PARLIAMENT OF THE COMMONWEALTH

TWENTY-SIXTH PARLIAMENT—SECOND SESSION: FIRST PERIOD

GOVERNOR-GENERAL

His Excellency the Right Honourable Richard Gardiner, Baron Casey, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Order of Companions of Honour, Companion of the Distinguished Service Order, upon whom has been conferred the Decoration of the Military Cross, Knight of the Most Venerable Order of the Hospital of Saint John of Jerusalem, Governor-General and Commander-in-Chief in and over the Commonwealth of Australia from 22 September 1965.

Commonwealth of Australia Gazette

No. 107A

Canberra, Tuesday, 19 December 1967

HIS Excellency the Governor-General directs it to be notified, for general information, that he has:

(a) determined the appointment of The Right Honourable Harold Edward Holt, M.P., as Prime Minister; and

(b) directed and appointed The Right Honourable John McEwen M.P., a member of the Federal Executive Council, to hold the office of Prime Minister and to administer the Department of State connected with that office.

McEwen Government

(AS FROM 19 DECEMBER 1967)

Prime Minister and Minister for Trade and Industry

Treasurer

Minister for External Affairs

Minister for Defence

Minister for Primary Industry

Minister for Education and Science

Postmaster-General; and Vice-President of the Executive Council

Minister for National Development

Minister for Supply

Minister for Labour and National Service

Minister for Social Services; and Minister assisting the Minister for Trade and Industry

The Right Honourable John McEwen

The Right Honourable William McMahon

The Right Honourable Paul Meernaa Caedwalla Hasluck

The Honourable Allen Fairhall

The Honourable John Douglas Anthony

Senator the Honourable John Grey Gorton

The Honourable Alan Shallcross Hulme

The Honourable David Eric Fairbairn, D.F.C.

Senator the Honourable Norman Henry Denham Henty

The Honourable Leslie Harry Ernest Bury

The Honourable Ian McCahon Sinclair

(The above Ministers constitute the Cabinet)

Minister for Shipping and Transport

Minister for Territories

Minister for Civil Aviation

Minister for Immigration

Minister for Health

Minister for Air; and Minister assisting the Treasurer

Minister for Customs and Excise

Minister for Repatriation

Minister for Housing

Minister for the Army

Minister for Works

Attorney-General

Minister for the Navy; and, under the Minister for Trade and Industry, Minister-in-Charge of Tourist Activities

Minister for the Interior

The Honourable Gordon Freeth

The Honourable Charles Edward Barnes

The Honourable Reginald William Colin Swartz, M.B.E., E.D.

The Honourable Billy Mackie Snedden, Q.C.

The Honourable Alexander James Forbes, M.C.

The Honourable Peter Howson

The Honourable Kenneth McColl Anderson

Senator the Honourable Gerald Colin McKellar

Senator the Honourable Dame Annabelle Jane Mary Rankin, D.B.E.

The Honourable John Malcolm Fraser

The Honourable Charles Robert Kelly

The Honourable Nigel Hubert Bowen, Q.C.

The Honourable Donald Leslie Chipp

The Honourable Peter James Nixon
HIS Excellency the Governor-General directs it to be notified, for general information, that he has:

(a) determined the appointment of The Right Honourable John McEwen, M.P., as Prime Minister; and
(b) directed and appointed Senator the Honourable John Grey Gorton, a member of the Federal Executive Council, to hold the office of Prime Minister and to administer the Department of State connected with that office.

HIS Excellency the Governor-General directs it to be notified, for general information, that, today on the occasion of the administration of the Oath of Office to Senator the Honourable John Grey Gorton as Prime Minister of Australia, he made the following statement:

"Whereas on the 17th day of December, 1967 I was advised by the Right Honourable John McEwen M.P., Deputy Prime Minister, that the Right Honourable Harold Edward Holt, M.P., then Prime Minister of Australia, was unavailable to perform the duties of his office and was in all probability dead;

And whereas, upon the information available to me, it appeared to me that, notwithstanding exhaustive and adequate search by land, sea and air, (which was continued until 5th January, 1968) the body of the said Harold Edward Holt was lost in the sea and remained undiscovered, and that, having regard to the circumstances of his disappearance on the 17th day of December, 1967 and to the searches so made, he was in all probability dead;

And whereas, upon the said advice and information, I decided on the 19th day of December, 1967 to determine the Commission formerly granted by me to the said Harold Edward Holt to hold the office of Prime Minister and to grant a Commission to the said John McEwen to execute the duties of such office;

And whereas on the 19th day of December, 1967 Harold Edward Holt's Commission was determined and a Commission was issued to John McEwen;

And whereas on the 10th day of January, 1968 the said John McEwen tendered to me and I accepted his resignation as Prime Minister of Australia;

Now, I address you, John Grey Gorton, having been advised by John McEwen, Prime Minister of Australia that you command the necessary political support—I have decided to grant a Commission to you, John Grey Gorton to hold the office of Prime Minister of Australia. I now invite you to make the Oath of Office."

FIRST GORTON GOVERNMENT
(AS FROM 10 JANUARY 1968)

(Other than the appointment of Senator The Honourable John Grey Gorton to replace the Right Honourable John McEwen in the office of Prime Minister, the constitution of this Government is as for the McEwen Government).
HIS Excellency the Governor-General directs it to be notified, for general information, that he has:

(a) determined the appointment of The Honourable John Grey Gorton, M.P., as Prime Minister; and
(b) directed and appointed The Honourable John Grey Gorton, M.P., a member of the Federal Executive Council, to hold the office of Prime Minister and to administer the Department of State connected with that office.

SECOND GORTON GOVERNMENT

(AS FROM 28 FEBRUARY 1968)

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<th>Position</th>
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<tr>
<td>Prime Minister</td>
<td>The Right Honourable John Grey Gorton</td>
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<td>Minister for Trade and Industry</td>
<td>The Right Honourable John McEwen</td>
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<td>Treasurer</td>
<td>The Right Honourable William McMahon</td>
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<td>Minister for External Affairs</td>
<td>The Right Honourable Paul Meernaa Caedwalla Hatluck</td>
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<td>Minister for Defence</td>
<td>The Honourable Allen Fairhall</td>
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<td>The Honourable John Douglas Anthony</td>
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<td>Postmaster-General; and Vice-President of the Executive Council</td>
<td>The Honourable Alan Shallcross Huime</td>
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<td>The Honourable David Eric Fairbairn, D.F.C.</td>
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<td>Minister for Labour and National Service</td>
<td>The Honourable Leslie Harry Ernest Bury</td>
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<td>Minister for Shipping and Transport; and Minister assisting the Minister for Trade and Industry</td>
<td>The Honourable Jan McCahon Sinclair</td>
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<td>Minister for Supply</td>
<td>Senator the Honourable Kenneth McColl Anderson</td>
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<td>Minister for Education and Science</td>
<td>The Honourable John Malcolm Fraser</td>
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(The above Ministers constitute the Cabinet)

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<tr>
<td>Minister for Air; and Minister assisting the Treasurer</td>
<td>The Honourable Gordon Freeth</td>
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<td>Minister for External Territories</td>
<td>The Honourable Charles Edward Barnes</td>
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<td>The Honourable Reginald William Colin Swartz, M.B.E., E.D.</td>
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<td>Minister for Repatriation</td>
<td>Senator the Honourable Gerald Colin McKellar</td>
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<td>Minister for Housing</td>
<td>Senator the Honourable Dame Annabelle Jane Mary Rankin, D.B.E.</td>
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<td>Attorney-General</td>
<td>The Honourable Nigel Hubert Bowen, Q.C.</td>
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<td>The Honourable Phillip Reginald Lynch</td>
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<td>Senator the Honourable Malcolm Fox Scott</td>
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<td>Minister for Social Services; and Minister-in-Charge of Aboriginal Affairs</td>
<td>The Honourable William Charles Wentworth</td>
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<tr>
<td>Minister for Works; and under the Minister for Trade and Industry Minister-in-Charge of Tourist Activities</td>
<td>Senator the Honourable Reginald Charles Wright</td>
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MEMBERS OF THE HOUSE OF REPRESENTATIVES

TWENTY-SIXTH PARLIAMENT—SECOND SESSION: FIRST PERIOD

Speaker—The Honourable William John Aston

Leader of the House—The Honourable Billy Mackie Snedden, Q.C.

Chairman of Committees—Philip Ernest Luceck


Leader of the Opposition—Edward Gough Whitlam, Q.C.

Deputy Leader of the Opposition—Lance Herbert Barnard

Leader of the Australian Country Party—The Right Honourable John McEwen

Deputy Leader of the Australian Country Party—The Honourable John Douglas Anthony

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<th>Member Name</th>
<th>Party</th>
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<td>Adermann, Rt Hon. Charles Frederick</td>
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<td>Farrer (N.S.W.)</td>
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Members of the House of Representatives

Fairhall, Hon. Allen .......................................................... Paterson (N.S.W.)
Forbes, Hon. Alexander James, M.C. ................................. Barker (S.A.)
Fox, Edmund Maxwell Cameron ........................................ Henty (Vic.)
Fraser, James Reay ........................................................ A.C.T.]
Fraser, Hon. John Malcolm ................................................ Wannon (Vic.)
Freeth, Hon. Gordon ........................................................ Forrest (W.A.)
Fulton, William John ....................................................... Leichhardt (Qld)
Gibbs, Wylie Talbot ........................................................... Bowman (Qld)
Gibson, Adrian ................................................................. Denison (Tas.)
Giles, Geoffrey O'Halloran ................................................. Angas (S.A.)
Gorton, Rt Hon. John Grey ................................................ Higgins (Vic.)
Graham, Bruce William .................................................... North Sydney (N.S.W.)
Griffiths, Charles Edward ................................................ Shortland (N.S.W.)
Hallett, John Mead ........................................................... Canning (W.A.)
Hansen, Brendan Percival .................................................. Wide Bay (Qld)
Harrison, Eli James ......................................................... Blaxland (N.S.W.)
Hasluck, Rt Hon. Paul Meemans Caedwalla .......................... Curtin (W.A.)
Haworth, Hon. William Crawford ....................................... Isaacs (Vic.)
Hayden, William George .................................................. Oxley (Qld)
Holten, Rendle McNeillage ................................................ Indi (Vic.)
Howson, Hon. Peter .......................................................... Fawkner (Vic.)
Hughes, Thomas Eyre Forrest, Q.C. .................................... Parkes (N.S.W.)
Hulme, Hon. Alan Shaileress ............................................. Petrie (Qld)
Irwin, Leslie Herbert, M.B.E. ............................................. Mitchell (N.S.W.)
James, Albert William ..................................................... Hunter (N.S.W.)
Jarman, Alan William ...................................................... Deakin (Vic.)
Jess, John David .............................................................. La Trobe (Vic.)
Jessop, Donald Scott ....................................................... Grey (S.A.)
Jones, Andrew Thomas ..................................................... Adelaide (S.A.)
Jones, Charles Keith ........................................................ Newcastle (N.S.W.)
Katter, Robert Cummin ...................................................... Kennedy (Qld)
Kelly, Hon. Charles Robert ................................................ Wakefield (S.A.)
Kent Hughes, Hon. Sir Wilfrid Selwyn, K.B.E., M.V.O., M.C., E.D. Chisholm (Vic.)
Killen, Denis James .......................................................... Moreton (Qld)
King, Robert Shannon ...................................................... Wimerra (Vic.)
Lee, Mervyn William ....................................................... Lalar (Vic.)
Luchetti, Anthony Sylvester .............................................. Macquarie (N.S.W.)
Lucock, Philip Ernest ...................................................... Lyne (N.S.W.)
Lynch, Hon. Philip Reginald .............................................. Flinders (Vic.)
Mackay, Malcolm George ................................................ Evans (N.S.W.)
Maisey, Donald William ................................................... Moore (W.A.)
McEwen, Rt Hon. John ..................................................... Murray (Vic.)
McVoy, Hector James ...................................................... Gellibrand (Vic.)
McLeay, John Elden .......................................................... Boothby (S.A.)
McMahon, Rt Hon. William ............................................... Lowe (N.S.W.)
Minogue, Daniel .............................................................. West Sydney (N.S.W.)
Munro, Dugal Ronald Ross ................................................ Eden-Monaro (N.S.W.)
Nicholls, Martin Henry .................................................... Bonython (S.A.)
Nixon, Hon. Peter James .................................................... Gippstown (Vic.)
O'Connor, William Paul ................................................... Dalley (N.S.W.)
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Peters, Edward William ..................................................... Scullin (Vic.)
Pettitt, John Alexander ..................................................... Hume (N.S.W.)
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Scholes, Gordon Glen Denton .......................................... Corio (Vic.)
Sinclair, Hon. Ian McCathan .............................................. New England (N.S.W.)
Snedden, Hon. Billy Mackie, Q.C. ..................................... Bruce (Vic.)
Stewart, Francis Eugene ................................................... Lang (N.S.W.)
St John, Edward Henry, Q.C. ............................................ Warringah (N.S.W.)
Stokes, Philip William Clifford, E.D. ................................. Marr嗁ron (Vic.)
Street, Anthony Austin ..................................................... Corangamite (Vic.)
Swartz, Hon. Reginald William Colin, M.B.E., E.D. ............... Darling Downs (Qld)
Turnbull, Winton George, C.B.E. ...................................... Mallee (Vic.)
Turner, Henry Basil .......................................................... Bradfield (N.S.W.)
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Webb, Charles Harry ....................................................... Stirling (W.A.)
Wentworth, Hon. William Charles ...................................... Mackellar (N.S.W.)
Whitlam, Edward Gough, Q.C. ......................................... Werriwa (N.S.W.)
Whitton, Raymond Harold ............................................... Balclutha (Vic.)
Wilson, Ian Bonython Cameron .......................................... Sturt (S.A.)
THE COMMITTEES OF THE SESSION

(First Period)

Standing Committees

House: Mr Speaker, Mr Failes, Mr J. R. Fraser, Mr Graham, Mr Hansen, Mr McIvor, Mr Stokes.

Library: Mr Speaker, Mr Ian Allan, Mr Bryant, Mr Cross, Mr Drury (from 4 April 1968), Mr O'Connor, Mr Turner, Mr Wentworth (to 4 April 1968).

Printing: Mr Graham (Chairman), Miss Brownbill, Mr Bryant, Mr Buchanan (from 4 April 1968), Mr Corbett, Mr J. R. Fraser, Mr Lynch (to 4 April 1968), Mr Stewart.

Privileges: Mr Clark, Mr Crean, Mr Drury, Mr J. R. Fraser, Mr James, Mr Killen, Mr Peacock, Mr St. John, Mr Turnbull.

Standing Orders: Mr Speaker (Chairman), the Chairman of Committees, the Leader of the House, the Deputy Leader of the Opposition, Mr Bryant, Mr Clark, Mr Drury, Mr Duthie, Mr Fulton, Mr Gorton, Mr McEwen.

Joint Statutory Committees

Broadcasting of Parliamentary Proceedings: Mr Speaker (Chairman), Mr President, Senator McClelland, Senator Sim, and Mr Arthur, Miss Brownbill, Mr Costa, Mr Luchetti, Mr Turnbull.

Public Accounts: Mr Cleaver (Chairman), Senator Fitzgerald, Senator Webster, Senator Dame Ivy Wedgwood, and Mr Collard, Mr Cope, Mr Dobie, Mr Fox, Mr Peters, Mr Robinson.

Public Works: Mr Chaney (Chairman), Senator Bramson, Senator Dittmer, Senator Prowse, and Mr Bosman, Mr Fulton, Mr Holten, Mr James, Mr O'Connor.

Joint Committees

Australian Capital Territory: Senator Wood (Chairman and member to 16 May 1968), Senator Marriott (Chairman from 16 May 1968, member to 2 May 1968), Senator Cotton (to 2 May 1968), Senator Devitt, Senator Sir Kenneth Morris, Senator Toohey, Senator Dame Ivy Wedgwood, and Mr Daly, Mr England, Mr Fox, Mr J. R. Fraser.

Foreign Affairs: Senator Cormack (Chairman), Senator Bull, Senator Drury, Senator Laught, Senator Mattner, Senator McManus, Senator Mulvihill, Senator Willessee, and Mr Ian Allan, Mr Armstrong, Mr Barnard, Mr Beazley, Mr Costa, Mr Cross, Mr Davies, Mr Giles, Mr Hughes, Mr Jess, Mr Killen, Mr Peacock, Mr Turner.

New and Permanent Parliament House: Mr President (Chairman), Mr Speaker (Deputy Chairman), the Prime Minister, the Leader of the Country Party in the House of Representatives, the Leader of the Opposition in the House of Representatives, Senator Devitt, Senator Drake-Brockman, Senator McClelland, Senator Dame Ivy Wedgwood, and Mr Barnard, Mr Birrell, Mr Bryant, Mr Duthie, Mr Drury, Mr Erwin, Mr Giles, Mr Luchetti, Mr Nixon.
PARLIAMENTARY DEPARTMENTS

SENATE
Clerk—J. R. Odgers
Deputy Clerk—R. E. Bullock
Clerk-Assistant—K. O. Bradshaw
Principal Parliamentary Officer—A. R. Cumming Thom
Usher of the Black Rod—H. C. Nicholls

HOUSE OF REPRESENTATIVES
Clerk—A. G. Turner, C.B.E.
Deputy Clerk—N. J. Parkes, O.B.E.
Clerk-Assistant—J. A. Pettifer
Principal Parliamentary Officer—D. M. Blake
Serjeant-at-Arms—A. R. Browning

PARLIAMENTARY REPORTING STAFF
Principal Parliamentary Reporter—A. K. Healy
Second Reporter—W. J. Bridgman
Third Reporter—K. R. Ingram

LIBRARY
Librarian—A. P. Fleming, O.B.E.

JOINT HOUSE
Chief Executive Officer—R. W. Hillyer
THE ACTS OF THE SESSION

(SECOND SESSION: FIRST PERIOD)

Appropriation Act (No. 3) 1967–68 (Act No. 20 of 1968)—
An Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sum appropriated by the Appropriation Act (No. 1) 1967–68, for the service of the year ending on the thirtieth day of June, One thousand nine hundred and sixty-eight.

Appropriation Act (No. 4) 1967–68 (Act No. 21 of 1968)—
An Act to appropriate a sum out of the Consolidated Revenue Fund, additional to the sum appropriated by the Appropriation Act (No. 2) 1967–68, for certain expenditure in respect of the year ending on the thirtieth day of June, One thousand nine hundred and sixty-eight.

Beer Excise Act 1968 (Act No. 19 of 1968)—
An Act to amend the Beer Excise Act 1901–1966 in relation to the establishment of a Collectorate of Customs in the Northern Territory.

Canned Fruit Excise Act 1968 (Act No. 17 of 1968)—
An Act to amend the Canned Fruit Excise Act 1963–1966 in relation to the establishment of a Collectorate of Customs in the Northern Territory.

Canned Fruits Export Marketing Act 1968 (Act No. 37 of 1968)—

Coal Excise Act 1968 (Act No. 18 of 1968)—
An Act to amend the Coal Excise Act 1949–1966 in relation to the establishment of a Collectorate of Customs in the Northern Territory.

Commonwealth Employees’ Furlough Act 1968 (Act No. 26 of 1968)—

Commonwealth Employees’ Furlough Act (No. 2) 1968 (Act No. 58 of 1968)—
An Act to amend the Commonwealth Employees’ Furlough Act 1943–1967, as amended by the Commonwealth Employees’ Furlough Act 1968, with respect to certain Leave.

Commonwealth Railways Act 1968 (Act No. 27 of 1968)—

Conciliation and Arbitration Act 1968 (Act No. 38 of 1968)—

Copyright Act 1968 (Act No. 63 of 1968)—
An Act relating to Copyright, and for other purposes.

Customs Act 1968 (Act No. 14 of 1968)—
An Act to amend the Customs Act 1901–1967 for the purpose of establishing a Collectorate of Customs in the Northern Territory, and for purposes related thereto.

Customs Tariff 1968 (Act No. 39 of 1968)—
An Act relating to Duties of Customs.

Defence Forces Retirement Benefits Act 1968 (Act No. 55 of 1968)—

Defence Forces Retirement Benefits Act (No. 2) 1968 (Act No. 56 of 1968)—

Defence (Re-establishment) Act 1968 (Act No. 10 of 1968)—

Designs Act 1968 (Act No. 64 of 1968)—

Distillation Act 1968 (Act No. 16 of 1968)—
An Act to amend the Distillation Act 1901–1966 in relation to the establishment of a Collectorate of Customs in the Northern Territory.

Excise Act 1968 (Act No. 15 of 1968)—
An Act to amend the Excise Act 1901–1966 in relation to the establishment of a Collectorate of Customs in the Northern Territory.

Income Tax Assessment Act 1968 (Act No. 4 of 1968)—
An Act to amend the Law relating to Income Tax.

Income Tax Assessment Act (No. 2) 1968 (Act No. 60 of 1968)—
An Act to amend the Law relating to Income Tax.
Income Tax (International Agreements) Act 1968 (Act No. 3 of 1968)—

International Development Association (Additional Contribution) Act 1968 (Act No. 45 of 1968)—
An Act to approve the payment by Australia of a Further Contribution to the International Development Association.

Loan (Airlines Equipment) Act 1968 (Act No. 46 of 1968)—
An Act to approve the raising by way of Loan of Moneys in the Currency of the Federal Republic of Germany to be lent to the Australian National Airlines Commission, and for related purposes.

Loan Act 1968 (Act No. 40 of 1968)—
An Act to amend the Loan Act 1967.

Loans Securities Act 1968 (Act No. 28 of 1968)—
An Act to amend the Loans Securities Act 1919-1959.

National Service Act 1968 (Act No. 51 of 1968)—
An Act to amend the National Service Act 1951-1966.

Native Members of the Forces Benefits Act 1968 (Act No. 8 of 1968)—

Naval Defence Act 1968 (Act No. 24 of 1968)—

Navigation Act 1968 (Act No. 62 of 1968)—

New South Wales Grant (Flood Mitigation) Act 1968 (Act No. 2 of 1968)—
An Act to amend section 5 of the New South Wales Grant (Flood Mitigation) Act 1964-1966.

Northern Territory (Administration) Act 1968 (Act No. 5 of 1968)—
An Act relating to the Rights of an Officer of the Public Service of the Commonwealth who is appointed to the Office of Administrator of the Northern Territory of Australia.

Northern Territory (Administration) Act (No. 2) 1968 (Act No. 47 of 1968)—
An Act relating to the Composition of the Legislative Council of the Northern Territory of Australia and to the Assent by the Governor-General to Ordinances of that Territory.

Northern Territory Representation Act 1968 (Act No. 11 of 1968)—
An Act relating to the Representation of the Northern Territory of Australia in the House of Representatives.

Officers' Rights Declaration Act 1968 (Act No. 6 of 1968)—
An Act to amend the Schedule to the Officers' Rights Declaration Act 1928-1959 in relation to the Office of Administrator of the Northern Territory of Australia.

Overseas Telecommunications Act 1968 (Act No. 31 of 1968)—
An Act to amend the Overseas Telecommunications Act 1946-1966.

Papua and New Guinea Act 1968 (Act No. 25 of 1968)—

Pay-roll Tax Assessment Act 1968 (Act No. 61 of 1968)—

Petroleum (Submerged Lands) Act 1968 (Act No. 1 of 1968)—
An Act to amend sections 16 and 146 of the Petroleum (Submerged Lands) Act 1967.

Post and Telegraph Act 1968 (Act No. 32 of 1968)—
An Act to amend the Post and Telegraph Act 1901-1966.

Post and Telegraph Act (No. 2) 1968 (Act No. 33 of 1968)—
An Act relating to the Finances of the Post Office Services.

Public Service Act 1968 (Act No. 59 of 1968)—
An Act to amend the Public Service Act 1922-1967 with respect to certain Leave.

Queensland Grant (Maraboon Dam) Act 1968 (Act No. 35 of 1968)—
An Act to grant Financial Assistance to the State of Queensland in connection with the construction of a Dam on the Nogoa River near Emerald in that State.

Railway Agreement (New South Wales) Act 1968 (Act No. 43 of 1968)—
An Act relating to an agreement between the Commonwealth and the State of New South Wales with respect to the Railway from Parkes to Broken Hill.

Railway Agreement (Queensland) Act 1968 (Act No. 41 of 1968)—
An Act relating to a Supplemental Agreement between the Commonwealth and the State of Queensland with respect to the Collinsville-Townsville-Mount Isa Railway.

Removal of Prisoners (Territories) Act 1968 (Act No. 9 of 1968)—
The Acts of the Session

Science and Industry Research Act 1968 (Act No. 7 of 1968)—

Science and Industry Research Act (No. 2) 1968 (Act No. 52 of 1968)—

States Grants (Beef Cattle Roads) Act 1968 (Act No. 44 of 1968)—
An Act to grant Financial Assistance to the States of Queensland, Western Australia and South Australia in connection with the construction of certain Roads to be used for the transport of Beef Cattle.

States Grants (Deserted Wives) Act 1968 (Act No. 48 of 1968)—
An Act to grant Financial Assistance to certain States in respect of Benefits provided for Deserted Wives, and certain other Women, having the Custody, Care and Control of Children.

States Grants (Drought Assistance) Act 1968 (Act No. 29 of 1968)—
An Act to grant Financial Assistance to the States of New South Wales, Victoria, Queensland and South Australia in relation to Loss of Revenue due to the Effects of Drought.

States Grants (Drought Reimbursement) Act 1968 (Act No. 30 of 1968)—
An Act to make provision for the Grant of Financial Assistance to the States of Victoria and South Australia for the purpose of meeting the Cost of Measures for Alleviating the Effects of Drought.

States Grants (Science Laboratories) Act 1968 (Act No. 12 of 1968)—
An Act to grant Financial Assistance to the States for Science Laboratories and Equipment in Schools.

States Grants (Technical Training) Act 1968 (Act No. 53 of 1968)—

Superannuation Act 1968 (Act No. 49 of 1968)—
An Act to amend the Superannuation Act 1922-1967 in relation to Employees who become Contributors to the Defence Forces Retirement Benefits Fund, and for purposes related thereto.

Supplementary Act (No. 2) 1968 (Act No. 57 of 1968)—
An Act to amend the Superannuation Act 1922-1967 in relation to the Retrenchment of Employees and to make consequential amendments of the Superannuation Act 1968.

Supply Act (No. 1) 1968-69 (Act No. 22 of 1968)—
An Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for the service of the year ending on the thirtieth day of June, One thousand nine hundred and sixty-nine.

Supply Act (No. 2) 1968-69 (Act No. 23 of 1968)—
An Act to make interim provision for the appropriation of moneys out of the Consolidated Revenue Fund for certain expenditure in respect of the year ending on the thirtieth day of June, one thousand nine hundred and sixty-nine.

Tasmania Agreement (Hydro-Electric Power Development) Act 1968 (Act No. 42 of 1968)—

United States Naval Communication Station (Civilian Employees) Act 1968 (Act No. 54 of 1968)—
An Act to provide Rights in respect of the Injury, Disease or Death of certain Civilian Employees at the United States Naval Communication Station in Australia.

Universities (Financial Assistance) Act 1968 (Act No. 13 of 1968)—
An Act to amend the Second Schedule to the Universities (Financial Assistance) Act 1966-1967 in relation to the University of Newcastle and La Trobe University.

Victoria Grant (River Murray Salinity) Act 1968 (Act No. 34 of 1968)—
An Act to grant Financial Assistance to the State of Victoria in connection with Measures to reduce the Salinity of the River Murray.

Western Australia Agreement (Ord River Irrigation) Act 1968 (Act No. 50 of 1968)—
An Act relating to an Agreement between the Commonwealth and the State of Western Australia in respect of Financial Assistance for the construction of a Dam on the Ord River and associated Works.
Bankruptcy Bill 1968—
  Initiated in the House of Representatives. Second Reading.

Death Penalty Abolition Bill 1968—
  Passed by the Senate.
  Transmitted to the House of Representatives. Second Reading.

Extradition (Commonwealth Countries) Bill 1968—
  Initiated in the House of Representatives. Second Reading.

Extradition (Foreign States) Bill 1968—
  Initiated in the House of Representatives. Second Reading.

Fisheries Bill 1968—
  Initiated in the House of Representatives. Second Reading.

High Court Procedure Bill 1968—
  Initiated in the House of Representatives. First Reading.

Judges' Pensions Bill 1968—
  Initiated in the House of Representatives. Second Reading.

Law Officers Bill 1968—
  Initiated in the House of Representatives. Second Reading.

Patents Bill 1968—
  Initiated in the House of Representatives. Second Reading.

Public Service Bill (No. 2) 1968—
  Initiated in the House of Representatives. Second Reading.

Spirits Bill 1968—
  Initiated in the House of Representatives. Second Reading.
PARLIAMENT PROROGUED AND CONVENE
TWENTY-SIXTH PARLIAMENT—SECOND SESSION
('Gazette', No. 15 of 1968)

PROCLAMATION

Commonwealth of Australia to wit

CASEY

Governor-General.

WHEREAS by section five of the Constitution of the Commonwealth of Australia it is amongst other things provided that the Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also, from time to time, by Proclamation or otherwise, prorogue the Parliament:

Now therefore I, Richard Gardiner, Baron Casey, the Governor-General aforesaid, in exercise of the power conferred by the said Constitution, do by this my Proclamation prorogue the Parliament until Tuesday, the twelfth day of March, One thousand nine hundred and sixty-eight, or, in the event of circumstances arising, at present unforeseen, which render it expedient that the Parliament should be summoned to assemble at an earlier date, until such earlier date as is fixed by a Proclamation summoning the Parliament to assemble and be holden for the despatch of business.

Furthermore I appoint the said Tuesday, the twelfth day of March, One thousand nine hundred and sixty-eight, or such earlier date (if any) as is fixed by Proclamation, as the day for the Parliament to assemble and be holden for the despatch of business. And all Senators and Members of the House of Representatives are hereby required to give their attendance accordingly in the building known as Parliament House, Canberra, at the hour of three o'clock in the afternoon on the said Tuesday, the twelfth day of March, One thousand nine hundred and sixty-eight or, in the event of an earlier date being fixed by Proclamation, at three o'clock in the afternoon on the date so fixed.

Given under my Hand this ninth day of February in the year of our Lord, One thousand nine hundred and sixty-eight, and in the seventeenth year of Her Majesty's reign.

By His Excellency's Command,

J. G. GORTON
Prime Minister

GOD SAVE THE QUEEN!
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TUESDAY, 28 MAY 1968

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Tuesday, 28 May 1968

Mr SPEAKER (Hon. W. J. Aston) took the chair at 2.30 p.m., and read prayers.

PETITIONS
Social Services

Mr BENSON presented a petition from certain citizens of the Commonwealth praying that this House will make a survey of the full requirements of pensioners of all types and adopt a policy for the progressive liberalisation of the means test resulting in its removal within 3 years.

Petition received.

Vietnam

Mr JESSOP presented a petition from certain electors of the Division of Grey praying that the Government convey as early as possible its belief to our American allies that all aspects of the war in Vietnam should be intensified while pursuing a policy of no compromise at the current Paris talks.

Petition received and read.

A similar petition was presented by Mr King.

Petition received.

MINISTERIAL ARRANGEMENTS

Mr McEwen (Murray—Minister for Trade and Industry)—Honourable members will be aware that on Thursday, 23rd May the Prime Minister (Mr Gorton) left Australia on a visit to the United States of America. The Prime Minister will be absent from Australia until Sunday, 2nd June. During this period I will be Acting Prime Minister.

ARMY DISCIPLINE

Dr EVERINGHAM—Is the Minister for the Army aware that relative starvation, isolation, lack of occupation or diversion and repeated or prolonged deprivation of sleep are commonly recognised by psychologists, psychiatrists and military interrogation authorities as means of breaking down the resistance of recalcitrant prisoners and may have serious psychological effects? Secondly, does the Minister maintain that such measures as half-hourly awakening of prisoners in order to help ensure against self-injury or escape are standard procedure in Army prisons.

Mr. LYNCH—The matter to which the honourable member refers has received a certain amount of Press publicity. I make it clear to the honourable member and to members of this House that no attempt has been made to break down any man in the military corrective establishment at Holsworthy. The conditions which apply to the person the honourable member obviously has in mind are in fact those conditions which apply to any member of the Australian Army placed in this situation. This is the normal code of military discipline which is subscribed to by the three Services. The system of half-hourly inspections, to which the honourable member also referred, was originally instituted for the safety of prisoners. The Military Board has already reviewed the matter and discontinued half-hourly checks.

COMMUNIST CHINA

Mr WHITTORN—I address my question to the Minister for External Affairs. Professor Fitzgerald of the Australian National University has been reported as saying that China would not force its views on other countries by military means. If this is correct, can the Minister tell the House why Tibet attacked China, as apparently did India? Can he also tell the House whether the establishment of national liberation fronts by China is a form of aggression or whether it is a method China uses of forcing neighbouring countries to appoint friendly governments?

Mr HASLUCK—If, and I emphasise 'if', Professor Fitzgerald said anything as silly as he is reported to have said, I think the honourable member's question has sufficiently demolished him.

ARMY DISCIPLINE

Mr CLYDE CAMERON—I would like to ask a supplementary question of the Minister for the Army. Is it a fact that in South Australian civilian prisons the punishment of solitary confinement, with or without a bread and water diet, has not been imposed for many years? Is it also a fact that in times when this punishment was
given it was imposed only on the order of a visiting Justice? Is it true that under no circumstances is the penalty of solitary confinement used in South Australian prisons even against the worst murderers, garrotters or rapists in South Australian prisons today? Is it true also that a prisoner in South Australia is never awakened at half-hourly intervals? I now ask the Minister: Will he state whether in future prisoners will be regarded as safe in their solitary confinement without being looked at every half hour?

Mr LYNCH—Mr Speaker, I am not in a position to speak on the South Australian prison system, but I do want to make the point that Holsworth is a military correctional establishment. I do not believe that it has any parallel with any other system.

Mr DEVINE—Does the Acting Prime Minister condone the treatment of conscientious objectors who have been handed over to military authorities whereby they are being subjected to having to sleep on a concrete floor, being fed on bread and water and being awakened every half hour for identification purposes? In view of the recent serious admissions of maltreatment of an Australian citizen and other allegations that have been made over recent years, will the Acting Prime Minister instigate an open inquiry into all aspects of military detention and treatment at military establishments? Finally, pending such an inquiry, will the Acting Prime Minister call for the resignation of the Minister for the Army?

Mr McEWEN—Mr Speaker, the answer to the question is that I will not institute an inquiry. The facts of the matter as I understand them are that this man claimed to be a conscientious objector. He was heard by a civilian court and his application as a conscientious objector was disallowed. It is my understanding that he lodged an appeal. At the second hearing, his application was disallowed again. Under the existing law, this put him under the control of Army authorities. It is my understanding that he disobeyed a legitimate Army instruction to him. Thereupon, the penalties that have been prevalent for a long time in the Army came into force.

Mr Nicholls—Does the Minister agree with them?

Mr McEWEN—It is not for me to say whether I agree with them or not. I am explaining the facts of the situation at the present time. I might well ask the honourable member whether he has disagreed in the last 7 years or 8 years. He has been very silent about it. In fact, the whole Labor Party has been very silent about it.

Mr Nicholls—Does the Minister—

Mr SPEAKER—Order!—The honourable member for Bonython will cease interjecting.

Mr Devine—The Government is treating him as a political prisoner.

Mr SPEAKER—Order! I again warn honourable members that interjections are entirely out of order. A question has been asked seeking information. The Acting Prime Minister is on his feet endeavouring to give a reply to the question that was asked. There have been far too many interjections since the beginning of question time. I request honourable members to restrain themselves.

Mr McEWEN—The penalties which may be applied by the Army for offences of this nature are prescribed under regulations.

Mr Bryant—This is not.

Mr SPEAKER—Order! I warn the honourable member for Wills.

Mr McEWEN—The Minister for the Army already has said today that the Military Board has reviewed the half-hourly scrutiny or awakening of prisoners, as the case may be, and this practice has been discontinued.

Mr Whitlam—The review took place in the last 2 days?

Mr McEWEN—Apparently.

Mr Devine—Under what regulation was this done?

Mr SPEAKER—Order! The honourable member for East Sydney has asked his question. He will remain silent.

Mr McEWEN—Apparently the Military Board has been aware of this situation for just as long as the Labor Party has been aware of it—in other words, since it gained publicity in the last few days. The Military Board has been even more prompt in
reviewing the necessity for the regulation than has been the Labor Party. But I would like to add, to bring this matter into its proper perspective, that legislation at present before the Parliament is designed, amongst other things, to change the course of events in the occurrence of a similar circumstance. As I have recounted, under the law as it stands, when a civil court has, as in this case, more than once declared a man not to be a genuine conscientious objector, he then comes under the control of the military authorities. It is my understanding that when the Bill at present before the Parliament becomes law, in the event of a similar circumstance the penalty, if any, which would apply to a man whose claim to be a conscientious objector had not been upheld and who subsequently offended against the law, would be applied in a civil court and not by the military authorities. So this is the end of the phase.

NATIONALITY

Mr Wilson—I direct a question to the Minister for Immigration. In view of the fact that the British Government now uses the word ‘British’ to describe things pertaining to the United Kingdom, will the Minister intimate whether, to avoid misunderstanding, it would be possible to confer upon those who wish it both Australian citizenship and Australian nationality without changing Australia’s relations with Britain or the role of the Queen as Queen of Australia in our constitutional monarchy? Are recent decisions designed to raise the importance of citizenship while reducing that of nationality?

Mr Snedden—At times there has been some confusion in regard to the description of a person who is an Australian citizen and a British subject. The last time this matter was specifically raised was when the census was being taken and a person was asked to state his nationality. Some publicity was then given this point. The Department of Immigration at that time instituted an inquiry into ways of handling this matter. So this question is being considered. But I do not think it would be proper for me to leave the matter there. I feel that I should say shortly that in fact a person has as his primary status British subjection and has as his incidental, secondary or consequential status, however it is described, Australian citizenship, and a person who is a British subject will have different forms of citizenship.

This matter has been considered in other countries where problems arise in regard to nationality. The question of British subjection and Australian or individual citizenship arose at a conference in London which, if my memory serves me correctly, was held in about 1947. Since then a tremendous change has occurred in relationships involving progressive development of constitutional independence, responsibility and so on. I feel I am bound to say that a number of people in this country regard the possession of British subjection as a most important aspect of their status. I think it is true to say that there is a growing feeling in this country that emphasis should be given to the importance of Australian citizenship. Views like these must be carefully considered and brought into their proper relationship. This whole matter should be considered. I am looking into it and when I am in a position to make a further statement on it I shall be glad to do so.

ABORIGINALS

Mr Benson—My question is directed to the Minister-in-Charge of Aboriginal Affairs. Has his attention been drawn to an interview between Mr Bob Sanders and Mr Frank Hardy which was shown throughout Australia on ABC television programmes at the weekend? If the matter has been brought to the Minister’s attention, is he able to say whether there is any substance in the accusations made by Mr Hardy?

Mr Wentworth—I did not see the interview in question which, I understand, was televised. I have had some reports of it. Also I have had reports of material along similar lines which was used recently, I think in Queensland. Insofar as I understand the point that the honourable member is trying to bring to the attention of the House, it has been said that pensions had not been properly paid to Aboriginals and had been appropriated for other purposes. The Department of Social Services is responsible for paying pensions. Insofar as it can, it pays pensions direct to
Aboriginals, but there are certain cases where Aboriginals and other people, for various personal reasons, get their pensions paid through warrantees.

Until fairly recently most of these warrantees were acting on behalf of Aboriginal people. In the last 12 months the Department has reduced the number of warrantees from 1,600 to 600, and it will continue to make every effort to reduce the number still further and, where the pensioners want it, to pay their pensions direct to the pensioners by cheque in the normal way, as is done with other Australian citizens. But there are some pensioners who do not want their pensions paid in this way, and of course the Department will not put any compulsion on them in this regard. As I have said, there are still some 600 people, most of whom are Aboriginals, who get their pensions by means of group warrant. We hope to reduce this number. I repeat that we have divided the number by almost three in the past 12 months, and we will reduce it still further.

The position in regard to child endowment is not quite the same. I think there are still some 50 to 60 pastoral properties in Australia where endowment is paid through a group, and I think that the total number of endowees is a little under 400. Again, we are trying—and we will be glad to take every opportunity—to reduce this number and pay direct by cheque in the normal way.

With regard to institutions, the endowment is still very often paid by group cheque. I am speaking now, so far as Aboriginals are concerned, of both church missions and government settlements. One of the reasons for this is that the group payments are made at the flat figure of $1.05, so a small family would not be getting as much if the payments were made individually. So honourable members can understand, to some degree, this preference. Once again, the Government is quite happy to pay the endowment direct.

With regard to the past, although the Department has taken some steps to review the payments that have been made, it does not have the machinery to police them 100% effectively. But so far as I can understand, the payments have been applied for Aboriginal benefit although not always in the way in which a normal pension would be applied, and this, I think, is something in which my office is interested. As we understand it, in some cases pensions have been used to provide accommodation for Aboriginals. Of course, this is for Aboriginal benefit, but I do not think it is in line with the general kind of purpose for which pensions have been paid, and I do not think that at present there is any recurrence, or indeed continuance, of this past practice. With regard to the Aboriginal in general, this Government has done more for him than have all preceding governments. In our time we have given the vote to Aboriginals and have granted them social service benefits. With the passage of the recent referendum we are undertaking an entirely new and expanding programme of assistance to Aboriginals. Nobody on this side of the House is happy to see the present situation remain static. Let us be fair and realise that in the past considerable progress has been made. We are now making plans to accelerate that progress.

WATER CONSERVATION

Mr MAISEY—I ask the Minister for National Development a question. Did the Western Australian Government submit to the Commonwealth a case for financial assistance to enable Western Australia to proceed with extensions to the comprehensive water scheme to serve the York and Corrigin areas of Western Australia? If so, was the request submitted for consideration as part of the $50m special loan for water conservation work in Australia? What priority, if any, did the Western Australian Government attach to the request? Will the Minister say why the application was unsuccessful?

Mr FAIRBAIRN—The Western Australian Government has announced that it sought funds for stage 3 of the comprehensive water supply system. As the honourable member knows the Commonwealth made funds available for stage 1 and is now making funds available for stage 2. My recollection is that under stage 2 about $10.5m has been made available and that work will be completed in about 1972. For some time the Western Australian Government has given highest priority to the major dam on the Ord River. The honourable member will recall that the Commonwealth
announced in October last that it would make funds available for this project. Since that time the Western Australian Government has given highest priority to stage 3 of the comprehensive water scheme but the Commonwealth believes that insufficient work has been done on the project and that insufficient details are available to Commonwealth and State officials. Therefore investigations are proceeding.

ABORIGINALS
Mr WHITLAM—I ask the Minister for External Territories whether he was correctly reported as having told a students' conference at the University of Queensland a week ago that any bar on Aboriginals, particularly in the outback, was based on hygiene standards.

Mr BARNES—That was not the statement I made. The question asked by the Leader of the Opposition conveys a meaning completely different from that which I believe I conveyed to the conference of students. I pointed out that there was no race consciousness in Australia and that any difficulties that arose in the outback and in some of our country towns were not due to a racial or colour bar but to considerations of hygiene.

ARMY DISCIPLINE
Dr MACKAY—I ask a question of the Acting Prime Minister. Has the recent treatment of Private Townsend arisen out of an arbitrary interpretation of military regulations which were drafted in an age when Army personnel were sometimes drawn from types of persons no longer acceptable in our Army and were subject to attitudes of authority long since outmoded in the Australian Army? Will he have the relevant regulations in all three Services reviewed to ensure that sadistic treatment is impossible and that strict discipline and even punishment are carried out with full regard to modern concepts of individual human dignity?

Mr McEWEN—I do not know what motivated the punitive action taken in the case of Private Townsend. I was not in the country at the time and I am not familiar with the facts. It is my understanding that disciplinary regulations which place a limit on the penalties that may be imposed are reviewed from time to time. It is evident from an answer given today by the Minister for the Army that the Military Board has already reviewed this particular case. I will consult with my colleague the Minister for Defence as to whether it might be appropriate to review the limits of disciplinary action which can be taken in the three Services and which are, of course, always uniform in this respect. Having said that I would like to make it perfectly clear that there is no intention on the part of the political heads of departments in this country to impose their own judgment over decisions of the military authorities in respect of discipline within the limits of their legal authority and obligation imposed on them by existing regulations.

HOUSING
Mr WEBB—My question is directed to the Treasurer, or should I say to the Acting Deputy Prime Minister twice removed. Has he seen reports that the housing situation in Western Australia is deteriorating and that the waiting period for State Housing Commission homes is rapidly increasing? Has he yet had an opportunity to consider the special approach from the Premier of Western Australia for an extra $6m for low cost housing units? Would he give this request urgent consideration particularly as the rapid expansion of Western Australia is making the housing shortage much more pressing?

Mr McMAHON—I did inform the House some time ago that I would take up with the Reserve Bank of Australia the problem of the Commonwealth Savings Bank and the savings bank sections of the trading banks to try to ensure that additional funds were allocated to Western Australia so that that State's housing construction programme could be improved. The Government also has before it a request from the Western Australian Government for an additional allocation of funds. I have not yet been able to give a reply to the Prime Minister or to the Acting Prime Minister but I hope to be able to do so shortly.
SALES TAX

Mr ARTHUR—My question is also addressed to the Treasurer and I ask: Will he consider exempting from sales tax cars purchased by blind pensioners so as to enable them to afford to buy a car in order that their families will be able to transport them to their places of work and recreation?

Mr McMAHON—The honourable member has raised a question of great humanitarian importance. I will make sure that this matter is considered during the course of the Budget discussions and, if a decision is arrived at, it will be announced in the Budget.

ARMY DISCIPLINE

Mr BEAZLEY—My question is to the Minister for the Army. Was the punishment, in its details of solitary confinement and half-hour awakening, actually prescribed in words in any military regulations as a military punishment or was it a personal invention by an officer? Did the Minister know of its possibility before the recent case? Now that he knows of the matter will the regulation, if there is any regulation, be changed?

Mr LYNCH—As to the latter aspect of the question, the Acting Prime Minister has made clear that this matter will be discussed by him and the Minister for Defence to see whether at this time there is a need for the type of review that does take place from time to time. As to—in a sense—the aegis of power which the honourable member for Fremantle questions, I refer him to Standing Order 183 of the Australian Military (Places of Detention) Regulations and Standing Orders which indicates that every soldier under punishment will be visited during the day at intervals of not more than 3 hours by an appointed member of the staff. Parent instructions make clear that the word 'day' refers to a 24-hour period.

It will be clear from previous answers that a decision as to the intervals of visitation under 3 hours has been, to this stage, a discretionary matter and the discretion has been exercised by the Commandant of the Military Corrective Establishment. It will also be clear to honourable members that that discretionary power has been the subject of a very prompt review by the Military Board. The Board has looked at the matter and has, of course, taken a decision in accordance with the situation which it has noted. Apart from that, in reply to other aspects of the honourable gentleman's question I simply refer him to what I said earlier: This is the normal code of military discipline that is subscribed to by the three Services.

CARE OF AGED PERSONS

Mr CLEAVER—Is the Minister for Health in a position to assure the House that he is following with keen interest the Western Australian Government's subsidy scheme for the care of the frail aged? In the interests of a most desirable development in our welfare provisions for elderly people I ask him further whether the State plan, which could reduce the proliferation of small hospitals and nursing homes, will receive the earnest consideration of the Government in respect of approval for payment of the Commonwealth subsidy to match the contributions of any State government towards the maintenance of residents in this type of home for the frail.

Dr Forbes—I have noted this move by the Western Australian Government. It is a good thing to see at least one State government accepting its responsibilities in this field. I should like to see other State governments do the same thing. As the honourable gentleman will be aware, the Government announced in the Governor-General's Speech that it was undertaking a comprehensive review of the problems of those who suffer long illnesses, the chronically ill and others. This review is continuing. The matter referred to by the honourable gentleman is part of that review in a general sense although not specifically as he put it. When the Government has made a decision on this it will make an announcement.

AGED PERSONS HOMES

Mr McIVOR—Does the Treasurer recall that on 2nd May the Minister for Social Services in reply to a question I asked him said that only one application had been received from a municipal council for finance under the Aged Persons Homes Act? Would the Treasurer agree that if municipal councils are precluded, by reason of their financial predicaments, from applying for
finance under the Aged Persons Homes Act, much of the usefulness of that Act will be lost? Does the Treasurer know that under section 9 (1.) (b) of the Act councils which borrow money for the purpose of erecting homes for the aged cannot receive the $2 for $1 grant from this Government? In fact, if the whole construction were financed from loan moneys a council would not be entitled to any grant whatever. What action does the Treasurer propose taking in order to remove these anomalies?

Mr McMahan—The honourable gentleman must know that the law provides that every dollar that is obtained other than through loan funds by a local governing authority for expenditure under the Aged Persons Homes Act will be supplemented by a $2 grant from the Commonwealth Government. I am not aware of the details of the operations of the Act, which comes under the control of my colleague, the Minister for Social Services. I will either get the Minister to have a written reply prepared and sent to the honourable member, or if the Minister so desires he can supplement the answer I have given.

Drought Relief

Mr Turnbull—The Treasurer will recall that in his second reading speech on the States Grants (Drought Reimbursement) Bill he said that current estimates suggest that expenditure by Victoria on these measures will amount to about $7.5m in this financial year but that in case larger amounts should be required authority was sought to pay up to $10m to Victoria. As there is some confusion in the interpretation of this statement I ask: Does this mean, in case larger amounts may be required up to 30th June, or that the additional amount will be provided to the Victorian Government if required for drought relief after that date?

Mr McMahan—No decision has been made as to a continuation next year of the assistance to be granted to any of the governments involved in the drought relief scheme. If any commitment has been made by a State government to meet expenditure in 1967-68 under the provisions of the arrangements as they stand at the moment, or the law as we intend to have it enacted by this Parliament, the Commonwealth would be under a responsibility to meet that financial commitment, even though the commitment may be met after the termination of the arrangement with the State.

National Service

Mr Uren—I preface my question to the Minister for Labour and National Service by reminding him that he said recently that the overwhelming majority of young men and their families accepted the obligation imposed by national service. He went on to say that a small number, however, were seeking to evade training or were defaulting in meeting their obligations. Will the Minister state how many young men have defaulted from national service? Will he also inform us in detail how this information was compiled by his Department or by himself?

Mr Bury—in the first place I must say that I am unaware how many have defaulted. This information is not within the knowledge of the Government, and therefore, I cannot answer that part of the question, because it is impossible to know. As to the other part of the question, perhaps the honourable member will explain to me what it is that he wants.

Mr Uren—I want details of the defaulters and of the way in which the particulars are compiled.

Mr Bury—If the honourable member puts his question on the notice paper I shall give him an answer as quickly as I can.

Treaty on the Non-Proliferation of Nuclear Weapons

Mr Munro—I address a question to the Minister for External Affairs. Is it true that our representatives at the United Nations General Assembly are seeking an amendment or variation of the present draft proposals for a treaty on the non-proliferation of nuclear weapons which would permit the use of diffusion blasting techniques, involving nuclear explosions for peaceful purposes in major engineering works? If our proposed amendments or variations are accepted and become part of the final treaty, and if we become signatories to that treaty, will it supersede or replace the limited test ban treaty to which we are now signatories and which at present prevents us from using these techniques in engineering works in Australia?
Mr HASLUCK—Before the special session of the General Assembly now proceeding in New York there was a general debate on the draft of the treaty on the non-proliferation of nuclear weapons. In that general debate the Australian representative, on instructions from the Australian Government, set out various points on which the Australian Government would wish to have assurances or explanations, or would wish to have a clearer understanding of the meaning and the effect of the acceptance of the treaty. No stage has yet arisen in the General Assembly session where the submission of amendments to clauses of the treaty would be appropriate. What is likely to happen is that a motion of some kind will be put to the vote. That motion might express the view of those who voted for it, that they were ready to sign the treaty; it might express the view that they were ready to endorse it; or it might express some other view. But it is unlikely that it would contain the text of any amendment. The Australian representative, on instructions, said that at this stage Australia would be willing to endorse the draft of the treaty in order that further discussions could proceed towards the objective of making an effective non-proliferation treaty. We have not committed ourselves to a signature and the question whether the eventual draft of the treaty would be signed would be a matter to be decided by the Australian Government in the light of the circumstances at the time. The particular point to which the honourable member has referred—that is, the use of nuclear explosions for developmental purposes—is one of the points on which the Australian Government is seeking assurances.

PRIVY COUNCIL (LIMITATION OF APPEALS) BILL 1968

Bill reserved for Royal assent.

ASSENT TO BILLS

Assent to the following Bills reported:
Customs Bill 1968,
Excise Bill 1968,
Distillation Bill 1968,
Conned Fruit Excise Bill 1968,
Coal Excise Bill 1968,
Beer Excise Bill 1968,
Appropriation Bill (No. 3) 1967-68,
Appropriation Bill (No. 4) 1967-68,
Supply Bill (No. 1) 1968-69,
Supply Bill (No. 2) 1968-69,
Naval Defence Bill 1968.

NATIONAL SERVICE BILL 1968

In Committee

Consideration resumed from 16 May (vide page 1600).

Proposed new clause 13A.

Mr BRYANT (Wills) [3.17]—Mr Chairman, our amendment proposes to extend the area of conscientious objection to include objection to a particular war. At this moment section 29A (1.) of the National Service Act provides:

A person whose conscientious beliefs do not allow him to engage in any form of military service is, so long as he holds those beliefs, exempt from liability to render service under this Act.

History has shown that it is extremely difficult to decide whether a person has conscientious beliefs. In the Australian historical context we are accustomed to think of military service under the National Service Act and under the Defence Act as simply service in the armed forces. To confine conscientious objection to this field means that we confine it to the extreme field of pacifism—that is, to those people who simply object to putting on a uniform no matter what is involved and no matter what our reason for being in a war may be. It has been shown on a number of occasions that this is an extremely difficult field of decision for tribunals and for others. In recent times of course, particularly in times of war, it comes to a decision as to whether the objection is to fighting in the war. Many people believe that war is immoral and do not want to participate in any war, particularly wars of the type in which Australia has been engaged in the past. However, they would not necessarily object to military service as such.

At this time, there is not a consensus in the nation. Many people object to service in this particular war. So we propose that the Bill be amended to include the phrase 'military service, whether in relation to a particular war or otherwise'. In recent times, tribunals have heard a number of cases in which young men have said that they particularly object to serving in the war in Vietnam. I know honourable members opposite are dedicated to the proposition that this war is important, that it is necessary and so on. But they are flying in the face of reality if they believe that is the consensus of national opinion. In fact,
In the ordinary course of events, I think it is fair to say that in the community at large at least 40% of the people hold strongly that Australia ought not to be engaged in this war. Unfortunately a person who believes that conscientiously cannot obtain exemption from military service because the Act does not allow for this. The case mentioned here today shows how difficult it is to decide whether a person has conscientious beliefs or not. Young Townsend who is currently in a military corrective establishment—a beautiful euphemism considering the kind of treatment that is meted out in that place—wrote:

Nearly 3 years ago I decided I was a pacifist—that I believed war was a crime against humanity, that I could not take part in any war or preparation for war and that I should help to remove the causes of war.

A few months later I helped establish the Sydney Conscientious Objectors' Group, which helps intending objectors sort out and clarify their thoughts through weekly discussions.

I interpose here that this is especially difficult for young people, young men 20 years of age, many of whom have had adequate education but others of whom have had simply primary or lower secondary school education. They are suddenly faced with the need to explain in a court exactly what they mean by conscientious objection. Simon Townsend went on to state:

During 1966, a magistrate and a judge refused to exempt me from compulsory military service because I was 'not sincere'. I'd managed to 'fool' hundreds of other people, but not those learned men of the Bench... my family (none of whom are pacifists), friends (a tiny minority who are pacifists), many journalist colleagues and a lot of acquaintances, including psychologists, academics, politicians, and a few soldiers, had all been 'fooled'.

Driven by this insincerity, I openly refused to take a medical examination ordered by the Department of Labour and National Service, and consequently, in early 1967, I spent a month in Long Bay Gaol, Sydney.

I applied again to a magistrate for exemption. He made no judgment on my sincerity, but refused the application on a technicality.

What we are proposing to do here is to expand the system so that the field of technicalities is restricted to the extent that logical, commonsense Australians who sit in judgment may make decisions. The statement continued:

I appealed to a judge—who started the case by relating his own war service and telling of his present work for a semi-military organisation—

I would like to say here that people who sit on courts in judgment of others should refrain from moralising in this way. The statement went on:

And he declared me, in effect, some kind of giant hoaxter with a martyr-complex and a desire to stir up trouble.

During these years the hoax had included chairing weekly meetings of the objectors' group, extensive reading both for and against pacifism, speaking publicly and writing about my beliefs and acting as legal representative in court for six other objectors; but what took most time, energy and patience (and probably was most important in the pacifism cause) was the dialogue—when you're a 'conshie' everyone wants to know why and most people want to talk it over.

Continuing the 'hoax', in February I again refused to take a medical and in March I defied an order to report for military duty. I was charged with these two offences in the Special Federal Court, Sydney, last Wednesday, May 15th, and was committed into custody by an army officer waiting in the court. I disobeyed his order to accompany him and he called on two Commonwealth Police who escorted me, an arm each, to a car outside. On our way to Eastern Command Personnel Depot, Watson's Bay, the officer told me I was under 'close arrest'.

That night I slept in a room guarded by eight soldiers, two of whom, in rotation, had to stay awake.

On Thursday I had a long chat to the Army psychologist and did one of those circle-the-yes-or-no-question-mark tests with questions like 'Can you stand as much pain as others?' (I circled the question-mark. How the hell would I know how much pain others can stand? From movies? And does 'standing pain' mean without screaming, without crying, before fainting?) The psychologist thought I was pretty stable. My conscientious objection was an administrative matter, he said.

A little later the Regimental Sergeant Major ordered me to draw and sign for Army clothes. I refused. He told me the possible consequences of disobeying could be imprisonment and ordered me again to draw the clothes and again I refused.

A summary of evidence was taken by the officer-in-command and I was remanded for court martial.

On Thursday evening I was brought, in a cage on the back of a utility truck, to Ingleburn and locked in this cell.

My continual requests that my family be told of my whereabouts were politely noted, to be referred to someone higher up who was always 'away' or 'busy' or 'trying'.

I realised I was being kept incommunicado, to avoid any publicity or demonstrations.

I was getting pretty miserable. No one was allowed to converse with me, I had nothing to read but a book of psalms, no pen or paper and I was kept locked up except for shower time and three short exercise periods a day.
Then late Saturday my younger brother and girl I'm to marry turned up. My brother had sought help from Gough Whitlam and the Member from East Sydney, Len Devine, and eventually the Army Minister, Mr Lynch, had ordered they be allowed to see me.

The reason why I have read this statement to honourable members opposite, some of whom seem to treat this matter a little more lightly, is to show that the question of conscientious beliefs, how they are held and how they should be defined is still very much open to debate. Presently, the Act is pretty broad in the sense that conscientious beliefs against military service are allowed. It is pretty obvious that young Townsend has conscientious beliefs concerning military service. It is obvious that a small proportion of young Australian men have these kinds of belief. I know quite a number who have not any serious objection to military service in the Australian Forces for home defence in normal times. But they do take strong exception to serving in combatant units which may well involve them in killing others.

In recent times we have had very strong evidence that a number of young men strongly object to being called to the colours to fight in a war of which they strongly disapprove. This is not the first war of which young Australians have disapproved. Great public debate took place at the time of the Boer War. A similar situation applied to the First World War and the Second World War. Over most of those periods, there was not so much debate about the rightness or wrongness of the wars, but there was a good deal of debate about whether Australia ought to be involved in them. This applied particularly to World War I. But in this instance there is no public consensus. There is no national opinion.

At least half the young men who are called up are likely to object strongly to this war on all sorts of grounds—political and others. What I wish to do is to see the provisions relating to conscientious objection extended to include those people whose beliefs are such that they regard participation in this particular war as immoral. Many members of this Parliament have had a good deal of military service. I think that, of the 184 members, approximately 100 have had military service.

The CHAIRMAN (Mr Lucock)—Order! The honourable member's time has expired.

Mr HUGHES (Parkes) [3.28]—Mr Chairman, I have listened with interest to the remarks of the honourable member for Wills (Mr Bryant), and I wish to reply briefly to his argument. His argument really amounts to the proposition that the concept of conscientious objection—and this is an important concept—should be enlarged, so he says, in order to include an objection to military service on purely political grounds. To me this is a negation of a very important principle—a principle that deserves to be upheld if we are to retain ourselves as a healthy parliamentary democracy.

I have every sympathy for those people who are opposed to their participation in war on conscientious grounds of a religious or philosophical nature. This is a matter that is adequately catered for in the legislation as it stands. I am wholly against the idea that a person should be entitled to set himself up as a political judge and to say: 'Although I have no conscientious belief which precludes me on religious or philosophical grounds from participating in war in general, I will not serve because I do not approve of one particular war'. The decision whether a subject should be liable to serve in the armed forces of the nation must rest with the politically sovereign power in the community—that is the Parliament—subject always to the retention of a right to exemption on a religious or philosophical ground conscientiously held.

If the honourable member for Wills had the satisfaction of seeing the amendment proposed by his Party placed on the statute book, national service would be rendered a farce. I dispute his suggestion—and I dispute it entirely and wholeheartedly—that half the people or anything like half the people who are called up for national service have objection to serving in the war in which we are presently engaged. With all due respect to him, that, I think, is so much rubbish, so much forensic flourish. I am reminded by my honourable friend from Swan (Mr Cleaver) that a recent Gallup poll indicated that the situation is entirely contrary to that suggested by the honourable member for Wills. I take my stand in opposing the amendment on the principle that it is for the Government to decide where the armed forces will serve. If the citizen disagrees with the Government, it
is his sovereign right to do his utmost to ensure that the Government is defeated in the regular constitutional way—at the polls.

Mr Devine—What is the matter with the honourable member? Did he not follow my argument?

Mr Hughes—I hear a not unusual squeak on the other side of the chamber. Until the citizen does this and the new government acts to change the law, it is the citizen’s duty to obey the law as it stands. It should not be the right of the citizen, and this Parliament should ensure that it is not his right, to object to service in the armed forces on the ground of a political belief as opposed to a philosophical or religious belief. For these reasons I oppose the amendment.

Dr J. F. Cairns (Yarra) [3.32]—I should like to reply to the contribution to the debate made by the honourable member for Parkes (Mr Hughes) who tried to reply to the honourable member for Wills (Mr Bryant). The issue before the Committee is quite clear; it is the issue of whether we should amend the law to allow a person who is called up, and who has a conscientious objection to service of a particular kind in a particular war, to be granted exemption, or whether we shall allow him exemption only if he has an objection of a different sort—a complete pacifist objection to all forms of military service.

Mr Hughes—Or combatant service.

Dr J. F. Cairns—Any sort of combatant service. In this context, is not all combatant service military service, or does the honourable member have in mind any other type of service? The honourable member for Parkes says that he is opposed to this enlargement of the grounds for the granting of exemption. He says that it represents the very negation of the principle of accepting conscientious objection of a religious or philosophical nature. The honourable member’s approach is a good deal narrower than that of the Act we are trying to amend and a good deal narrower than that of the legislation introduced by the Government that he supports. Our proposed new clause is concerned with section 29A(5) of the Act and would make provision contrary to the principle that the honourable member for Parkes thinks is necessary to justify any sort of conscientious objection. I should have thought that as a lawyer he would be aware of sub-section (5) of section 29A, which provides:

For the purpose of this section, a conscientious belief is a conscientious belief whether the ground of the belief is or is not of a religious character and whether the belief is or is not part of the doctrines of a religion.

So already the Act has extended this basis a good deal beyond the principle to which the honourable member for Parkes commits himself.

Mr Hughes—That is not so.

Dr J. F. Cairns—I do not see why it is not.

Mr Hughes—I referred to religious or philosophical beliefs. The honourable member is trying to twist my words.

Dr J. F. Cairns—the honourable member will have an opportunity to follow me and explain what he means if he so desires but, as I understand it, he says that he will accept a conscientious objection based upon a religious or philosophical foundation but not one founded upon another sort of basis. The point I am making is that the Act has already gone beyond that. Does the honourable member for Parkes intend to inform the Committee that he does not go as far as the matter is taken by the Act introduced by the Government that he supports? He says that he is not willing to accept a conscientious objection to involvement in military service in a particular war. Does the honourable member intend to call into question the religious and philosophical doctrine which is centuries old and which holds that there are such things as just and unjust wars? If he is willing to call this doctrine into question he might inform the Committee of his reasons for doing so. If there is a doctrine that holds that wars may be just or unjust, surely one has the right—I leave aside for the moment the question of how this right is to be determined and exercised—to say that a particular kind of war is an unjust war.

I should like to know whether the honourable member for Parkes, the honourable member for Bradfield (Mr Turner),
Mr Turner—Who determines it?

Dr J. F. Cairns—According to the honourable member for Parkes either the Gallup poll or the election of a government determines it. Apparently the method for determining one's morals is the Gallup poll. If the honourable member for Parkes, the honourable member for Bradfield and the honourable member for Moreton are committed to the Gallup poll method of determining moral questions, I wish they would say so. I am not. I do not care how many Gallup polls are taken on some questions; I will still adhere to my idea of what is right and wrong. I should hope that the honourable member for Bradfield would be of the same mind, but if he wants to support the honourable member for Parkes, who has just said—

Mr Turner—The honourable member does not know what I shall say.

Dr J. F. Cairns—The honourable member for Bradfield will have plenty of opportunity to tell the Committee what he wants to say. I sometimes wonder about him. In the abstract, he takes strong stands on principles of liberty but when they are actually in issue in practical cases he generally remains silent. It is not for the Government and not for the Gallup poll to decide what is right and wrong. There must be some room in a free and civilised community for an individual to decide for himself what is right and wrong. It seems to me that this was the most important point that emerged from the Nuremberg trials. It was not enough for people who were called war criminals and who worked with the Nazis to say: 'I was justified in helping to run a concentration camp and to operate gas ovens because I was told to do so by my superior officers'. I should hope that the Liberal Party philosophers in this House would be aware that what was established at Nuremberg was that this sort of statement is not sufficient as a justification, and that if an act is morally wrong it is no defence to say: 'I was given orders to carry it out'. Similarly, I think it is no defence to say, if an act is morally wrong, that the Government or the Gallup poll has decided it is right and that therefore a person is justified in carrying out that act.

It seems to me that if this principle of conscientious objection is to amount to anything, it should be a matter of conscience not of determination by a Gallup poll. If conscience is to amount to anything, the individual, whether he happens to be wrong or right according to my standards or those of the Government, or whether his view accords with the Gallup poll, should have his right to exercise his conscience protected. If conscience is to mean anything, it must be based upon the right of the individual to say what he believes is right and wrong. If a time comes when he says: 'Because of my conscience I will not undertake military service to kill another person', he must have the right to claim that as a basis for conscientious objection even if it is in relation to a particular war. If this is not the position, conscience goes completely by the board. What is the sense in talking about conscience if it is to be determined by a Gallup poll? What is the sense in talking about conscience if it is to be decided by a decision of the Government? This is a contradiction in terms and destroys the whole basis for the philosophical and religious evaluation of conscience. This proposal has been supported by a great number of people. It has a history. I think I pointed out to the House in my speech during the second reading debate that the history of this matter is on the side of the amendment. It seems to me that the history of the Australian law at least can be traced back. I hope that some honourable members on the Government side who pretend to be lawyers will do us the honour of trying to refute this argument, if they can.

It seems to me that the origin of this matter goes back to the English National Service (Armed Forces) Act of 1939, where it was made clear that objection was not a general or passive or total objection. In
1942 this provision was carried into the National Service Regulations—No. 80—of this country. The law was defined to allow objection to a particular kind of service to be taken into account. When the then Minister for Labour and National Service, the late Mr Harold Holt, dealt with this matter in his speech on 21st November 1950 I think that was what he said he was doing. He said:

It—

That is, the Government—

has, therefore, decided to adhere to the principle established by the National Security Regulations and to admit conscientious objection as a ground of exemption from service under the Act.

If it was enacting what was in the National Security Regulations, it was enacting a law which was sufficient to allow objection to the kind of military service that a man is required to give.

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

Mr KILLEN (Moreton) [3.42]—I am persuaded to enter this debate by the kindly reference to me made by the honourable member for Yarra (Dr J. F. Cairns). I say at once that I have long acknowledged that the honourable gentleman is a very skilled exponent of the art of dialectics. He has given a very polished performance this afternoon. It was absolutely first rate. I must hand it to him. What did the honourable gentleman do with the very simple proposition put by the honourable member for Parkes (Mr Hughes)? He twisted it out of all recognition. We eventually wound up at the Nuremberg trial. For the benefit of my honourable friend I restate the proposition that was so superbly put by the honourable member for Parkes. He said that in the matter of conscientious objection to war—be it based on religious or on philosophical grounds—he has the utmost sympathy for the person who holds that belief. That was the proposition put by the honourable member for Parkes. Does any honourable member disagree with him? Of course, we all agree. What did the honourable member for Yarra say? He tried to make out that the honourable member for Parkes had completely overlooked sub-section (5) of section 29A. The honourable member for Parkes did nothing of the sort. What he said covers the field, if I may use that expression. The honourable member for Parkes simply said: ‘If a person has a genuine objection based on conscientious grounds, so be it.’ He does not argue the case at all. So it is not fitting for my honourable friend from Yarra to come and parade this gloss, and put this inaccuracy on the argument of the honourable member for Parkes.

What is at the heart of the amendment moved by the Australian Labor Party? I say at once—and I hope without any ambiguity—that if a person has a conscientious objection, be it based on religious grounds or on philosophical grounds, to participating in a war, either in a combatant capacity or in a non-combatant capacity, I have the utmost respect for him. But we are not arguing that point. What we are arguing now is the judgment to determine whether or not a particular war is right or wrong; whether or not it is a just or an unjust war. Who determines that? The honourable member for Yarra says: ‘This is to be determined as a matter of conscience by the individual.’ I submit to the honourable gentleman—and he is too intelligent not to at least acknowledge the existence of the argument—that at that point of time it is no longer a judgment based on conscience; it is a judgment which is essentially a political one.

Dr J. F. Cairns—Rubbish!

Mr KILLEN—The honourable member for Yarra says ‘Rubbish.’ Let me take the matter a little further. When we debated this Bill on a previous occasion the honourable member did not seem to be aware of the fact that I had spoken in the debate. I did not expect him to be grievously put out, but I reminded him of the fact that I had spoken in the debate. May I be so bold as to point out to the honourable member now that in dealing with this principle I said: ‘You are not very far away, if you embrace it, from the stage of stating that if you want to object to a particular war, the next thing you will want to do is to object to a particular battle.’ A man might hold that an engagement against the enemy in certain circumstances might put him at a disadvantage. Where does the process stop?

Mr St John—He could object to a particular weapon.
Mr KILLEN—As my friend the honourable member for Warringah points out, a person might say: 'I think it is all right firing with a .5 machine gun, but I do not like using a bayonet and I do not like dropping bombs.' At this point the thing becomes completely uncontrollable. The Labor Party's view on this matter seems to me to be completely unreal.

Dr J. F. Cairns—How does that argument make it a political point?

Mr KILLEN—I am saying that a judgment must be made as to whether or not a country is to be involved in a particular conflict. Let us bring it right home.

Dr Everingham—Like Nuremberg.

Mr KILLEN—This is the sort of excess in argument that does not dignify the honourable member for Yarra or the honourable member for Capricornia, because at Nuremberg there was the utmost outraging of every Geneva convention dealing with the conduct of war. There was the most blatant infringement of the natural law as any of us may comprehend it. But if we assume that this country were to be attacked here—in Australia—it would not be a case of troops going outside Australia but one of this country being physically attacked. If we applied the Labor Party's proposition to that circumstance we could well say of an individual: 'No, he does not want to get involved in that sort of war because there is something wrong with it in his judgment.' I put it to the Labor Party that that is getting away from the question of conscience. There is an infinite variety of theories as to what is conscience. I will not give my own view on what is conscience, but as I understand the general consensus, I suppose one would be at liberty to say that conscience is a deeply held belief—an intense belief—whether it be based on religious grounds or on philosophical grounds. When you depart from that, you substitute a political judgment for what is a matter of the deep conviction, and at that point of time you are expanding completely the definition of conscientious objector. So I say, with respect, that this amendment does not dignify the Labor Party. If the Labor Party were to put it on the basis of some other coathanger—that metaphor is a bit mixed but I hope that all honourable members understand it—and say: 'We want to depart from the question of having a conscientious objection; we want to provide for a political objection', I could understand that; it would be intelligible. But in this instance, I argue, the Labor Party is getting right away from the whole core of what is a conscientious objection. I hope that the amendment will be defeated.

Progress reported.

TARIFF PROPOSALS

Mr NIXON (Gippsland—Minister for the Interior) [3.50]—I move:

Customs Tariff Proposals (No. 12) (1968). The Customs Tariff Proposals which I have just tabled make changes to the Customs Tariff in accordance with the recommendations of the Tariff Board in its report on ceramic tableware. In March 1967 temporary duties were imposed on tableware, following a report by the Special Advisory Authority. They were introduced to meet the competition of large quantities of tableware from mainland China. The Tariff Board has now found that some of this competition was due to invoicing irregularities. The Department of Customs and Excise has commenced an investigation aimed at preventing further irregularities.

The Board has recommended that the industry producing ceramic tableware should continue to be assisted with rates of 30% general and 20% preferential. It has also recommended an alternative specific rate of 5c per piece general and 5c per piece less 10% preferential on relatively low priced articles. The Board expressed some doubts about the economic worth of producing hotel tableware in Australia, but recommended continued assistance at the level proposed for the industry as a whole.

The Tariff Board has also proposed that the industry be again examined in three years time. The Government has adopted the duties recommended by the Board but has decided, having regard to the circumstances of the industry and to the doubts on the economic worth of producing hotel tableware in Australia, that the industry be again reviewed in two years time.

Also included in the proposals is an amendment according for the first time concessions in respect of personal effects and
baggage brought back by returning Australian crew members of civil aircraft and ships of the merchant marine. These persons will now receive once a year a concession already available to passengers coming to Australia. A summary of the changes made by these Proposals is being circulated amongst honourable members for their information. I commend the Proposals.

Debate (on motion by Dr J. F. Cairns) adjourned.

TARIFF BOARD

Reports on Items

Mr Nixon (Gippsland—Minister for the Interior)—I present the report of the Tariff Board on the following subject:

Ceramic tableware, etc.

I present also the following report by the Tariff Board which does not call for any legislative action:

Sisal bale twine (Dumping and Subsidies Act).

Ordered that the reports be printed.

NATIONAL SERVICE BILL 1968

In Committee

Consideration resumed (vide page 1620).

Mr Whitlam (Werriwa—Leader of the Opposition) [3.54]—The Deputy Leader of the Opposition (Mr Barnard) has moved to make two amendments in the section of the National Service Act dealing with exemptions on grounds of conscientious beliefs. The existing section derives from the Act of 1951 and from amendments which were made to that Act in 1953 and 1957. At those times national service was required within Australia alone. In 1964 on the eve of the Senate election in that year, legislation was passed which enabled the Government to require national servicemen to serve outside Australia. The pretext that was given for introducing the amendment was that Australia might have to defend her overseas territories from confrontation by Indonesia. Early in 1965 it was decided that national servicemen should go to Vietnam. The circumstances which exist today are obviously very different from those which applied when the National Service Act was first passed in 1951 and amended in 1953 and 1957, and even when it was further amended in 1964. As has already been pointed out, there can be very great differences in attitude towards one war and another war. For instance, those who would have greatly condemned Australia's support of Britain's aggression in South Africa at the turn of the century may have had no qualms in rallying to the support of Britain in the First World War. To take a contemporary example, the honourable member for Moreton (Mr Killen) has no qualms about Australia participating in a war in Vietnam but he would have very great qualms about Australia supporting United Nations action to restore law and order in Rhodesia. Honourable members themselves take very different attitudes to warfare on different occasions or by different methods. To develop further an example which the honourable member for Moreton gave, many honourable members might think it was legitimate to wage war with traditional or so-called conventional arms but would have very great qualms about a war waged with nuclear weapons.

Let me refer to the examples of men who have claimed in more recent times to be conscientious objectors. Some have said that they could not in conscience take part in the war in Vietnam. But if Australia were attacked they would be the first to heed the bugle, to use the phraseology of the honourable member for Moreton. This implies very great differences of attitude indeed. Honourable members opposite have referred to the results of a Gallup poll. It is not a matter of whether these are majority beliefs. It may be that a majority of young men do not object to Australia's participation in the war in Vietnam. It may more likely be that a majority of young men will not suffer the humiliation, embarrassment and contumely involved in applying to be conscientious objectors to that or any other war. The simple fact is that in most parts of the world the vast majority of the population, young and old, condemn the war in Vietnam.

Speaking to this amendment I rely on two judgments delivered in the High Court of Australia by Mr Justice Windeyer. At present it is possible to be classified as a conscientious objector if you are a pacifist. It is not possible to be classified as a conscientious objector if you establish an overwhelming objection to a particular war
such as the war in Vietnam. In his judgment in White's case, heard in August 1966 and determined in November 1966, Mr Justice Windeyer said:

Section 29A(1) refers to a belief which forbids 'any form of military service'. This I assume means service in any capacity, at any time, anywhere, in any arm, corps or unit. The requisite for total exemption is thus, it seems, a conscientious and complete pacifism. I do not read s.29A(1) as referable to an objection to participation only in a particular war or in operations against a particular enemy. I mention this because the stringency of the conditions for exemption under Australian law is not always appreciated. Elsewhere and under other Acts claims for exemption have been upheld in the past because of a conscientious objection to participation only in a war then in progress. This was so in the United Kingdom during the war of 1939-1945, as Mr Penner Brockway, a veteran of the cause of conscientious objectors, has acknowledged in his foreword to Hayes' Challenge of Conscience which deals with that period. Speaking of the appellate tribunals which dealt with conscientious objectors he wrote: 'The test was not on the ground of objection but the depth of the objection. If an applicant convinced them that he held his convictions so rootedly that they represented to him an issue of right or wrong in his own conduct they exempted him, despite the fact that in another war he might take up arms'.

Could there be a greater contrast than the war against Nazism, the war in defence of Britain itself, and the present war in which Australian conscripts are being sent to Vietnam?

The other difficulty which the amendment moved by my deputy is designed to cure is that it is not possible for a person who has once entered combatant or non-combatant service then to claim to be a conscientious objector unless he establishes that his conscientious objections arose after he commenced to render that service. Here again I refer to Mr Justice Windeyer's judgment in Collett's case, heard and determined on the same date as White's case. His Honour said:

No doubt the Act proceeds on the assumption that beliefs are ordinarily firm and constant and are likely to remain unchanged in the time between registration and call-up. Sudden conversions—if conversions ever occur without some kind of premeditation—are no doubt unlikely to occur. Nevertheless it seems that months may elapse between a decision rejecting an application for exemption and a call-up notice. And in that time it is possible for a man's conscientious beliefs genuinely to change and develop, to clarify and intensify and become for him more dominating and compelling.

It may well be that if it is possible to see the light on the road to Damascus it is possible to see the light on the road to Vung Tau.

We should now take the opportunity in this Act, when it is before us for amendment, to see that it deals with new circumstances which have come before the courts, including the High Court of Australia itself, and circumstances which every honourable member knows are worrying more and more Australians. These questions are worrying people not only of military age but all those with conscientious beliefs who respect the beliefs of others in all age groups, in all occupations and of all political opinions.

Mr TURNER (Bradfield) [4.3]—I propose to abstain from voting on this amendment but I will do so believing that the majority of conscientious objectors are either cowards or spivs, although they persuade themselves, or are persuaded, that they are heroes. But any reader of Freud would know very well that human beings are experts in deceiving themselves and I believe that many of these conscientious objectors have deceived themselves.

Now let me give my reasons. My blunt mind cannot distinguish all the philosophical niceties that have been put before us. The simple proposition that comes from the Government benches is that if it comes to deciding between the just and the unjust war, this is, in general, a matter for a democratically elected government. I will expand on this statement in a moment. But the proposition from the Opposition side of the House is that this is a matter for each individual citizen. Let me expand a little on the statement that in general it is a matter for the Government. I believe that the first duty of any citizen is the defence of the state. It is not a matter of conscience; it is a matter of practice and history because every right, every privilege, that every citizen enjoys depends upon the integrity of the state and the assurance that the state shall be not overwhelmed by alien enemies. So the simple proposition is that this is everybody's job. It is the job of every citizen. In the ancient Greek democracies, in cases where every citizen was not required to do the job, those required were determined by lot. If they
wanted a jury, if they wanted magistrates, if they wanted even a general—that is, if not all citizens were required for this service to the state but only some—they determined which citizens by lot. So the proposition is that the defence of the state is paramount. Can an individual come along and say: 'Well, it is for me to decide whether this particular war with which I am concerned is for the defence of this state or not?' Or should this be decided by the Government? Does every individual choosing know all the factors involved as well as the Government does? Does each individual citizen know the advice that the military authorities are giving to a government? This is not advice which is given to the individual. Is each individual citizen able to make his own appreciation of the situation and determine whether a particular war is for the defence of the state or not? Clearly he is not.

However, this is where I agree with the honourable member for Wills (Mr Bryant). If a substantial section of the youth of this country is against participation in a particular war, say in Vietnam, then I believe that Australia should not participate. But note what follows from all this: Never again would I agree that this country, as in two world wars, should depend upon volunteers. Never, never, never again. Let me draw a distinction between volunteers and professionals. Professionals are those to whom the Service life appeals. I have no objection to people becoming soldiers or sailors or airmen if they choose to do so rather than becoming fitters and turners, or electricians, or barristers, or what-have-you. This is their choice. I have no objection to professionals going into the Services. But I distinguish the professional from the volunteer; that is the kind of man who volunteered in the adversity of World War I and World War II because he believed it was his patriotic duty to do so at a time when others stood back. Never again, so far as I am concerned, will this country depend upon volunteers in the sense that I have defined them—never, never again.

So, if a sufficient number of the youth of this country is not prepared to accept its obligation to defend the state upon which all its rights and all its privileges depend, then it should not be defended overseas. Let us incinerate on our own shores and in our own cities. This is true. This is the duty of all citizens and not just the duty of those who have the patriotism to come forward. So as to the proposition, as it has been put forward by the Opposition today—if it is to prevail and if it is for the individual to choose for himself; and if a substantial number of the youth of this country decides that it does not want to take part in particular wars that the Government believes are for the defence of this country—I say let these people stand firm and defend this country on our own shores. But let us remember that if we do this, then the most vulnerable parts of this country—most of our population and all of our industrial strength—lie in the front line, in Sydney, Brisbane, Melbourne and so forth in our capital cities. If we do not defend this country at some distance from our own shores—this does not necessarily mean Vietnam of course but at some distance overseas from our shores—then these most vulnerable parts of our country are in the front line.

So if a substantial part of our youth say: 'We will not go overseas to defend our country; we will stand on our own shores', then assuredly they, and all of us, will incinerate in our own cities. There can be no escape from this. That is why, I imagine, the Government has reached the conclusion that certain wars overseas are for the defence of Australia. But if individuals decide, in their wisdom, that this is not for the defence of Australia and they refuse to serve, then, as I said, this is what will happen. But what did happen in two world wars? We sent overseas men who were over age, men who were medically unfit and men who had family responsibilities so that others who were medically fit and young and had no responsibilities might stay at home. Never, never, never again. We shall either as a nation, all of us who are so required, play our part overseas in defending this country, or none of us shall. As we incinerate in our cities I should like to stand beside the honourable member for Yarra (Dr J. F. Cairns) and smile at him just before our ashes mingle.

Mr UREN (Reid) [4.10]—One of the most illiberal speeches made in this chamber for some time was made by the illiberal member for Bradfield (Mr Turner). His
facade of liberalism fell by the wayside as he made his emotional plea to get the youth of Australia into the jungles of Vietnam. He said that 'if our young men will not go overseas to fight they will incinerate in our cities'. We know that the provisions we are considering deal with the complex and delicate subject of conscientious objection. The honourable member for Bradfield made another cowardly statement when he said that 90% of the conscientious objectors in Australia are either cowards or spivs. We are considering conscientious objection. The Leader of the Opposition (Mr Whitlam) quoted Mr Justice Windeyer's interpretation of conscientious objection as given in the White case in the High Court of Australia. The only way that that interpretation can be set aside is by action in this Parliament, and this is why the Opposition has moved an amendment to provide a more liberal interpretation to cover people who have conscientious objections to a particular war. One must ask why young men who are prepared to defend their own country, conscientiously object to a particular war. Young Australians know that our allies in Vietnam have dropped over 100,000 tons of napalm on the people of Vietnam, burning the flesh off their bodies and melting the bones of the adults and children of Vietnam. Of course emotionalism is involved in this matter.

I received a letter from a young man, a conscientious objector, who wrote:

I recognise that each of us has to come to his own decision in all matters, but, as far as I am concerned, the Christian position is clear, compulsory military training is immoral.

Conscription is for national service; national service as at present is for military means; this entails young men training to kill. Therefore national service systematically compels young men to interrupt the advancement of humanity, and to revert to the primitive, accepting as normal the destruction of life and property.

National service, as preparation for war, is immoral when judged by the law of Christ, which for me means that we do not repay evil with evil.

My conscientious objection compels me to go further—for surely conscientious objection is not a claim that the Government has no right to order me to kill, but rather a claim that the Government has no right to order anyone to kill.

This was written by a young Christian man who was giving his reasons for being a conscientious objector. He would not even register for national service because of his strong conscientious objections. He is a young Methodist, and he quoted what Martin Luther King had to say about just and unjust laws. He wrote:

I believe that Martin Luther King has a point when he says: 'There are two types of law, just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St Augustine that an unjust law is no law at all.

Let me quote another example. A policy statement of the National Council of Churches of Christ in the United States of America on conscientious objection to military service, dated 23rd February 1967, says, inter alia:

Society should encourage men to live by conscience, rather than compel them to violate it. The war crimes trials at the conclusion of the Second World War asserted the inescapable responsibility which every human being bears for his own acts, even in obedience to military orders in time of war.

This is a compelling subject. It is wrong to call people names. One must study and understand people, and this is why the Labor Party has moved its amendment. The Leader of the Opposition quoted Mr Justice Windeyer's decision in the High Court of Australia. The only way this decision can be altered is by this Parliament applying a wider interpretation to conscientious objection. As the law stands, one could say that a narrow view has been taken. We must consider the personal views of individual magistrates who deal with conscientious objection cases. I quote now from a report of a special committee of the Australian Council of Churches in 1968. The report relates to conscientious objection to military service and stated:

In dealing with conscientious objection cases, magistrates seem to have found two major difficulties. In the first place, they sometimes hold strong personal views in favour of military service, and find it unusually difficult to maintain the unbiased opinion that their office demands. I am not suggesting that any magistrate deliberately allows himself to be biased in his judgments; but opinions regarding military service have an abnormally large emotional component.

Surely all honourable members acknowledge that this discussion has a large emotional component. The report continued:

When, for instance, a magistrate is a returned serviceman, and belongs to a returned servicemen's organisation, or has had a son or a
relative called up for military service, and then has to sit on the bench and listen to a lot of weak arguments from a young man wanting to be exempted from military service, he is so personally involved in the issue that he has to decide that one must feel sympathy for him.

And this is the case. Surely the Opposition’s amendment must be supported to clear up this aspect. Mr Justice Windeyer, who made the decision in the High Court concerning conscientious objection, has had a long and fine military record. He has been associated with the military since 1922. According to ‘Who’s Who in Australia’ he was commissioned in the militia in 1922; he became a lieutenant-colonel in 1937; he commanded the Sydney University Regiment from 1937 to 1940; he was a member of the 2/48 Infantry Battalion, AIF, 1940 to 1942, and served in Tobruk; he was promoted to brigadier in 1942 and commanded the 20th Infantry Brigade from 1942 to 1946, and served in the campaign at El Alamein and during the capture of Finschhafen in New Guinea; he was mentioned three times in despatches; he was made major-general in 1950; he commanded the 2nd Division of the Citizen Military Forces from 1950 to 1952; he was a member of the Military Board from 1950 to 1953; he was placed on the Reserve of Officers in 1953 and he retired in 1957. He is honorary colonel of the Sydney University Regiment. Obviously Mr Justice Windeyer, who has held high positions in the military forces, is sympathetic to the military position, and he gave an interpretation of conscientious objection—a narrow interpretation.

Honourable members opposite who are barristers and who are talking together at present—the honourable member for Warringah (Mr St John) and the honourable member for Moreton (Mr Killen)—know that the only way we can rectify the position is by legislation. In fairness to Mr Justice Windeyer, the Leader of the Opposition made it clear that there is no provision in the existing legislation for other service by a conscientious objector against any particular war, so we ask honourable members to support our amendment whereby we will be able to offer some justice to those conscientious objectors who are, in fact, opposed only to this barbaric war in Vietnam. We should not force them to go to Vietnam and it is stupid to continue to do so.

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

Mr ST JOHN (Warringah) [4.20]—It is trite, but nonetheless very true, that today we hear much talk of rights but very little talk, if any, of duties. This applies particularly to our student population. I begin to fear for democracy when I pick up a newspaper and read of what has happened not only in Australia but also in overseas countries among student communities. A new and arrogant assumption comes to be taken by students throughout the world that they can decide for themselves what is right, what is just, what they shall do and what they shall not do. A new permissive society is sought to be ushered in—a society in which, I fear, democracy will give way to totalitarian rule and anarchy will invite a dictatorship of right or left. I fear that this is what may happen in France, what may happen in Germany and what may happen elsewhere.

It is surely the first obligation of a citizen in a democratic society, which we all wish to preserve, to obey the law as laid down by our democratically elected legislature, whether or not he agrees with that law. I agree that there are times when civil disobedience may be justified, but this is surely not the case when a country such as ours, enjoying the rights and freedoms that we have possessed for so long, decides that young men should serve in a system of national service, at a time when it is quite patent that danger threatens in a way in which it has never threatened before in Australia’s history. The honourable member for Yarra (Dr J. F. Cairns) rightly said that obedience to commands or orders is not in itself a defence. This is the doctrine of the Nuremberg tribunal and I agree with that doctrine. But what he seeks to extend it to is something entirely different. He tells us that now an individual is to be given the right by law to decide for himself whether a particular war and, I presume, a particular battle or a particular weapon, is or is not to be conscientiously used at a particular point of time. This, of course, would reduce our nation to nothing more nor less than a rabble. It means that if by some means a great number of young men could be persuaded by force of misleading propaganda, as it may be and as it often is, that they should not fight in a particular
war, they should be given the legal right to decide that they shall opt out on a so-called conscientious objection.

Dr J. F. Cairns—They have to apply to a court and satisfy the court.

Mr ST JOHN—Yes, they have to satisfy the court that they have a conscientious objection, but is the court to decide how that so-called conscientious objection was induced, whether perhaps by Communist propaganda, perhaps by party propaganda or even, perhaps, by a false statement of facts? Is the court to sit in solemn judgment to decide whether the youth of this country has been misled by, for example, the Australian Labor Party or by particular leaders of the Labor Party? Under the amendments proposed by the Labor Party it would be sufficient for a young man to get into the witness box and to prove to the court that, no matter by what means, he has been induced to believe that a particular war in which the nation is engaged, is unjust. I say again that this would reduce our nation to a rabble. There is no precedent for this proposal anywhere in the world. The Labor Party has not been able to adduce a single precedent.

Is there in England, the very home of liberty, in the United States, which gave the world perhaps its first and greatest example of democracy, or in any other country, legislation which lays down a right in the terms sought by the Labour Party of Australia? The answer is no. The first duty of a democratically elected government is to govern, and the great and onerous duty of a government is to decide when it shall fight and when it shall not, when a war is to be considered just and when it is to be considered unjust. For the most part, citizens—and certainly young men of 18 and 19 years—are in no position to pass a final judgment on matters so contentious as this, nor should they be given by law the right to decide once and for all whether they should fight in this kind of war. I remind the honourable member for Yarra of those so righteous people who, during the 1930s, imagined that all was well with the Communist regimes. I remind him how many of those people have had to change their minds in bitter disillusionment. I ask him to think of people like Arthur Koestler, who was once a committed Communist, who then turned away from Communism and wrote a book entitled 'Darkness at Noon' and who has spent much of his life regretting opinions which he formerly advocated. It is well to remind the honourable member of the unfortunate people who, in the 1930s, believed that they could see some good in the Fascist regime and the Nazi regime and have since bitterly regretted that.

I hope that the Labor Party will not live to see the day when it regrets the attitude that it took up on Vietnam. If the Labor Party had its way and if we did withdraw from Vietnam, if the United States of America were to withdraw from Asia, and if, as one can imagine might well be the case, Laos, Cambodia, Thailand, the Philippines and Indonesia were to fall and war were to come to Australia, many members of the Labor Party, I believe, would begin to have second thoughts and would come to regret bitterly the opinions which they now advocate with such force, and no doubt with sincerity. I say this merely to illustrate that young men in this atmosphere cannot and shall not be given the right to decide whether or not they shall serve in national service or fight for their country at a time when it is asked that they shall do so.

I should like to emphasise once again some old fashioned virtues, because I believe the wisdom of mankind over the centuries was not so far wrong when it spoke of the virtue of unity, the virtue of loyalty, the virtue of obedience and the virtue of patriotism. I believe that it is necessary for us, just as it was necessary for a country such as Israel, to institute this kind of system to distribute the burden in an equitable fashion and to see to it that wars, when they are necessary, are fought by those who are fit to participate in them on an equal basis. I believe that it would lead to sheer anarchy if we were to allow every individual young man under whatever pressures there may be, whether from his family, so called political leaders, his teachers or his fellow students, to make up his mind whether or not he thinks his country should at a particular time be at war, fighting in a particular battle or using a particular kind of weapon. These decisions must be made by governments and they must be accepted by all citizens.
The concessions which we have made in relation to conscientious objectors are a luxury which, I believe, we, as a democratic community, can still afford, but the kind of amendment proposed by the Labor Party would lead to sheer disorder. I believe that in these times it is necessary to re-emphasise some of these matters and to emphasise to our young people in particular that they are not the sole fount of wisdom, that some of their elders—I shall not say 'betters'—may have learned a thing or two and that they themselves in after years may come to discover that what they think today was not entirely right and that what their leaders think may not have been entirely wrong. I oppose the amendment.

Dr EVERINGHAM (Capricornia) [4.28]
—The honourable member for Yarra (Dr J. F. Cairns) has pointed out that the Nuremberg trials determined that crimes against humanity and international law are the responsibility of the individual agent, irrespective of orders given to him by those who are legally his superiors. It is therefore incumbent on those in this Parliament who have taken upon their shoulders the grave responsibility for supporting one side in a military action to satisfy themselves that by so doing they are not acting contrary to international law and contrary to the body of common humane law which was resorted to by the court at the Nuremberg trials. I have tried for some years in and out of this Parliament to induce responsible spokesmen of the Government to spell out in common, plain, straight, legal, everyday, common sense or any other kind of language they choose—language that can be understood by lawyers, by common men, by parliamentarians or by the voters—the legal basis in international law and in common humanity of this military action in which we are involved. I have tried to pin it down to specific issues, in questions that are still on the notice paper and in some that have been answered and are no longer on the notice paper.

I have tried to get the Minister for External Affairs (Mr Hasluck) to commit himself to accepting the decision of some independent tribunal—not this Government, not this Opposition, not the Saigon regime, the Vietcong or the North Vietnamese, not the American Government or Senator McCarthy or some committee of the United States Senate because these all have different opinions on the legality of the situation. I have not asked for any of these involved parties to be consulted. I have asked him to quote one independent, impartial authority to prove to the people who are making these laws, to the people who are enforcing these laws in Hols-worthy, Vietnam or wherever they may be, to the agents of this Government, and to the young men who are being called up and who object to being called up, that this is a legal law, that international law is not being broken and that common humane decency is being respected. Honourable members opposite have come up with statements that purport to justify in law the actions of our Government and our troops. They have said, for example, that a gentleman who was guilty of forcing water down somebody's throat has been seconded to other duties. They have said that as soon as it came to their notice that an inefficient method was being used—that a gentleman was being wakened every half an hour to see whether he was still there or whether he had tried to wound himself—the Public Servants in the Department of the Army decided to discontinue it. When an honourable member on this side of the chamber suggested in a question that an investigation might be in order, the Acting Prime Minister (Mr McEwen) was quite sure that it was not. When a question was asked by an honourable member on his own side of the House he decided that it was and he said that he will consult with the Ministers concerned to see whether he will have an investigation.

The doctrine of the just and the unjust war has been mentioned by honourable members on both sides of the House and, as far as I know, this doctrine is still promulgated by men who are universally respected in the world as custodians or advisers of the conscience, perhaps even more than democratically elected parliaments, perhaps even more than by the gentlemen who sit on our benches and who hear these cases of conscientious objection. The doctrine of the just and the unjust war has been completely set aside by every argument of the Government. It does not recognise the right of anybody but the elected Government to decide what is a just and unjust war. It does not recognise the authority, the right or the
competence of anybody but the Government and its agents to decide what is the just use of a given type of weapon. Yet this Government stands by international conventions which condemn chemical warfare, which condemn explosive bullets and which condemn the use of inhuman and unnecessarily destructive weapons. It has even taken part in conventions designed to restrain the use of weapons of mass destruction. So even it has admitted that some weapons are less moral, less justified and less defensible in any war, no matter what.

Because the Government has taken sides in a war in South East Asia it has also admitted that there are just and unjust wars. It claims that we are fighting a just war. The sort of argument on which this is based is that a poor, weak, innocent and defenceless nation, South Vietnam, has been invaded by a vicious, immoral, dictatorial, inhuman, malevolent power directed by the greatest powers of evil in the world. It argues that the Australian Labor Party, being so blind to this fact, is unlikely to realise this unless the Philippines, Thailand, Burma and a few other places become victims of this malevolent power or the Australian people continue to vote them out of office or some brilliant illumination comes upon them for some other reason that has not yet been explained.

The honourable member for Parkes (Mr Hughes) says it is the duty of a citizen to obey the law as it stands. The honourable member for Warringah (Mr St John) even went so far as to say that if we do not pay obedience to the law it will lead to sheer disorder, that unity, obedience and loyalty are virtues and that this has been shown in Israel. He said that there is no precedent in the world even in Britain or the United States, the most liberal nations, for this new doctrine of liberalism. I am no lawyer, but I think if the lawyers opposite looked at the United States Constitution they will find that a duty to rebel is laid down in that Constitution and that a man has a right and a duty to rebel against tyranny. Therefore, if the conscience of a man is that the war in Vietnam is the rebellion against tyranny by a small nation that has been suppressed by big nations—by China, by France, by Japan, by Vichy France, by the United States and its allies—they are justified in fighting against us, whether there are Communists on their side or not. The very fact that we label them as Communists would make them do so.

**The DEPUTY CHAIRMAN (Mr Failes) Order! The honourable member's time has expired.**

**Mr HAWORTH** (Isaacs) [4.39]—Mr Deputy Chairman, I would like to make some observations about the amendment before the Committee. I am prompted to do so by what I have heard from the honourable member for Wills (Mr Bryant), the honourable member for Yarra (Dr J. F. Cairns) and the honourable member for Reid (Mr Uren). Let us go back to what the Deputy Leader of the Opposition (Mr Barnard), who introduced this amendment for the Opposition, said last week. He said he desired an exemption to be granted to those persons who conscientiously objected to a particular war. Secondly, he thought the requirements for a conscientious objector were much too rigid. One cannot help but wonder, after what has been said in this Committee this afternoon whether the Opposition is sincere in the reasons it has put forward or whether it is a case of the Australian Labor Party supporting an infinitesimal number of people in Australia who are anxious to avoid their military duty to their country under any pretence whatsoever. The way the youth of this country recognise their duty gives one cause to be proud. One becomes even prouder of them after hearing what has been said in this debate by members of the Opposition. However, this country does recognise the rights of conscientious objectors.

The relevant provision is not broad, as the honourable member for Wills has suggested; it is specific, clear and precise. Section 29A of the original Act says that a person whose conscientious beliefs do not allow him to engage in any form of military service is exempt from service under the Act. One could not have anything fairer than that. There are some senior members of the Opposition who have always been opposed to any form of military service. They have never been reluctant to use the forms of this House to express their opposition. One former Labor Cabinet Minister said he would not spend threepence on military defence. I believe honourable members will remember
that statement being made. The right honourable member for Melbourne (Mr Calwell) in this chamber relatively recently said that the Government had left a number of avenues open to those who wish to avoid national service. He went on to say that he was glad these avenues had been left and he would congratulate all those who took advantage of them. The inference was very clear. It is clear, firstly, that he acknowledges there is legislative provision for conscientious objectors and, secondly that he encourages anyone to make use of any of the loopholes that may exist in the present legislation. Because of its age-old objection to military service, the Labor Party wants not only to provide for the sincere conscientious objector but also for the draft dodger. Naturally, the Government opposes this and it is wise in doing so.

I ask the Opposition: Would we be giving the sincere conscientious objector a fair go, to use a colloquial expression, if we adopted this amendment? Certainly not, I would say, because we would be placing the conscientious objector in the same category as the person who wished to evade duty, not on any religious or philosophical grounds, but simply because he wished to dodge his responsibility to serve in any war which he may nominate. Each individual would be able to decide for himself what is fair and right. As the honourable members for Bradfield (Mr Turner) and Warringah (Mr St John) have said, we would allow the individual to answer for himself the question of what is right and what is wrong.

Dr J. F. Cairns—He has to go to a court.

Mr HAWORTH—But the point is that he would make his own decision that a particular war was wrong, not as a conscientious objector, but simply as a person who could put forward his argument in a court in the knowledge that the court would have to accept his decision that the war in question was wrong.

I believe the rights of the conscientious objector are covered in the Declaration of Human Rights. Article 18 of the Declaration of Human Rights states:

Everyone has the right to freedom of thought, conscience and religion. This includes the freedom to change his religion or belief and freedom either alone or in the community with others and in public or private to manifest his religion or beliefs in teaching, practices, worship and observance.

Article 29 (2) of the Declaration states:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights are guaranteed to everyone in the country. I suggest that Clause 29 of the original National Service Act of 1951 recognises those rights. As a member of the United Nations we subscribe to the Declaration of Human Rights. Clause 29A of the principal Act preserves the rights of conscientious objectors, but in addition, we as a nation uphold the Declaration of Human Rights. There are member nations of the United Nations which do not, and in passing I may say that a cardinal example is Soviet Russia which places obstacles in the way of a Jew who wishes to manifest his religious beliefs in teaching practices, worship or observance.

Clause 29A of the original National Service Act provides for exemptions on the grounds of conscientious belief, and these are in keeping with the Declaration of Human Rights. If a person is not satisfied with his trial by a magistrate, he can appeal to the highest court in the land. The Opposition wants to make a mockery of Section 29A of the principal Act, which specifically provides for exemption for conscientious objectors to any form—I repeat ‘any form’—of military service, by adding the qualification suggested by the Opposition that an objection may be made to a particular war. This would make confusion worse confounded. How can one claim an objection to military service if the objection is only to a certain kind of war? This is what I and everyone on this side of the House are made unable to comprehend. A conscientious objector may claim the benefits available to him under the Declaration of Human Rights, but he must accept all the provisions of the Declaration. This amendment would simply make it easier for the dodger to evade his responsibilities. It would make it easier for the man who wants the
security of this country but who wants someone else to make the contribution. I am sure there are members of the Opposition who dislike this amendment just as much as we on this side of the House dislike it. I propose to vote against the amendment.

Mr STEWART (Lang) [4.47]—It is pleasing to see that one of the senior counsels on the Government side, the honourable member for Parkes (Mr Hughes), is still in the chamber. However, his juniors, the honourable member for Warringah (Mr St John) and the honourable member for Moreton (Mr Killen) have left. So far in this debate the word 'war' has been mentioned on a great number of occasions. My impression, from reading Hansom and looking at questions, is that not one honourable member on the Government side has ever admitted we are at war in Vietnam. So to talk about conscientious objection in a time of war—a declared or specific war—as members on the Government side have been doing, is to completely mislead the House and the people of Australia. Honourable members on the other side of the House have used the arguments that the honourable member for Isaacs (Mr Haworth) has just advanced. They say that the members of the Opposition are the only people in Australia who are opposed to Section 29A of the present National Service Act. This again is completely misleading the Australian people. In his second reading speech the Minister for Labour and National Service (Mr Bury) said that many of the alterations made to the National Service Act were made as a result of representations made to the Government by a variety of bodies such as the Returned Services League, the Australian Council of Churches, the Australian Quaker Peace Committee and Federal Pacifist Council of Australia.

In my speech at the second reading stage of this Bill last Thursday week, I quoted an editorial from the 'Sydney Morning Herald'. I could have quoted many more editorials. I quoted one comment from 'Muster', an official organ of the Country Party. Hundreds of instances could be given of people in universities, technical colleges and church bodies being opposed to the provisions of section 29A of the principal Act.

I wish to refer to the booklet 'Conscientious Objection to Military Service' which has been distributed to all honourable members. Apparently, the honourable members for Hughes, Warringah, Isaacs and Moreton have not bothered even to look at this booklet. If they looked at it they would see on page 32 that the authors admit the arguments that have been advanced by Government members that it is difficult to decide whether a man is conscientious in his beliefs or whether he objects for some other reason, mainly political. The basis of the argument that is advanced by Government members seems to be that the reason for objection could be a political dislike of this war. The Australian Council of Churches recognises that this is a legitimate argument. Recommendation (v) at page 47 of the booklet states:

Clear provision be made for the exemption of persons who conscientiously object to participating in a particular war, declared or undeclared.

Let me get down to that political war. There is no doubt that the war in Vietnam is a political war. Government members have told us time and time again that unless we have this forward defence strategy and unless we send our troops to Malaysia or to Vietnam, we might have to fight on our own doorstep. The honourable member for Bradfield (Mr Turner) spent a few minutes of his time this afternoon saying how important it was for us to have our troops overseas and not on our shores. If I can believe the newspapers, the Minister for Defence (Mr Fairhall) believes the same thing, but the Prime Minister (Mr Gorton) believes differently. The Prime Minister wants to cast aside the forward defence strategy and he wants to have an Israeli type of force operating in Australia.

When members of the Government criticise the Australian Labor Party for daring to move an amendment which suggests that the category of conscientious objectors should be enlarged in order to provide for conscientious objection to particular wars, I find that their story is very hard to believe because of the number of members on the other side of the Committee who have spoken on conscience and conscientious objectors. Let me quote to the Committee the meaning of the word 'conscience' taken from the first dictionary that I was able to
obtain, the 'Universal English Dictionary'. We find that 'conscience' is defined in this way:

... having a keen sense of moral obligations, power to discriminate between right and wrong with a strong bias towards the former, obedient to the dictates of conscience, scrupulously, punctiliously honest and upright.

A 'conscientious objector' is defined as:

In the Great War, one who claimed exemption from military service by alleged moral scruples against fighting for his country against her enemies. No mention is made whether they are religious scruples or political scruples. The dictionary definition refers simply to those who have conscientious beliefs in that direction. These are the ones whom we want Government members to recognise.

If the Minister for Labour and National Service has taken note of the arguments advanced by the diverse organisations that I have mentioned, why has he not taken notice of those organisations in this direction? Why has not he or the Minister for Defence made some attempt to obtain a volunteer force to serve in Vietnam? National service trainees have to serve in the Army for 2 years only. Then they do 3 years training in the Citizen Military Forces. What would prevent the Government from allowing men to volunteer from the Regular Army or from outside the Regular Army for a period of 2 years service overseas with the provision that they will serve for 3 years in the CMF after they have finished their service overseas?

When our first troops went to Vietnam, they were advisers. No indication was given at that stage that we were likely to participate to any greater extent in the war in Vietnam. No indication was given in 1964 when national service was re-introduced that national service trainees were to be sent to Vietnam. National service was introduced then in order to resist the confrontation of Malaysia by Indonesia. When members on the Government side—some of them are honourable and upright men who argue legally in the courts of our land—can so twist their conscience and so twist their argument that they can rise here and deny the Opposition the right to express its point of view, I ask them: Do they possess a conscience? I think that the answer to that question is no. If they do not possess a conscience, I can appreciate quite readily that they do not give to any other person in the community the right conscientiously to object to anything. The Labor Party and the Australian Council of Churches say, and various other people of high standing in the community have suggested, that the provisions of this section should be enlarged in order to include conscientious objections to a particular war. This is the amendment for which the Australian Labor Party will vote and which it hopes to carry when the question is put.

Mr CLEAVER (Swan) [4.58]—The honourable member for Lang (Mr Stewart) is hardly correct in Committee when he says that Government members are denying the Opposition the right to express its views. The Opposition is doing so quite vocally and to such an extent that more members on the Government side are keen to reply to some of the fallacious arguments from honourable members opposite. The honourable member for Lang made, perhaps not wilfully, a reference to national servicemen being bound to another 3 years service. Let it be noted that this is probably only the national serviceman's listing on the Reserve. Let it be clear to the whole public that the position of the man who renders his 2 years national service is in contrast to the position of the fellow who has the freedom to engage in some 6 years of CMF training. From the way the honourable member for Lang put it, the situation could have been misunderstood.

The amendments put forward by the Opposition in relation to section 29A reveal quite a subtlety in their construction. The amendments call for an answer. Let me remind the Committee that in sections 29 and 29A there is a sub-section—1 refer to sub-section (5)—with which, apparently, our friends on the Opposition side are completely satisfied. Sub-section (5) reads:

For the purpose of this section, a conscientious belief is a conscientious belief whether the ground for the belief is or is not of a religious character and whether the belief is or is not part of the doctrines of a religion.

I note that Opposition members do not seek any amendment in that connection.

The first point of the Opposition's amendments brings in almost an unworkable proposition, as my colleagues have
Mr CLEAVER—All too often I have listened in silence to the honourable member for Reid. I hope that today he will extend the same courtesy to me. I was stating that national service falls upon a section of our young men. Not one of us is exempt from the possibility of having a son called upon to undergo national service. This is the very principle of responsibility that this Government has applied. We have listened in vain for an alternative from those who have protested about the ballot system. We have said to the churches and to every person keen to protest: 'If you can place before the Government a better formula than the one we have, we will examine it and probably we will be glad to adopt it'. However, the Opposition has not been able to come forward with an alternative scheme. Thus, of necessity, we have a ballot system. At least as every Opposition member knows, it avoids graft. The sons of some Ministers in this Government have served in the forces after selection by ballot. This is why I say that not one of us is exempt from this system.

However, the Government has not left our young men with national service training as the only possibility for them. We should perhaps underline and publicise more clearly for the whole country the fact that there is an alternative. Unfortunately, some parents still do not understand that this is so. Indeed, there are still some young men who are busy about their training for a calling, who realise suddenly, with the age of 20 years nearly upon them, that they are likely to be covered by this legislation, and who do not understand that there is an alternative available to them. The Government has learnt over backwards to provide an alternative. Training in the Citizen Military Forces is available to our young men.

Mr Uren—it is a military alternative.

Mr CLEAVER—it is part of the principle of equal responsibility for all. What about this move for non-combatant service? The demand for this kind of service could be built up by our Opposition friends into quite unmanageable proportions. What kind of Army, what kind of Service, would we have if there were literally an explosion of applications for non-combatant service? When I began I referred to sections 29 and

mentioned, because it seeks to remove the words 'any form of military service' and to insert the words 'military service, whether in relation to a particular war or otherwise'. If this change could only be achieved by the Opposition as an amendment to the Bill, we would have in the future an almost unworkable—and I would say unworkable—proposition, and well honourable members opposite know it. That is why this portion of the amendments is designed this way. Then of course the Opposition has moved for the omission of sub-sections (3.) and (4.) from section 29A. For what purpose? It is only to open the door wider to a protesting minority group. My honourable friend from Bradfield at times presents a subtle argument. When he spoke earlier, he caused Opposition members to think that he was supporting their view. How wrong they were, because my colleague enunciated strongly that defence of our country is a paramount duty and the equal responsibility of all. Not one member of this House has ever spoken more strongly on that point than the honourable member for Bradfield. Emphatically he stated that never again should we as a nation depend upon a volunteer force. I support my colleague who has highlighted the basis for the Government's stand. Not just in recent months but over a period of years the Opposition has tried to build up its emotional protest. Today there were great protests from them when the honourable member for Bradfield spoke from his heart.

Mr Curtin—He has not one.

Mr CLEAVER—Opposition members cannot deny that he spoke from the heart. They tried to counter the honourable member for Bradfield by putting up the honourable member for Reid (Mr Uren) to speak. He paraded once more the exaggeration about the use of napalm. This was done for emotional purposes and honourable members opposite know it. I remind all members, particularly those who have listened to this debate in Committee, that national service in this country falls—

Mr Uren—Burn them at the stake! That is his motto.

The DEPUTY CHAIRMAN—Order! I call the honourable member for Reid to order.
29a of the Act. The Leader of the Opposition is smiling either at me or some of my colleagues behind me.

Mr Whitlam—I was smiling at one of the honourable member's colleagues. Indeed, we were both smiling at the honourable member.

Mr CLEAVER—That does not concern me. The Leader of the Opposition knows full well that the Act provides that it is the responsibility of a person who exercises conscientious beliefs to convince a magistrate that he is genuine. Does he want people with some ill conceived ideas about pacifism, or some other view, to walk away from the principle of equal responsibility about which I have been talking? Should not such people be required to go before a magistrate and prove that they are not phoney? After all, there are phoney who wish to be released from national service. Not every man who wants to be released from service is conscientious in his beliefs. The honourable member for Reid almost nods his approval that I am correct in this respect.

Mr Uren—Utter rubbish.

Mr CLEAVER—He knows that not every one who claims to be a conscientious objector is honest. A young fellow who claims he is a conscientious objector must go before a magistrate simply to prove that, with his background, he is genuine. This is a device of long standing. Naturally Opposition members find fault with it. Indeed, they find fault with anything that does not follow completely their point of view. The honourable member for Lang cannot deny that he and his colleagues have been given every opportunity to discuss this amendment. I do not think there will be any prompt closure of the debate on it. I emphasise my point that no-one has been able to contradict the honourable member for Bradfield, who has claimed that the preservation of this country is of paramount importance. The Act provides that it is the responsibility of those who have a conscientious belief to prove that they are not phoney. Such people should be willing to come before a magistrate. The trouble is that many of the people whom Opposition members have been encouraging to claim that they are conscientious objectors have no possibility of proving that they are truly conscientious in their objection. I submit that the comments I have made clearly indicate that although the Opposition has brought all possible subtlety into these draft amendments, they cannot be justified. I am convinced that they will not be agreed to.

Mr DALY (Grayndler) [5.8]—A number of significant features have emerged during this debate. Several eminent lawyers, including the honourable member for Moreton (Mr Killen), have argued against the rule of law in this Parliament, whereas in the courts they charge exorbitant fees for attempting to uphold the law. In addition they have completely overlooked the fact that the Vietnam war has not received the endorsement of the people of virtually any of the countries engaged there, particularly two of them—Australia, to which this Bill relates, and the United States of America. No conflict in which servicemen from this country have been involved has brought forth more demonstrations and more acts of defiance than the war in Vietnam. As the honourable member for Lang (Mr Stewart) stated a few minutes ago, this country is not even at war; yet the Government refuses to support an amendment that has been moved by the Opposition to give people who object to a war that has not been declared an opportunity to obtain exemption from military service on the ground of conscientious objection.

An eminent American, Dr Benjamin Spock, is standing trial because of his feelings about Vietnam. Cassius Clay was stripped of his heavyweight boxing title, was sentenced to imprisonment and had heavy fines imposed on him not because of his objection to fighting for the United States but because of his belief that this was an unjust war—one to which he was personally opposed and in which he would not participate. Does the Government claim that men like these are not sincere? Should not some provision be made for such people to have an opportunity to state their conscientious views? I am reminded of the change in attitude to particular wars by an article in the latest issue of the 'Current Affairs Bulletin'. It states:

To believe sincerely that the war in Vietnam is unjust, that the Vietcong and their North Vietnamese supporters present no threat to Australia,
that the Vietnamese peasant would be no less free under a Communist regime than under the present regime or even future regimes, and consequently that killing Vietnamese guerrillas is an unwarrantable crime—none of these counts in Australia as reason for exemption from military service. But why should anyone seriously holding such views, who takes account of the complexities and the diverse conflicting interests involved in the situation, and who still cannot justify killing or abetting the killing of his fellow-men, be thought any less conscientious in his objection to doing so than the man who takes up the dogmatic position that whatever the facts in any situation, and whatever the interests involved, it could never be right to fight any war?

The Australian Labor Party believes that the amendment we have moved covers people who conscientiously believe in what that document outlines in a very effective way.

The point at issue is that this Government refuses to recognise that there are people who object to the tragic state of affairs in Vietnam. They object to our forces being engaged in a conflict in which many people in this country believe we should never have become militarily engaged. Many people cannot justify the killing, the atrocities and all the other events occurring in Vietnam. In all conscience they feel they cannot serve in the armed forces of this country to fight in Vietnam, if they are inducted into the forces. The Government does not even offer a proper alternative to these people who have a conscientious objection. All that is offered is 2 years' imprisonment in Long Bay Gaol or Pentridge Gaol. If people have a fundamental objection to the war on the basis to which I have referred they face the same treatment as Simon Townsend is undergoing at the present time. They will be sent to a military corrective establishment and receive treatment that would do credit to Fascist Germany or to some of the worst dictatorial regimes that the world has known.

The Minister for the Army (Mr Lynch) has made more blunders in a few weeks than former Ministers for the Army made in years, yet today he stood up in this Parliament and defended the treatment of Townsend because, evidently, Townsend conscientiously objects to taking part in the Vietnam war. The Minister did not apologise for the treatment that is being given to Townsend. He said: 'Yes, it is part of the regulations.' Any Minister worth his salt would have countermanded the regulations forthwith, and he would have come into this Parliament and apologised for the treatment that has been given to Simon Townsend. The Labor Party seeks to prevent this kind of treatment from being given to people who, like Townsend, cannot conscientiously support this war.

What a tragic situation it is when you think about it. First, the Government breaks the Geneva Convention by sponsoring torture treatment for prisoners of war in Vietnam, and it does not apologise for doing so. The Prime Minister (Mr Gorton) stood in this Parliament and said: 'You cannot treat these people with kid gloves.' Now we have the Minister for the Army condoning what is, in effect, torture treatment being given to a man who conscientiously objects to serving in Vietnam. Every half hour this man is awakened in his cell. There is a knock on the door and he is told: 'Wake up, we want to see if you are alive.' They cannot allow him to sleep all night because they fear he might be dead in the morning. What a fantastic situation that is in this day and age! Can you imagine the character of the man who sentenced him to solitary confinement and to be awakened every half hour? Do people want me to believe that that sadistic individual was really fearing for the health and welfare of the man? Of course he was not. He knew that the man would be there in the morning, without his having to be awakened every half hour from 7 p.m. to 7 a.m. The fact is it was sadistic treatment. The officer responsible for imposing this treatment—whatever his rank—ought to be court martialed on the charge of inhuman treatment, because I would never justify it, and no honourable member on the Government side could justify it.

As the honourable member for Yarra (Dr J. F. Cairns) said, under this Government it requires a lot of courage to be a conscientious objector. Townsend said in the letter which he sent to all honourable members:

I applied again to a magistrate for exemption. He made no judgment on my sincerity, but refused the application on a technicality. I appealed to a judge—who started the case by relating his own war service and telling of his present work for a semi-military organisation—and he declared me, in effect, some kind of giant hoaxer with a martyr-complex and a desire to stir up trouble.
What a great chance Townsend had of gaining exemption from service when he came up against an old soldier like that! The judge allowed his bias and his own war service to interfere with his judgment. Then Townsend was put in a military detention camp. We are told that we are short of soldiers, but listen to what Townsend had to say:

That night I slept in a room guarded by eight soldiers, two of whom, in rotation, had to stay awake.

The only thing I can say for the officer who imposed this treatment is that he had a nark on the soldiers, too, because he made a couple of them stay awake. What a useless waste of military manpower to have soldiers guarding a man who conscientiously objects to serving in a particular war. By this amendment we are seeking to provide for cases of this nature. Even if the Government may close its eyes to it, I believe that the people outside are appalled at the treatment being given to young men who conscientiously object to serving in Vietnam. It is no good saying that they are opposed to war. It is an record that many men who are conscientiously opposed to the war in Vietnam have said that they would fight in other conflicts. That being the case, what justification is there for giving this treatment to Townsend who evidently sincerely believes that we should not be involved in the Vietnam war? Why should he at this stage have to suffer the treatment that he will get tonight? As the honourable member for Hindmarsh (Mr Clyde Cameron) said today, this kind of treatment is not even applied to the worst type of criminal in civilian gaols in South Australia and in other parts of Australia.

I hope that the people whose sons are called upon to register for national service will realise that there are authorities in this country who do not care what kind of treatment their sons receive. Gunner O'Neill was chained in a pit for a couple of days because they had nowhere else to put him. This kind of treatment shows the sadistic streak that runs through certain personnel in the Army. The Minister for the Army stands up in this Parliament and defends this kind of treatment. The breaking of the Geneva Convention has been condoned, and there is no thought given to the person who conscientiously objects to serving in the Vietnam war. The only thing that these people receive is the most brutal and sadistic treatment. That is why we have moved the amendment, which I hope will be carried by the House.

Mr SNEDDEN (Bruce—Minister for Immigration) [5.17]—I believe that this amendment is put not with a true regard for dealing with the problem of conscientious objection. Indeed, the National Service Act already deals with conscientious objection. It also deals with those people who, while not possessing a conscientious objection to participating in warfare, nevertheless are not prepared to participate in combatant duties. The reason why the Act as it is, unaffected in this respect by the Bill, deals with conscientious objection is because the entire weight of that piece of legislation is to determine the issue whether or not there exists in the case of an individual a moral imperative against carrying arms and participating in warlike activity either at all or as a combatant. The amendment which has been moved does not deal with the question of moral imperative at all. It deals with a proposal for selective pacifism. It is perfectly clear to every honourable member who has looked at the Act and the Bill that where there is a moral imperative on the part of an individual he is exempted from the obligation to render national service. If that moral imperative is of a lesser volume and relates not to rendering service but to actual participation in warlike activities, then he is granted the right to serve in non-combatant activities.

The facts of the matter are—and I reiterate them because they must not escape the Committee and those people who may read the report of this debate—that the Opposition's proposal is for selective pacifism. It does not deal with conscientious objection at all, because selective pacifism is not reconcilable in any way with the preservation of the entity of the state. The preservation of the entity of this state and indeed the preservation of the state itself is the prime responsibility of every man elected to this Parliament. The point was made by the honourable member for Bradfield (Mr Turner)—certainly in different language, but he agrees with me on this
point. If there be an honourable member in this chamber who does not see as his primary duty as a member of the National Parliament the preservation of the entity of the state of Australia—not merely the preservation of the entity but the very preservation of the state itself—let him now say so.

This amendment embodies a political and not a moral proposal. It is a moral proposal if you talk about a conscientious objection possessed by somebody activated by a moral imperative. It is a political proposal if you put forward a proposal which relates to selective pacifism. Let me carry the point further. It is said by the Opposition that an individual should be able to make his judgment as to whether he will participate in a particular war. Let us put aside every other proposition that may muddy the picture. This is the reality of the proposition: Every individual in the community, so it is said, ought to make the judgment himself as to whether he will participate in a war—not the Vietnam war in particular; put that aside, because this is to go into the legislation for an unknown length of time. Let me carry this point a step further. If an individual can choose whether he will serve in a particular war, will the Opposition deny the right of an individual soldier to determine on a basis of selective pacifism which particular action he will fight? Is there any less reason for a soldier serving in the armed forces to say: ‘I will defend this ridge or attack that ridge but not defend this or attack that?’ Who is to make the judgment?

The CHAIRMAN (Mr Lucock)—Order! There are too many interjections. This is an important debate and I would be reluctant to take action which would preclude any honourable member from further taking part in the debate. However, if the constant stream of interjections persists, I will take action.

Dr J. F. Cairns—I rise to order. You, Sir, have agreed, rightly I think, that this is a very important debate which should continue. I have a feeling that the Minister for Immigration proposes to gag the debate—

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

Dr J. F. Cairns—I therefore ask you——

The CHAIRMAN—Order! The honourable member for Yarra will resume his seat.

Dr J. F. Cairns—I ask you to take into account——

The CHAIRMAN—Order! I call the Minister for Immigration. [Quorum formed]

Mr Snedden—I was making the point that the necessary projection of the proposition put by the Opposition is that if a man not yet in the Service is entitled to invoke selective pacifism, it follows that honourable members opposite must argue that a man in the Service is entitled to invoke selective pacifism.

Dr Everingham—Yes.

Dr J. F. Cairns—Yes.

Mr Snedden—‘Yes’ says the honourable member for Capricornia. ‘Yes’ says the honourable member for Yarra. There is no doubt about the attitude of the honourable members to this matter. But I want honourable members in the chamber to understand the necessary projection of the proposal. I for one cannot foresee a situation in which an Australian armed force, committed to battle, is likely to have within it individuals making the point that they propose not to engage in a particular action. It would make the defence of this country completely untenable and I for one am not prepared to commit myself to any proposal which has that far-reaching effect, for that effect it must inevitably have.

Honourable members opposite say—or do they?—that this is a matter of morals. I have put to the Committee—I believe it to be true—that what honourable members opposite argue is not on a moral base but on a political base. There can be no doubt about that. But let honourable members opposite now state, if they believe that the moral issue is so overwhelmingly in their favour, that they would abandon national service. Would they go further and withdraw the entire Australian commitment from Vietnam? If this is what the Opposition now says, why does its policy not state this fact? The Deputy Leader of the Opposition (Mr Barnard) and the Leader of the Opposition (Mr Whitlam) have been vacillating on Labor’s policy in order to attract votes. This is what they have been seeking to do. They have been evading the issue.
I pay a tribute to the former Leader of the Labor Party, the right honourable member for Melbourne (Mr Calwell) and the honourable member for Yarra (Dr J. F. Cairns) for at least not leaving any doubts as to their attitude. But the Labor Party, led by the Leader of the Opposition and the Deputy Leader of the Opposition, constantly vacillates on policy in the hope that it can hoodwink the Australian people into believing that Labor's policy is different from what it is. This is done in the hope of prospering at election time. When we are talking about the defence of the country the careers of young men are too important for politics.

The CHAIRMAN—Order! The Minister's time has expired.

Mr CONNOR (Cunningham) [5.27]—The Opposition will never be behind the bush where the real defence of Australia is concerned. We have always been capable of defending Australia. Need I once again remind Government supporters that it was to a Labor government, led by some very honoured Labor men, that Australia turned for its defence at the time of World War II. At present there is not a declared war. The honourable member for Warringah (Mr St John) pointed out, after some moralising about student revolts, that young men 20 years of age were not capable of forming a mature judgment. Under this Government they are quite capable, apparently, of being conscripted. Their conscription is contrary to public opinion. The real test in this matter is: What is public opinion in relation to this war? Does this Government still have the right to speak on behalf of the people of Australia? We say that it does not. We say, looking at the overall situation with regard to this war, that the Government is in a most embarrassed position. This legislation is only a diversionary operation to keep up public interest—to panic the public until the Government can sort out its internal contradictions, until its Prime Minister (Mr Gorton) can come back with some clue from the United States, if he can get it from six Presidential candidates and a lame duck President. When the Prime Minister does return to Australia he will tell us that the Americans are talking in terms of post-Vietnam; they are asking how they can extricate themselves honourably.

Today's Sydney 'Sun' carries a report on a statement made in Washington on Monday by the Prime Minister. His statement is, of course, subject to qualification by the attitude of the United States to the ANZUS Treaty. The Prime Minister is reported to have said that one decision the Government might make would be to reduce Australia's defences so as to divert more resources to its own development and the development of South East Asian countries. At a time when the whole world is critical of the present commitments in Vietnam this Government wants to intensify the situation because it has a vested interest in khaki elections. It cannot think otherwise, or at least its hawks cannot. But the Government's leader, the Prime Minister, today is having second thoughts.

Let me refer the Committee to the Gallup poll taken last September, long before President Johnson announced his intention not to recontest the presidential election. Even then, 53% of those polled—and this was a poll of adults—were opposed to national servicemen being sent to Vietnam and 47% were in favour. What is the Government's answer to this? It does not have one. That poll was taken last September. What would be the answer today? I guarantee that there would be 60% against national servicemen being sent to Vietnam. If the Government really believes in its present attitude it should consider the reasons that were given by the people opposed to conscripts being sent overseas. They said, firstly, that only volunteers should be sent; secondly, that the conscripts had not had enough training; thirdly, that they were needed here to defend Australia; and fourthly, that Vietnam does not concern us. If those utterances were made in a state of declared war they would be seditious.

Now this Government wants to have the best of both worlds. It wants to make its commitments overseas but at the same time it wants to back out as quickly as it can. As a matter of fact the main controversy within the Government parties' rooms today is whether or not there will be a recall of all forces to Australia. The concept is being advanced of a fortress Australia and it is being advanced by the leader of the Government parties, by their Prime Minister. I ask the Committee: What would be
the result today if the youth of Australia were asked their attitude to conscription in the event of the Vietnam war being settled? It would be a very different attitude indeed from what has been put before the Committee.

The amendment moved on behalf of the Opposition actually goes to the root of the Bill. Today there is a conference being held in Paris to discuss Vietnam. Even the United States of America is advocating a progressive and reciprocal de-escalation of the commitment. Who else in our own British Commonwealth supports our commitment? Does Great Britain? Does Canada? Does India? The position today is that the climate of public opinion has changed completely since the Government got its mandate—and got its mandate under false pretences in the hysteria of a khaki election. The climate of public opinion has changed and young men today, surely, are entitled to voice their objection to being conscripted to go to Vietnam if they have an honest objection to this war.

Let us consider the United States itself. What is the attitude of the President and why did he announce that he did not intend to contest the presidency? He did so for this reason: That his advocacy and his control of the United States commitment in Vietnam had led to a situation where there would be serious internal division—dangerous internal division—within the United States and he was not prepared to press any further. In addition, the United States Commander-in-Chief who advocated an increasing commitment has himself been transferred to another assignment. This Government has had the gall to bring in this legislation after the Prime Minister himself had said: 'There is a limit and we are going to draw the line'. Where is the line to be drawn? How many young men are there evading call-up? Let me refer the Committee to the figures given by the Deputy Leader of the Opposition (Mr Barnard). This is a scathing commentary on what is happening in New South Wales. Figures on successful applications for conscientious objection reveal that in Victoria there were 51 exemptions granted out of 124 applications—a ratio of approximately 1 to 2.4. This was a decidedly better average than in New South Wales. In Queensland 39 were successful out of 58; in South Australia 28 were successful out of 41; in Western Australia 22 were successful out of 31 and in Tasmania 3 out of 6.

This Government at the present time is receiving a barrage of criticism from the responsible metropolitan Press throughout Australia. It is receiving a barrage of criticism from the responsible provincial Press throughout Australia. This Government has committed the political gaffe of all times by introducing legislation of this nature. It is harsh, restrictive and coercive. The consciences of the people of Australia are finally revolting against this Government's hysterical warmongering. This Government will face the people in due course and it will get the shock of its life next time because now it wants to outhawk even the hawks in the United States.

Mr HUGHES (Parkes) [5.26]—The last remarks of the honourable member for Cunningham (Mr Connor) rather reminded me of Satan rebuking sin. It is surprising to hear anyone on the Opposition side, in its rudderless and virtually leaderless condition, criticising this side of the House for political or any other form of iniquity.

Dr J. F. Cairns—The Government—

Mr HUGHES—The honourable member for Yarra, with his lean and hungry look—rather like Cassius but perhaps the Leader of the Opposition (Mr Whitlam) thinks he is more like Brutus because there is always the dagger poised—might well be quiet and give me the same courtesy as I gave him during the course of his huffing and puffing earlier in this debate. The plain fact is that the Opposition is getting nowhere fast in presenting this amendment.

Mr Donald Cameron—It is going backwards.

Mr HUGHES—The Opposition is going backwards because I believe the Australian people simply are not going to accede to the proposition that a person in this community is entitled to claim exemption from military service on the ground of what has been adequately described by the Minister for Immigration (Mr Snedden) as selective pacifism. The statute to which this Bill relates, the National Service Act,
contains one of the most liberal codes for dealing with conscientious objection that one will find anywhere in the world.

Mr Uren—What did the honourable member say on the radio the other night?

Mr HUGHES—Let me remind the Committee, if I may—and even the honourable member for Reid, if he will listen—that in the United States of America any person who wishes to claim or obtain exemption from military service must establish a religious objection or something nearly akin to a religious objection. It must be an objection founded upon a belief in the Supreme Being or a philosophical objection of a religious kind. That is the position in the United States.

As I pointed out to the Committee earlier today, the National Service Act takes a broader view of the situation. Objection to military service may be founded upon not only a purely religious basis but also a broader philosophical basis. But there is, I believe—and nothing said by any honourable member on the Opposition side has persuaded me to the contrary—a dividing line, and a clear one, between a philosophical and a religious objection on the one hand and a purely political objection on the other. If we are to allow, as the Labor Party wants us to allow, political objections to military service to prevail, the logical result in pursuing such a policy is nothing short of anarchy. I do not believe that this country particularly wants anarchy.

Mr DEVINE (East Sydney) [5.40]—I support the Australian Labor Party's amendment to allow conscientious objection to particular wars because I believe it is a just provision that should be inserted in the legislation to protect people who believe sincerely and honestly that they should not become involved in wars such as that which is proceeding in Vietnam at present. I know that many members of the Government parties have suggested that the Government should decide what should happen to the youth of the country. I have heard some honourable members opposite complain about student demonstrations that have been occurring all over the world. But 20-year-old conscripts, about whom we are talking now, have no say in the community.

They have no vote before they are called up for military service. They have no voice of protest. They cannot object at the ballot boxes at election time, because they have not the franchise. So when members opposite speak about them being able to object I am amazed.

The speeches this afternoon of the honourable member for Warringah (Mr St John) and the honourable member for Bradfield (Mr Turner) sickened me. They spoke about protecting Australia. In the near future the Government will have to stand before the Australian public and answer whether the war in Vietnam is a just war. We know that at present there is a split in the Government. Some honourable members opposite have challenged the Government about Australia's role in Vietnam. At their caucus meetings they have challenged the Government to justify this war in Vietnam, which has been going on for over 4 years—which is longer than the war we fought against the Japanese. How does the Government justify the war and its cost to the Australian people? Why has the Prime Minister (Mr Gorton) suddenly been taken to America? The Americans will tell him that they are going to pull out of South East Asia and then the Australian Government will be called upon to give some concrete evidence of Australia's defence policy. It has no policy at present.

I support the right of any person to object to this war. Yesterday afternoon, after waiting from 8.40 a.m. until 4 p.m., I was given permission, with Senator McClelland, to interview Simon Townsend in the Holsworthy detention camp.

Mr Irwin—You should not have been.

Mr DEVINE—It does not matter whether or not I should have been. I went along to see this young man. I was refused permission at first, but finally permission was granted. I would be prepared to go to any military establishment to interview any conscript or national serviceman who complains of unjust treatment. I was appalled at the form of torture being perpetrated in this military establishment. I do not think any honourable member opposite would condone the actions of making a person sleep on a ground sheet on a concrete floor with just a pillow and four blankets and being wakened every half-hour to stand to
attention and give his name, just to keep company with the officer or non-commis-
ioned officer on duty. What kind of tor-
ture is this? What effect must it have on
a 20-year-old conscript? Do not tell me
that it would not have any effect on him.
For 48 hours this lad was obliged to go
without sleep. During the daytime his
blankets were taken away. He could not
sit on a cold concrete floor, so he had to
stand up, and all night there was a pound-
ing on the door so that he kept awake.
Definitely this must have some effect on
him. We have all read of the treatment ex-
perienced by prisoners under Fascism,
Communism and other isms, but I am
ashamed to think that this sort of thing
could happen in Australia. I challenge the
Government to bring before justice the per-
son responsible for this torture, because
there is no provision in Army regulations
which gives a person permission to engage
in this form of torture.

Mr Clyde Cameron—He was a sadist.

Mr DEVINE—He is a sadist. Pro-
fessional soldiers believe that everybody
should be a soldier. Because they are in
the Army they believe that everybody else
should be in it. I know that other conscien-
cious objectors have been through that
military establishment. Some could not
stand up to the torture. Others were bashed
into submission by certain sections of the
military authority. Should this type of thing
happen to 20-year-old conscripts? Should
we, as educated Australians, permit it?
Nobody should support it. I defy any
honourable member opposite to stand and
condone the treatment that these young
conscientious objectors received. I believe
it is only political torture. Any time I hear
of such happenings I shall be only too
pleased to raise them in the National Parlia-
ment so that the Australian people
will know what is going on. I am greatly
cconcerned that the civil liberties of the
majority of Australian people are being
whittled away by the Government. With
each turn of the wheel the Government
brings this country nearer to being a police
state.

If a fellow believes that the war in Viet-
phan is not just, I am prepared to support
him, as is every member of the Opposition.
We do not believe that Australia should
be involved in Vietnam. We do not believe
that young Australians should be con-
scripted for service overseas. We believe in
the defence of Australia, and it is a pity
that the Government is not doing something
about it. I am not opposed to anybody
doing national service. I do not think
national service hurts anybody. The
Minister for Labour and National Service
(Mr Bury) has indicated that of the 326,000
young Australians who have been registered
for national service only 24,000 have been
called up. Some 10,000 have joined the
Citizen Military Forces. About 290,000
have not been called up. I would not know
the number of exemptions that have been
granted, but I have never applied to the
Minister to have any person exempted
from national service. I would not do so.
I advise people how to go about applying
for exemption, but it is up to the individual
to make the application. I do not know
how many members of the Government
parties have sought exemptions for indivi-
duals. I know that there has been a great
outcry by members of the Country Party
who maintain that their sons and the sons
of farmers should not be called up, because
they are required to work on the farms.
Many Country Party members have stated
openly their opposition to country boys
being called up. Their view is that it is all
right for the city kids to go as long as the
country kids do not go. How many mem-
bers of the Government parties can honestly
say—and I include the honourable members
for Bradfield and Warringah in this
challenge—'I have never made representa-
tions to the Minister to have anybody
exempted from national service'. If honour-
able members opposite believe sincerely
that national servicemen ought to be in
Vietnam they should not make representa-
tions to have fellows exempted from
national service. It is up to members oppo-
site to indicate whether they have made
representations.

I have spoken today on behalf of those
people who believe that we should not be
involved in the war in Vietnam, which I
regard as an unjust and unwinnable war.
The way things are going at present I
think that this will be proved conclusively.
The Government will have to answer to the
people, because the people are waking up.
The Government is not spending money
wisely on defence. The F111 aircraft shows
conclusively how the Government is
squeandering the taxpayers' money, and ultimately the Government will have to answer to the people.

Mr BURY (Wentworth—Minister for Labour and National Service) [5.50]—The honourable member for Lang (Mr Stewart) said something which is important to note. He pointed out that in this Bill we were dealing with national service, which is a quite separate issue from the war in Vietnam. The present national service arrangements pre-date the conflict in Vietnam and I have no doubt whatever that they will post-date it also. Presumably it is because of the injection of Vietnam into the debate that this amendment relating to selective pacifism has been moved. It is as well to remind the Committee that the proportion of successful applications to the courts would indicate that the provision relating to conscientious objection is being applied equitably and liberally. So far all except 18.7% of the cases which have been heard have resulted in an exemption being granted either partially or wholly. Of the number who have applied, 89 have been unsuccessful, 202 have been granted complete exemption and 183 have been granted non-combatant status. This subject, like other matters associated with this legislation, has a considerable history.

I mention in passing something which was mentioned by the honourable member for Yarra (Dr J. F. Cairns)—the comparison between the position now and that which prevailed under the National Security Regulations. The fundamental difference is that when the National Security Regulations applied universal conscription and direction of manpower operated. The present situation is entirely different to that circumstance so there can be no valid comparison. The Government has been relying on the legal pronouncement by Mr Justice Windeyer in the High Court in 1966 when he said, referring to conscientious objection:

This, I presume, means service in any capacity, at any time, anywhere, in any arm, corps or unit. The requisite for total exemption is thus, it seems, a conscientious and complete pacifism.

We have looked at a number of cases in Britain and Europe where there have been alleged examples of selective pacifism, but most of them have been separate cases which were sui generis. An example is the Indian nationalists who refused to fight in certain circumstances. Another example can be found in an Italian who was in Britain during the war and who, perhaps understandably, refused to fight against his compatriots. There are a number of similar cases. The Government takes the view that conscience is one thing, but, as the Minister for Immigration (Mr Snedden) has just said, this amendment, in our view, is based on a political decision. A conscientious objection to service is quite different from a situation in which a person can select as between particular wars. This, in the broad, must be decided by the electorate. As the honourable member for Bradfield (Mr Turner) pointed out, a person cannot select which law he will obey and which one he will not obey.

Dr J. F. Cairns—Why not leave it to the—

The CHAIRMAN—Order! I have already warned the honourable member for Yarra. I shall take action if the honourable member continually interjects.

Dr J. F. Cairns—I rise to order. It is obvious that the Standing Orders of this House are made for the purpose of facilitating discussion and the exchange of views between members. I pointed out earlier that I accepted the statement by the Chair that this was a very important debate. It seems to me that the Government does not intend to facilitate further examination of this issue. I submit that this is a legitimate point of order in that the Government's action is contrary to the whole spirit of the Standing Orders of the House, which are for the purpose of facilitating debate and an exchange of views.

The CHAIRMAN—Order! There is no substance in the point of order raised by the honourable member.

Mr BURY—The Opposition's amendment proposes to import into our system a selective obedience to the law. A person could well argue that he will pay taxes for armaments but will not pay taxes for social services, that as he drives along the road he is prepared to give way to traffic approaching on his right but disagrees with speed limits, and so on. I could cite examples to show that where there is selective obedience to the law we reach the stage of anarchy. In respect of Vietnam, those with particularly strong feelings have a gate wide open to them. I remind the
Committee that every young man who registers for national service has the option of serving with the Citizen Forces, in which case he would not under present circumstances be required to serve in Vietnam. The doctrine of selective obedience to the law is one which the Government simply cannot countenance.

Mr PETERS (Scullin) [5.56]—The debate has revolved around the question of whether a person can have a conscientious objection to a particular war and, as a result, be exempted from service in that war. Apparently one should either be in favour of all wars or in favour of none. Government supporters postulate the idea that there is no such thing as a war which persons could conceive to be unjust. But that, of course, is incorrect. It has been decided in Australia, not once but twice, that what has been called a conscientious objection to a particular war should be permitted. At the time of the conscription referendums in 1916 and 1917 national service operated in this country and every person in the community within a certain age limit had to serve for the defence of Australia.

Mr McIvor—And go into camp.

Mr PETERS—They had to go into camp and learn to defend Australia, but it was set out specifically that they were not to be sent abroad to fight in other lands. Because of that, when the question arose as to whether people could be selective pacifists or have the right to a conscientious objection to a particular war, which at that time was being carried out in Europe, it was decided in Australia that the question should be resolved by a referendum, which was held in 1916. At that time an overwhelming majority of the people, and a majority of the soldiers who were at the war, decided that Australians should have the right to be selective pacifists, that they should have the right to be classed as conscientious objectors to a particular war. There was no issue as to whether there should be conscription or national service; the only question was whether there should be specific national service for fields overseas. The question was whether, as some people suggested but others did not believe, the frontiers of Australia were along the Rhine. Among those who did not accept that proposition were a vast number of people who believed in national service. They were selective pacifists who conscientiously objected to a particular war.

By referendum on two occasions the people of Australia said that a person shall have the right to object to a particular war. It was decided not that a person could object to national service in the defence of this country, but that he could adhere to selective pacifism and have the right to a conscientious objection to a particular war.

Motion (by Mr Snedden) put:
That the question be now put.
The Committee divided.
(The Chairman—Mr P. E. Lucock)
Ayes ... ... ... 71
Nees ... ... ... ... 35

Majority ... ... ... 36

AYES
Allan, Ian
Armstrong, A. A.
Arthur, W. T.
Barnes, C. E.
Bate, Jeff
Bonnett, R. N.
Boisman, L. L.
Bowen, N. H.
Bridge-Maxwell, C. W.
Brownbill, Miss K. C. M.
Buchanan, A. A.
Bury, L. H. E.
Calder, S. E.
Cameron, Donald
Chaney, F. C.
Chipp, D. L.
Cleaver, R.
Cobert, R.
Cramer, Sir John
Dobie, J. D. M.
England, J. A.
Failes, L. J.
Fairbairn, D. E.
Fairhall, A.
Forbes, A. J.
Fox, E. M. C.
Fraser, Malcolm
Freeth, G.
Gibbs, W. T.
Gibson, A.
Giles, G. O’H.
Graham, B. W.
Hallett, J. M.
Hawtuck, P. M. C.
Haworth, W. C.
Holtten, R. M.
Howson, P.
Hughes, T. E. P.
Hulme, A. S.
Irwin, L. H.
Jarman, A.
Jessop, D. S.
Jones, Andrew
Katter, R. C.
Kelly, C. R.
Kent Hughes, Sir Wilfrid
Kilien, D. J.
King, R. S.
Lee, M. W.
Lynch, P. R.
MacKay, M. G.
Maisey, D. W.
McEwen, J.
McLeay, M. E.
McMahen, W.
Muaro, D. R.
Nixon, J. P.
Petitt, J. A.
Robinson, I. L.
Sinclair, L. S.
Snedden, B. M.
St John, E. H.
Stokes, P. W. C.
Street, A. A.
Swartz, R. W. C.
Turner, H. P.
Wentworth, W. C.
Whittorn, R. H.
Wilson, I. B. C.

Tellers:
Erwin, G. D.
Torrnall, W. G.

NOES
Beaton, N. L.
Beazley, K. E.
Bryant, G. M.
Cairns, J. F.
Cameron, Clyde
Clark, J. J.
Collard, F. W.
Connor, R. F. X.
Cope, J. F.
Costa, D. E.
Crean, F.
Cross, M. D.
Curitti, D. J.
Daly, F. M.
Davies, R.
Devine, L. T.
Everingham, D. N.
Fraser, J. R.
Fulton, W. J.
Griffiths, C. E.
Hayden, W. G.
Jones, Charles
Lawson, B. S.
McIvor, H. J.
Minogue, D.
Nicol, M. H.
O’Connor, W. P.
Peters, E. W.
Scholz, G. D.
Stewart, F. E.
Uren, T.
Womb, C. H.
Whitlam, E. G.

Tellers:
Duthie, W. C. A.
James, A. W.
Question so resolved in the affirmative.

Question put:
That the new clause proposed to be inserted (Mr. Barnard's amendment) be so inserted.

The Committee divided.

(The Chairman—Mr. P. E. Lucock)
Ayes ... ... 35
Noes ... ... 70

Majority ... ... 35

AYES

Beaton, N. L.
Beazley, K. E.
Bryant, G. M.
Cairns, J. F.
Cameron, Clyde
Clark, J. J.
Collard, F. W.
Connor, R. F. X.
Cope, J. C.
Costa, D. E.
Crean, F.
Cross, M. D.
Curtin, D. J.
Daly, F. M.
Davies, R.
Devine, L. T.
Everingham, D. N.
Fraser, J. R.
Gordon, J. G.
Anthony, J. D.
Callwell, A. A.
Birrell, F. R.
Courtney, F.
Hansen, B. P.
Harrison, E. James
Patterson, R. A.

NOES

Allan, Ian
Armstrong, A. A.
Arthur, W. T.
Barnes, C. E.
Bate, Jeff
Bonner, R. N.
Bosman, L. L.
Bowen, N. H.
Bridges-Maxwell, C. W.
Brownbill, Mist K. C. M.
Buchanan, A. A.
Bury, L. H. E.
Calder, S. E.
Cameron, Donald
Chaney, R. C.
Chipp, D. G.
Cleaver, R.
Corbett, W.
Cranston, Sir John
Dobie, J. D. M.
England, J. A.
Feddersen, J.
Fairburn, D. B.
Fairhall, A.
Forbes, A. S.
Fox, E. M. C.
Fraser, Malcolm
Freeth, G.
Gibbs, W. T.
Gibson, A.
Giles, G. O'H.
Graham, B. W.
Hallett, J. M.
Hasluck, P. M. C.
Hawen, W. G.
Holten, R. M.
Howson, P.
Hughes, T. E. F.
Huime, A. S.
Irwin, L. H.
Jarman, A. W.
Jessop, T. S.
Jones, Andrew
Katter, R. C.
Kelty, C. R.
Kent Hughes, Sir Wilfrid
Killen, D. J.
Kinnear, J.
Lee, M. W.
Lynch, P. R.
Mackay, M. G.
Mair, D. W.
McEwen, J.
McLaren, J. B.
McManus, W.
Munro, D. R. R.
Nixon, P. J.
Petitt, B. P.
Robinson, I. L.
Sinclair, I. M.
Smethurst, B. M.
St John, E. H.
Stokes, P. W. C.
Street, A. A.
Swartz, R. W. C.
Wentworth, W. C.
Whittamore, R. H.
Wilson, I. B. C.

Tellers:

Erwin, G. D.
Turnbull, W. G.

Proposed new clause 13a.

Mr. WHITLAM (Werriwa—Leader of the Opposition) [8.0]—I move:

That the following new clause be inserted in the Bill:

'13a. After section 29A of the Principal Act the following section is inserted:

"29AA. Any person who is called up for military service may choose to render service in a community or national project in Australia or overseas in a form approved by the Minister as an alternative to military service."

Honourable members will notice that the proposed alternative is wide. It is official. It involves a community or national approach. It could be in Australia or overseas. It must be approved by the Minister for Labour and National Service (Mr. Bury). This afternoon, in debating the earlier amendment which my Deputy, the honourable member for Bass (Mr. Barnard), had moved, we dealt with the very grave misgivings that many Australians, particularly those of military age, have concerning the war in Vietnam. We have had brought home to us very dramatically in the last few weeks, indeed the last few months, that people of that age are extraordinarily restless throughout the developed world. Rarely has the student population been in such turmoil. This is the case in North America. It is the case in Western Europe. It is the case in Eastern Europe. Whatever excesses may sometimes accompany this turmoil, it must be acknowledged that the people involved are inspired by the determination to do something to extend political, economic and social freedoms at home and abroad. Their hearts are in the right place. They seek some avenues to express their activities and their ideals. They will respond if governments give the opportunities. Australia in particular would be better regarded and more effective if there were as many young Australian civilians in South East Asia as there are young soldiers from this country.

My Party thinks that there should be an accepted non-military alternative provided in the National Service Act. At the moment,
no alternative exists. One either does combatant or non-combatant military operations or one is exempted from either combatant or non-combatant military operations. One is either in the Army or out of the Army. A great number of people would like to serve their country here or overseas in other ways. There is no opportunity for them to do so. The Minister for Labour and National Service referred to many places in his second reading speech to the recommendations by a special committee of the Australian Council of Churches this year. I do not recall him referring to the report of the committee on this particular matter, but a page and a half in this report of forty-eight pages deals with an alternative to military service. The particular paragraph which falls in line with this amendment is as follows:

Provision for voluntary non-military humanitarian national service has much to commend it. When a conscientious objector is stating his claim to the court, evidence that he has worked for or applied to be employed by an organisation providing humanitarian service abroad (such as Australian Volunteers Abroad) should be admissible in support of his claim, for it is evidence of his sincerity and his willingness to make a sacrifice in promoting peaceful relations with other nations.

The next paragraph reads:

And since such organisations are extremely selective as to personnel, in our opinion the government should make provision for voluntary non-military national service open to all at remuneration not exceeding that for military service. It would then be open for any conscientious objector to undertake to engage in such service for a period of 2 years, in support of his claim for exemption.

The two paragraphs I have quoted were the unanimous opinion of that special committee of the Australian Council of Churches. The committee was divided as to whether there should be any compulsion in this regard. The amendment moved by the Australian Labor Party is therefore designed to incorporate such a non-military and constructive alternative to national service.

The Returned Services League also has considered an alternative to national service. It expressed its view in a submission to the Minister for Defence (Mr Fairhall) last February. It reiterated its view yesterday. I read the concluding paragraph of the statement made yesterday by the National President of the RSL, Sir Arthur Lee. It reads:

The League believes that the present scheme should be progressively expanded making provision for alternative service in the CMF and in civil undertakings so that eventually all young men would be rendering service of some kind to Australia and so too that those people who had a genuine objection to military service would still have the opportunity to serve their country in an alternative field.

It would not be entirely true to say that my Party would endorse everything in that concluding paragraph of the statement by the RSL. But the concept of an alternative method of service to the country has been contemplated by the RSL and has been restated by the RSL.

The General Assembly of the Presbyterian Church of Australia has also passed a motion urging non-military service within Australia or abroad as an alternative to military national service. Provision for alternative national service has been incorporated in the national service legislation of other countries. For instance, in the United States of America a conscientious objector can be assigned to civilian work to contribute to the maintenance of the national health, safety or interest. In the Netherlands, conscientious objectors have been required to fulfil substitute service in public bodies or institutions which are active in the public interest. My concluding example could be found in the now defunct National Service Act in Great Britain in which provision was made for conscientious objectors to be registered conditional on their undertaking to do civilian work under civilian control for a stipulated period. At the end of the period of alternative service, the objector could be registered as a conscientious objector with conditions.

I read also what the 'Sydney Morning Herald' said yesterday on this matter. The editorial reads:

The bill itself dodges the real problem: the provision of alternative service for those who refuse to serve in the Army. Mr Bury should pay more heed to bodies like the Australian Council of World Churches which have called for the provision of non-military service for those who prefer it.
Again, on 25th May of this year, the 'Canberra Times' published the following passage in an editorial:

We should look also for an alternative to military service for those implacably opposed to war. Many of our reluctant soldiers could serve the nation in a useful capacity as welfare workers, labourers on public projects, or recruits to help needy overseas communities. Such a broader scheme would adjust the forms of national service to the capacities and convictions of conscripts. Pressure for change has grown and it now seems, from recent remarks made by Mr Bury, the Minister for Labour and National Service, that he is studying civil alternatives and the 'severe' legal implications.

In the meantime many conscientious objectors whether successful or not in court, are suffering unnecessarily from social ostracism or the assumption common to many that courage is found only on the battlefields.

It will no doubt be said by the Minister for Labour and National Service that there is no provision at the moment for any such alternative service. This is a condemnation of the Government. It is not a condemnation of the young people of this country. It is impossible for our young people to serve in this way at home or abroad unless the Government enables them to do so. The amendment that I have moved on behalf of the Australian Labor Party would give the opportunity to conscientious objectors to prove their sincerity and to serve their country. Indeed, it would enable many other persons not subject to call-up also to serve this country and to serve humanity.

Mr KILLEN (Moreton) [8.10]—I suppose it is a matter of notoriety that the Leader of the Opposition (Mr Whitlam) no longer surprises me, but there are occasions when he disappoints me. This is one of those rare and singular occasions when he has combined his capacity to disappoint with his capacity to surprise. [Quorum formed] May I say that there are occasions when I wish the honourable member for Wills (Mr Bryant) would have laryngitis. On this occasion I am grateful that he has found within himself the capacity to put together a form of words so as to call others in here to listen. I was about to say that this is one of those rare occasions when the Leader of the Opposition has combined his capacity to surprise with his capacity to disappoint. He has in all seriousness proposed an amendment to the Act calling for a form of service alternative to military service. Surely we have no doubt about what the honourable gentleman seeks: He wants a form of service alternative to national service. I do not want to upset the honourable gentleman, but there is one thing wrong with his proposal: It will not work. He has gone behind Mr Speaker's chair. I hope he will return because I want him to listen.

Mr Curtin—Put a tiger in your tank.

Mr KILLEN—Opposition members remind me of poddy calves: They bellow before the branding starts. This Parliament has power to legislate with respect to those matters set out in our Constitution, particularly in section 51.

Mr Cope—that is an original statement.

Mr KILLEN—I am grateful that at long last something is dawning upon the honourable member. Section 51 provides:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

Then thirty-nine placita are enumerated.

That is the right term, is it not?

Mr Hughes—it is.

Mr KILLEN—I am grateful to my learned friend for his approval. One of the matters mentioned is that this Parliament shall have power to legislate with respect to defence. In time of war the High Court of this country, which is an arm of government if I may presume to remind the Committee, has interpreted the defence power of the Commonwealth of Australia in a very wide way. However, it is an illusion to look upon the defence power of the Commonwealth as being without end. An early case, that of Fary v. Burvett—in 1916—established that the power was most extensive, but in 1943 it was brought home to this country that Australia's defence power is not unlimited.

What is the Leader of the Opposition's proposal? I ask the Committee to consider what he has put forward. This evening the honourable gentleman has not advocated something connected with the defence power. He has advocated—and I hope every honourable member opposite will squirm—civil conscription.

Mr Curtin—What rot!
Mr KILLEN—The honourable member complains. I know that enlightenment is very slow proceeding to him, but I ask him to look carefully at the amendment proposed by the Opposition. In effect it states that it is better for a 20-year-old, if he does not want to serve his country in one of the defence forces, to be conscripted for civil purposes. In time of war it is possible to get away with such a practice. The Civil Construction Corps, the Allied Works Council and other bodies were established during World War II, but in a time like this, which is essentially a twilight time of peace, one could not get away with that.

Dr Everingham—is the honourable member serious?

Mr KILLEN—I am very serious. I hope the honourable gentleman will put aside his blue bottles and thermometer and listen to a little law for a change instead of getting wrapped up in some wild sweep of emotionalism. In 1943, at the very height of the Second World War, a Labor government in Australia introduced a regulation dealing with industrial lighting. Its argument in support of its action was that the purpose was to conserve power. I suppose all of us would concede that this proposal had a link with the conduct of the war, and therefore with the defence power. However, Chief Justice Latham had this to say:

The existence of war enables the Commonwealth in my opinion to deal with war problems and with war-created problems, but it does not produce the result that the Commonwealth Parliament is empowered to legislate upon all subjects whatever.

In effect, the Leader of the Opposition is saying that the defence power of this country, in what I have described as a twilight time of peace, can run to conscripting people for civil occupations. Bless my heart and soul, I have never listened to a crazier proposal put forward by anybody in the 13 years during which I have been a member of this Parliament.

Mr Cope—Too long!

Mr KILLEN—The honourable member claims that I have been here too long, but he and his colleagues would find life lonely if I were not here. The last thing I want to put to my friends opposite on this proposal is this: What is to be the relationship—assuming that the proposal is within our power and people can be conscripted for civilian purposes—between people so conscripted and other workers? Look at the amendment. It includes the words, 'service in a community or national project'. What the Opposition is saying is that it will take hold of a person. What wages will it pay him?

Mr Curtin—Civil wages.

Mr KILLEN—I am grateful to my honourable friend. Is this a genuine alternative to military service? If it is to be a genuine alternative, my honourable friend from Kingsford-Smith (Mr Curtin)—I hope he enjoys the commercial—is bound to agree that at least the same wages must be paid to him as to a national serviceman. What would be the consequence of taking hold of a person in this alternative form of service and putting him in with people who are working under trade union awards? During this debate the Australian Labor Party has put forward some cranky proposals, but this one is in a class all of its own. This is a piece of aristocratic nonsense, and I am sure that the Committee will deal with it accordingly.

Dr J. F. CAIRNS (Yarra) [8.19]—Again we have a proposal put forward by the Opposition for what one might properly call a liberalisation of conscription in this country—a liberalisation that has been supported and called for by many church people, many in the community who have a right to claim that they stand not only for a liberalisation of the conscription laws but also for a liberalisation of society. The amendment moved by the Opposition has that effect. Government supporters themselves claim to take the position that they are liberals, but they are opposing this liberalisation on what I might call tendentious arguments, as recently illustrated by the honourable member for Moreton (Mr Killen). The amendment is quite clearly stated and quite clearly limited. It states:

Any person who is called up for military service may choose to render service in a community or national project in Australia or overseas in a form approved by the Minister as an alternative to military service.

He does not need to have any conscientious objection to military service. He can be any person called up for military service.
He may choose to render service in a project approved by the Minister. Not in a project approved by himself or by someone else in the community; it is to be a project approved by the Minister. So the Minister would have control of these projects. It is not likely that they could proliferate through the community here and overseas. It would be up to the Minister to say what projects he approves. He would do this in a close exercise of his powers in relation to conscription, in relation to the National Service Act and in relation to his powers as a Minister exercising defence powers and other powers incidental thereto. It is an alternative form of service. It is not one that is out of the control of the Minister.

The amendment is limited. It is designed to meet the requirements and needs of all those people from church and other organisations who for quite a number of years have been calling for an amendment of the sort now proposed by the Opposition. I want to make it clear to the Committee and to the people outside that the Australian Labor Party is answering this call with the amendment which has been moved this evening. What are the objections to the amendment that have been raised so far by the only speaker on the Government side, the honourable member for Moreton? He entered the debate to attempt, with his well publicised skill, to demolish completely in a few words what the Leader of the Opposition (Mr Whitlam) had said. Dramatically, in the Menzies fashion, the honourable member for Moreton said: 'It will not work'. Presumably he believes it will not work because he thinks it is in conflict with section 51 of the Constitution which provides that the Commonwealth has power to make laws for the peace, order and good government of the Commonwealth in respect of defence as well as other matters. He admits and agrees that the defence power is an extensive power, but he thinks it is not without end. Certainly that is true.

The honourable member for Moreton referred to what the late Chief Justice Latham said, that not all subjects whatever can be included under the defence power. It seemed to me not to be unreasonable to say that the power to allow a person called up for military service to choose some other form of service is an exercise of power by the Commonwealth closely related to its defence power. It is a liberalisation of the law to make the application of the Commonwealth's defence power more acceptable to the community. It is an exercise of power which is incidental to the exercise of the defence power and closely related to it. It is not something like the industrial lighting regulation to which the honourable member for Moreton referred and about which he quoted Latham's judgment. This is where I think he made his specific error. He made a lot of play on the allegation that the amendment was designed to conscript people for civil employment. Certainly the industrial lighting regulation was a mandatory power; it had to be carried out; it was not a matter of choice. People did not have a choice whether or not they would conserve lighting. They had to do so. If they did not conserve lighting power they committed an offence which was punishable. It was a case of industrial conscription, perhaps. But what is set out in the amendment is a different matter. Surely the honourable member for Moreton did not read the amendment, because it states:

Any person who is called up for military service may choose to render service in a community or national project. . . .

The honourable member for Moreton must have missed those two words 'may choose', because if he saw them, how could he argue that this amendment is designed to conscript people for civil employment? It is to conscript nobody. It allows people to exercise a choice, which is totally dissimilar from the industrial lighting regulation and the comments of the former Chief Justice to which the honourable member for Moreton referred. I do not know the legal expression for that sort of argument, but it seems to me that the common sense expression for it is that it is a non-sense argument.

The honourable member for Moreton was not satisfied with trying to make play upon these two legal points that seemed to me to have very little validity or none at all, and as a newly qualified lawyer the honourable member for Moreton can be excused, I suppose, for laying stress on legal matters now and again and for making a mistake about them. But that was not the end of his attempt to try to obstruct again the move by the Opposition to make the conscription law a little more liberal.
He then went on to say that if people were allowed to choose to perform some service in a community or national project they would be paid wages or salaries which would be in conflict with some trade union award. This is purely wishful thinking on the part of the honourable member for Moreton. He hopes to be able to blacken the scheme by suggesting that it would be inevitable that the people engaged in it would be working in conflict with trade union awards. What evidence has he to support a belief that this would be the case? Of course, if anyone was found to be working in some community project in conflict with trade union awards I should expect that the honourable member for Moreton might not be the last person to attempt immediately to correct the situation. It is possible that some person could be employed in Australia in some community project at less than what is provided in union awards, and I should imagine that even the honourable member for Moreton would object to that. If it were brought to notice, action could be taken to bring it to an end.

But before the Minister approved of a project of the kind envisaged in the amendment—and I emphasise that the Minister has to approve of the projects—I should expect the Minister to take action to see that in such a project nothing less than what was provided for in union awards was paid. So it seems to me that the objections raised by the honourable member for Moreton regarding this amendment are like all the other objections that have been raised this afternoon and this evening regarding the liberalisation of the law concerning conscription. The objections are tendentious. They are deliberately designed to obstruct the liberalisation of this law. Members of the Liberal Party in this House seem to me today to be espousing something which is considerably less than liberal.

Mr IRWIN (Mitchell) [8.29]—We have heard many weird, funny and frustrating statements made in regard in this Bill, and not the least of those were the statements of the honourable member for Yarra (Dr J. F. Cairns). The amendment which has been moved by the Opposition states:

Any person who is called up for military service may choose to render service in a community or national project. . . .

It appears to me that the Opposition believes it worthwhile to do anything it can to damage the image of the Australian soldier and to prevent him from being supplied with the wherewithal in order to do the wonderful job he is doing for Australia. The Opposition feels that anything it can do to frustrate our effort in Vietnam is worthwhile. Do we ever hear honourable members opposite saying that it was the North Vietnamese who attacked and infiltrated South Vietnam? No, we do not. But we do hear a lot about the Geneva Accords and the alleged water torture incident. Do we ever hear honourable members opposite relate how the North Vietnamese and the Vietcong violated the Geneva Accords? Since the peace talks began has the Opposition ever referred to the fact that the North Vietnamese have taken advantage of the full in concentration on the part of the Americans? In his opening statement at the Paris peace talks on 13th May this year United States Ambassador Harriman said:

Since March 31 we have sought a sign that our restraint has been matched by the Democratic Republic of Vietnam. We cannot conceal our concern that your Government has chosen to move substantial and increasing numbers of troops and supplies from the North to the South.

This has happened since the peace talks began. Mr Harriman continued:

Moreover, your forces have continued to fire on our forces from and across the Demilitarised Zone.

We ask what restraints you will take for your part to contribute to peace.

We believe the Geneva Accords of 1954, in their essential elements, provide a basis for peace in Vietnam.

Do we ever hear the Leader of the Opposition (Mr Whitlam) asking the Vietcong or the North Vietnamese to agree to observe the Demilitarised Zone? No. All that honourable members opposite can say is: 'Stop bombing North Vietnam.'

The CHAIRMAN—Order! I remind the honourable member—

Mr IRWIN—Mr Chairman, honourable members opposite were allowed to wander all over the place.

The CHAIRMAN—Order! The honourable member has been referring to matters not remotely relevant to the proposed new clause under discussion. I suggest that having made his point he might now refer to the proposed new clause.
Mr IRWIN—It is time there was an awakening in this country of loyalty and patriotism of the kind displayed in Israel. Whenever the Opposition wishes, for political reasons, to discourage the young people of Australia from taking an interest in their country and being loyal to it, it resorts to shibboleths. I suppose the adoption of the Opposition’s proposed clause would be one way of finding out how many so-called conscientious objectors are sincere. I venture to suggest that as soon as many of them had an opportunity to serve in another capacity they would object to doing so on the grounds of conscience. The magistrate would say: ‘You are not prepared to serve in a military capacity, nor are you prepared to serve in a hospital. We will put you into some type of community service.’

Mr Cope—Put them into Parliament.

Mr IRWIN—They could do much better than the honourable member does. But having been given the opportunity to render community service, many would object to serving in that way on the grounds of conscience. The honourable member for Bradfield (Mr Turner) is to be congratulated on his speech today. I endorse his sentiment that we should never depend on volunteers. The volunteers were great men. They did the slogging, the fighting and the dying while other people remained at home reaping the benefits. As the honourable member for Bradfield pointed out, in ancient Greece men were chosen by lot to render service to the state.

There are some differences of opinion about our system of balloting for national service, but if the Opposition can suggest a better or fairer way of selecting our men for national service, let it parade its choice here. It is time the Opposition took a pride in this country. It is time honourable members opposite assisted our young men who are fighting in Vietnam and upholding the great name of Australia—a name that is revered throughout the world due to the exploits of the men of the 1st and 2nd Australian Imperial Forces. Let honourable members opposite talk, as I have, to young men in Saigon and in Hong Kong on rest and recreation leave. Those young men will tell you what they think of the Vietcong and the North Vietnamese. They are national servicemen and they realise the difficulty that we in Australia now face. At a very early age I was taught that he who fights and runs away will live to fight another day. Remember that. If by the methods that the Opposition and pacifists in America are adopting America is induced to withdraw from Vietnam, be assured that as night follows the day we will have to fight again, perhaps in Thailand, perhaps in Cambodia, perhaps in Laos, perhaps in Indonesia. Do not forget that. Those people who are doing all they can to frustrate our effort in Vietnam are doing the greatest possible disservice to Australia. It is time the Opposition took stock of the situation, because time is running out. If we do not stop the enemy in Vietnam we will certainly have to stop them elsewhere, and I trust that this will not be on Australian soil.

Mr SCHOLES (Corio) [8.39]—The speech made by the honourable member for Mitchell (Mr Irwin), while having nothing to do with the proposed new clause now before the Committee, was interesting because he dealt broadly with the contention advanced by the Government in the election of 1966, when the Government said: ‘They are coming; they will be here soon’. The Government denied that it was referring to the Chinese. I take it that it is the North Vietnamese who are now coming.

Despite what the honourable member for Moreton (Mr Killen) said, I doubt very much whether the proposed new clause is in conflict with the Constitution. The wording of the clause is clear. It reads:

Any person who is called up for military service may choose to render service in a community or national project in Australia or overseas in a form approved by the Minister as an alternative to military service.

If this were given a chance by the Government and if it were administered with some degree of imagination then it could serve the defence of Australia far better than all the military personnel we could possibly put into the field throughout South East Asia. We have a Government in Australia which talks about defence but does nothing about it. If we were required to defend ourselves we would be no better off now than we were under the same type of government in 1941. We are not in a position to defend ourselves.
I would suggest the establishment of an organisation similar to the American peace corps; and organisation administered with imagination and backed up with funds which should be provided by this Government. This organisation could send people to the underdeveloped communities of Asia to assist people. This amendment would give young Australians not only the right to assist them but the obligation to assist them. It would allow a large number of Australians to go to these countries and see exactly what the conditions are, what is necessary, and what needs to be done. Over a number of years the educational value of such a scheme to the Australian community would make the expenditure worth while. These young Australians are the people who will carry in the future the responsibility of the community and of the Government. They would have been in those countries, not in a military capacity and acting as policemen for someone else but in a helpful capacity. They would understand the problems and they would know what Australia should be doing to play her part in Asia.

We happen to be isolated geographically from Europe although it has been the way of conservatism for us, of necessity, to attach ourselves to a European power. This has ceased to be practical and now we are attaching ourselves to the United States of America. We have reached a situation where we want the United States to do everything for us. We want to tie ourselves to her apron strings. The United States, like other countries, has her own responsibilities, policies and ends to serve. Australia similarly has its own ends to serve. I believe one of the best things that we can do for Australia and for Australians is to permit a civil scheme whereby young men who choose to serve under such a scheme can go to the countries of Asia and assist the communities. They can do social work, educational work and whatever jobs they are qualified to do in co-operation with the people in those underdeveloped countries. The value to the Australians who went overseas would be immense. I believe the value to the nation also would be immense.

If Government supporters believe that this is an irresponsible amendment I can only suggest that honourable members who say this are themselves irresponsible. Flag waving is all right. It is all right for Government supporters to accuse everyone who disagrees with them of being disloyal to the country. This is all right because honourable members opposite are in the Government parties. They are in the majority. They can gag debates whenever they feel like doing so and they can deny to honourable members of this Parliament the right to speak. The younger members can hide from their duties in this Parliament and condemn others to fight. This is all right. That is good solid democracy from their point of view. My point of view is that it is the right of every person to make up his own mind on the rights and wrongs of things. The honourable member for Mitchell spoke about the Vietnam war. But the scope of this Act is far wider than the Vietnam war. It could well be, as was said this afternoon, that people could be called up and conscripted to fight in some other war. It could be that Arabs in Australia could be called up to go and assist Israel. It could be that people from Ireland could be called up to go and fight against Ireland. This is a remote possibility but it is not more remote than the possibility of North Vietnam invading Australia, as some honourable members suggest. I believe that the amendment is a good one. I believe that, given a chance and administered responsibly, this scheme would have the support of the Australian people. It would be something that, if put into effect properly, this Parliament could well be proud of. I believe that it can be put into effect.

I would like to refer to another matter which is relevant to clause 29 of the Bill. Some time ago the Minister for Labour and National Service made reference to dual responsibility under the Bill. I have asked the Minister whether the Government proposes to submit an amendment to cover cases where more than one person in a family is called up for service; to cover twins, triplets, brothers and sisters. An average of 1 in 4 persons is called up. I believe that when more than one person in a family is called up, especially if one member of a family has been killed or wounded in action, other members of the family should be granted deferment. If equal sharing of responsibility is the desirable thing, as some honourable members have
suggested, I suggest that equal sharing should not mean that total sacrifice should be made by one family whilst other families have complete exemption. I have raised this matter because more than likely this will be the only opportunity that I will have of doing so.

Mr BURY (Wentworth—Minister for Labour and National Service) [8.46]—The honourable member for Corio (Mr Scholes) asked me a particular question. This matter has been examined very thoroughly quite recently but such a scheme was not considered to be practical. The position is met or ameliorated, in several ways. It can be met, firstly, by the option of service in the Citizen Forces. If the circumstances of a particular family are such that it is excessive for more than one member to serve, one member, or more, can join the Citizen Forces. Secondly, there is provision in the legislation for cases of exceptional hardship. Application for temporary deferment of service can be made under this provision. In addition, if one or more members of a family should be killed or seriously injured, the Army does take steps administratively to minimise the possibility of additional casualties.

Speaking more generally to this amendment, I would like to comment on two matters that were raised. It has been suggested that there should be alternative forms of civilian service for those people who prove that they have a conscientious belief. The other suggestion is that there should be a choice given to all. I have spent a good deal of time with my department and with other departments trying to evolve a practical and detailed scheme of alternative employment for conscientious objectors. This matter is hedged round with a great deal of practical and legal difficulties but this quest still proceeds. I told the World Council of Churches that in fact the Cabinet instructed me to pursue this matter further to see whether some alternative could be found for conscientious objectors. This is done and has been done in the United States of America and Great Britain.

Mr Uren—It has been done in the Netherlands, Italy and France.

Mr BURY—Yes, it is done on the Continent. The countries to which the honourable member for Reid is referring have universal callup so that their systems of national service are on a very different footing to ours. This alternative form of civilian service applies to only a very limited scale of certain specialist personnel such as engineers, doctors, veterinary scientists, scientists, teachers and other people who can make a particular contribution to underdeveloped countries—people who have specialist training. This alternative form is very limited but it is available. But the general proposition of the Opposition to give everyone a general choice as to whether he serves in the Army or in a civilian force is not practical to begin with. My advice is that legally it would be a very dubious measure indeed and might not stand up. Apart from that we would get right away from the purpose of the scheme which is designed to produce by ballot 8,400 troops each year. It is quite out of the question at this stage to give everyone the choice of performing some civilian duties. If we had a universal scheme things like this might come within the realm of practicability, but as things stand they do not.

Mr BRYANT (Wills) [8.50]—The Minister for Labour and National Service (Mr Bury) has demonstrated the usual incapacity of the Government to think of anything for itself. Unless it has been done somewhere else it cannot be tried here. If people of the kind of which the Government is comprised had been running England in 1787 the First Fleet would not have left that country. The Government has no new approach whatsoever, yet Australia is a country which at one stage of its history was noted for being prepared to tackle new projects in a new way. I do not see any practical difficulties in handling 100 or 200 or 300 people. The Government introduced the system—the selective system—which has produced anomalies. It seeks 8,400 people to carry out and support its nonsensical policies. It is time the Government applied a little more thought to the problem of removing some of the anomalies it has created.

I should like to refer to what the honourable member for Mitchell (Mr Irwin) said. He said that it was the unfailing objective of the Labor Opposition to try to damage the image of the Australian soldier. Nothing has so much damaged the Australian Army in the eyes of the people of
Australia and of anyone who cares to read than the disgraceful happenings at the Holsworthy camp and other acts undertaken in the name of punitive and disciplinary action in the last few weeks. It has been a terrible disgrace to the whole of the Government's national service scheme and to the way this country is administered. There has been a tendency by this Government to remove dignity from being an Australian and to remove many of the attributes that Australians used to feel they had as a nation.

The Opposition's object is to liberalise the restrictive, punitive and sacrificial system. It is a selective system and we want to liberalise it. It is an illiberal system produced by an illiberal government. In the speeches of honourable members opposite this afternoon one could see their incipient Fascism shining through as they spoke about the state, the power of the state, the duty to the state—the selective duty. However, this selective system does not cover a lot of the young Liberals and Country Party members in this House who support the calling up of other people. I was disappointed in the usually ingenious member for Moreton (Mr Killen). He did not seem to be able to find some way around the constitutional difficulties. He exposed the concept behind the Government's whole operation. Apparently we are not at war. Neither we are, technically. We have people fighting and being sacrificed while the rest of us carry on with business as usual. The Government has demonstrated its militaristic concept. It is unable to think away from the military uniform. Strangely enough a large number of members on the other side are making sure that they keep out of uniform. The Government illustrates its military mentality in its approach to national service.

Mr Giles—Mr Chairman, I rise on a point of order.

Mr BRYANT—I was not referring to the honourable member. He did all right.

The CHAIRMAN—Order! There is no point of order.

Mr BRYANT—That is the trouble; honourable members opposite are ex-servicemen. They will not go and join the forces now; they want others to go and fight. The Government has a military approach to the problem. It wants people to serve nationally. The Minister has said that the Government is going to call up 8,400 men a year. A number of people have conscientious objections to serving in a military capacity—and we have debated this at some length today. Others do not want to put on a uniform at all. Some are prepared to put on a uniform but are not prepared to serve in a combatant capacity. Others are prepared to serve as combatants, but do not want to serve in this particular war. The honourable member for Bradfield (Mr Turner), a noted liberal and freedom fighter, when it comes to writing articles for the paper, said that these people were cowards and spivs. I hope these things are thrown in his teeth in his own electorate during the next couple of years.

The Opposition wants to find an alternative for some few hundred young Australians—some alternative to the Holsworthy corrective establishment. We want to find some scientific and sensitive way of treating people who are caught up in this illiberal system. We believe something can be done by the alternative that we suggest. The honourable member for Moreton posed some realistic problems. It may well be that our proposal could be interpreted as civil conscription. I am interested to hear the honourable member for Moreton being opposed to civil conscription. The next time we move amendments to remove the penal clause from our arbitration legislation, which is virtually civil conscription, I have no doubt that he will vote with us. However, it is more likely that he has words for one occasion and actions for another. We believe it is possible to produce a system to allow people to serve in this way. We suggest that they be permitted to choose. In other words, some aspect of voluntariness has come into it—the person may choose. There can be various alternatives. If a person does not choose to serve in uniform he may work on some national project associated with some military establishment. One does not
Mr Bury—A few more have been exempted.

Mr BRYANT—These figures are about 3 months old.

Mr Bury—I gave the new figures today. About 18% have gained some kind of exemption.

Mr BRYANT—Yes, a relative handful of people. Despite the present Government we have a remarkably efficient administrative system. We are able to handle millions of individuals individually under our social service system and taxation system, yet the Government, with all its resources of intellectual capacities, which it is able to write after its name when writing its own record, is unable to cater for a handful of individuals. All we are asking is that once in a while the Government should assume a more adventurous spirit and be a little more sensitive in trying to solve a problem that it has created for itself by its nonsensical and illiberal defence policy.

Mr GILES (Angas) [9.0]—I am very pleased to be given an opportunity to speak briefly at this stage of the debate. I do not know whether you, Mr Chairman, were in the chamber a fortnight ago when we were discussing spontaneous demonstrations. At that time the honourable member for Wills (Mr Bryant) made an extraordinary remark: When we questioned whether demonstrations were always spontaneous, he said that of course they were and added that he had personally organised many spontaneous demonstrations. One can commend him for being honest enough to admit that to the House. I have not much about which to complain in what the honourable member for Wills said tonight or, indeed, in what was said by the honourable member for Corio (Mr Scholes), but there are one or two points in relation to which the record perhaps should be put right. The honourable member for Corio said that the Government at times had to gag the debate on Bills. I ask honourable members to consider the debate that was gagged this afternoon. Today we had 3 hours of repetition of second reading speeches that had nothing to do with the clause before the Committee. Those who disagreed with the clause probably were not even in the chamber. In that time we had a complete retraversing of the
same points and we heard ad nauseam the same left wing cliches expressed in the same banal terms.

Mr Bryant—I rise to order. Mr Chairman, do you think the honourable member could take a leaf out of his own book and deal with the subject before the Chair?

Mr GILES—I thank the honourable member for Wills for prompting the thought that we should be exercising some constructive consideration of this Bill. I am sorry that he did not think of it a few minutes ago when he was on his feet. What is the situation at present? We have the picture of 100,000 young men reaching the age at which they should register for national service. At present we are calling up 8,000 of them. Leaving out those whose health is not good enough to enable them to be taken into the Services, we have the remainder who, according to the amendment proposed by the Opposition, could elect to serve in some great scheme of voluntary help to the community. This would be a nice thought if if were not for one point: If they do not wish to be called up they have, already, the right to join the Citizen Military Forces. If they are not called up they still have the option of serving in the way suggested in the Opposition's amendment. There are Australian Volunteers Abroad and 101 other agencies in Australia through which a person who feels seriously enough about the matter can, in a constructive, helpful fashion, offer his services to developing nations in South East Asia and, even more importantly, to nations such as Papua and New Guinea where there is a growing need for such voluntary workers in all capacities. Surely that option is there now without the Australian Labor Party trying to make for political purposes what I call, without wishing to be offensive, a show of trying to permit some constructive field for people who are not called up. It seems to me that some of the matters put forward in all sincerity by members of the Opposition are already covered and that the weird series of circumstances mentioned by the Opposition in support of this amendment is not enough basis for it unless other motives are involved. However, as we are not being political and are being constructive I shall not mention other motives.

Probably the Opposition has missed the opportunity that it should be taking advantage of in a debate on a Bill of this kind. I regret having to refer to this place again, but those of us who have been to Saigon, including the honourable member for Reid (Mr Uren), who told me by interjection recently that he did not believe in the law, have looked around and have seen American agencies which for years have been in the habit of employing Australians, both civilians and military men, for their own purposes. The Americans administer their needs and pay them. There is a structure in South East Vietnam now that employs Australian nationals. If the Opposition had been really sincere in its attitude to this Bill it would not have said: 'If you wish you can do something useful if you are not called up'. That is something that those not called up could have done anyway. The Opposition would have said, sensibly: 'Let us look at the people who are called up today and see whether or not there is a waste of national resources in those who are called up'. I am sorry that my friend, the honourable member for Wills, did not think of this. I thought that he was the sort of person who might have made such a suggestion.

I have seen a bachelor of arts acting as a cook while undergoing national service. If the Opposition had the basic intelligence to get at the core of the problem, it would have attempted to make sure that these people undergoing training have a useful function, beyond being ordinary soldiers or foot sloggers. I should have thought that the honourable member for Yarra (Dr J. F. Cairns) would have looked into this point. I should have thought that he as an economist, and particularly as one from the London School of Economics, might have felt that here was a national waste. I should have thought that he would have said to himself: 'Why can we not highlight this point and try to make use of these reserves which are there?'

Mr Bryant—He was at Oxford.

Mr GILES—May I say to the honourable member for Yarra: 'I am terribly sorry, old chap'. I realise that I have offended him very deeply, but I cannot help it if he behaves like one who came from the London School of Economics. If I may
return to the point, this might have been a constructive view for the Opposition to take as a basis for an amendment.

Mr Bryant—Why not move it.

Mr GILES—I have not moved it and I accept the interjection on its face value as being valid. There is a good reason why I have not moved such an amendment. While members of the Opposition have been shooting off their mouths about quite meaningless considerations, some of us have been trying to do something constructive. I shall not go into the reasons why the action that we proposed has broken down at this point of time, but I would not like the Committee to think that we have not taken up this matter sincerely in an endeavour to make sure that our national resources of trained personnel are profitably utilised. I am sorry to say that I shall not move an amendment and I am sorry in a way that the Opposition will not move a suitable amendment. I presume that even the Opposition would realise that administratively any scheme would be rather difficult at this point of time. However, I have no doubt that in due course those of us who take an interest in this sort of procedure will try to find some solution. So far I have not heard any intelligent suggestion from the Opposition in an attempt to cope with this matter.

I referred earlier to a remark made a fortnight ago by the honourable member for Reid who at that time, in a series of interjections, said that he did not believe in the law if the law was wrong and quoted the case of Martin Luther King. I should have thought that Martin Luther King was a man of such principle that he would believe in the law and respect it. If the honourable member thinks otherwise I should be very interested to hear his views. If people in Australia are permitted to go about saying that they have no respect for the law and, by implication, they encourage people to break the law, the very rights that Opposition members have today will disappear. If that happens it will not be our fault; it will be the fault of those who, for political purposes, have encouraged people to break the law.

Mr UREN (Reid) [9.9]—The honourable member for Angas (Mr Giles) reiterated a remark I made in regard to unjust laws. On the occasion to which he has referred he said that it was important that good citizens should obey the law, and that the only way to change the law was by removing politicians from office at election time and changing the government. This is a point of view that may be held in some countries but there are other ways of doing this.

I want to deal with unjust laws. Let us go back in history to the time of Socrates. He fought against the unjust laws of his day and he was sent to gaol. Of course, Jesus of Nazareth also suffered under unjust laws of his day. We know how Pandit Nehru and Mahatma Gandhi were treated under the unjust laws of the British. They fought against those unjust laws. If honourable gentlemen opposite want to talk about unjust laws, they should consider what would have happened if a public opinion poll had been taken in Nazi Germany on the attitudes of the militarists in those days. Martin Niemoller had the courage to stand against Hitler and Nazi Germany. That too was a question of unjust laws. Albert Luthuli in South Africa was also dealt with by the law. All these men suffered under unjust laws, but they had the courage to oppose them. We know that Martin Luther King wrote an historic letter from gaol in Birmingham, Alabama for which he received the Nobel Peace Prize. He was in gaol for breaking the laws of the State of Alabama.

This legislation is, of course, important to the smug and pious honourable member for Angas. Of course there are unjust laws. I say clearly to every Australian that men like William White and young Townsend are men of great courage. I am not advocating that anybody break the law, but I understand and have sympathy for those who have the moral courage to break an unjust law. I am not a conscientious objector. But I would have been a conscientious objector, given the moral courage. I would not go to the repugnant war in Vietnam. The war there has become vicious and is a bottomless pit of human suffering. The honourable member for Adelaide (Mr Andrew Jones) has his nose down on his desk. He could volunteer quite easily, but he does not do so. Mr Chairman, you have been patient with me while I have been making those few remarks in answer to criticism of the Opposition's amendment.
The amendment moved by the Opposition provides for a new section 29AA in these terms:

Any person who is called up for military service may choose to render service in a community or national project in Australia or overseas in a form approved by the Minister as an alternative to military service.

The Australian Labor Party as far back as the early 1900s advocated national service for home defence. Historically it has always been opposed to overseas military service, even in time of war. In the Second World War it allowed its servicemen to serve only within a specified area. Of course, Labor has been traditionally opposed to young conscripts being sent overseas. It is certainly very much opposed to sending young men to Vietnam for military service. We are totally opposed to it. We are totally opposed to sending regulars, let alone conscripts.

We have said that there is an alternative service. If the Government insists on military conscription for overseas service what can we do? How can we provide an alternative for the young men who find military service repugnant and who deplore killing? This is called national service. It is not national service; it is military service. It is a service in which the young men are taught to kill. Some young men find this repugnant. They believe that there is no excuse for one man killing another. Other civilised nations have found an alternative that can be adopted by the young men who do not believe in killing, but this Conservative Government cannot. It says that it is not possible to provide an alternative. The Government adopts a granite-like attitude and insists that we have military victory in Vietnam. Even though the ruins are falling about its ears and even though the United States is facing bankruptcy because of the cost of the Vietnam war, the Government still looks for a military victory. The United States has its problems, but we in Australia face this granite-like structure of the Government.

What does the Netherlands do? It is a civilised nation and it is an ally of the United States. It provides that persons who serve in underdeveloped countries for 2 years and 3 months are exempt from compulsory military national service. Humane service overseas is rewarded by exemption from military service. Italy and France have similar provisions. Former legislation in the United Kingdom also had such a provision. I understand that the Prime Minister (Mr Gorton) has said in the United States that we may have to withdraw militarily from Asia and we may have to assist Asian countries economically. It is interesting to note that it was not necessary for Australia in the first place to commit military forces to Vietnam. An Asian country, the Philippines, has some 2,000 troops in Vietnam, but they are engaged in non-military service. They provide economic and technical aid and do not engage in military activities.

Surely if young men want to serve Australia other than in the armed forces, plenty of work could be found for them. The United Nations has given us the mandate of Papua and New Guinea. The young men who object to military service could go to Papua and New Guinea and undertake construction work, even as labourers on road work. They could do plumbing and draining work in the villages. They could work hand in hand with the people of the Territory and, by working together, establish a valuable comradeship. This would be possible under a Minister who had some imagination. We could certainly co-operate with the new Minister for Social Services (Mr Wentworth), who is also in charge of Aboriginal affairs. We have many problems in the Northern Territory and these young men could help there. They could help to provide better housing for Aborigines in the country areas of New South Wales and so replace the existing shanty towns. Some imagination should be used so that these young men could be gainfully occupied. Let us give them encouragement and leadership instead of putting a gun in their hands and teaching them how to kill others. It is time that the positive propositions that we put in our amendments received some respect and support from honourable members on the Government side.

Mr CHANEY (Perth) [9.18]—When the honourable member for Reid (Mr Uren) reads the proof of his speech later this evening he may be surprised by what he said. I cannot remember his exact words, but he said that he admired the moral courage of those who were prepared to
break the law. I do not think he believes that. Let us get back to the amendment proposed by the Leader of the Opposition (Mr Whitlam) and the remarks of the honourable member for Reid. If one could ask Socrates, Jesus of Nazareth, Nehru or Gandhi for their opinions on what is proposed by the Government and what is proposed by the Opposition, I venture to say that most of them would say that there is not much unjust about the Government's proposal. The Opposition seeks to amend section 29A of the principal Act, which says:

A person whose conscientious beliefs do not allow him to engage in any form of military service is, so long as he holds those beliefs, exempt from liability to render service under this Act.

Before the suspension of the sitting the Minister for Immigration (Mr Snedden) made what I thought was a magnificent contribution when debating an earlier amendment moved by the Opposition, which sought to provide in the Bill for what amounted to sectional selective pacifism. Having failed to have this amendment accepted, as obviously it was going to fail, the Opposition has now taken a different line of approach to section 29A of the Act. Members from both sides of the House have received correspondence from various bodies and organisations throughout Australia in regard to the proposed amendments to the National Service Act, but I do not think anyone has seriously challenged the Government on section 29A of the Act which states categorically that anyone who is a genuine conscientious objector to Army service is exempt.

Mr Bryant—What about Townsend?

Mr CHANEY—It is important that people like Townsend hold the conscientious belief all the time and not only at a particular time.

Mr Bryant—Can the honourable member prove that?

Mr CHANEY—I know that the honourable member for Wills is and has been a gallant soldier. If he served in a war he would probably say: I do not mind using this type of weapon, but I object to using that type of weapon. I do not mind fighting on this hill but I object to going to that hill?

The Leader of the Opposition (Mr Whitlam), who moved the amendment on behalf of the Opposition, was a member of the Royal Australian Air Force during the Second World War. Did he, at any stage, say: I am prepared to guide this flight of bombers—

Dr J. F. Cairns—I raise a point of order. The honourable member is not debating the amendment now before the Committee but is debating an earlier one. The present amendment has nothing to do with conscientious objection.

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

Mr CHANEY—For the benefit of the honourable member for Yarra (Dr J. F. Cairns) I will now explain why I am talking to the amendment moved by the Leader of the Opposition. The Leader of the Opposition wants to provide that any person who is called up for military service under a selective system, not under the kind of universal system mentioned by the honourable member for Reid (Mr Uren), may contract out of that service. Under the present system about 12½% are called up in the specified age group. If the amendment by the Leader of the Opposition is agreed to, what sort of situation will arise in the planning of our Army and military services? Conscientious objectors have been completely provided for by section 29A of the Act.

I point out to the honourable member for Yarra that the amendment moved by his own leader mentions section 29A which refers specifically to conscientious objectors. How can he raise a point of order and say that the amendment now before the Committee has nothing to do with conscientious objectors?

Dr J. F. Cairns—I have risen on a point of order once and I can do so again. I submit that a point of order is involved here. The amendment moved by the Opposition provides that a person who is called up for military service may choose to render service in another form.

The CHAIRMAN—Order! There is no substance in the point of order raised by the honourable member for Yarra. I suggest that the honourable member for Yarra might have listened to the speech made by the honourable member for Reid.
Mr CHANEY—I appreciate your ruling, Mr Chairman, but the amendment proposes a new section to be numbered 29AA, and Section 29A of the Act specifically refers to conscientious objectors. What I am saying in effect is that the Opposition, having failed to have the provision with regard to conscientious objection inserted in the form it wanted, has now taken another tack and is seeking to have proposed new section 29AA inserted in the Bill.

If Australia adopted the practice of other countries that have been mentioned in the House and called up everyone in a particular age group, it would be practically impossible for the Army to engage all national servicemen in a military capacity. There would have to be a diversion of effort and task. I can see why countries such as the Netherlands, which have this system, allow national servicemen to volunteer out of military service. I would like to get back to the point the Opposition has tried to make. The Opposition is opposed to the whole concept of national service. However, I point out to the Opposition that the great majority of the Australian people agree with the Government’s interpretation of what should be done for the defence of this country. No amount of argument can dispute this point. Gallup polls—and members of the Opposition can take them or leave them—have shown conclusively that the majority of the people are in favour of this type of service.

As I said before, Section 29A of the principal Act completely covers the case of a person who seeks exemption on conscientious grounds. Here again, the decision on whether a person is entitled to exemption on conscientious grounds has been taken out of the hands of the Minister and of the Parliament. Honourable members who can remember back to the days of the Second World War will know the feeling of revulsion there was against any attempt at political interference in the administration of the armed services or in the placing of men in those services. Under the legislation now before us, the magistrate who makes the decision is completely removed from the emotional arena of this Parliament or from the political arena generally.

Mr UREN—That is rubbish and you know it. No magistrate is clear of emotions.

Mr CHANEY—No one here is clear of emotions. I understood that under the Standing Orders of this House it was improper and out of order for honourable members to reflect on members of the judiciary. But it seems to me that some honourable members can say anything they like. This afternoon things were said about magistrates which are now on the record. I believe that such comments were a disgrace to the honourable members who made them. If these honourable members were to go outside the House and state that the magistrates who were to deal with cases involving conscientious objectors were influenced by political pressures, they would have to stand the consequences. This is just another method of attack on the whole national service scheme by the Opposition. It is an attack on a scheme which has been adopted by the Australian people because the Australian people know it is in the best interests of this country.

Motion (by Mr Snedden) put:
That the question be now put.

The Committee divided.

(The Chairman—Mr P. E. Luceock)

Ayes ... ... ... ... 67
Noes ... ... ... ... 37

Majority ... ... ... ... 30

AYES

Allan, Ian
Armstrong, A. A.
Arthur, W. T.
Barnes, C. E.
Bennett, R. N.
Bonson, L. L.
Bowen, N. H.
Bridges-Maxwell, C. W.
Buchanan, A. A.
Bury, L. H. E.
Calder, S. E.
Cameron, Donald
Chaney, F. C.
Chipp, D. L.
Cleaver, R.
Corbett, J.
Cramer, Sir John
Dobie, J. D. M.
England, J. A.
Falles, L. J.
Fairbairn, D. E.
Fairhall, A.
Forbes, A. J.
Fox, E. M. C.
Frazier, Malcolm
Frehet, G.
Gibbs, W. T.
Gibson, A.
Giles, G. O’H.
Graham, B. W.
Hallett, J. M.
Hasluck, P. M. C.
Havworth, W. C.
Holtten, R. M.
Howson, P.
Hughes, T. E. F.
Hulme, A. S.
Irwin, L. H.
Jarman, A. W.
Jessop, D. S.
Jones, Andrew
Kenny, C. R.
Ken Hughes, Sir Wilfrid
Killen, D. J.
King, R. S. I.
Lee, M. W.
Lynch, P. R.
Mackay, M. G.
McEwen, J.
McLeay, J. E.
McMahon, W.
Murdo, D. R. R.
Nixon, P. J.
Petitt, J. A.
Robinson, I. L.
Sinclair, I. M.
Snedden, B. M.
St John, E. E.
Stokes, P. W. C.
Street, A. A.
Swaize, R. W. C.
Turner, H. B.
Wentworth, W. C.
Whitton, R. H.
Wilson, I. B. C.

Tellers:
Erwin, G. D.
Turnbull, W. G.
Question so resolved in the affirmative.

Proposed new clause negatived.

Proposed new clause 13c.

Mr WHITLAM (Werriwa—Leader of the Opposition) [9.34]—1 move:

That the following new clause be inserted in the Bill:

13c. After section 29b of the Principal Act the following section is inserted:

"29ba.—(1) Where a person claims to be exempt by reason of section twenty-nine A of this Act from liability to render service under this Act, he shall be deemed to be a conscientious objector pending the hearing and determination of his claim, and he shall not in the meantime be required to submit himself to a medical examination or to be called up for service under this Act or to render service under this Act.

(2) Where a person who has commenced to render service under this Act claims to be exempt by reason of section twenty-nine A of this Act from liability to render further service, he shall not be required to render service pending the hearing and determination of his application."."

"(3) Where a person claims to be exempt by reason of section twenty-nine A from liability to render service under this Act but declines to make application to have this question heard or decided under section twenty-nine A, he shall be deemed to have made an application under that section and the provisions of that section shall apply in the determination of his objection."."

Mr Chairman, the purpose of the amendment that I have just moved is to give applicants for exemption as conscientious objectors the provisional status of conscientious objector until their real status is determined. If this amendment is carried, a great deal of trouble will be saved for the Department of Labour and National Service, the Department of Health and the Department of the Army. It is a provision which is already law in many of the countries with which we compare ourselves and which have conscription. It has not been in our law because, until recently, conscientious objection was not a big issue. When the National Service Act was introduced in 1951 and amended in 1953 and 1957, service was within Australia alone. Little conscientious objection was evidenced to such service. But now that a great part of the service may be spent in Vietnam, there is a very real objection by many on the ground of conscience. It is now a real issue.

I said that the provision for provisional status of conscientious objector was already the law or had been the law in countries with which we compare Australia. For instance, in Great Britain under the 1948 Act, terminated in 1960, applicants as conscientious objectors were listed as provisional objectors until their applications for registration as conscientious objectors were determined by a tribunal. In New Zealand, a person who applies for registration as a conscientious objector is not required to register for service in the army and is given immediate registration as a conscientious objector. Such a provisional registrant is not required to submit to a medical examination. It is explicitly stated that he is exempt from serving or from any penalties until his status is determined. In the Netherlands it is provided that punishment for refusal to serve or all service shall be suspended until such time as a decision has been made on the application for registration as a conscientious objector.

In Australia, quite often lengthy gaps occur between the lodging of an application for registration as a conscientious objector and the hearing of the application. In this period it is possible for an applicant to be called up for a medical examination and to be liable for penalty for failure to obey such call-up. It is even possible for a conscientious objector seeking exemption to be called up for service before his application is determined. This is grossly unfair to such persons and is also a cause of very much unnecessary trouble for the Government departments concerned. Until their applications are determined, applicants should not be listed on the national service register as liable for medical examination or liable to be called up to
render service. We believe that this could be a fair and equitable provision in line with the legislation of comparable countries and we urge the Government to adopt it.

Having dealt with the first sub-section of my amendment, I turn to the second sub-section. It is provided also by the Act that a person who is already serving can apply to be exempted as a conscientious objector. The second sub-section is designed to give provisional status as conscientious objectors to persons who have begun service under the National Service Act and who then, for a variety of reasons, claim exemption. At present, such objectors are required to continue service until their applications are heard and their status determined. This could prove repugnant to the conscience of those who have formed sincere objections, particularly if they are required to engage in active military operations.

The third sub-section of proposed new section 29BA deals with an unusual but nevertheless real situation—that of men who object even to making formal application for registration as conscientious objectors. Our amendment would provide that they be deemed to have applied, and then the rest of the provisions of the Act would apply to the determining of their applications. From the many statements which have fallen from the lips of Government supporters this afternoon and this evening, it would appear that they object to regarding anybody as a conscientious objector. Yet for the last generation the law in Australia has provided for the registration of conscientious objectors. New circumstances have arisen and they should be met by new legislation. They have been met by appropriate legislation in other countries. We should bring ourselves up to date in this respect. We should enable persons who conscientiously object to service to have their objections determined in this way. We should ensure that until objections are determined the men concerned are provisionally exempted from the operation of this legislation.

The CHAIRMAN—Before calling the next speaker I point out that this amendment is a particularly narrow one. It does not cover the general field of conscientious objection or the war in Vietnam, both of which subjects have been debated in Committee already. This narrow amendment is limited to a particular exemption while the hearing of an exemption application is proceeding.

Mr BURY (Wentworth—Minister for Labour and National Service) [9.42]—The Government sees some practical difficulties in the way of the adopting of the amendment. I think the best thing I can do is run through the present procedure and give the reasons for it. If a man indicates that he wishes to be regarded as a conscientious objector before the ballot is drawn, much will depend on the result of the ballot. Generally speaking, three out of four are not selected in the ballot. Therefore, it would follow that three out of four would be conscientious objectors may be eliminated by the ballot. Thus there is no point in determining each application before the ballot is drawn. After the ballot, if the would be conscientious objector is a student and is eligible to have his period of service deferred, deferment proceeds and the case is not tested until the end of the period of deferment unless the man concerned requests that his application be determined. If he so requests, his wish is met.

The normal process is to refer those included in the ballot and available for call-up to medical boards to determine suitability. This procedure eliminates approximately 50% of the men examined. Usually it is suggested to men seeking to register as conscientious objectors that they undergo a medical examination because an average half will be eliminated by suitability tests, thus obviating the need to proceed. If all cases went to a full hearing and afterwards some of the men concerned were found to be medically unfit, obviously a good deal of time would have been wasted. After a person is declared to be suitable for service following medical examination, call-up is deferred until his application for registration as a conscientious objector is determined. If the Opposition's amendment were agreed to, the effect would be to hear a large number of cases that do not now have to be determined resulting in a considerable waste of effort.

The second aspect of the amendment concerns men already undergoing service. In most instances, when the men concerned
notify the Army that they have conscientious objections, they are immediately allocated to non-combatant duties. Many of them, where circumstances allow, are given leave without pay to enable them to prepare their case. The amendment sought would prove to be too inelastic. Consider what would be the position if this were to happen in the middle of an action against an enemy force. Suppose the man concerned announced in the middle of the action: 'I have a conscientious objection to service'. This action could have a serious and damaging effect on the morale of his colleagues.

As to the third part of the amendment, it is difficult to envisage how one would register someone who does not apply for registration. Some people apply in writing stating that they object to registration. When this is done, one is aware of the fact. However, in most of the instances envisaged by the amendment, one would not be aware that the person concerned wished to be registered as an objector. I feel that in practice the present system of registration works very smoothly. There is no likelihood of men being called up once they seek registration as conscientious objectors. I see considerable practical difficulties in the way of the adopting of the Opposition's proposal. When the World Council of Churches raised this matter with me I discussed it with representatives of that body. However, I do no see any solution to the problems that the Opposition foreshadows in proposing its amendment.

Mr STEWART (Lang) [9.46]—None of the explanations given by the Minister concerning any of the amendments moved by the Opposition in relation to this Bill has met with my approval. None of his explanations has satisfied me to the smallest degree. His only argument in respect of this amendment is that instead of applicants for registration as conscientious objectors having their cases heard in court, they can have a prior medical examination. The Opposition's purpose in this amendment is to give any boy of 20 years of age who believes that he truly has a conscientious objection to being called up for national service an opportunity at least to have his opinions heard. Should the Minister be concerned about the number of possible court cases, all he has to do is omit from our amendment the words 'medical examination'. Let the applicant be medically examined. The boy concerned will then know whether he is liable to serve or at least whether he is physically and psychologically fit to serve as a national service trainee. If he is fit to serve, no further action should be taken until his application for registration as a conscientious objector has been determined by a judge.

Today I received, as I am sure most members did, a document from a Mr Lancelot S. Hills, setting out certain arguments on the provisions of this Bill. One of his comments deals specifically with the case of Noel Edgar Collett. The Opposition is attempting, by the amendment that it has moved, to prevent such as occurred in that case. It is high time the Minister and most Government supporters looked closely at the national service legislation. After all, it was introduced out of the blue without due consideration and against the advice of military advisers. What the Opposition is trying to do by this and other amendments that it has moved and intends to move is to preserve a little justice and honesty as well as some human rights and respect for the opinions of the minority who in their hearts believe that they are conscientious objectors and want to prove that they are. In a policy speech made in 1963, Sir Robert Menzies said:

Australia is ready and able to meet its international commitments.

In his speech on 10th November 1964 he introduced national service. But because of the hurry and lack of consideration in the introduction of that legislation, the Government is now finding loopholes in it. It is now finding that boys are not being given the opportunity to prove whether their beliefs are sincere or otherwise. Irrespective of whether 200 boys make applications which are all rejected—

The CHAIRMAN—Order! I point out to the honourable member for Lang that I mentioned earlier that this amendment is not related to proving that a person is a conscientious objector or otherwise. It is strictly on the point of his not being accepted into the Army or into service in any way. He is deemed automatically to be an objector, and this amendment stands at that particular stage.
Mr STEWART—With all due respect, Mr Chairman, the sidenote on proposed new section 29b as states: 'Action following claim for exemption under section 29a'. Section 29a of the Bill, as I understand it, deals specifically with conscientious objection and the action which should be taken.

The CHAIRMAN—Order! I point out again to the honourable member for Lang that the amendment states: '... he shall be deemed to be a conscientious objector pending the hearing and determination of his claim, and he shall not in the meantime be required to submit himself to a medical examination. ...' That is the crux of this amendment. I pointed out earlier that the wider debate on conscientious objections was on the previous two amendments which the Committee has been discussing. The subject matter before the Committee at the moment is the fact that he is deemed to be a conscientious objector and therefore should not be required to do any of the things mentioned in the amendment.

Mr STEWART—Our first amendment was designed to amend section 29a of the principal Act. Our second amendment was designed to insert proposed new section 29aa after section 29a of the principal Act. If our first amendment had been accepted, sub-sections (3) and (4) of section 29a would have been omitted from the Act, but that amendment was defeated in the Committee. So instead of omitting sub-sections (3) and (4) of section 29a, we now propose to add proposed new section 29ba. Even though those two sub-sections still remain, we propose that a man should have the rights which are set out in the amendment. Mr Chairman, I crave your indulgence. I believe I am correct in stating that this amendment has as much to do with conscientious objections—if not more —than the previous amendments which we have discussed. This is the only opportunity left to the Opposition to try to protect the genuine fellows of 20 years of age who seek exemption on conscientious grounds. We seek to write this proposed new section 29ba into the Act in order to give these young men one other avenue, in order to save them from undergoing national service. But, irrespective of that, it is quite obvious to every honourable member on this side of the chamber that this Government is not interested in the sincere beliefs of Christians within the community and of those who have deep moral beliefs of any sort. The Government is not interested in the pacifists. It is not interested in anything except getting bodies into the Army. Out of the 326,000 boys who are eligible for call up, only 34,000 are carrying the burden. They are carrying the burden because this Government, in this Bill, has not faced up to its responsibilities as a genuine Australian Government. I think every honourable member will appreciate that when I speak this way in this Parliament I do so because I believe in what I am saying. There is double the number of honourable members on the other side of the House that there is on this side of the House—the Government has about approximately 80 votes to our 40 votes—but there are very few of them who will stand up and support the cause of right and justice in the Parliament. Because they think they are right about Vietnam, then, come hell or high water, they will get the boys to go there, irrespective of how they treat the Australian community in doing so.

Mr MUNRO (Eden-Monaro) [9.56]—Mr Chairman, the honourable member for Lang (Mr Stewart) was permitted by you to cover a somewhat wider range than is indicated by clause 13 or by the amendment we are discussing, and I think rightly so because, as the honourable member for Lang pointed out, this amendment really relates to the first amendment moved by the Opposition. Now the Opposition proposes this amendment as an alternative to the first amendment.

The CHAIRMAN—Order! I point out to the honourable member for Eden-Monaro, as I pointed out to the Committee at the commencement of the discussion on this amendment—and this is my ruling—that this amendment moved by the Opposition is restricted in the sense that now the person concerned shall be deemed to be a conscientious objector. All the other discussion and arguments on the other two amendments moved related to the question of the acceptance of a conscientious objector and a conscientious objection, and those matters were covered by the Committee in dealing with those two amendments. This is a narrower amendment
which deals with the subject matter that once the person makes a claim it is accepted, and because it is accepted in this regard then the matters referred to in the amendment should not be required of him before his claim is determined.

Mr MUNRO—In view of your ruling I point out to the honourable member for Lang and other honourable members opposite that the present National Service Act gives great consideration to those who wish to offer a conscientious objection to national service. To follow some of the suggestions made by honourable members opposite, including, I think, the honourable member for Lang, would put all these people through the grid of proving the conscientiousness of their objection. As the Act stands, and as the Minister for Labour and National Service (Mr Bury) has indicated, and I think very rightly so, the numbers are reduced, firstly, by the ballot and, secondly, when the young men attend a medical examination. Surely it is a reasonable proposition that they should attend such an examination. If they do not pass the examination then they do not have any necessity to go through the long process of proving themselves to be conscientious objectors. The Opposition seems to want to require all of them to go through this very difficult process.

As far as I know, it has been practicable in most cases, if not in all cases, of which I have heard, to provide deferment of call up to those who have indicated that they will be conscientiously objecting. I know of the case referred to by the honourable member for Lang. He referred to a paper which was circulated by Mr Hills. The case to which he referred was that of Mr Noel Edgar Collett, whose first application for non-combatant service was dismissed at Nambour, Queensland, on 25 August 1965. It should be pointed out that deferment was finally granted, admittedly after some difficulty, by telegram. I concede that deferment was granted only the day before Mr Collett was due to comply with the call-up notice. But it was granted.

In my view the Opposition’s proposals embodied in this amendment are based on the same kind of opposition that it has trotted out to the entire Bill. The Opposition has neglected to understand or to give due credit to the onus of responsibility that rests with any government in the defence of any country. In particular it has failed to give due credit to the onus that rests on this Government to defend Australia.

The Opposition’s attitude in moving the amendment now before the Committee is in keeping with its failure to understand the difference between a moral judgment and a political judgment when it moved its not altogether unrelated first amendment. If the Opposition genuinely believed in what it was talking about, it would have been open to it to move that so long as a person held conscientious beliefs that did not allow him to engage in any form of military service or a particular form of military service, he should be exempt from the liability to serve. Instead the Opposition has objected to a particular war, a particular form of service, although it trotted out examples of objection to particular forms of service, such as occurred in Germany during the last war. The Opposition’s attitude simply serves to demonstrate that on every occasion it seeks to turn a moral argument into a political argument.

I was surprised to hear the honourable member for Lang, who normally speaks with some sincerity about these matters, say in a voice that seemed, at least on the surface, to have some sincerity in it, that Government supporters would not support and were not supporting those who had genuine conscientious objections to military service. I do not think I have heard one honourable member on this side do other than support the right of those people whose conscientious objection is founded on a deeply held moral conviction.

The DEPUTY CHAIRMAN (Hon. W. C. Haworth)—Order! I draw the honourable member’s attention to the ruling given a few minutes ago by the Chairman of Committees.

Mr MUNRO—I felt that I had to make those remarks in response to what the honourable member for Lang said about this amendment. I oppose the amendment on the ground that adequate provisions exist for the granting of deferments. I believe that the only reason for the moving of the amendment was the Opposition’s anticipation that its earlier amendments would not meet with the approval of the Committee.
Dr EVERINGHAM (Capricornia) [10.4]—The honourable member for Eden-Monaro (Mr Munro) speculated on the Opposition's motives for moving this amendment, but he did not answer the arguments advanced by the mover of the amendment. The Minister for Labour and National Service (Mr Bury) has attempted to answer those arguments. He said that the Government had looked carefully into the possibility of doing the things which the Opposition now seeks to have done, but that for one reason and another it was not practical to do these things. I suggest that what the Minister looked at carefully were suggestions from various organisations which asked that the Government do the things referred to in the amendment; he did not look into the possibility of doing these things, although they are being done in other countries. This fact was stated by the mover of the amendment. If the Minister has not investigated how these things are being done in other countries I submit that he is not in a position to say that they cannot be done in Australia. Until the Minister can demonstrate to us how it is that these things cannot be done in Australia notwithstanding that they are being done in other countries, I submit that we may legitimately assume that our point has not been answered by the Government.

Earlier the honourable member for Angas (Mr Giles) referred to the waste of talent. Our amendment is aimed, among other things, at avoiding the waste of talent that occurs when a conscientious objector is treated as being in the Army before his application for exemption from service is heard.

It has been argued that the distinction embodied in the amendment is a moral one and not a political one. Unfortunately, owing to the restrictions placed on the debate on other clauses, we cannot go into that matter, although the honourable member for Eden-Monaro referred to it. In this connection it is reasonable to remind honourable members that not long ago in this building the Prime Minister (Mr Gorton) praised Mrs Gandhi as a successful revolutionary. If a person is worthy of praise for disobeying an unjust law, other people deserve to be treated as not having broken the law until their guilt is proved in court. It is all very well to say that call-up may be deferred on other grounds, such as medical unfitness or as a result of the ballot, thus obviating the necessity to have a hearing. But if it is right for a man to have a conscientious objection to being medically examined or to registering—if he opposes the entire National Service Act, as we do and if he acts in accordance with his conscientious belief that it is a wrong law and should be opposed, as Mrs Gandhi and others have opposed an unjust law; as Martin Luther King opposed an unjust law—then our amendment also must be right. A man should at least be given the opportunity to have his application to be treated as a conscientious objector heard before he is medically examined and before he takes part in the ballot. He is entitled to this if he conscientiously believes that the law is wrong and that he should not comply or co-operate with it in any respect. This has not been done. These men have been subjected to Army discipline as if they had enlisted; as if they had been conscripted. This is what we object to.

There are plenty of examples in other countries of people not being treated in this way. The Minister has not referred to these. In respect of other laws people are not judged guilty before being tried; they are not treated as if they have lost their case before they have had a chance to prove themselves innocent. I submit that the amendment is valid and legitimate. It is in line with liberal principles of Western democracy. It is in line with the more democratic aspects of the aims and ideals of the Liberal Party and the Country Party, as well as the Labor Party. If the Government will look at the amendment in this light and not oppose it simply because the Government is bent on opposing anything that emanates from this side of the chamber, the amendment may well be accepted. I submit that this is an amendment which the Government may well adopt without creating more difficulties and without creating many more legal hearings. As the honourable member for Wills (Mr Bryant) has pointed out, the amendment could lead to considerable savings in the Department of Health, the Army and other departments charged with responsibilities in connection with administering this very difficult, very controversial and, in our view, very unjust Act.
Mr BURY (Wentworth—Minister for Labour and National Service) [10.10]—Perhaps the honourable member for Capri-
cornia (Dr Everingham) was not in the chamber when last I spoke. I would like to point out to him that we do not require any-
one who wishes to register as a conscientious objector first to undergo a medical examination. However, it is pointed out to anybody who claims to hold a conscientious belief that if he should be found medically unfit the matter need not be pursued. Because of this possibility it is better for a person to have the medical exami-
nation first. But if he objects he is not obliged to do this. We arrange to have his case heard without medical examination. No-one is called up until his application has been definitively determined. One of the weaknesses of the present amendment is that one could go on and on putting in applications but the matter would never be resolved.

Mr DUTHIE (Wilmot) [10.11]—The greatness of any nation is judged by how it deals with its minorities, especially people holding minority views and opinions. This Government will be judged on how it is going to deal with conscientious objec-
tors, who are one of the smallest minorities in the country as far as people of military age are concerned. This group is so small that the percentage of conscientious objectors who have applied so far for exemption on this ground is only 1.4% of all men enlisted into the regular Army totalling 24,000. That is the group we are dealing with tonight in this legislation. We had no troubles about this matter during the Second World War. It is incredible—

The DEPUTY CHAIRMAN—Order! I draw the attention of the honourable mem-
ber to the clause we are discussing.

Mr DUTHIE—It is all right, Mr Deputy Chairman, I was just making a passing reference. It is incredible that this Government has made the law so involved for conscientious objectors when, during the previous war—a world war—these men were treated as normal human beings. The particular clause we are now dealing with has been referred to by a solicitor in Sydney. I intend to quote what this solicitor has said because it is relevant to the dis-
cussion. He has been mentioned by two or three of my colleagues and also by the honourable member for Eden Monaro (Mr Munro). He is Mr Lancelot S. Hills of Lancelot S. Hills and Co., solicitors, of 4 O'Connell Street, Sydney. Mr Hills has been dealing with conscientious objectors quite frequently in the course of his work. What he has written is based on very real experience of this subject. In his letter to me, which I received today, he said:

According to the well recognised principles of British justice the utmost care must be exercised to ensure that no innocent person should suffer a legal penalty or imprisonment. These principles can scarcely be said to have been maintained if in some circumstances a genuine conscientious objector cannot because of some deficiency in the Act or Regulations secure exemption and is consequently subjected to summary conviction and imprisonment for a period of two years. The cause of the conscientious objector may not be popular, but every citizen is entitled at least to basic justice. . . .

With that statement, of course, I think most honourable members in this place, even honourable members on the Government side, would agree. Mr Hills went on to give his opinion on this particular matter. He said:

These sub-sections—

Those that we are now dealing with—

provide that a person who has conscientious beliefs before he commences to render service under the Act which do not allow him to engage in any form of military service or in military duties of a combatant nature loses his right to exemp-
tion if on account of accident, ignorance or any other reason (whether within his control or not) he does not secure a Court Order entitled him to exemption before he commences service under the Act. This appears to be an inconsistent and unjustifiable disregard of a person's conscientious convictions and under the new legislation—

Which is now before us—

could result in a severe gaol sentence, up to two years.

The Act does not prevent a person who has applied for exemption from military service or from duties of a combatant nature from being required to commence to render service before his application for exemption has been determined by a Court. Therefore, by a legally issued call-up notice a person who is entitled to exemption and has applied for exemption may be denied the right to exemption under the above sub-sections.

Mr Hills mentioned the case of Noel Edgar Collett. This case was referred to briefly but was not stated entirely. I want to set out the facts to prove Mr Hills' point. Collett's first application for non-
combatant service was dismissed at
Nambour, Queensland, on 25th August 1965 and his appeal to the District Court, Brisbane, was dismissed on 30th November 1965. On 8th June 1966, well into the next year, a second application for non-combatant service was dismissed at Nambour on the ground taken by the barrister appearing for the Minister that the magistrate had no jurisdiction to hear a second application. The magistrate was requested by Mr Collett’s representative to dismiss this application if he had any doubts as to jurisdiction so that the matter of jurisdiction could be properly determined by a superior court and the department was informed that it was intended to apply on Mr Collett’s behalf to the High Court to have the matter of jurisdiction determined. Mr Hills said:

Nevertheless on 24th June, 1966,—

This is a year after the case began—

the Department issued a call-up notice to Mr Collett requiring him to present himself for service on 13th July, 1966. Representations were made to the Department to cancel this call-up notice but it refused to do so and on 12th July, 1966—

The day before he was to present himself—

it was necessary to lodge an application to the Court for deferment of Mr Collett’s service on the ground of extreme hardship as he would lose his rights to non-combatant service if he commenced service in accordance with the call-up notice. After lodgment of this application with the Department and after 5 p.m. on 12th July,—

Almost at the eleventh hour—

the Registrar in Brisbane, by urgent telegram to Mr Collett, cancelled the call-up notice for the following day.

No man who is a sincere conscientious objector should have to endure for a year the type of thing outlined in Collett’s case. The Opposition, by its amendment, is trying to tidy up this legislation and make it easier for these men to be exempted without having to go through the paraphernalia I have just outlined. I said when commencing my speech that the test of this Government’s sincerity and of its adequacy will be how it treats the conscientious objectors in this country. I hope that as a result of our amendments, even if they are not carried in this chamber, the Minister for Labour and National Service will consider including these proposals in the Bill before it goes to another place. I certainly hope he will review this particular amendment and the statement he made to us tonight in opposing it.

Mr HUGHES (Parkes) [10.19]—There is one point I want to raise about this proposed amendment which has not been adverted to so far. I do not want to cover the ground that has been already covered very adequately, if I may say so, by the Minister for Labour and National Service when he explained to the Committee why it would be impracticable, for a number of reasons, to accept the amendment. There is one point that has not been touched on and I will deal briefly with it. Proposed new section 29BA (1.) is as follows:

Where a person claims to be exempt by reason of section twenty-nine A of this Act from liability to render service under this Act, he shall be deemed to be a conscientious objector pending the hearing and determination of his claim . . .

I do not read any further because what comes after that part which I have read is not relevant to the point I wish to make. Looking at so much of the proposed subsection as I have read to the Committee, it can be seen that the amendment, if carried, would place the onus, where an issue arises as to whether a person is or is not a conscientious objector, upon the Crown or the department of proving the negative, namely that the claimant is not a conscientious objector.

Dr J. F. Cairns—Why does the honourable member say that?

Mr HUGHES—If the honourable member for Yarra will contain himself in patience I will try to explain it. I take it from the honourable member’s interjection that he would regard it as bordering on the preposterous to suggest that where a person claims he is a conscientious objector he should not have to prove his claim.

Dr J. F. Cairns—I would not reverse the onus of proof.

Mr HUGHES—I am glad to hear the honourable member say so. Knowing him as I do, I am not surprised, because it would be affronting common sense to suggest that the onus of proof should be reversed. Under sub-section (1.) of proposed section 29BA the person who is claiming that he is a conscientious objector is deemed to be one pending not only the hearing of his claim but pending the determination of that claim.
In other words, at every point of time up to judgment on the claim he has the benefit under this amendment of a presumption in his favour that he is a conscientious objector. If that is not reversing the onus of proof I for one do not know what is. Nothing could be a more clear reversal of the onus of proof. I hesitate to think that the Opposition has been trying to slide an amendment reversing the onus of proof in by a back door method. If it has been, I should be astonished.

Mr Graham—I am sure the Opposition would not do it.

Mr HUGHES—My honourable friend from North Sydney assures me that he also would be astonished, but this is a plain reversal of the onus of proof and, as such, I do not think the amendment can be countenanced.

Dr J. F. CAIRNS (Yarra) [10.23]—It might be appropriate, particularly in view of the rejection by the Minister for Labour and National Service (Mr Bury) of the Opposition's amendment, to review again what it means and to relate that to the Minister's stated objections. Having listened to speakers from the other side I am in doubt whether they understand what the amendment means. Proposed section 298A (1.) is a simple provision. It says that where a person claims to be exempt because of a conscientious objection to military service he shall not be required to do certain things pending the hearing and determination of his claim. It is a simple provision. It obviously does not mean, as the honourable member for Parkes (Mr Hughes) said it does, that this in any way reverses the onus of proof. It defers a little the time in which the person claiming the exemption has to prove that he does have a conscientious objection. It defers a little the time at which he will have to prove this. It does nothing more than that. It does not require the Government to prove anything—and that is the alleged reversal of the onus of proof. It merely says that the Government should, where a person makes this claim, not require him to do certain things until his claim is heard and determined. Neither the honourable member for Parkes nor anyone else could adequately dispute that.

When we look at the proposition in the amendment we can see that it is a provision that exists in almost every other country where there are laws of this kind. There is nothing new about it. It has been introduced in a dozen other countries, but it is not acceptable here. Why not? Because the Minister says that it would be unreasonable to adopt a law which says that the person claiming a conscientious objection should not be required to submit himself to a medical examination. If he were submitted to a medical examination he might be excluded and he would not have to go ahead and prove his exclusion. But then the Minister says that the practice of the Department is that he does not have to submit himself to a medical examination. All we are asking the Minister to do is to accept as law what he says is already the practice of the Department. This brings us to quite a significant point. Many things have been done under this Government as departmental practice that it is not willing to put into law. The Government wants to have the arbitrary power to do one thing on one occasion and another thing on another occasion if it suits it. So it wants to reserve this arbitrary power to require a person who claims a conscientious objection to undergo a medical examination if it suits the purposes of the Department, or not to undergo a medical examination if it does not suit the purposes of the Department. Therefore the Minister will not accept our amendment because it takes out of his hands and out of the hands of his Department this arbitrary power that they want to use one way in one case and another way in another case. I do not think this would be acceptable to any liberal minded person who believes in the rule of law and who does not like the exercise of arbitrary power by a department, so I doubt that there is any reason to reject the Labor Party's amendment.

Of course, the second objection by the Minister is that if this amendment were accepted it would prevent the names of the persons claiming conscientious objection going into the ballot. He says that as a proportion of them would be excluded by the ballot the amendment would mean that they would not be excluded in that way, so there would be added cost and time. Even if this amendment were accepted by the Minister there is nothing to prevent him putting into
the ballot the names of the persons who claim exemption. The amendment does not say that they should not be put into the ballot. There is nothing to prevent them going into the ballot. They can go into the ballot just the same and if they are excluded by the ballot they are merely notified, as everyone else is notified, by letter. Those who have a conscientious objection would need to go no further. It seems to me that once the Opposition's amendment in proposed section 29BA (1.) is understood, the two objections stated by the Minister disappear completely.

As to proposed section 29BA (2.), the Opposition's second amendment, the case for its acceptance when weighed against the Minister's objection is even stronger and clearer. Proposed section 29BA (2.) says that where a person has commenced to render service under this Act and claims to be exempt by reason of having a conscientious objection he shall not be required to render service pending the hearing and determination of his application. The Minister wants to retain the power to compel the person who says 'I have a conscientious objection' to go on rendering military service even though he has taken this position. The Minister wants to retain that power because he says: 'But what would happen in action if there were a soldier who said that he had a conscientious objection?' No-one would imagine that the proposed provision requires such a person to be taken out of military service instantaneously in the middle of an attack by the enemy, as the Minister suggested. What the Opposition's amendment requires is that as soon as is reasonable, as soon as the shooting has stopped, as soon as the bombs have stopped falling and as soon as he can be moved, he shall be moved. It seems to me that when the Minister produces objections of this nature to a simple amendment like this he is not being genuine.

The third sub-section in the proposed section in the amendment is different from the first two in that, so far as I know, such a provision has not been adopted in any other country. But that is no reason why it should not be adopted in this country. The Minister has not said much about his objection to this amendment and from what he said I could not understand his reasons for objecting to it. Let me say first of all what the amendment means. It means that where a person claims to be exempt from military service because he has a conscientious objection, but declines to make an application to have this question heard or determined, he shall be deemed to have made an application under this proposed section and the provisions of the section shall apply. This is to meet the cases where young men say that they have a conscientious objection, but will not make application for exemption, and will not co-operate as it is against their conscience to co-operate.

I know of three such cases in Melbourne at the moment. What is to happen to them? Those people will be called up, they will refuse to answer and they will be charged with failing to answer the call-up. They will be convicted of an offence and they will go to gaol. If the Bill becomes law, they may then be subject to whatever corrective treatment the Army designs for them or the kind of treatment that occurs in a civil gaol. But they have a conscientious objection and it will be well known that they have a conscientious objection because they will be informing the authorities of that right from the start. They will say: 'We are not going to render service, we are not going to register, we are not going to make an application, because we have a conscientious objection to co-operating in any way in what is involved'. It would be perfectly easy in such a case for the Government to treat those people as conscientious objectors and to have their cases determined by a court. That is all that this amendment requires. Instead of convicting them for failing to respond to a call-up or for failing to carry out some orders from the Army and putting them in gaol when it is known that they claim to be conscientious objectors, is it not fair and reasonable to treat them as persons claiming a conscientious objection? That would be achieved by adopting this amendment.

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

Mr UREN (Reid) [10.33]—I support the amendment moved by the Opposition. I address my remarks to sub-section (3.) of
proposed section 29BA. That is the proposed provision which the honourable member for Yarra (Dr J. F. Cairns) was explaining when his time expired. Proposed sub-section (3.) reads:

Where a person claims to be exempt by reason of section 29a from liability to render service under this Act but declines to make application to have this question heard or decided under section 29a, he shall be deemed to have made an application under that section and the provisions of that section shall apply in the determination of his objection.

I have had brought to my attention a case involving a young man who, because of a conscientious objection, refuses to register for national service. He feels that national service has a military purpose, that it is a training for war and to kill. He has said that he feels that national service is military conscription. He says that this entails young men being trained to kill and that, therefore, national service systematically compels young men to interrupt the advancement of humanity and to revert to the primitive, accepting as normal the destruction of life and property.

This young man is a university student who, in normal circumstances, could get deferment under the Act because he is attending the university. But he does not want to do this. As he is a conscientious objector he says that he will not register, because national service is military service. Earlier the Opposition moved amendments which, if they had been accepted, would have allowed persons who registered for national service, including persons such as this young man, to perform alternative service. The Government refused to accept the amendments, which would have enabled a person to perform a service for humanity instead of being trained for war and to kill. Because of what national service involves, the young man to whom I have referred will not register for service. I have received copies of many letters forwarded to the Minister; so he must be aware of many cases that have not come to my notice. With the dozens of examples before him, surely the Minister knows that this is a problem to which he should give serious consideration. Because this young man has the moral courage to place his name on the record by writing to the Minister, has not tried to avoid doing so and has not sought publicity, I have no doubt that in the normal course of events he will be picked up, if I may use that term, and may eventually go through the same trials, suffering, uselessness and stupidity that the military junta is using against the magnificent young man Simon Townsend. He is a young man who has great moral courage. I believe that William White and Simon Townsend will become known as men of great courage. The honourable member for Wilmot (Mr Duthie) is a man of moral courage.

Mr Killen—What is the honourable member talking about?

The DEPUTY CHAIRMAN—Order! The honourable member for Reid should address the Chair and restrict his argument to the clause.

Mr UREN—I am answering the interjection.

The DEPUTY CHAIRMAN—Order! All interjections are disorderly. The honourable member should address the Chair.

Mr UREN—If I may have your indulgence, Mr Chairman, I want to say that the point made by the honourable member for Wilmot was that we are dealing with a minority section. He said that the great- ness of a nation is sometimes judged by its tolerance and understanding of minority sections. It is not to the credit of the Government that because it has the numbers in this place and feels secure, because it is in a dilemma and has no solution to the problem of Vietnam, to the withdrawal of British troops from the area east of Suez, to the possible withdrawal from Asia of American forces, it continues to conscript young men and will not bend in its attitude. It is about time that the Government began to accept some of the amendments proposed by the Opposition because we are putting forward these amendments in an endeavour to improve the situation. As it stands, the legislation before us is repugnant to honourable members on this side of the chamber. We could say that we are opposed to it because it is legislation that we could expect in a neo-police state. We have been patient tonight and have tried to make constructive suggestions. We have been patient in our contributions. We have
at least tried to explain our thoughts to the Government so that it will accept some of our constructive criticisms. Here is a situation in which a young man can be exempted because he is a student at a university. He may say: 'I will take the easy way out. I know my service will be deferred because of my university studies.' But because of his great moral beliefs he says: 'No, I will not register'.

The Opposition asks the Government to accept at least sub-section (3) of the proposed new section so that more William White or Simon Townsend cases will not be created. Soldiers have plenty of other work to do besides knocking on doors every 30 minutes to see whether prisoners have hung themselves or have dropped dead or have frozen in a cold 9 feet by 9 feet concrete cell. We are putting forward a reasonable, rational proposition and we ask the Government to accept it.

Motion (by Mr Snedden) put:

That the question be now put.

The Committee divided.

(The Deputy Chairman—Hon. W. C. Haworth)

Ayes .. .. 63
Nees .. .. 34

Majority .. .. 29

AYES

Alain, lan
Armstrong, A. A.
Arthur, W. T.
Barnes, C. E.
Bonnett, S. N.
Bosman, L. L.
Bowen, N. H.
Bridges-Maxwell, C. W.
Buchanan, A. A.
Bury, L. H. E.
Calder, S. E.
Cameron, Donald
Chaney, F. C.
Chipp, D. L.
Cleaver, R.
Corbett, J.
Dobie, J. D. M.
Fairbairn, D. E.
Fairhall, A.
Forbes, A. J.
Fox, E. W. M.
Fraser, Malcolm
Freeth, G.
Gibbs, W. T.
Gibson, A.
Gilles, G. O'H.
Graham, B. W.
Hallett, J. M.
Hasluck, P. M. C.
Holten, R. M.
Howson, P.
Hughes, T. E. F.

Hulme, A. S.
Irwin, L. H.
Jarman, A. W.
Jessop, D. S.
Jones, Andrew
Kelly, C. R.
Kent Hughes, Sir Wilfrid
Killen, D. J.
King, R. S.
Lee, M. W.
Luceo, P. B.
Lynch, P. R.
Mackay, M. G.
McLey, J. E.
McMahan, W.
Munro, D. R. R.
Nixon, P. J.
Petitt, J. A.
Robinson, I. L.
Sclair, I. M.
Snedden, B. M.
St John, E. H.
Stokes, P. W. C.
Street, A. A.
Swartz, R. W. C.
Turner, H. B.
Wentworth, W. C.
Whitton, H. N.
Wilson, I. B. C.

Tellers:

Evans, G. D.
Turnbull, W. G.

NOES

Fulton, W. J.
Griffiths, C. E.
Hayden, W. G.
Jones, Charles
Luchetti, A. S.
McEvor, H. J.
Minogue, D.
Nicholls, M. H.
O'Connor, W. P.
Patterson, R. A.
Scholes, G. G. D.
Stewart, F. E.
Uren, T.
Webb, C. H.

Tellers:

Dutbie, G. W. A.
James, A. W.

PAIRS

Gorton, J. G.
McEwen, J.
Brownhill, Miss K. C. M.
Cairns, Kevin
Pearsall, T. G.
Anthony, J. D.
Fairles, L. J.
Jess, J. D.

Whitlam, E. G.
Barnard, L. H.
Birrell, P. R.
Clark, J. J.
Courtney, P.
Harrison, E. James
Hansen, R. P.
Peters, E. W.

Question so resolved in the affirmative.

Proposed new clause negatived.

Clauses 14 to 19—by leave—taken together.

Mr STEWART (Lang) [10.49]—I desire to obtain some explanations from the Minister for Labour and National Service (Mr Bury) on clauses 18 and 19 of the Bill. I note that they amend sections 48 and 49 of the principal Act. In the Act under 'Part VI—Miscellaneous' sections 48 and 49 appear. I would say conservatively that they cover two-thirds of a page of the Act. In the Bill that is now before us, proposed new sections 48 and 49 cover two and one-third pages of the Bill. I believe this proves the point I was trying to make earlier during the debate that when this legislation was brought down in November 1964—it was amended in June 1965 and has now been in operation for about 3½ years—the Government did not know what it was doing and it still does not know what it is doing. I think it is an indictment of the Minister and the officers of his Department, or of the Cabinet, that it has taken two and one-third pages to amend the Act. The administration responsible for the Act must have been aware of the anomalies and deficiencies in the Act. The clauses of the Bill I am talking about have the side-notes: 'Failure to register', 'Filling in false forms of registration', 'Furnishing false documents and making false statements'. 'Destroying or damaging certificate of registration',


'Failure to attend for examination', 'Failure to submit to examination' and 'Person not to be punished twice for same act or omission'. In his second reading speech, the Minister for Labor and National Service stated:

Honourable members will recall the demonstrations against national service which were accompanied by deliberate burning or destroying of registration certificates. The certificate is the key document of a national service registrant. While these demonstrations have abated, the opportunity is being taken to cure deficiencies in the present legislation.

So, while demonstrations were taking place the Act was allowed to continue in its present form. Now that the demonstrations have abated, the Minister is doing something about the matter. He is now providing that a person who destroys or damages a certificate of registration will incur a penalty of $200. If the Minister and his administration have been dinkum up to this stage, will he tell the House how many boys have burned or destroyed their registration certificates? Can he tell the House how many boys have been taken to court and what penalties have been imposed? Also, will the Minister tell the House how many cases of false and misleading registrations have come to the notice of his departmental officers? Further, can the Minister tell the House how many boys have failed to undergo medical examination? This is some of the information that should have been included in his second reading speech. Indeed, these facts should have been made known to the Parliament and to the people of Australia. They deserve to know. The Act has been in operation since November 1964. It is now May 1968. During this period many offences have been committed by fellows the Minister has called draft dodgers or exhibitionists or whatever other names he may have used. They have apparently escaped without penalty.

I again highlight the fact that the Minister has moved amendments to the Act which cover two and one-third pages whereas the present provisions cover only two-thirds of a page. This to me shows the inefficiency and maladministration of the Minister's Department. I would like the Minister to give me some explanation of the points I have raised.

Mr BRYANT (Wills) [10.55]—I wish to direct my remarks to clause 14 of the Bill which relates to deferment of service. There are rather lengthy alterations to what in the original Act is a reasonably short section. I think this brings the whole system into focus. Members on this side of the House, of course, do not approve of the system of deferment at all. We do not like the principles behind it. We do not approve of the basis on which this legislation is constructed and do not like the way in which it is administered. The amendment states that for some people service may be deferred and it is up to the Minister to decide who these people will be. I think we are conferring a great authority upon the Minister for Labor and National Service (Mr Bury). I am not exactly sure of the reasons why the Minister's powers are being expanded or whether, in fact, the Minister has been given more power or not. I cannot quite determine this at the moment. However, the Minister might explain this for me.

The fact is that when we adopt a system of national service such as this at a time when we are theoretically at war, even if not technically at war, we are selecting a group of people, by some method or other, who will have to pay a sacrifice. National service is a matter of life and death to a large number of young people. In Vietnam in the last 2 or 3 weeks Australian forces have suffered heavy casualties. A week or so ago I believe 19 servicemen were killed and 4 or 5 servicemen were killed in the last couple of days. Although heavy casualties continue week by week; we are selecting a group of people to take part in the Vietnam conflict. I believe we have to make a moral evaluation as to whether people are entitled to have their service deferred or not. Unfortunately the war in Vietnam is proceeding for much longer than most honourable members opposite anticipated, although anyone with a sense of history could tell them the war was likely to continue for a number of years. But in the ordinary course of events we might expect this type of operation to end after 2 or 3 years. A person undertaking a university course of 3, 4 or 5 years duration would be ready to serve after completion of his studies but the necessity for service would have vanished. So the person who is
in a relatively privileged position is also in a position of privilege as regards national service. It would be interesting to find exactly how many people in the electorate of Wills have had their service deferred, and how many people in the electorate of Chisholm or of Kooyong have had their service deferred.

Mr Daly—What about Bradfield?

Mr BRYANT—The honourable member for Bradfield (Mr Turner) has probably a higher proportion of students and people in training than is the case in the electorate of Wills. Of course, honourable members know the position that we on this side of the House adopt. The Opposition is against the whole system of national service which operates at present. But I am concerned about the moral position we find ourselves in with regard to the question of deferment. I believe we have to face the fact that we have no right to defer the service of anyone.

I now wish to deal with the question of the Minister's powers. It seems to me that the powers of the Minister are being extended or are more liberally defined. I wonder why this is. In the last 12 months or so there has been a continuous campaign by our colleagues in the Australian Country Party that people in country areas ought to have their service deferred. The cows have to be milked. It just happens that there are no bullets flying around in the areas where the cows are to be milked. Here again we see the abdication of responsibility by the Government. This Bill is a matter of life and death for a lot of young Australians. If it is a question of people serving, I think we have to judge very carefully before anybody's service is deferred on any grounds whatsoever. I believe that the conscientious objection provisions are important. But I am placing before the House tonight the proposition that when we step into this kind of system we continually create anomalies, disabilities and injustices. This is the sad state of the nation: The people who are ordinarily in the position of greatest privilege and advantage are the ones most likely to be privileged and advantaged by any system of deferments. The odd case of deferment on account of hardship is unlikely to affect very many people—unless it is the intention of the Minister to use his executive authority conferred by the Bill to expand his powers so that he can quieten the Country Party members. I wish the House would apply itself with a little more sense of responsibility to this matter. I think it is tragic at a time like this that so few members opposite have much to offer in the way of criticism. I exempt some members, such as the honourable member for Angas (Mr Giles) and the honourable member for Moreton (Mr Killen) who have taken part in the debates.

Mr Daly—What about the Country Party?

Mr BRYANT—Has any member of the Country Party spoken so far? No. Crashing silence is all that comes from the Country Party on this question. Honourable members who sit in the Country Party corner will use every facility of the nation to confer advantages upon their own constituents, but they do not give a hang about anybody else.

This evening, the debate has been gagged on a number of occasions. This Parliament has met for only a handful of days so far this year. What is it—about 20 days? The Minister for Immigration (Mr Snedden), at a time when we are discussing a question of fundamental principles, has chosen to use his authority to gag the debate and to push this Bill through the Committee. The fact is that the people behind him have no will of their own. I think that it is a disgraceful operation. It is bad enough that the legislation is being passed by the Committee. Personally, I propose to try to point out as many facets of this Bill that are, necessary to have on record and I know that this is the case with other honourable members on this side of the Committee. Each of us represents a group of Australian people. It does not matter much to me whether we all say the same thing. Each speaks for a different group of people. It is our duty to speak on their behalf.

I resent the way in which the Minister who is handling the debate—not so much the Minister for Labour and National Service but the Minister for Immigration who is the Leader of the House—has acted. In some matters he shows a great deal of liberality. But when he handles the affairs of this Committee, he acts as if the machinery of decision in this matter were more important than the matters before
the Committee for discussion. I resent that. I hope the citizens of Australia will resent it. There have been lots of people, such as the Leader of the House, who have been able to exercise a kind of brief authority, but they have rapidly become expendable. The history books are full of accounts of people who, when they had authority at their disposal, used it in this arbitrary manner. I do not suppose that the Minister will be the last customer in this respect.

Mr Turnbull—I rise to order. The honourable member for Wills has just said that no Country Party member has spoken in this debate. That is not true.

Clause agreed to.

Clause 20.

(1.) Section 51 of the Principal Act is repealed and the following sections are inserted in its stead:

'51.—

'(4.) An offence against this section is punishable on summary conviction and not otherwise.

'51A.—

'(3.) An offence against this section is punishable on summary conviction and not otherwise.

Mr WHITLAM (Werriwa—Leader of the Opposition) [11.3]—Mr Chairman, my deputy, the honourable member for Bass (Mr Barnard), has circulated three amendments to clause 20. The first, to provide the option of a jury trial, is to be moved to sub-section (4.) of proposed section 51. The second amendment, making the same provision, is to be moved to sub-section (3.) of proposed section 51A. The third amendment is designed to ensure that no person should be sentenced to more than 2 years imprisonment for an offence under the two preceding sections. This afternoon, the Minister for Labour and National Service circulated some further amendments. One of them will provide for a new section 51D after section 51C in the clause that we are debating now. The amendment proposed by the Minister meets the objection which my Party had in mind. Accordingly, I will not move that amendment which my Deputy circulated in this respect. My Party will support the amendment which the Minister circulated this afternoon. I ask the Committee for leave to move together the first two amendments which my Deputy circulated providing for the option of jury trial.

The DEPUTY CHAIRMAN—There being no objection, leave is granted.

Mr WHITLAM—I move:

1. Omit sub-section (4.) of proposed section 51, insert the following sub-section:

'(4.) Proceedings for an offence against this section shall be brought in a court of summary jurisdiction, which may either commit the defendant for trial or, with his consent, determine the proceedings'.

2. Omit sub-section (3.) of proposed section 51A, insert the following sub-section:

'(3.) Proceedings for an offence against this section shall be brought in a court of summary jurisdiction, which may either commit the defendant for trial or, with his consent, determine the proceedings'.

The Bill provides virtually an automatic sentence of 2 years imprisonment to be imposed by a magistrate. My Party has consistently taken the attitude that such sentences of imprisonment should be imposed only by a judge after conviction by a jury. I referred to this matter in my second reading speech. In particular I quoted the statements made by the Attorney-General (Mr Bowen). I notice that the Attorney-General is not in the Committee. I hope that he will participate in this debate and explain either why he supports this departure from principles that he has supported hitherto or why his colleagues have overruled the advice which he has given as the senior legal officer of the Crown.

I recall that in the debate on the Crimes Bill in 1960 my Party successfully secured trial by jury for a whole range of political or loyalty offences involving treason, treachery, sabotage, espionage, and communicating or retaining or receiving official secrets. The next occasion on which trial by jury arose for determination by the Parliament was in May of last year. My Party successfully ensured the adoption of the principle of trial by jury in relation to the Narcotic Drugs Act and the Customs Act. Last August, the Opposition successfully ensured the adoption of the principle of trial by jury in relation to the Wireless Telegraphy Act and the Defence Forces Protection Act. I will quote precisely the comments made by the Attorney-General on 31st August last in the debate on the last of those Bills. I had moved an
amendment which he rejected. He submitted an amendment of his own and, in moving it, stated:

First of all, the amendment which has just been moved by the Leader of the Opposition would give an option of trial by jury in not only the case presently provided for—summary conviction punishable by 12 months imprisonment, with which we would be inclined to agree—but also in the case of summary conviction where the penalty is 6 months imprisonment. The cases cited by the Leader of the Opposition in which the Government had been prepared to accept a proposal to give this option, such as the Narcotic Drugs Act, the Customs Act and the Wireless Telegraphy Act, were cases in which on summary conviction, the magistrate might have been able to impose a sentence of imprisonment for 12 months.

It is quite clear therefore that at the end of last August the Attorney-General was stating as a principle that an offence for which the penalty had to be less than 12 months imprisonment could be dealt with summarily but that an offence which attracted a penalty of 12 months or more should properly be heard by a jury, if the defendant required it. Yet under this Bill a person who breaks the national service law will be liable to a sentence of 2 years on conviction without the option of trial by jury. The sentence will be imposed by a magistrate.

Two of my learned friends referred to this question during the second reading debate on 15th May last. The Minister for Labour and National Service did not refer in his second reading speech to the fact that there would be no trial by jury for an offence which would attract an automatic penalty of 2 years imprisonment. The Minister for Immigration (Mr Snedden) stated the situation thus:

Under the provisions of this Bill a person can be sentenced to imprisonment for up to 2 years, but the magistrate has no power whatever to exercise discretion as to the period of imprisonment. It is determined by mathematical formula—it will be 2 years or such less time as has been given by way of service in the Regular Army Supplement through national service. The magistrate has only the judicial function to convict or to acquit. If he convicts, the penalty follows by force of statute.

Then, to justify this condescending procedure, the Minister for Immigration asserted that if a single member of a jury disagreed with, for instance, conscription for Vietnam, he could frustrate a whole trial. His exact words were:

This means that if one person of the variety of which the honourable member assures us there is plenty ... gets on the jury, he can frustrate the trial completely.

In effect he said that it is most important that these provisions must work and accordingly, to ensure convictions, the Government denies trial by jury. The honourable member for Parkes (Mr. Hughes) also referred to this subject by saying that the Crown will have to prove three matters:

First, ... that a notice under section 26 of the Act has been served ..., that the accused person is liable to render service ..., and that he has failed to render service. I should have thought that this would be easy of proof; but more importantly, it would be virtually non-controversial.

At a later stage he said:

Therefore, for the Opposition to take in that context of the necessity for trial by jury is, with all respect, just so much rubbish ... I do not believe that if one advocates the retention of the jury system one must advance the proposition that every criminal case, however trivial and however simple the issues may be, should be tried by jury if justice is to be done.

He said in effect that because proof is easy, because the law must work, we must abandon all our principles for administering the law. However trivial this matter may be, it attracts an automatic penalty of 2 years imprisonment, which could adversely affect the whole subsequent career of the person who is sentenced. We on this side believe that there can be no possible excuse for adopting for the first time in a Commonwealth statute the principle that a man must be convicted and imprisoned for 2 years without any option of trial by jury. No statute of this Parliament under which this has ever been the position has been quoted. This measure represents a major departure. Every newspaper in this country has condemned my learned friends who have advocated these tawdry reasons for departing from principles which the House, as recently as last August, the previous May and in 1960, was asserting and reasserting.

The CHAIRMAN (Mr Lucock)—Order! The honourable member's time has expired.
Mr KILLEN (Moreton) [11.13]—The Leader of the Opposition (Mr Whitlam) does little service to the Committee when he makes a completely erroneous statement, saying that if a person infringes the National Service Act he gets 2 years gaol without option. This is simply not true. The honourable gentleman knows perfectly well the basis on which the provision operates. It operates with respect to clause 20, which contains the proposed amendment to section 51 of the Act. [Quorum formed.] Before I was interrupted I was about to mention the way in which clause 20 of the Bill will operate, and I was about to show—I hope clearly—that it does not operate in the manner suggested by the Leader of the Opposition. As the honourable member for Párkes (Mr Hughes) pointed out a week ago, clause 20 deals with matters that are surely not the subject of controversy. Was notice served on a person? That is the only issue. If notice was served on a person, and he appears in court and is asked by the court to enter into a recognisance to the satisfaction of the court that he will comply with the notice, and displays his attitude by saying: 'No, I will not,' he makes this admission in the face of the court. So what issue is there to try? I do not know when the Leader of the Opposition last addressed a jury, but I feel bound to remind him that the function of a jury is to determine facts. In this instance the man admits in the face of the court that he refuses to comply with the requirements of the notice. What other issue is there to try? The Leader of the Opposition talks about British justice and the great principles that he contends are being trampled upon by the Government. The man has made an admission in the face of the court that he will not comply with the requirements of the notice. The Leader of the Opposition states that he will go to gaol for 2 years without the option. Two years is not mentioned here. What would be the honourable gentleman's stand if 6 months hence national service training were to be reduced to 6 months? For my part let me go on record as saying that I would put every man 18 years of age and over into the Army for at least 6 months. It would smarten them up. [Quorum formed.]

I was just pointing to the error in the argument of the Leader of the Opposition. I put it no more harshly than that it was a palpable error to speak of 2 years gaol. My argument in reply to his contention is that if the Act were altered to provide for 6 months training, this provision would automatically provide for imprisonment for up to 6 months. The honourable gentleman is shedding crocodile tears in an attempt to stimulate some support throughout the nation for his declining fortunes. I understand his sense of desperation, but he has not really given a fine display of intellectual honesty. During the second reading debate I cited the number of offences in Victoria in relation to which, though substantial questions of fact are to be decided, there is provision for a penalty of up to 2 years gaol on summary conviction. Let me recite them because I feel that the people deserve to have this provision placed before them in some sense of proportion. For the second offence of consorting there is provision in Victoria for up to 2 years gaol. What does the Leader of the Opposition say about that? Is his sense of values such that he believes that some long-haired weirdy should be able to go before a magistrate and say: 'My attitude to legitimate authority is such that I am telling you, the Government and all and sundry to go to hell. I shall not comply with any notice'? Should we then turn round and say: 'No, you need not observe the same period of time that a national serviceman who accepts responsibility observes'? For a second offence for consorting, 2 years gaol is provided. Up to 2 years gaol is provided for an offence under the Victorian Rogues and Vagabonds Act. Second offences under that Act carry up to 3 years gaol. What does the honourable gentleman say about that? Up to 2 years gaol is provided for the offence of living on the earnings of a prostitute. Up to 2 years gaol is provided for the offence of keeping a brothel. This puts the matter into perspective.

There is one other thing I want to say about the Labor Party and its beatings about justice. Let me read what the former Leader of the Opposition, the honourable member for Melbourne (Mr Calwell) said a few years ago in this House. He said:

The proudest day of my life will be that on which I see the editor of the Melbourne 'Herald' in the dock charged under that section of the Crimes Act which provides for 7 years gaol without the option.
I did not hear the present Leader of the Opposition, as a private member in those days, complaining about the exuberances of his leader, yet today he is complaining that a person who is not merely a shirker but a person who says in the very face of the court ‘No, I will not comply with any of the requirements under the notice’ should not go scot free. I say to the honourable gentleman that when an admission is made there is no question of fact to be tried and it is a palpable absurdity to suggest that this provision can be operated in any other way than that proposed in the Bill.

Mr DALY (Grayndler) [11.22]—I wish to address a few remarks to the Committee in support of the amendment, which is designed to maintain trial by jury for crimes which carry, contrary to what the honourable member for Moreton (Mr Killen) said, up to 2 years gaol. The honourable member for Moreton is junior counsel for those in the Government parties who do not support our amendment. But, as usual, he is well astray in his jaw. He stated that there was nothing in this Bill which said that 2 years gaol would be applied. I refer the honourable member to proposed new section 51b (1.) which states:

For the purposes of the imposition of a penalty of imprisonment on a person convicted of an offence against section fifty-one or section-fifty-one A of this Act, the period of service that a person is liable to render under this Act, in the Regular Army Supplement shall be taken to be a period of two years less the sum of such of the following periods as are applicable in relation to him.

The maximum penalty there is 2 years, which is quite contrary to the argument advanced by the honourable member for Moreton who said that nowhere in the Bill is there a reference to 2 years imprisonment. Then the honourable member went on to quote cases in Victoria as an example. What an example to quote! Victoria has hanging Premier Bolte who still insists on capital punishment, in the face of demonstrations and opposition to it. Victoria under a Liberal-Country Party Government is one of the most decadent and backward States not only in Australia but in the world. What an example to quote when the Government is putting in danger the life and liberty of young men who will be called up for national service! Then the honourable member said that trial by jury is not warranted when admissions have been made. ‘ie says: ‘The man admits he is guilty, so why give him a trial by jury?’ If you follow the honourable member’s reasoning, ‘why not go the whole hog? Why bother to call the man before a court at all? The Government might as well put him in with Townsend and give him the same treatment. The argument of the small debts lawyer from Moreton is that the man is not entitled to trial by jury in this country. We say that trial by jury should be implemented.

I have been intrigued in this debate to hear eminent members of the Bar, and not so eminent members like the honourable member for Moreton, speak against trial by jury while at the same time they speak of the fundamental rights that apply in this country, particularly in respect of a man’s liberty. The honourable member for Parkes (Mr Hughes) is scribbling rapidly. He spoke in this Parliament against the proposal. He said there should be no trial by jury. Do honourable members know why he said that? He is personally interested in this matter. Whilst he has a very extensive practice at the Bar, he is not very successful before juries. I do not detract from his talents, but if one studies his record one sees that all his successes have occurred in cases where he has captivated, with his actions, one man on the bench. But twelve good men and true are awake to the honourable member. He knows that if he appears in cases before juries he will lose them. He is personally interested in this matter, and I do not doubt that other honourable members opposite are also personally interested.

The honourable member for Moreton is against trial by jury. Certainly he has an extensive practice in the small debts court in Brisbane, which is presided over by a magistrate. The honourable member knows from his own practice in this field that he can convince a magistrate, but he cannot convince juries. The Leader of the Opposition (Mr Whitlam) tonight referred to what the Minister for Immigration (Mr Snedden) said in respect of this matter. The Minister said that if one man in the jury disagreed he could frustrate the whole process. In other words, he said: ‘Trial by jury must go because we could not convict anybody.’ Yet a man is to be put in gaol for 2 years on the say-so of a magistrate, because this
Government has decided that it will not give him trial by jury because it knows that it may not be able to convince juries.

Did you ever hear anything worse in the annals of this Parliament than these eminent lawyers—including the honourable member for Warringah (Mr St John) who today adopted a similar line on the question of trial by jury and the other matters relating to clause 20—all advocating that people should not break the law, that the law must be upheld? But every one of them owes his affluence, derived from outside and inside this Parliament, to the fact that he makes his living from defending lawbreakers. But in a hypocritical way they stand up in this Parliament——

The CHAIRMAN—Order! I suggest that the honourable member withdraw those words ‘hypocritical way’.

Mr DALY—I am sorry if I offended the decency of the Committee. I withdraw those words without reservation. These honourable members advocate that trial by jury should not apply. They will not apply it to people who under this Act will have to do 2 years gaol. They want the people of this country to believe that it is a democratic process under which any boy can be picked up and sentenced to gaol for 2 years, not for a criminal offence but for an offence under a law which many people consider to be unjust. Honourable members opposite who have spoken in this debate defend the men who break just laws.

Mr Clyde Cameron—The rapists.

Mr DALY—They will defend the rapists, the murderers, the thieves and the rogues, and good luck to them, but they get well paid for it. But when a young man objects to this law when his liberty is at stake——

The CHAIRMAN—Order! I remind the honourable member for Grayndler that we are in Committee.

Mr DALY—I appreciate your ruling, Mr Chairman. Where a person believes that his liberty is at stake and that he should not serve in the Army under a law to which he objects, honourable members opposite say that he is not entitled to trial by jury. Having said that, I support the amendment moved by the Leader of the Opposition. I want the provision relating to trial by jury incorporated in this legislation, because I believe it is vital.

I want to touch on one significant feature of clause 20 and of the whole structure of the debate. The honourable members who sit on the Country Party benches have not bothered to speak on this clause or on any of the other clauses. I cannot help thinking that they have gone a long way since the day of ‘Shoot-Them-Down’ Thorby who wanted to put everybody in the country into the Army at the point of a gun. Is the reason why honourable members from the Country Party have not spoken on these clauses because they do not subscribe to the policies being put forward in clause 20? Do they not support the proposal that is being put forward to take away the liberty of a man without trial by jury? If they do not support it, I congratulate them. But at least it appears to honourable members on this side of the House that only half the members of the Government parties support this proposal, because some sections of them realise the fundamental weakness of taking away trial by jury from a man who will be called upon to do 2 years gaol, not in a military corrective establishment but in Pentridge Gaol, Long Bay Gaol or some other gaol. I think it is scandalous that any member who calls himself liberal should support this proposal. I hope that the amendment moved by the Leader of the Opposition will be carried.

Mr HUGHES (Parkes) [11.30]—I rise not to protect my professional reputation, such as it is, but firstly to express my wonderment that the honourable member for Grayndler (Mr Daly) should cast structures upon my capacity as a jury advocate. I do not defend myself against those structures. All I say is that the honourable member's attitude is rather curious because quite often, in moments of fright, he has asked me whether I would appear for him in cases which he would well know would be conducted before a jury, because the cases about which he has asked me have been projected libel actions, threatened to be brought against him by members of his own Caucus.

Mr Clyde Cameron—I rise to order. In his rather frivolous contribution the honourable member for Parkes is surely breaching
the ethics of the legal profession in telling the Committee publicly what has occurred in briefings conducted between himself and the honourable member for Grayndler.

The CHAIRMAN—Order! I suggest that the point raised by the honourable member for Hindmarsh is about as relevant as have been the remarks made so far by the honourable member for Parkes.

Mr HUGHES—The honourable member for Hindmarsh has shown once again that he is a poor taker of points of order as well as a poor sport. To get to the substance of the amendment, I stand entirely by what I said the other day in relation to this proposal: Charges for an offence against clause 20 should be dealt with by a jury at the option of the accused. I oppose the amendment because the case that is put forward in support of it is an attempt by the Opposition to legislate by catch cry; by invoking a time-honoured principle, which we all accept, but by misapplying the principle. The time-honoured principle is clear enough. It is that in those cases, particularly cases of crime or cases involving fraud or some form of bad faith, or involving defamation of one citizen by another, where there is likely to be a sharp issue of fact—where there is likely to be an acute contest between various witnesses as to who is to be believed—the jury is the constitutional tribunal and the proper tribunal because in such cases the jury brings to bear not special legal knowledge—that is not what the jury is there for—but commonsense and a knowledge of what goes on in the world beyond the perhaps cloistered atmosphere of the law courts. For a task of that kind juries are not only a desirable institution but a necessary institution. Nobody would controvert that proposition. Those are essentially the types of cases where juries are apposite.

The point I make against the amendment is that no case exists for committing to a jury the performance of the task of determining whether a person has offended against clause 20, because the particular talents of the jury are not apposite for the performance of that task. As I have said before, there are three ingredients to an offence against clause 20. They are matters which involve no controversial issues of proof. They are matters which are not calculated to excite a sharp issue of fact or of credibility as between witnesses. The first issue is whether a notice has been served. Who in his right senses could seriously contend that proof of service of a notice is a controversial issue of fact? Either it was served or it was not served. The next issue is whether the accused was liable at the relevant time to render service. That depends basically upon proof of his age and upon the fact that a call-up document had been served on him. The third issue is whether the accused has rendered the service. Again, this is a non-controversial question. It is non-controversial in the sense in which I use the term because it is not a question that brings forth any sharp issue upon which the tribunal deciding fact has to make a determination as between competing witnesses.

For these reasons I characterise the amendment as an attempt to legislate by catch cry. It is not a very worthy attempt. It is an attempt which should be repelled by this Committee.

Mr CONNOR (Cunningham) [11.37]—There have been deliberate attempts at obfuscation on the part of the honourable member for Moreton (Mr Killen) and the honourable member for Parkes (Mr Hughes). In neither case did the honourable member address himself to the second of the two amendments, which relates to the cases of such men as the unfortunate Townsend. Could anything be more a question of fact for adjudication by a jury than the circumstances of this young man’s treatment by the Army? Would anybody with legal experience or an ounce of commonsense believe other than that a jury would immediately refuse to convict him?

Neither the honourable member for Moreton nor the honourable member for Parkes chose to address himself and his brilliance to this particular amendment. Where, by the way, is the Attorney-General (Mr Bowen)? I would have imagined that as a senior member of the Bar he would have been here defending the fundamental, elementary and traditional right of trial by jury. We are not playing for politics; we are playing for the preservation of fundamental civil liberties.
Let us take the case of the young man who fails to answer the call-up notice under section 26. Section 26 pivots on a person’s liability to answer the call-up notice for military service. If he fails to answer the notice he is liable to a fine of $200. Further, he will be asked automatically to enter into a recognisance to perform the military service required. If he fails to enter into that recognisance he automatically heads for a civil gaol. Does either of the honourable gentlemen who have addressed this Committee suggest that in neither case would a jury be entitled to examine an unsuccessful application for deferment of call-up? Of course it would. Does either of the honourable gentlemen suggest that in neither case would a jury be required to examine whether the applicants were exempted persons and act accordingly? Of course it would.

The Minister for Immigration (Mr Snedden) gave the game away in the week before last when he stated quite deliberately that some member of the jury might conceivably object to military service. Suppose this happened. Is a jury not a cross-section of public opinion? Is the jury system not one which has evolved over almost 1,000 years, which is inbred into us, which is part of our tradition and our inheritance; one of our fundamental civil liberties? Is it to be suggested that when a man is subjected to the indignity and stigma of conviction and incarceration in a civil gaol, he is henceforth to be branded as having a criminal record? Does the Government suggest that such a man is not entitled to the privilege of trial by his fellow citizens, who are a cross-section of public opinion and who, rightly, have the final say? God help Australia and God help civil liberties if ever the jury system is abolished; and this Government is hell bent on doing it. The jury system is traditional, but there have been attacks on it from all directions. The attacks have always rebounded on any government or any party which attempted its abolition. The history of the jury system is interesting. In early days, 800 or 900 years ago, if any man, because of the sanctity of an oath in those times, could get twelve of his fellow citizens to swear that they believed in his innocence he was held to be innocent. The functions of the jury changed, and instead of compurgation, as it was termed, the jury as we know it became the cross-section of public opinion which tried a defendant. He stood before twelve good men and true and it was they and they alone who decided what his future was to be.

This Government would have young Australians branded with the stigma of a prison sentence, branded as criminals, having the disabilities of being disqualified for the Public Service, of being barred from most of the learned professions and, in many cases, of being barred from other forms of statutory occupations by virtue of particular enabling statutes. The Government attempts to pour ridicule on our amendment. In my opinion this is the most important amendment in the whole of this legislation, and shame on any government which would take the attitude that this Government has taken.

Mr JAMES (Hunter) [11.42]—I support the Labor Party’s amendment particularly in relation to jury trials for conscientious objectors. By not accepting our amendment, which provides for trial by jury for conscientious objectors, it is obvious to me to all members of the Opposition and to thinking Australians, that it is the Government’s intention, by hook or by crook, to get conscientious objectors into gaol or to have them otherwise punished. It is obvious, too, that the Government will transfer magistrates from jurisdictions if they find that they are not carrying out the Government’s wishes in connection with the legislation. I know from my experience that some judicial minds are not always impartial and that decisions are given in accordance with political leanings. I can remember a case not so many years ago where a warped decision was given in connection with a mixed marriage controversy. I saw fit in that case to see the State Minister for Justice. It was an overwhelming instance of an injustice, where one mind only had to be convinced. A similar situation could arise in these cases involving conscientious objectors.

As pointed out by the honourable member for Cunningham (Mr Connor), the Minister for Immigration (Mr Snedden) said that if we provided for trial by jury a person on the jury might not believe in the Vietnam war. This is obviously one
of the important reasons why the Government will not provide for trial by jury in these cases. Yet persons accused of the most violent crimes are allowed, rightly so, trial by jury. Recently there was a case involving a television artist. He sought a trial by jury and gained an acquittal in the Sydney Criminal Courts because of a doubt as to his guilt. However, it is not the Government's intention to allow trial by jury in this legislation. The Government intends to get our young 20-year-olds into gaol for not meeting what the Government considers to be their obligations.

Half of the Australian community does not believe in the war in Vietnam. I will never believe in it and, like the former Leader of the Opposition, the right honourable member for Melbourne (Mr Calwell), I will protest about it until the day I die, because it is an unjust, immoral, corrupt and outrageous war. I think I should refer briefly to a comment in the latest issue of the 'Far Eastern Economic Review', a respected magazine which is printed in Hong Kong and circulated for the information of businessmen. The comment related to landholders in Vietnam and was:

There was no security of continuous tenure, a particularly important factor to a tenant who has, for example, made considerable improvements to irrigation or who has cleared waste land for cultivation. Rents were commonly 60% of the crop or more, and failure to pay in full (despite a crop failure) often meant eviction and confiscation of the tenant's personal property.

One can understand, with that evidence and other overwhelming evidence, how a person can conscientiously claim that he does not want to take part in this war. The Government will not allow trial by jury, which has been the traditional right of a person charged with a criminal offence. The Government knows that, because of the immorality of the war in which the Government has got Australia involved, few convictions would be obtained. Members of the Government parties are placing on record their attitudes, and these will be remembered by the electors. History will expose them for what they have done in 1967 and 1968.

In the latest book on his life, Sir Robert Menzies is quoted as saying that when he left the political arena of this Parliament he was worried about the Vietnam war and what history would say about him. If there is a semblance of decency in the hearts and minds of honourable members opposite they should be worried about what history will say about them and about what they are doing with our youth in the Vietnam war.

I would not have minded so much if the Government had suggested that a conscientious objector should be tried by a magistrate and two justices of the peace in the township in which the conscientious objector was residing. I believe there would be fairer play in such a system than in the system of one magistrate only deciding whether a boy should go to Vietnam and possibly die or whether he should continue as a healthy citizen in Australia. The Government has made no provision in this legislation for a public defender to act for the children of poor parents in appeals to the courts as conscientious objectors. Only the sons of the rich, or those persons who are able to secure funds from public subscriptions, will be able to contest these matters in court. Other decent boys will have to say, as did one of my constituents to his father: 'I won't fight it, Dad. I don't want to go, but if I don't go I will get blamed as a shirker. I'll go and do my two years, come back and get out.' But the boy never came back. His name was Bailey and he came from Weston. His father was a man of integrity, a decent working class man whom I saw only a week ago. He said to me: 'The boy did not want to go, Bert. He is a young schoolteacher 23 years of age but he is coming back.' Yes, he is coming back in a nylon bag—one of the 400,000 nylon bags I mentioned in this Parliament a short time ago, one of the 400,000 nylon bags that the United States authorities have ordered from Japanese factories to put the bodies in this year. That is the kind of thing this Government is getting away with.

I register my bitter protest about this legislation and particularly the avoidance of trials by jury. If there is any decency in the hearts of any honourable members on the Government side let them support the Labor Party's proposed amendment and not butcher their conscience.

Mr BURY (Wentworth—Minister for Labour and National Service) [11.51]—The cry raised by the Opposition about trial by jury is, as has already been pointed out by honourable members on this side of the chamber, apt to be extremely misleading.
The fundamental fact is that circumstances alter cases. Incidentally, in many cases it was not uncommon for periods of gaol for more than 12 months to be imposed by magistrates in days when they were far less qualified than they are now. Essentially a jury has to determine facts. All that is involved in this is that it must be shown that a man has failed to obey a call up notice or to render service. There is no question of sifting complex evidence.

Mr Connor—It is a case of victimisation.

Mr BURY—That is completely incorrect. It must be shown that a person is liable for military service, that he has received a call up notice and that he has failed to serve. Those are not complex questions of fact; they are completely and utterly black and white questions. Cases of this kind have always been decided by summary jurisdiction. This Bill is aiming to transfer these cases to civil custody from the Army custody which obtains at present. The kind of cases to be dealt with are precisely the same.

The facts are self-evident and the magistrate has no discretion in the sentence to be imposed. A man must complete his 2 years service. He may have done some service which reduces his gaol sentence correspondingly. Apart from anything else, he receives the normal remissions for good conduct which in most cases amount to about 6 months. This is completely straightforward. If a man refuses to enter into a recognisance to obey a call up, that is completely self-evident and there really is no scope whatever for a jury. That is why the Government will not accept this proposed amendment.

Mr BRYANT (Wills) [11.54]—It is obvious to me that honourable members opposite, including the Minister, just do not understand what this is all about. They are satisfied to put some kind of legislation on the statute book which seems to cover a situation. That is quite unreal. In other words, they are forgetting that they are dealing with people; that they are dealing with a long history of traditional rights; that they are dealing with a situation in which the people who are called up can lose their lives. The quality of their service is in sacrifice and it is not good enough to talk about this being trivial or about it being a case of black and white or about the facts being self-evident. In many court cases the facts are self-evident.

I do not claim to be a legal student in any sense of the term but I understand that in some court cases, even if the accused wants to plead guilty and the facts are more or less self-evident, the court will refuse to accept a plea of 'guilty' and will proceed with the formality of a trial. This is because it has been found from a long history of these matters that it is only with the closest scrutiny of all the facts, and by a consideration of a person's rights and duties, that people will get their ultimate protection. So we are not so much concerned about whether the facts are self-evident; it is the quality of that justice which we propose to dispense that is of concern to us. For some odd reason honourable members opposite seem to think that 2 years in gaol in these circumstances is not a serious matter. I understand that everywhere else in this country a sentence of 2 years is considered to be a serious matter. It is my belief—and I think there is general agreement with this—that 2 years in gaol is a long term of imprisonment.

It is one of my misfortunes that my office is only 200 or 300 yards from Melbourne's largest prison. Some honourable members have referred tonight to Victoria. Many of Victoria's institutions are a disgrace to civilised society and Pentridge Gaol is one of them. But that is by the way. I see too much of the kind of arbitrary justice and injustice that is administered by police courts under police laws. We hear of this kind of action every day. Tonight honourable members opposite have said that under this legislation the magistrate does not constitute a court, that he has no option but to imprison a man for 2 years, which is the term that applies under this legislation. In this place we are in effect a court tonight. We are trying everybody in prospect. We are bringing down an arbitrary system which is completely inflexible. We are doing this tonight with only about six honourable members on the Government side of the chamber and with one or two of them asleep. Where are all the rest of them? Their attitude seems to be that they do not care about human beings or the sensitivities which are involved. This legislation is a
complete departure from accepted principles. What we are doing is to say that for failure to render effective service, the alternative to Army service is a prison sentence.

The honourable member for Moreton (Mr Killen), who I thought would at least have read the Bill, claimed that there was no mention in the Bill of the term of imprisonment. Of course there is. It has been pointed out that under proposed section 51A (1) a person guilty of an offence shall, upon conviction, be sentenced to imprisonment for a period equal to the period of service that he is so liable to render. A little later in the section we are told what that length of service is to be. What will be the situation if we change the term of service during a person’s period of imprisonment? What happens if we say that the period of national service is to be 3 years? Does the lad who is serving a sentence of 2 years under the existing legislation suddenly find that he is in prison for an additional year as a result of this Parliament’s decision, without having the benefit of a trial or any other procedure? Is this the way in which we are to administer justice? Is this the way in which we are to administer the affairs of this country? I certainly hope not. Why is it that tonight, on a matter so important as this, when a principle is under discussion and challenge, the Attorney-General (Mr Bowen) is not here to take part in the debate? Why do honourable members opposite ignore the Bill?

Why is it that at a moment such as this there is so little interest displayed by so many honourable members opposite? Do they not know what gaol means? Do they not understand that imprisonment for 2 years is a dreadful sentence, that most of the gaols are dreadful places and that most of them are inhabited by dreadful people? We are proposing to take young men who have committed no crime, other than to have a conscientious belief that they should not serve in the Army, and we are placing them in gaol and treating them as common criminals. But apparently 2 years is not a lengthy term of service for anyone who is a 20-year-old. What have the 20-year-olds done against this country? What have people born in 1948 done to deserve this? What I do not understand is why honourable members opposite take it all so lightly and consider that 2 years in gaol is of no importance, or that service in Vietnam is of no importance. Why must they consider these people as slackers, spivs or cowards if they do not want to go to Vietnam? Honourable members opposite, including the Minister, say that this procedure is simply an administrative act. I do not know where the Government got this Minister or whether this type of Minister is cheaper by the yard, but apparently yardage that does not have much of a beneficial effect on intellectual capacity.

The honourable member for Parkes (Mr Hughes) has said that there are three features of this scheme. He said that first there is a liability to serve and that a person must fit into the scheme whether or not a notice requiring him to serve has been delivered to him. But is it not true that some questions of interpretation are involved? We were discussing earlier today the section of the Act which says that a person is not liable to serve if he holds certain conscientious beliefs. Is it not possible that such persons would come before a jury and his beliefs would be part of the evidence produced by the serviceman, or the non-serviceman as he would be? Is this not the type of case that ought to be evaluated by twelve good men and true? Is it not a fact that honourable members opposite, the Government itself and its administrative advisers are afraid of the jury system in these cases? They know perfectly well that it would be difficult to get twelve people in the Australian community who would go along with them when they drag people into the courts and refuse to accept the conscientious beliefs of young men? These young men are placed before magistrates, many of whom for some reason or other suddenly express the righteous wrath of the community. Some of the older men on the bench deliver disgusting homilies to the younger men in the dock on these occasions. They describe how they served and they say the young men are cowards and ought to be in Vietnam. We can turn to the pages of the newspapers and find these statements.

We on this side of the chamber say that an important principle is involved. I am disappointed that honourable members opposite, such as the honourable members for Moreton and Parkes, have not taken up this issue. The honourable member for
Warringah (Mr St John) seems to be a freedom fighter outside this chamber when speeches are to be made and headlines won, but when the chips are down and there is something to be placed on the record in this place he is notably absent. I think it is a disgrace that we are treating this matter so lightly and that we are behaving in this fashion to a group of young Australians. I look with horror at the prison walls that are, as I said earlier, so close to my office. I think of the young men I know, many of whom come to me for advice about conscription and national service and ponder before their call up on whether they ought to act to stress their conscientious beliefs and resist call up. I ponder on what 2 years in that prison would do to them. I believe it is a disgrace to society.

The whole system we are inflicting upon these young people is disgraceful. On any interpretation of it there is no alternative to military service other than gaol. It shows the complete insensitivity of the Government, and the people who support it to what I consider are the ordinary human values that ought to be a part of decent Australian society. As I said here earlier this evening, it is not the Opposition that is dragging the armed services through the mud. It seems that this Government is set upon a course that is taking all the dignity out of being a free and democratic Australian.

Wednesday, 29 May 1968

Mr McIVOR (Gellibrand) [12.3 a.m.]—I too desire to register my opposition to the Government's intention to proceed with this clause. I support the amendment moved by the Leader of the Opposition (Mr Whitlam). Honourable members opposite will most probably deny—I do not blame them for attempting to deny it, but deny it they cannot—that there is a growing feeling amongst thousands of people in this country that the Government is turning Australia into a police state.

Mr Calwell—A Fascist state.

Mr McIVOR—This sort of legislation shows that that is true. People cannot help but think that this is so when the Government is prepared to throw overboard a system which, as the honourable member for Cunningham (Mr Connor) said, has been in operation for more than a thousand years. The Government is ignoring what the people are thinking and it stands to be condemned for its actions. It is flying in the face of the fact that young people are demonstrating right throughout the world. They are demonstrating in Paris, New York, Washington, London and West Berlin. They are protesting against war and against being used as armaments in the carnage of war. They say that no longer should their shoulders carry this burden.

Mr Curtin—Cannon fodder.

Mr McIVOR—Cannon fodder, as the honourable member for Kingsford-Smith says. They are protesting against these things, and this Government is flying in the face of those facts. Let me ask the Minister for Labour and National Service (Mr Bury): Are these boys more worthy citizens, not only of Australia but indeed of the world, because they have the courage to say that they are conscientious objectors than those politicians and generals in South Vietnam who admit openly to graft, corruption and bribery? Are these boys any worse citizens than those people? I should say that the courage of these boys, if they are prepared to stress their objections to military service, is far in advance of that of Ky and the rest of them who have openly admitted that the South Vietnamese Government is absolutely riddled with corruption and bribery. What about the people who are taking the money that this country is sending into Vietnam for civil aid? Workers coming back from there tell how that money is taken for corruption and bribery and not one-third of it is going into the projects for which it is sent there. Are we to say that these boys, in the face of that sort of patriotism by the Kys and the politicians and the generals in South Vietnam, are less worthy than they? Are we to throw over a system of trial by jury which eminent jurists in all parts of the world are acclaiming as a system that must not be abolished? They know that in the dictator countries this system is going out, and this Government is supporting its abolition. Why? Surely it is not too much to ask that a 20-year-old kid should be given a chance to say before his own countrymen whether he should be put into a uniform and sent overseas to fight in a war in which he does not believe. The proposal is immoral in every shape and form. It should not be persisted with, and
if it is persisted with the Government will bring further condemnation on its shoulders. It should stir its conscience, because I know that throughout Australia a great feeling is growing up that this Government, by reason of its numbers, is ruthlessly turning Australia into a police State.

Mr MUNRO (Eden-Monaro) [12.8 a.m.]—The honourable member for Gellibrand (Mr McIvor) and the honourable member for Wills (Mr Bryant) who spoke before him seemed to neglect completely the fact that there are some processes of law which are appropriate for trial by jury and others which are not. Not a single member of the Opposition has done other than indicate that every point of law should be handled by a jury. As my friend the honourable member for Parkes (Mr Hughes) has said it is an attempt to convince by catchcry. Nothing has been advanced by the Opposition in support of its amendment this evening other than a whole series of catchcries. Though perhaps it is not strange to expect complete paradoxes and contradictions from the Opposition, it is a little strange to hear its members apparently at least crediting themselves with supporting civil liberties. [Quorum formed] As I was saying before the honourable member, for Reid (Mr Uren) started to feel a little lonely, it is paradoxical and a little contradictory to hear from the Opposition that they at least credit themselves with supporting civil liberties, particularly if we look at the ghastly totality of their own platform and programme which, if it were ever put into effect, would deprive most Australians of most of their civil liberties. But this is not unexpected. It shows the same contradiction as displayed in the arguments advanced by honourable members opposite in their opposition to the war in Vietnam. This is an undeclared war which the Opposition has consistently failed to recognise as an attempt to prevent a fully declared war and the subsequent total mobilisation that would occur. In the same way the Opposition has failed to recognise the inappropriateness of jury trials and the appropriateness of trial by magistrate where it is simply a question of establishing a matter of fact, whether a notice has been served or not. I do not suppose many members of the Opposition would be opposed to the proposition that we should fight fires in order to put them out. However, members of the Opposition cannot recognise the justice of the proposition that we should fight wars to put them out. From time to time some members of the Opposition have cited the case of Martin Luther King, but these honourable members forget that Martin Luther King lived in a society which is controlled by law which is upheld by law enforcement officers. We have no such world law or world law enforcement officers.

What Opposition members are advocating—and it shows the same kind of mistaken thinking with which it advocated jury trial in this instance—is a complete withdrawal from the situation in which we are fighting to put a war out. But they fail to recognise the fact, and I think this is the great pity of it, that if we stopped fighting to put this war out, we would leave a situation in which there would be infinitely greater slaughter. History shows that this would be the probable result. It would be an infinitely immoral act as compared with the moral act of trying to do something about the situation in Vietnam.

The Opposition shows exactly the same conflicting thinking as it has demonstrated in its advocacy of trial by jury for the simple establishment of a straightforward fact of the presentation of notices. Accordingly, I oppose the amendment.

Mr ANDREW JONES (Adelaide) [12.14 a.m.]—I have sat through most of the debate tonight and listened to it on the radio this afternoon. I do not wish to delay the House for any length of time but I merely want to quote one or two facts in regard to juries. We have had the tin canners on the other side of the House saying that Australia in principle is morally and spiritually against the war in Vietnam. But I would like to quote a couple of extracts from a fairly respectable and reliable source which I believe that you, Mr Chairman, will find pertinent to the clause under discussion. The article I quote is from the Adelaide 'Advertiser' of 23rd May and is headed 'Gallup Poll in Favour of War'. The article states:

Seven out of every 10 young people aged 15 to 20 say we should continue to fight in Vietnam, and six out of 10 think America and her allies should at least maintain their present effort in Vietnam.
During this poll, which was conducted among over 2,000 people in all States, the interviewers asked the question: 'Do you think Australia should continue to fight in Vietnam or bring our forces back to Australia?' The answer received from 69% was that Australia should continue to fight in Vietnam; 25% said that we should bring our forces back to Australia and 6% were undecided. The poll found that the big vote for our continuing to fight in Vietnam came equally from boys and girls. Tonight, honourable members opposite have criticised the Government and the youth of this country. As a young man I wish to put my point of view. I have listened to them; now they can listen to me. This article in the 'Advertiser' also stated:

Those for continuing to fight in Vietnam usually said: Stop Communists from coming here.
Better to fight there than here.
We must help America.

Mr Chairman, I am quoting a fairly reliable survey, but it appears that the Opposition is interested only in its own hogwash and not in what the people are thinking. The article continued:

Those who would bring our troops back to Australia often said: 'It's not our war'.
The same 2,123 young people were also asked: 'Do you think America and her allies should increase their effort in Vietnam, hold things as they are, reduce their war effort, or get out of Vietnam now?'

Mr Uren—I take a point of order, Mr Chairman. Would you inform us in what respect the remarks of the honourable member for Adelaide are related to the amendment before the Committee?

The CHAIRMAN—The point of order is not upheld.

Mr ANDREW JONES—Before concluding on this question of juries there are some remarks that were made by the Australian Labor Party which I want to clear up. If Opposition members will not listen to me, at least what I say will appear in Hansard. The poll that I have referred to showed that those in favour of increased effort in Vietnam were 24%; to hold as is, 37%; at least hold, 61%; reduce effort, 14%; get out now, 18%; and undecided 7%. The 61% in favour of holding things as they are numbered equally males and females. If any credence can be given to public opinion polls—and I know all parties take notice of them—we know what the young people are thinking on this issue. They are not all draft dodgers; they are not all shirkers. Many of them are trying to do a job and if the Opposition would shut up and let them get on with it 'his place would be a much happier place. I support this Bill.

Mr COPE (Watson) [12.18 a.m.]—I believe that the case put forward by the honourable member for Adelaide (Mr Andrew Jones) in regard to the validity of Gallup polls can be challenged. At the last Senate election the Gallup polls forecast a majority for the Government, but this did not eventuate. In 1961 the Gallup polls forecast that the Australian Labor Party would win six seats but it won fifteen. So I am not one who puts very much credence in Gallup polls.

In regard to abolition of the jury system I think that the honourable member for Parkes (Mr Hughes) is very much out of step with his colleagues in the New South Wales Bar Association, who strongly advocate the retention of the jury system. The honourable member knows full well, and I am not a legal eagle or a legal expert, that magistrates do not impose sentences of more than 6 or 9 months imprisonment. Magistrates do not impose sentences of 2 years imprisonment. I believe that any member of the community who is charged with an offence under this legislation is entitled to trial by a judge and a jury of his peers. What could be fairer than that? I would like to hear the opinion of the Attorney-General (Mr Bowen) on this. He was one of the leading members of the New South Wales Bar. I think he was either President or Secretary of the New South Wales Bar Association. I would like to hear his opinion on the abolition of juries in these circumstances. Why has he not spoken about this matter? The honourable member for Parkes knows full well that the majority of the New South Wales Bar Association objects strongly to the abolition of juries in certain motor car accident cases. Yet, honourable members opposite are trying to put this purile argument before the Committee. They are willing to scrap their own true beliefs in this matter. I know that the honourable member for Parkes, if he were
fighting a case, would prefer to go before a jury. Of course he would. So would the Attorney-General if he were practising at the bar. This applies also to the majority of members of the Bar Association in New South Wales. I am speaking of New South Wales alone because I know of the unrest that was caused when the Liberal Government in New South Wales announced that it proposed to abolish the jury system for certain motor accident cases.

These are facts that cannot be denied. I cannot see why members on the Government side, who are equipped to speak on this legislation, have not, taken the opportunity to do so. I refer particularly to the Attorney-General. Why is he scared to speak on this Bill? Is he scared that he will be offside with his fellow Bar Association members in New South Wales? What is the reason? One would imagine that he would be sitting on the front bench waiting for every opportunity to voice his opinion on this matter. As yet, we have not seen this happen.

Mr SCHOLES (Corio) [12.22 a.m.].—Mr Chairman, honourable members opposite, especially those with legal qualifications, have indicated that they do not consider that the provisions of trial by jury is required in this Bill. I am not a lawyer. Twice in the clause under discussion the words 'to the satisfaction of the court' appear. I do not know how anything that is required to be proved to the satisfaction of the court can be quite as cut and dried as honourable members opposite would have us believe. Quite obviously, proving something 'to the satisfaction of the court' involves an expression of opinion. The question is: Is that opinion to be given by a judge, a magistrate or by a jury?

As 2 years of a person's life could well be involved, I suggest that the person before the court should have the right to trial by jury. Honourable members opposite have suggested that they support trial by jury in principle. But on practically every occasion when legislation has come before this Parliament in recent years trial by jury provisions have been absent from the Bills in which these provisions would be expected. Those members who profess to support trial by jury are on record in Hansard as having voted against trial by jury. The Government has only accepted the principle of trial by jury on certain occasions after the Senate has forced that principle upon the Government.

I think that it is relevant to the consideration of this clause to say that if it is necessary for something to be proven to the satisfaction of the court some doubts on the evidence must exist. The remarks of the honourable member for Parkes (Mr Hughes) would suggest that in his opinion we would be wasting public money even in holding a trial and even in taking these people before a court. The honourable member has indicated that any court case under this provision will involve only a question of someone saying yes or no and that person will automatically convict himself. No area exists in which doubt can be expressed.

The honourable member for Adelaide (Mr Andrew Jones) quoted the results of Gallup polls at some length. I think that it is a great pity that he did not quote the results of the Gallup poll on the retention of the jury system. This is what we are debating at the moment. We are deciding whether or not these people shall have the right to trial by jury. If my memory serves me correctly, approximately 76% of the Australian people said in a Gallup poll that the jury system should be retained. I suggest that the Gallup poll is not the proper means for testing, or debating this legislation. It should be debated in this Parliament. It is in this Parliament that we should ensure that the right to a trial by jury is given to any person who is liable to be sentenced to 2 years imprisonment. I do not know what the Government hopes to achieve by denying this right to a person liable to be charged under the Act, but I am quite sure that if the Government runs into difficulties in another place it will find a reason to accept trial by jury. I just point out that the matter is not quite as cut and dried as Government supporters would have us believe. If the words 'to the satisfaction of the court' do not mean anything, why do they appear in the Bill?

Mr IRWIN (Mitchell) [12.27 a.m.].—The Opposition is making political capital out of clause 20 of the National Service Bill. The objections raised by the honourable members opposite are so farcical that it is surprising that they rise and make speeches
of the kind that they have made. When a man has not carried out what he has promised to do, no jury in the land could return a verdict other than that he had not acted according to his undertaking. But, Mr Chairman, anyone who wants to see Australia kept free is disheartened to see the Opposition resorting to such political tactics as it has adopted to assist the Vietcong and the North Vietnamese. One does not hear honourable members opposite speaking of the violation of the Geneva Accords by the North Vietnamese and the Vietcong. But I suppose that honourable members opposite are heartened to read in Soviet news bulletins that the Soviet aid to North Vietnam will continue. I have here one such bulletin which was put on my table today. When one analyses what honourable members opposite have stated, one realises how much their ideas accord with Soviet thinking. But the time has come when the Australian people are realising the desperate position in which the country is placed now and the great assistance that the Opposition has given to our opponents in the psychological war, just when the Allies were in the ascendancy militarily.

Mr Devine—Where is this?

Mr IRWIN—In Vietnam.

Mr Devine—What an actor!

Mr IRWIN—Honourable members opposite do not take into account the violation of the rights and the freedom of the South Vietnamese people as laid down in the Geneva Accords. Honourable members opposite merely shout: 'Stop the bombing of North Vietnam'. Has one ever heard the Leader of the Opposite (Mr Whitlam) tell the Vietcong and the North Vietnamese to get back into their own country?

The CHAIRMAN (Mr Lucek)—Order! I remind the honourable member for Mitchell that the remarks that he is making at the moment do not relate to the clause that is under discussion.

Mr IRWIN—My remarks refer to a person who does not want to serve in Vietnam, allegedly for the sake of conscience. Therefore, they do apply in some way to the clause that is under discussion. It is time that we brought home forcibly the position in which we find ourselves. I ask Opposition members to consider the position of our men in Vietnam, many of whom and others who have returned to Australia detest the Opposition's attitude in not giving them full support. Many of our servicemen whom I met in Hong Kong cannot understand why some Australians will not support them in their valiant effort to protect our shores.

Mr BRYANT (Wills) [12.31 a.m.]—The honourable member for Mitchell (Mr Irwin) somewhat over-drew his account. We are not discussing the Vietcong or the North Vietnamese. We are discussing the question of trial by jury and an Act of the Australian Parliament dealing with the right to recruit young Australians. The honourable member for Eden-Monaro (Mr Munro) and the honourable member for Adelaide (Mr Andrew Jones) both managed to allow this fact to escape them. It is fair enough to use the terms that were coined by the honourable member for Parkes (Mr Hughes) and the honourable member for Moreton (Mr Killen) and the clichés they used when describing members of this side of the House. However, what we want to hear from honourable members on the other side is their defence of what appears to be an extraordinary departure from tradition. The point that concerns me is not so much whether they are for or against jury service in this matter. I am concerned that they do not seem to know what is behind this proposal—that in fact we are talking about a prison term of 2 years and the adverse effect of a sentence that in another context would apply to serious crime.

Another matter for concern is that Government members are treating this matter so lightly that they are making no effort to explain their attitude. We on this side of the House have pointed out that administrative and interpretative matters must be placed before the court on this issue. It is only by bringing this matter before public gaze that it can be effectively scrutinised. The jury system is the best way to ensure effective public scrutiny and it is also the most effective way of protecting the interests of others. It is not a question of expense or convenience or of whether it is a cut and dried case.

Motion (by Mr Snedden) put:
That the question be now put.

The Committee divided.
Mr BURY (Wentworth—Minister for Labour and National Service) [12.46 a.m.]—I move:

"After proposed section 51c, insert the following section:

"51a. A person who has, after the commencement of this section, been sentenced to imprisonment for an offence against section fifty-one or section fifty-one A of this Act is not liable to render service under this Act.""

This amendment was circulated in my name today. As the Bill was drafted originally, it would have been possible for a person, having served a sentence to which he had
been committed, to be called up thereafter for service. Although this is unthinkable in practice, in order to put the matter beyond all doubt I have moved this amendment. I understand that the Opposition will accept it.

Mr STEWART (Lang) [12.47 a.m.]—I have no objection at all to this amendment. But I object to the fact that the Minister can stand up and glibly make a statement such as the one that he has just made. He made his second reading speech on this Bill on 1st May—a matter of 27 days ago. On 14th May, at approximately 2.30 p.m., he came into the chamber and laid on the table a number of amendments to the Bill. On 28th May, at approximately 2.30 p.m., he did exactly the same thing. This morning—in fact, at 12.27 a.m. on 29th May, he had another amendment distributed throughout the chamber.

To me this is the height of inefficiency. It indicates to me that neither the Minister nor the Cabinet nor the administrators gave due and proper consideration to this Bill. Very few of us have had an opportunity to look into this Bill in the way we should have looked into it, because we did not know how many new amendments the Minister would bring down. The admission that he just made shows that he did not know what the Bill was about when he made the second reading speech. The amendments that he has brought down since he made that second reading speech are a clear indication that people who drafted the Bill, the people who brought these amendments before honourable members and the members of Cabinet who discussed these amendments did not give proper consideration to the legislation. This indicates to me once more that this Government has become complacent and uninterested in the affairs of the people of Australia.

Dr J. F. CAIRNS (Yarra) [12.50 a.m.]—At this point the situation that has been put to the Committee by the honourable member for Lang (Mr Stewart) requires emphasis. This Bill was one of considerable significance. It affected most intimately the liberties of many people. One of the important aspects of the legislation was the way in which it affected servicemen who had served a sentence and whose position will be more clearly defined by the amendment moved by the Minister for Labour and National Service (Mr Bury).

The Opposition welcomes the amendment. I am pleased that the Minister has chosen to put this matter beyond doubt. But the Committee should ask itself: What kind of background was involved in the presentation of this Bill to the Parliament? Why was it designed in the first place and by whom was it designed? Since I have been in the Parliament I have seen the Government produce on a number of occasions a Bill that has been significantly amended, but never have I seen a Bill cut to ribbons by the Government as this Bill has been cut to ribbons. Since I have been in the Parliament—I will have been here for 13 years in December—I have never known a government to cut to pieces its own legislation in the way this Government has cut this Bill to pieces.

The amendment is a minor one, but let us examine clause 21 of the Bill. By this clause the Government proposed initially to make it an offence for any person, without exception, to decline to give answers to specified questions asked. It is said that the Government was forced to change its attitude due to the pressure of the Democratic Labor Party in the Senate. This claim is a complete misconception of the position because the two DLP senators were able to do what they could only because twenty-eight Labor Party senators had taken the same stand. In other words, 28/30ths of the influence that was brought to bear on the Government was ALP influence and 2/30ths of it was DLP influence. So the Government gave way on that point. Since then it has given way on another matter. It proposes to amend clause 21 to exclude those persons who were left—the grandparents. The Government proposes to exclude even grandparents if they can claim some compassionate ground for not answering questions. Clause 22, which refers to educational and other institutions will be removed altogether.

The CHAIRMAN—Order! The honourable member is now referring to clauses not yet before the Committee.

Dr J. F. CAIRNS—I will not stress the obvious but I would have thought that some Government supporter would be prepared to defend this remarkable action on the first available occasion, which is now. What did happen in the Cabinet? Was this legislation considered at all? Did the Government easily accept all of these things
which it has had to remove? What happened in the Party room? Did Government supporters examine the legislation and discuss it? Or is this simply a bureaucratic method of presenting legislation? What happened to all those very fine liberals who talk in this place about the exercise of parliamentary democracy and checking the Executive? It seems to me that this legislation is a perfect example of what those people always do: They talk in favour of liberal principles, but they never act in favour of them. I would expect some honourable member on the Government side to be prepared to explain the reason behind this remarkable series of amendments. Never in my experience—I think we need to go well beyond my experience—have we had a Bill that has been cut so much to pieces by its own sponsors. Honourable members opposite must be very proud of the result.

Mr MUNRO (Eden-Monaro) [12.55 a.m.]—The honourable member for Yarra (Dr J. F. Cairns) has asked for an explanation. It will not take me more than a minute or two to give him an explanation. It is simply that the Government has responded to some constructive criticism. It is an old game to say that if the Government does not accept suggestions and propose amendments, it is obtuse and completely unapproachable, and will not consider any criticism, whether it is constructive or destructive. This is a simple instance of the Government accepting good, useful and constructive criticism which, to the best of my knowledge, originated within the Government Parties. The Opposition should be pleased not only to welcome the amendments verbally but to welcome them with somewhat better grace.

Mr BURY (Wentworth—Minister for Labour and National Service) [12.56 a.m.]—The honourable member for Yarra (Dr J. F. Cairns) referred to clause 21, even though we have not yet reached it. The power to question any person has been in our national service legislation since 1951 and it has taken the Australian Labor Party 17 years to realise this. The world has suddenly woken up to what could be read into the legislation, though this is not to say that it has operated that way. When this was pointed out, the Government proposed amendments accordingly. Similarly, after much discussion with many parties, the Government now seeks to delete clause 22. If the Parliament is to do its work, it is proper that it should examine representations that are made to it, particularly in respect of complex legislation like this, and give proper attention to them. Throughout the preparation of this Bill I consulted all kinds of parties. If the Parliament itself or the Opposition takes the view that amendments in line with representations made should be forgotten and brushed off, this Parliament will cease to be a useful institution. In this case I have had many representations, as have other members of the Government, and I am not ashamed to make alterations if I agree with what has been pointed out to me. We would be very foolish if we did not adopt this approach. If we did not allow any amendments whatever the Opposition would say: 'You are arrogant and impossible'. If Parliament is to do its work the only way to proceed is to allow amendments whenever they are necessary.

Mr BEATON (Bendigo) [12.58 a.m.]—The honourable member for Lang (Mr Steward) referred to the circulation of amendments in dribs and drabs over a period of almost 4 weeks—first one lot, then another lot a fortnight later and even more this evening. This is an indication of loose and slipshod government. It seems to me that there is a basic fault in the preparation of legislation that comes before the Parliament. The honourable member for Eden-Monaro (Mr Munro) said that some of the amendments had originated from the back bench members of the Government.

Dr J. F. Cairns—He thought they had.

Mr BEATON—Yes, he thought they had, Why were the changes not brought up in the party room and included in the Bill that was presented to the Parliament? They were not included in the first place because the back benchers on the other side did not have the opportunity of bringing them up in the party room. This is the basic fault in the Government's attitude to Parliament and to its own supporters. There are twelve members in the Cabinet and they make the decisions. Those twelve men who sit in an ivory tower take Bills into the party room, tell members something about them and the Bills come into
the Parliament. This is entirely unsatisfactory to the Parliament and to the Opposition. It is a basic fault in the system of government that twelve men can bring into this chamber legislation that has not had a close examination by members on the Government side. This is true of much of the legislation that comes before the Parliament.

The Opposition welcomes this amendment but it seems exceedingly strange that we have to get it in dribs and drabs—indeed, as I remember, it was 10 days or so ago only 15 minutes before the debate on the second reading took place. Surely this is not satisfactory. The Government has bowed to pressure—it is said—from various people in the community but it was pressure, in addition, from the Opposition.

We believe in the basic freedoms of our community and many of the provisions in this Bill offend against the basic freedoms of our community. We accept this amendment but we must point out that amendments have been brought in by the Government as a result of pressure not only from newspapers and other sections of the community but also from members of the Australian Labor Party who not only believe in freedoms but also will fight for them in this Parliament.

Mr BRYANT (Wills) [1.1 a.m.]—We seem to have reached the stage of government by public clamour rather than by the Parliament. The Government never accepts any amendment from this side of the chamber. I suppose in the 12 years that I have been here it has accepted only two or three. Yet it yields to pressure from leader writers and from other organisations, estimable as they may be. Whilst I approve the fact that the Government is prepared to bend in these matters, the last people consulted are the members of this House, whether on this side of the chamber or on the other. It is a piece of conceit on the part of honourable members on the other side if they think that any of them has any effect whatsoever. They are the largest group of rubber stamps in the Australian community. They have nothing to offer except to come in here and support the insupportable and defend the indefensible. There is not a decent democratic spirit on the other side prepared to stand and speak for his rights and for the rights of the Parliament.

Motion (by Mr Snedden) agreed to:
That the question be now put.
Amendment agreed to.

Question put:
That the clause, as amended, be agreed to.

The Committee divided.

(The Chairman—Mr P. E. Lucock)

Ayes ..... 60
Noes ..... 32
Majority ..... 28

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<td>Graham, B. W.</td>
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<td>Kent Hughes, Sir Wilfrid</td>
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<td>Wilson, I. B. C.</td>
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<tr>
<td>Tellers: Erwin, G. D.</td>
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<td>Turnbull, W. G.</td>
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<td>Beazley, K. E.</td>
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<td>James, A. W.</td>
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<thead>
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<th>PAIRS</th>
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<tr>
<td>Gorton, J. G.</td>
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<td>McEwen, J.</td>
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<td>Anthony, J. D.</td>
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<td>Brownhill, Miss K. C. M.</td>
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<td>Hansen, B. P.</td>
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<td>Comber, W. P.</td>
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<td>Harrison, E. James</td>
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<tr>
<td>Peters, E. W.</td>
</tr>
</tbody>
</table>

Question so resolved in the affirmative.
Progress reported.

House adjourned at 1.10 a.m. (Wednesday)
The following answers to questions upon notice were circulated:

**Vladimir Petrov**  
(Question No. 50)

Mr Devine asked the Prime Minister, upon notice:

1. What sum of money was paid to Vladimir Petrov by the Government?
2. Does Petrov or his wife receive any weekly, monthly or yearly financial grant from the Government; if so, what is this amount?

Mr Gorton—The answer to the honourable member's question is as follows:

1. Vladimir Petrov received £5,000 when he defected. As to further payments that were made to him up to 19th April 1963, reference may be made to the answer provided on that date by the then Prime Minister to a similar question, reported in Hansard on page 806. Since that date the sum of $95 has been paid to Mr and Mrs Petrov for consultations.
2. No.

**University Grants**  
(Question No. 72)

Mr Hayden asked the Minister for Education and Science upon notice:

1. What total amount was sought by each of the universities of Australia as (a) a capital grant and (b) a recurrent grant for the present triennium?
2. What amounts were provided in each case?
3. What was the Commonwealth's share in each case?

Mr Malcolm Fraser—The answers to the honourable member's questions are as follow:

1. The honourable member may recall the answer given to him on 22nd May 1963 by the then Prime Minister in response to a very similar question (Hansard page 1735). I adhere to the principle underlying the reply, that it is of great importance to the work of the Commission that confidentiality should be preserved between the Commission and the universities, and therefore, I do not propose to provide details in response to part one of the honourable member's question.

**The Approved Capital and Recurrent Grants for Universities for the 1967-69 Triennium**

<table>
<thead>
<tr>
<th>University</th>
<th>Amount provided</th>
<th>Commonwealth share</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) Capital Grant</td>
<td>(b) Recurrent Grant</td>
</tr>
<tr>
<td>Sydney</td>
<td>$8,098,000</td>
<td>$56,713,770</td>
</tr>
<tr>
<td>New South Wales</td>
<td>$8,610,000</td>
<td>$49,088,520</td>
</tr>
<tr>
<td>New England</td>
<td>$4,080,000</td>
<td>$15,631,470</td>
</tr>
<tr>
<td>Newcastle</td>
<td>$3,600,000</td>
<td>$7,907,000</td>
</tr>
<tr>
<td>Macquarie</td>
<td>$7,810,000</td>
<td>$8,871,000</td>
</tr>
<tr>
<td>Melbourne</td>
<td>$11,568,000</td>
<td>$49,134,930</td>
</tr>
<tr>
<td>Monash</td>
<td>$11,966,600</td>
<td>$39,003,260</td>
</tr>
<tr>
<td>La Trobe</td>
<td>$12,848,000</td>
<td>$7,890,440</td>
</tr>
<tr>
<td>Queensland</td>
<td>$7,298,600</td>
<td>$39,997,000</td>
</tr>
<tr>
<td>Townsville University College</td>
<td>$3,996,000</td>
<td>$4,280,970</td>
</tr>
<tr>
<td>Adelaide</td>
<td>$3,153,000</td>
<td>$27,956,230</td>
</tr>
<tr>
<td>Flinders</td>
<td>$4,322,000</td>
<td>$7,505,840</td>
</tr>
<tr>
<td>Western Australia</td>
<td>$5,590,000</td>
<td>$22,772,920</td>
</tr>
<tr>
<td>Tasmania</td>
<td>$3,824,000</td>
<td>$10,364,740</td>
</tr>
<tr>
<td>Australian National University</td>
<td>$10,160,000</td>
<td>$50,869,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$106,924,200</strong></td>
<td><strong>$397,987,090</strong></td>
</tr>
</tbody>
</table>

For footnote see following page.
Universities
(Question No. 73)

Mr Hayden asked the Minister for Education and Science, upon notice:

1. What amounts were allocated by the Commonwealth to each university for (a) general and (b) specific post-graduate research work during each of the past 3 years?

2. Did each university receive its full allocation plus matching State grant in each case?

3. If not, which universities did not receive the full allocation, and what was the reason in each case?

Mr Malcolm Fraser—The following is the answer to the honourable member's questions:

1. The Commonwealth allocated certain amounts to each university for general post-graduate training in research during the triennium 1964-66, subject to State governments making equal allocations. In practice all State governments did so and the amounts allocated were the amounts the universities received. They are shown in the following table.

<table>
<thead>
<tr>
<th>University</th>
<th>1964–66</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>£1,250,000</td>
</tr>
<tr>
<td>New South Wales</td>
<td>£790,000</td>
</tr>
<tr>
<td>New England</td>
<td>£240,000</td>
</tr>
<tr>
<td>Newcastle</td>
<td>£66,000</td>
</tr>
<tr>
<td>Melbourne</td>
<td>£1,250,000</td>
</tr>
<tr>
<td>Monash</td>
<td>£350,000</td>
</tr>
<tr>
<td>Queensland</td>
<td>£350,000</td>
</tr>
<tr>
<td>Townsville</td>
<td>£24,000</td>
</tr>
<tr>
<td>Adelaide</td>
<td>£660,000</td>
</tr>
<tr>
<td>Flinders</td>
<td>£80,000</td>
</tr>
<tr>
<td>Western Australia</td>
<td>£490,000</td>
</tr>
<tr>
<td>Tasmania</td>
<td>£250,000</td>
</tr>
</tbody>
</table>

2. To specific research projects the Commonwealth allocated certain amounts to the different universities in 1966, subject to the States providing equal amounts. In practice all States did so and the amounts allocated were the amounts the universities received. They are shown in the following table:

<table>
<thead>
<tr>
<th>University</th>
<th>1966</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>£725,518</td>
</tr>
<tr>
<td>New South Wales</td>
<td>£449,158</td>
</tr>
<tr>
<td>New England</td>
<td>£183,568</td>
</tr>
<tr>
<td>Newcastle</td>
<td>£57,630</td>
</tr>
<tr>
<td>Macquarie</td>
<td>£25,800</td>
</tr>
<tr>
<td>Wollongong</td>
<td>£Nil*</td>
</tr>
<tr>
<td>Melbourne</td>
<td>£634,981</td>
</tr>
<tr>
<td>Monash</td>
<td>£326,022</td>
</tr>
<tr>
<td>La Trobe</td>
<td>£Nil*</td>
</tr>
<tr>
<td>Queensland</td>
<td>£269,326</td>
</tr>
<tr>
<td>Townsville</td>
<td>£37,510</td>
</tr>
<tr>
<td>Adelaide</td>
<td>£321,663</td>
</tr>
<tr>
<td>Flinders</td>
<td>£95,620</td>
</tr>
<tr>
<td>Western Australia</td>
<td>£389,066</td>
</tr>
<tr>
<td>Tasmania</td>
<td>£238,438</td>
</tr>
</tbody>
</table>

3. *1966 funds for the College are included with those for the University of New South Wales.

In the triennium 1967-69 the States were given an option. Either they could make no contribution to the amounts proposed for each university in respect of grants to support specific research projects, in which case they were expected to support in full the amounts proposed for general research training; or they could, as on the previous occasion, contribute half the amounts proposed in respect of both. In the event, all States opted to make no contribution to the amounts proposed for specific research projects. The amounts proposed for specific research projects were then allocated in full by the Commonwealth and were received in full by the
universities for specific research projects. These amounts appear in the following table:

<table>
<thead>
<tr>
<th>University</th>
<th>1967</th>
<th>1968</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>$647,023</td>
<td>$464,649</td>
</tr>
<tr>
<td>New South Wales</td>
<td>$283,020</td>
<td>$311,474</td>
</tr>
<tr>
<td>New England</td>
<td>$91,871</td>
<td>$87,365</td>
</tr>
<tr>
<td>Newcastle</td>
<td>$17,938</td>
<td>$35,617</td>
</tr>
<tr>
<td>Macquarie</td>
<td>$28,336</td>
<td>$56,226</td>
</tr>
<tr>
<td>Wollongong</td>
<td>$6,338</td>
<td>$5,260</td>
</tr>
<tr>
<td>Melbourne</td>
<td>$518,325</td>
<td>$310,296</td>
</tr>
<tr>
<td>Monash</td>
<td>$288,163</td>
<td>$223,532</td>
</tr>
<tr>
<td>La Trobe</td>
<td>$42,684</td>
<td>$41,945</td>
</tr>
<tr>
<td>Queensland</td>
<td>$311,465</td>
<td>$356,023</td>
</tr>
<tr>
<td>Townsville</td>
<td>$33,166</td>
<td>$29,961</td>
</tr>
<tr>
<td>Adelaide</td>
<td>$509,204</td>
<td>$386,238</td>
</tr>
<tr>
<td>Flinders</td>
<td>$114,290</td>
<td>$112,159</td>
</tr>
<tr>
<td>Western Australia</td>
<td>$254,277</td>
<td>$262,701</td>
</tr>
<tr>
<td>Tasmania</td>
<td>$148,552</td>
<td>$221,903</td>
</tr>
<tr>
<td>Australian National</td>
<td>$89,938</td>
<td>$84,159</td>
</tr>
</tbody>
</table>

The States having opted as they did, the Commonwealth made no allocation for general research training to any university for the triennium 1967-69.

It should be borne in mind that, in addition to the amounts allocated for general and specific research, all universities devote a part of their general income to post-graduate training in research and the Commonwealth contributes to that general income in accordance with the usual formula.

Iron and Steel

(Question No. 90)

Dr Everingham asked the Minister for Trade and Industry, upon notice:

1. Has his Department investigated the economic advisability of Australia producing more iron and steel in view of the increasing use by Japan of our coal and ore for this purpose?
2. Can he state whether any Australian private enterprise is interested in expanding our ferrous exports potential?
3. What incentives does the Government provide at present for (a) Australian and (b) overseas investment in expanded iron and steel production in Australia?

Mr McEwen—The answers are as follows:

1. The Government considers that feasibility studies of the kind suggested are the responsibility of private industry rather than of the Government. Nevertheless, the Government accepts the desirability of Australian raw materials being processed in Australia to the maximum extent possible in the light of market conditions.
2. Present and potential developments in the iron and steel industry indicate prospects for a considerable expansion of the industry's export potential. The Broken Hill Pty Co. Ltd, with the expansion programmes under way in three States, has been spending over $100m a year on capital works. Last financial year it exported over 1 million tons of steel. The company has recently announced that jointly with the Guest, Keen and Nettlefolds group, including John Lysaght (Australia) Ltd, it is carrying out a feasibility study for an integrated iron and steel works. Hamersley Holdings Ltd recently announced a decision in principle to proceed with a metallised agglomerates plant at Dampier. A feasibility study for a steel industry has been commissioned in Tasmania.
3. The Commonwealth Government provides incentives for expansion to manufacturing industry in Australia, such as investment and depreciation allowances, incentives to increase exports, and grants for companies with eligible expenditure on increased industrial research and development.

Snowy Mountains Hydro-electric Authority

(Question No. 152)

Dr Patterson asked the Minister for National Development, upon notice:

1. How many professional persons employed by the Snowy Mountains Hydro-electric Authority as at 30 June in each year since 1963 possessed overseas experience?

2. What percentage of the total number of professional persons employed during this period was made up of persons with overseas professional experience?

Mr Fairbairn—The answer to the honourable member's questions is as follows:

1 and 2. Professional staff with overseas experience employed by the Authority in numbers and as a percentage of the total number of professional staff is:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 1963</td>
<td>210</td>
<td>69%</td>
</tr>
<tr>
<td>June 1964</td>
<td>207</td>
<td>64%</td>
</tr>
<tr>
<td>June 1965</td>
<td>209</td>
<td>67%</td>
</tr>
<tr>
<td>June 1966</td>
<td>194</td>
<td>65%</td>
</tr>
<tr>
<td>June 1967</td>
<td>176</td>
<td>64%</td>
</tr>
</tbody>
</table>

Snowy Mountains Hydro-electric Authority

(Question No. 153)

Dr Patterson asked the Minister for National Development, upon notice:

What is the estimated (a) total number of dismissals and (b) reductions of professional and other persons employed by the Snowy Mountains Hydro-electric Authority envisaged in each of the next 5 years?
Mr Fairbairn—Following is the answer to the honourable member’s question:

Retrenchment rates, i.e. terminations due to insufficient work, will be dependent on factors such as the resignation rate, the amount of outside work undertaken and the degree of interchangeability of staff from one area of activity to another. Based on (a) the resignation rate over the past 3 years; (b) the estimated staffing requirements of the Snowy Mountains Council for the operation and maintenance of the completed Snowy Scheme; (c) outside work being available at a rate sufficient to require a minimum of 250 for a continuing organisation; (d) staff of the same classification being interchangeable; (e) known retirements, the number of retrenchments has been calculated as 177 up to 1974 and 113 in 1975.

Snowy Mountains Hydro-electric Authority
(Question No. 151)

Dr Patterson asked the Minister for National Development, upon notice:

What was the total number of professional and other persons employed by the Snowy Mountains Hydro-electric Authority in the investigation, design and construction sections as at 30th June in each year since 1951?

Mr Fairbairn—The answer is as follows:

The number of professional staff and other staff employed in the investigation, design and construction sections of the Snowy Mountains Hydro-electric Authority since 1951 are as set out in the following table:

<table>
<thead>
<tr>
<th>Year (as at 30 June)</th>
<th>Investigation (including both office and field investigations)</th>
<th>Design (including Engineering Laboratories)</th>
<th>Construction (both day labour and contract supervision)</th>
<th>Electrical and Mechanical Engineering</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Professional</td>
<td>Other</td>
<td>Professional</td>
<td>Other</td>
</tr>
<tr>
<td>1951</td>
<td>26</td>
<td>10</td>
<td>99</td>
<td>52</td>
</tr>
<tr>
<td>1952</td>
<td>86</td>
<td>58</td>
<td>59</td>
<td>36</td>
</tr>
<tr>
<td>1953</td>
<td>85</td>
<td>59</td>
<td>91</td>
<td>83</td>
</tr>
<tr>
<td>1954</td>
<td>65</td>
<td>62</td>
<td>87</td>
<td>97</td>
</tr>
<tr>
<td>1955</td>
<td>60</td>
<td>69</td>
<td>92</td>
<td>99</td>
</tr>
<tr>
<td>1956</td>
<td>65</td>
<td>74</td>
<td>101</td>
<td>112</td>
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<tr>
<td>1957</td>
<td>63</td>
<td>81</td>
<td>104</td>
<td>112</td>
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<tr>
<td>1958</td>
<td>64</td>
<td>75</td>
<td>111</td>
<td>129</td>
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<td>1959</td>
<td>68</td>
<td>84</td>
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<td>1960</td>
<td>63</td>
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<td>1961</td>
<td>66</td>
<td>79</td>
<td>104</td>
<td>121</td>
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<tr>
<td>1962</td>
<td>61</td>
<td>77</td>
<td>92</td>
<td>79</td>
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<tr>
<td>1963</td>
<td>49</td>
<td>63</td>
<td>94</td>
<td>102</td>
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<td>1964</td>
<td>51</td>
<td>63</td>
<td>97</td>
<td>115</td>
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<td>1965</td>
<td>46</td>
<td>64</td>
<td>98</td>
<td>122</td>
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<tr>
<td>1966</td>
<td>39</td>
<td>60</td>
<td>105</td>
<td>132</td>
</tr>
<tr>
<td>1967</td>
<td>41</td>
<td>54</td>
<td>94</td>
<td>128</td>
</tr>
</tbody>
</table>

Note: Electrical and mechanical forces may be engaged on design or construction activities or a combination of both. Records are no longer available showing distribution of staff between these functions in past years. Distribution at 30 June 1967 was:

<table>
<thead>
<tr>
<th></th>
<th>Professional</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>48</td>
<td>86</td>
</tr>
<tr>
<td>Construction</td>
<td>14</td>
<td>94</td>
</tr>
<tr>
<td>Design and Construction</td>
<td>11</td>
<td>13</td>
</tr>
</tbody>
</table>

Snowy Mountains Hydro-electric Authority
(Question No. 154)

Dr Patterson asked the Minister for National Development, upon notice:

What is the approximate number of professional and other persons who will comprise the investigation and design sections of the Snowy Mountains Hydro-electric Authority after dismissals and retrenchments have been effected?

Mr Fairbairn—The answer to the honourable member’s question is:

The number of staff to be retained in the continuing investigation and design organisation will depend on the rate at which outside organisations require the Authority to undertake work. The size of the organisation cannot be forecast but a minimum staff strength of 250 has been adopted for planning purposes.
Snowy Mountains Hydro-electric Authority
(Question No. 155)

Dr. Patterson asked the Minister for National Development, upon notice:

Is it the intention to review the salaries of senior staff of the Snowy Mountains Hydro-electric Authority who will not be retereched in view of the significantly reduced responsibilities and status of the Authority?

Mr. Fairbairn—The answer to the honourable member's question is as follows:

The organisation and classification of staff of the Authority will be kept under constant review in the light of their work load and responsibilities. It should be remembered in this context that construction of the largest project on the Scheme, the Tumut 3 Project, has just commenced and is not due for completion until 1974. The estimated capital expenditure over the next 3 years alone is over $80m.

Snowy Mountains Hydro-electric Authority
(Question No. 156)

Dr. Patterson asked the Minister for National Development, upon notice:

What is the timetable for the next 5 years envisaged for persons employed in the investigation and design sections of the Snowy Mountains Hydro-electric Authority?

Mr. Fairbairn—The answer to the honourable member's question is as follows:

The design section of the Snowy Mountains Hydro-electric Authority still has substantial work in respect of the Tumut 3 project. The programme for the investigation and the design staff not working on Tumut 3 is related entirely to work for outside organisations. There is currently in hand about 400-man years of such work for outside organisations.

Snowy Mountains Hydro-electric Authority
(Question No. 157)

Dr. Patterson asked the Minister for National Development, upon notice:

How many houses were owned by the Snowy Mountains Hydro-electric Authority in Cooma and other areas at 30th June 1967?

Mr. Fairbairn—The following answer is now supplied:

The number of houses owned by the Snowy Mountains Hydro-electric Authority at 30th June 1967 was:

<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooma</td>
<td>685</td>
</tr>
<tr>
<td>Jindabyne</td>
<td>52</td>
</tr>
<tr>
<td>Island Bend</td>
<td>69</td>
</tr>
<tr>
<td>Cabramurra</td>
<td>62</td>
</tr>
<tr>
<td>Talbingo</td>
<td>125</td>
</tr>
<tr>
<td>Khancoban</td>
<td>200</td>
</tr>
<tr>
<td>Tumut</td>
<td>54</td>
</tr>
<tr>
<td>Other</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,292</td>
</tr>
</tbody>
</table>

Income Tax
(Question No. 193)

Mr. Webb asked the Treasurer, upon notice:

1. Has he received correspondence from the State School Teachers Union of Western Australia regarding an anomaly that exists in Australia's taxation laws?

2. Does the existing income tax law provide that a zone allowance is available to a taxpayer who resides in a prescribed area for not less than 6 months of a financial year? If so, will he give consideration to the apparent anomaly that exists when the period of 6 months or more extends over 2 consecutive financial years?

Mr. McMahon—Following are answers to the honourable member's questions:

1. Yes.

2. Yes. The matter will be considered during the preparation of the Budget for 1968-69.

Hospitalisation of Pensioners
(Question No. 212)

Mr. Webb asked the Minister for Social Services, upon notice:

1. Is it a fact that a married couple who are both pensioners and who are accommodated in separate C class hospitals are treated as single pensioners and paid $13 per week?

2. Is it also a fact that a married couple who are both pensioners and who are accommodated at the same C class hospital are paid only $11.75 each?

3. Would it be in the interests of a married couple to be accommodated at the same C class hospital?

4. If so, will he arrange for all pensioners at C class hospitals to be classed as single pensioners for the purpose of pension payments?

Mr. Wentworth—The following answers are now supplied:

1. The standard rate pension, the maximum rate of which is $13 a week, would normally be paid to each pensioner in these circumstances.

2. The maximum general rate of age or invalid pension that may be paid to a married couple in the same convalescent home or C class hospital is $11.75 a week each.

3. This question cannot be answered in general terms, as what may be in the interests of a pensioner can differ widely according to his particular circumstances.

4. Successive Governments have taken the view that a requirement for a married couple to be treated as separate entities for pension purposes is that they be living apart. However, the position will be studied as part of the Government's general review of social services now being undertaken.
Naturalisation Ceremonies
(Question No. 221)

Mr O'Connor asked the Minister for Immigration, upon notice:

1. Is it a fact that the holding of a naturalisation ceremony imposes, in some instances, a heavy financial burden on the municipality concerned?

2. Will he give consideration to making some monetary grant to local government bodies concerned to assist them in this matter?

Mr Snedden—The answers to the honourable member's questions are as follows:

1. Items of expenditure which could be incurred by local authorities when arranging citizenship ceremonies fall into three categories, namely the cost of the ceremony itself in terms of salaries and use of premises, the cost of afternoon tea or supper after the ceremony, and the cost of bibles for presentation to candidates. When it was suggested to local government authorities that they assume responsibility for citizenship ceremonies, as a distinctly civic function, it was not contemplated that municipal councils would be called upon to incur undue expense. It was intended that ceremonies might be arranged at times when the councils' own facilities were not required for other purposes and when council staff could assist as part of their normal duties. Under the arrangement, local government authorities are not required to provide refreshment or entertainment at ceremonies, and similarly it is not a requirement that Bibles should be purchased by councils for presentation to persons becoming Australian citizens. The Commonwealth is nevertheless appreciative of the role that local government has assumed in this activity, and it seems that the councils for their part have welcomed the opportunity to provide a venue for the recognition and welcome of new citizens by the local community.

2. The question of financial assistance from Commonwealth Government funds toward the cost of ceremonies has been raised previously by some councils. Approval was given some time ago for assistance to be given for specific purposes; for example, for the hire of halls where councils do not have suitable premises, and the provision of clerical assistance by the Department of Immigration for the arrangement and conduct of ceremonies. The possibility of providing financial assistance to cover other items of expenditure which councils might incur in the conduct of ceremonies has been carefully considered, but the cost of these items is not regarded as expenditure for which the Commonwealth should assume responsibility.

Housing Loans
(Question No. 227)

Mr Whitlam asked the Treasurer, upon notice:

1. When did he receive the request from the Commonwealth Banking Corporation for increased credit foncier loans by the Commonwealth Savings Bank (Hansard, 7th May 1968, page 1115)?

2. What limit did the Corporation suggest for such loans?

Mr McMahon—The following answer is now supplied:

Section 66 of the Commonwealth Banks Act 1959-1966 provides that the amount of a credit foncier housing loan made by the Commonwealth Trading Bank or by the Commonwealth Savings Bank shall not exceed 90 per centum of the value, as determined by the Trading Bank or by the Savings Bank, of the estate or interest in land on which the loan is secured, or the prescribed amount, whichever is the less. Determination of the prescribed amount is, of course, a matter for the Government rather than for the Commonwealth Banking Corporation. A regulation under section 66 was recently promulgated increasing the prescribed amount from $7,000 to $8,000. The position of the Corporation in such a matter is advisory in nature, and I do not consider it would be appropriate to disclose information concerning the Corporation's dealings with the Government in an advisory capacity.

National Debt
(Question No. 228)

Mr Costa asked the Treasurer, upon notice:

1. What was the amount of the national debt at 30th June 1967?

2. What interest on the debt at that date was owing in (a) Australia, (b) the United Kingdom, (c) the United States of America, (d) Switzerland, (e) Canada, (f) Germany and (g) the Netherlands?

3. What amount of the debt was incurred by (a) the Commonwealth, (b) the States, (c) local government and (d) semi-government authorities?

4. What amount of interest on the debt is payable by (a) the Commonwealth, (b) the States, (c) local government and (d) semi-government authorities?

Mr McMahon—The answers to the honourable member's questions are as follows:

The latest figures available for debt of local and semi-government authorities relate to debt outstanding at 30th June 1965. Details of this debt, and debt of the Commonwealth and the States as at 30th June 1967, are therefore shown separately.

<table>
<thead>
<tr>
<th>COMMONWEALTH AND STATES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Commonwealth</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amount</th>
<th>$A'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth</td>
<td>3,275,339</td>
</tr>
<tr>
<td>Total</td>
<td>11,209,413</td>
</tr>
</tbody>
</table>
2. The Australian currency equivalent of the annual interest liability on Commonwealth and States debt outstanding at 30th June 1967 was:

<table>
<thead>
<tr>
<th>Payable in</th>
<th>$A'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian currency</td>
<td>436,432</td>
</tr>
<tr>
<td>Sterling</td>
<td>33,096</td>
</tr>
<tr>
<td>United States dollars</td>
<td>32,864</td>
</tr>
<tr>
<td>Canadian dollars</td>
<td>2,511</td>
</tr>
<tr>
<td>Swiss francs</td>
<td>2,613</td>
</tr>
<tr>
<td>Netherlands guilders</td>
<td>493</td>
</tr>
<tr>
<td>German deutsche marks</td>
<td>1,072</td>
</tr>
</tbody>
</table>

Total: 509,080

4. Of this amount, the annual interest liability of the Commonwealth was $A129,159,000 and of the States was $A379,921,000.

**LOCAL AND SEMI-GOVERNMENT AUTHORITIES**

1 and 3. Public debt of local and semi-government authorities at 30th June 1965, as shown in the publication 'State, Territory and Local Government Authorities' Finance and Government Securities' issued by the Commonwealth Statistician, was:

<table>
<thead>
<tr>
<th>Locality</th>
<th>$A'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local government</td>
<td>820,400</td>
</tr>
<tr>
<td>Semi-government (including other public authorities)</td>
<td>4,532,604</td>
</tr>
</tbody>
</table>

Total: 5,353,004

2. The Australian currency equivalent of the annual interest liability on debt of local and semi-government authorities outstanding at 30th June 1965 was:

<table>
<thead>
<tr>
<th>Payable in</th>
<th>$A'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian currency</td>
<td>258,696</td>
</tr>
<tr>
<td>Sterling</td>
<td>1,104</td>
</tr>
<tr>
<td>United States dollars</td>
<td>107</td>
</tr>
</tbody>
</table>

Total: 259,907

4. Of this amount, the annual interest liability of local government authorities was $A422,251,000 and of semi-governmental authorities was $A217,656,000.

**Social Services for Aboriginals**

**(Question No. 231)**

Mr Bryant asked the Minister for Social Services, upon notice:

1. Has Mrs Men Bel, the Aboriginal mother of quads of Darwin, received a sum equal to that which would be paid to a non-Aboriginal mother in similar circumstances?

2. Is she receiving a special payment for extra nursing assistance?

3. Are any monies being paid to Mrs Men Bel being paid to her direct or to a mission or some other authority?

4. If any monies are not being paid direct to Mrs Men Bel, why is this so, and under what authority?

Mr Wentworth—The following answer is now supplied:

1. All payments made to this lady by my Department will be in the name of Mrs Mabel Jimarin. Approval has been given to pay Mrs Jimarin a special allowance of $10 a week, which is similar to the allowance paid in other cases where quadruplets have been born. In accordance with normal practice the allowance will be paid to Mrs Jimarin when the children leave hospital. It will be made retrospective to the date of their birth.

2. This matter is receiving consideration in consultation with my colleague, the Minister for the Interior. The question of what assistance could best be provided will be determined before the children are ready to leave hospital.

3. Mrs Jimarin received a cheque for $65 maternity allowance and arrangements are being made for child endowment to be paid directly to her.

4. Not applicable.

**Vietnam**

**(Question No. 256)**

Dr Everingham asked the Minister for External Affairs, upon notice:

1. What or where is the evidence for his implication, in answer to question No. 222, that elections after 20th April 1955, as agreed to by the French and Vietminh combatants, would be objectionable because conditions in North Vietnam were such as to make impossible any free expression of popular will there?

2. Did a committee set up to probe irregularities in the recent Republic of Vietnam elections find such irregularities and recommends new elections' by a 16 to 2 majority?

3. Did a relatively small majority of the Parliament reject this recommended invalidation of their mandate while a powerful security official sat in the gallery watching them vote?

4. Did the President of the Chamber resign claiming he would not be responsible before history for such a decision?

5. Did the Republic of Vietnam Vice-President, Air Vice-Marshals Ky, later state that the elections were a waste and a farce and that the resulting parliament was useless and corrupt?

6. Will he refer to a neutral tribunal his opinion that the Government of the Republic of Vietnam is the rightful government of the zone in the South?

Mr Hasluck—The answers to the honourable member's questions are as follows:

1. Following the signature of the Geneva Agreements, free elections could not be held in North Vietnam because it was under the control of a Communist, totalitarian regime where other political parties had no genuine opportunity to
organise or to present their policies to electors. Evidence about the situation in North Vietnam at the time is to be found in a report to the Communist Party Central Committee in North Vietnam in October 1956, by General Vo Nguyen Giap, the present North Vietnamese Minister for Defence. Referring to the Communist Party's performance under its programme for introducing a Communist system of agriculture, he said: 'We attacked the landowning families indiscriminately. We executed too many honest people. We attacked on too large a front and, seeing enemies everywhere, resorted to terror, which became too widespread. ... We failed to respect the principles of freedom of faith and worship in many areas. ... Torture came to be regarded as a normal practice during Party reorganisation.'

2. The Central Election Committee's comprehensive report to the Constituent Assembly on the conduct of the Presidential elections on 3rd September 1967, stated that it considered 7 of the 38 complaints it had received as valid. These 7 complaints were of a limited nature; e.g. one was a case of the person having voted twice. The Council's report was referred to a special committee of the Assembly for further study. This committee endorsed the Council's decision on the complaints but reported to the Assembly that it considered 1.6 million votes of 5.8 million votes cast, were irregular for technical reasons such as seals or signatures being incorrectly applied. The Chairman of this Committee then issued a communiqué stating that 16 members of the Committee 'did not agree' that the elections should be validated, 2 'did agree' and 1 blank vote was cast.

3. The Assembly voted on a resolution that the Presidential election results be declared valid. The voting, which was by secret ballot, was 38 in favour and 43 against, with 2 abstentions, 4 invalid votes and 10 members absent. (See also information made available to the Senate by Senator Gorton on 25th October 1967—Hansard, page 1633.)

4. There was no such position as 'President of the Chamber.' The Chairman of the Constituent Assembly, who was a defeated Presidential candidate, announced that he would have voted with the 43 and that he was resigning from his position as Chairman. (See also Senator Gorton's statement referred to above.)

5. A European journalist has quoted Vice-President Ky as talking to him along these lines.

6. No.

Northern Territory
(Question No. 112)

Dr Patterson asked the Minister for the Interior, upon notice:

1. Is he able to vouch for the authenticity of the relative figures of Commonwealth Government spending of $890 per person per year in the Northern Territory compared with a maximum of $195 to $200 per person in the States, as stated by him in Darwin on 6th March?

2. What is the basis for these figures, and what are the relative elements of cost comprising these totals?

Mr Nixon—The answer to the honourable member's questions is as follows:

Per capita payments by the Commonwealth to the States for 1967-68 are set out at page 57 of the paper, 'Commonwealth Payments to or for the States' presented by the Treasurer in connection with the Budget for 1967-68. These figures range from $93.90 for Victoria to $231.33 for Tasmania.

A figure for Commonwealth expenditure in the Northern Territory which can be taken as broadly comparable to the States' figures can be calculated from information contained in the paper, 'Estimates of Receipts and Summary of Estimated Expenditure' for the year ending 30th June 1968, and the Appropriation Acts for that year. Total estimated expenditure in the Territory on State-type functions this year made up of expenditures by the Northern Territory Administration, the Attorney-General's Department and the Department of Health and Works, is $61,627m. The estimated State-type revenue, including collections made for legal and health services, is $8,927m.

Estimated net expenditure of $52.7m is equivalent to a per capita grant of $860 on an estimated population of 61,600 for that year.

While these figures do not correspond precisely with those referred to by the honourable member this does not affect to any significant extent the point that the Northern Territory is far more dependent than any State on Commonwealth funds for the services which, in a State, are the responsibility of the State Government.

Medical Benefits
(Question No. 207)

Dr Everingham asked the Minister for Health, upon notice:

Will he take steps to arrange for a special Commonwealth subsidy to medical benefits organisations to cover part of the cost of mileage charged by doctors for distant house calls, comparable to concessional rates for mileage paid under the Pensioner Medical Scheme?

Dr Forbes—The answer to the honourable member's question is as follows:

The Commonwealth Medical Benefits Scheme was introduced to assist contributors to registered organisations to meet the cost of professional services rendered by medical practitioners. It was never the intention that the scheme should extend to cover other costs associated with medical treatment. The question of extending the scheme to cover the cost of mileage charged by doctors can only be considered in conjunction with other costs associated with medical treatment. While consideration has been given to the possibility of extending the scheme to provide benefits to help meet such costs, so far it has not been found possible to do so.
Hospital Benefits
(Question No. 211)

Mr Webb asked the Minister for Health, upon notice:

1. When was the Commonwealth benefit of $2 per day in respect of qualified patients accommodated at C class hospitals introduced?

2. What has been the percentage increase in the cost of living since the benefit was increased to $2 a day?

3. To what extent have hospital costs increased since the benefit was increased to $2 a day?

4. Will he consider increasing the benefit?

Dr Forbes—The answers to the honourable member's questions are as follows:

1. On 1st January 1958, Commonwealth additional hospital benefit was increased to $1.20 per day in respect of hospital charges incurred by persons insured for fund benefit of at least $1.60 per day. This Commonwealth additional hospital benefit together with Commonwealth ordinary hospital benefit of 80 cents per day, a total of $2 per day, was payable to insured persons accommodated in 'unrecognised' hospitals. As from 1st January 1963, 'unrecognised' hospitals were approved as nursing homes.

2. There has been an increase of approximately 24% in the Consumer Price Index since 1st January 1958.

3. Hospital costs in respect of public hospitals (including public nursing homes) are recorded in the Commonwealth Year Book in the form of average cost per occupied bed. These costs indicate that in 1958 the average cost per occupied bed on a Commonwealth basis was $9.57 while in 1965 the cost had risen to $15.77—a percentage increase of 61% during the period. Later figures are not available.

4. In its sphere of providing benefits for persons needing hospital or nursing home accommodation and treatment, the Commonwealth policy is to assist the patient in meeting the expense incurred. The rate of benefit is not directly related to the cost of providing such accommodation and treatment. The rate of nursing home benefit is constantly under review but to date it has not been possible to increase this benefit above the existing level.

Commonwealth benefit of $2 per day in respect of qualified patients accommodated in premises approved as nursing homes under the provisions of the National Health Act, without the need for the patients to be insured, was introduced on 1st January 1963. It is usual for 'C' class hospitals to be approved as nursing homes.