights (Northern Territory) Act 1976*.
- (2) That the provisions of the Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.
- (3) That the foregoing Resolutions be communicated to the House of Representatives by Message.

Senator Keffe moved an amendment, viz.: At end of paragraph (1), add “; subject to the following modification: Paragraph (1), sub-paragraph (b), leave out the sub-paragraph, insert the following sub-paragraphs:

- (b) the operation of laws of the Northern Territory which affect Aboriginal land, in particular laws relating to:
 - (i) entry to aboriginal land,
 - (ii) protection of sacred sites,
 - (iii) wildlife conservation,
 - (iv) entry to seas adjoining aboriginal land,
 - (v) roads upon aboriginal land, and
 - (vi) right of entry upon pastoral properties;
- (ba) the effect of mining operations, including exploration and prospecting operations, on Aboriginal land or land which is claimed by Aborigines; and”.

Debate ensued.

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

Main Question—put and passed.

- 35 ROYAL COMMISSION ON AUSTRALIAN GOVERNMENT ADMINISTRATION—STATEMENT BY PRIME MINISTER—PAPER: The Minister for Administrative Services (Senator Withers), by Command of His Excellency the Governor-General, laid upon the Table the following Paper:

Royal Commission on Australian Government Administration—Statement by the Prime Minister, the Right Hon. Malcolm Fraser, relating to Government decisions on certain recommendations in the Report of the Royal Commission on Australian Government Administration, dated 9 December 1976.

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

On the motion of the Leader of the Opposition in the Senate (Senator Wriedt) the debate was adjourned.

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

- 36 TRADING STOCK VALUATION ADJUSTMENTS—MINISTERIAL STATEMENT: The Minister for Industry and Commerce (Senator Cotton), by leave, made a statement relating to trading stock valuation adjustments.

- 37 POSTPONEMENT: The Leader of the Government in the Senate (Senator Withers) moved—That 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.

- 38 TARIFF STRUCTURE REVIEW—MINISTERIAL STATEMENT: Order of the Day read for the adjourned debate on the motion by the Minister for Industry and Commerce (Senator Cotton)—That the Senate take note of the Statement.

Debate resumed.

Trade and Commerce—Standing Committee—Proposed Reference: Senator Cotton, by leave, moved—

- (1) That the following matter be referred to the Standing Committee on Trade and Commerce for inquiry and report: The effects of (a) currency alterations and (b) changes to manufacturing industry protection upon employment, inflation (including prices of manufactured goods).

- (2) That the Committee report to the Senate on these matters every three months from the commencement of the opening session of Parliament in 1977.

Debate ensued.

Ordered—That the debate be adjourned till a later hour of the day, and that the Leader of the Opposition in the Senate (Senator Wriedt) have leave to continue his speech on the resumption of the debate.

Ordered—That the debate on the Question—That the Senate take note of the Statement—be adjourned till a later hour of the day.

- 39 DAIRYING INDUSTRY RESEARCH AND PROMOTION LEVY 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 and agreed to.

Bill to be reported without requests.

The Acting Deputy-President (Senator Davidson) resumed the Chair; and the Temporary Chairman of Committees (Senator Devitt) 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.

- 40 BROADCASTING AND TELEVISION AMENDMENT BILL (No. 2) 1976
BROADCASTING STATIONS LICENCE FEES AMENDMENT BILL 1976
TELEVISION STATIONS LICENCE FEES AMENDMENT BILL (No. 2) 1976:

Order of the Day read for the adjourned debate on the Question—That these Bills be now read a second time.

Senator Button moved an amendment, viz.: At end of motion, add “, but the Senate is of the opinion that the Broadcasting and Television Amendment Bill (No. 2) 1976 should be withdrawn and redrafted because—

- (a) there has been inadequate time for proper public consideration of the Government's proposals in relation to broadcasting;
- (b) it fails to establish a proper basis for public broadcasting in Australia; and
- (c) it is inconsistent with the principles enunciated for the structure of broadcasting in Australia by the report of the Postal and Telecommunications Department on Australian Broadcasting”.

Debate continued.

Senator Ryan addressing the Chair—

And it being eleven p.m.—

- 41 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 three minutes past eleven p.m. till to-morrow at ten a.m.

- 42 ATTENDANCE: Present, all Senators except Senator Rae.

J. R. ODGERS,
Clerk of the Senate