

PRIME MINISTER'S PRESS CONFERENCE
CANBERRA, 20 MAY, 1975

Prime Minister: Perhaps I should express my great satisfaction at the progress that the Family Law Bill has made yesterday and today. The central parts of the Bill have received the approval of both the Senate last year and now the House of Representatives. Australia, in consequence, will have the most advanced, most enlightened matrimonial and family law in the world. The medieval concepts of guilt and fault will be removed from divorce proceedings. The sole ground for divorce will be the irretrievable breakdown of marriage, manifested by 12 months separation. An entirely new court, the Family Court of Australia, will be set up to handle divorce proceedings and to administer an extensive machinery for reconciliation. The whole tragic business of divorce will be handled in an atmosphere now of dignity and compassion, taking full account of the welfare of children and the interests and feelings of the partners. By recognising the fundamental status of marriage as a profoundly personal human relationship, a relationship requiring the full consent, the continuing consent, of two partners, a contract founded on the free, voluntary and absolute commitment of both sides yet vulnerable to the human frailties of either side, the Bill will give fresh and meaningful stature to the institution of marriage itself.

This has been an essentially non-party measure; it was in the Senate, it was in the Senate Committee which considered it, it has been in the House of Representatives, both on the second reading and now in the Committee stages. Yet I see it as the most progressive and extensive social reform achieved during the term of my Government. I believe Australians owe a lasting debt to the architect of the Bill, the former Attorney-General, Mr. Justice Lionel Murphy. We have come a long way since the marriage and divorce laws in this country were dispersed in a confused and generally repressive tangle among the statute books of the six different States and the different Federal Territories. And on this occasion I don't forget the role played by Mr. Justice Joske, by the present Chief Justice of Australia, Sir Garfield Barwick, when he was Attorney-General and I think above all now, Mr. Justice Murphy.

Are there any questions?

Question: Will you give an assurance now, Sir, that you will honour your election promise to abolish the means test in the life of this Parliament?

Prime Minister: Yes. This Parliament has until the middle of 1977 to run. And by that time I'm certain that every man and woman of 65 or above will have the age pension without means tests. I've given that undertaking on behalf of the party so often that I shouldn't think that anybody would now doubt it.

Question: It's a subject of discussion at the moment, Sir, that's why I raised it.

Prime Minister: Maybe, but you asked me and I gave the answer that I would have given throughout.

Question: Are you satisfied with the performance of Dr. Cass as Minister for the Environment?

Prime Minister: I believe that the question of the environment will be handled more effectively and expeditiously from now on.

Question: In view of your apparent acceptance that sand mining will not harm the environment at Fraser Island, can you state your attitude now to oil drilling on the Barrier Reef? Should the Queensland Government grant leases?

Prime Minister: Now, you misrepresent my attitude. I'm not saying that I'm satisfied with sand mining on Fraser Island. I've never said that. What I have asserted is that it is not possible, constitutionally or legally, in my view, and the view of the Government, to make our procedures retrospective. That's what I've said and the companies which were given authorisation by the responsible Minister to export sand minerals from Fraser Island had been engaged in preparation for that for many years. The dates were given at question time today. And they had completely complied with the law. Now the attitude that my Government has taken throughout has been that in respect to contracts for sales overseas, it will not break those contracts, it will not force the breaking of those contracts. It will see that contracts are honoured. And we have taken that attitude throughout. We can't take a different attitude on Fraser Island to the attitude we have taken previously. You mention the question of the Barrier Reef and oil drilling there. The legal position is different there. There has not been drilling there in recent years, it has been suspended for over four years pending the Royal Commissions issued by the Australian and the Queensland Government to Mr. Justice Wallace and his two colleagues. The Australian Government will be considering those Royal Commissions report on Friday morning. I would expect that we will adhere to the point of view which I had forecast that we will accept Mr. Justice Wallace's recommendation that in the present state of knowledge, oil drilling should not take place on the Barrier Reef. Now in our view, and it has been asserted, of course, in the Seas and Submerged Lands Act, at present under challenge in the High Court, substantially, almost precisely, the same Bill that Sir Reginald Schwartz introduced under Foreign Minister McMahon, under Prime Minister Gorton in April 1970, the sea bed there is within Federal jurisdiction. And therefore, the granting of permits of this character in the sea bed around the Great Barrier Reef is a matter of Federal jurisdiction. Similarly, of course, it's a

matter of Federal jurisdiction in respect of the Northern Territory, in particular in respect to uranium and bauxite found which are principally in the Northern Territory. Now there's a different situation as regards sand mining, coal, iron ore and so on, in the States. My Government

Question: Why wasn't export approval given for those two leases?

Prime Minister: Because there was no legal ground to refuse the export authorisation. No legal ground. The companies had for years, before my Government was elected, complied with the requirements of the Queensland law. There has been an environmental public inquiry about three or four years ago, before we came in, under Queensland law. All the leases and all the conditions had been granted, observed under Queensland law. In those circumstances it was not possible for us to set the law aside. The position is different on the Barrier Reef, or at least the sea bed in our view, because we believe that's Federal jurisdiction and in the Northern Territory where everybody agrees it's Federal jurisdiction.

Question: What led you to believe that the environment would be better managed in the future?

Prime Minister: Because I believe the delay by the Department and the Minister have now been brought sufficiently to their attention.

Question: When you say that there is no legal ground to refuse exports surely that flies in the face the export powers you have which Mr. Connor has used, on other occasions, and has threatened to use, for instance, in relation to coal with Utah State onshore mining, with gas onshore from central Australia, etc. etc., and South Australia exports, the power has been planted on a number of occasions to clearly lie with the Federal Government. How can you say that there are no legal grounds to refuse exports?

Prime Minister: Well if you don't mind, I don't want to argue the constitution law in detail with you

Question: Just very briefly would do ...

Prime Minister: No well, I'll bear with you. The Constitution gives the Federal Parliament the responsibility to pass laws with respect to trade and commerce with other countries. There may be some other powers which don't apply in this case, for

instance, the external affairs power, but there's no treaty or international convention covering Fraser Island, or defence power. But there's no aspect of defence power involved in Fraser Island. Now the whole question is - do environmental factors come within trade and commerce with other countries? Quite apart from that, there is the question of making a law retrospective. There was no Federal law, until last December, none at all, and in those circumstances, whatever the constitutional situation may be, it would be quite wrong to make a law retrospective, that is a basic tenet and any court would lean against making it, making an action or contract illegal retrospectively.

Question: Does your decision mean that you'll grant export permits for the remaining leases of Dillingham Murphy Ores, and with all due respect to your legal expertise, Sir, do you think you compromise your party's environmental impact policy?

Prime Minister: No, I don't think we have. We were the Government which extended the export prohibitions from iron ore and uranium, where they were under our predecessors, to coal and to bauxite and to beach sands. I mean, we did that, and we brought in the law, the Environment Protection Impact Proposal Act last December. We amended it again last week. We are bringing in, probably this week, the Great Barrier Reef Marine Park legislation. We are drafting marine environment protection legislation. We are doing this. I must emphasise that you jeopardise a very great deal if you purport to make anything which was legal, illegal retrospectively. Incidentally, export permits or authorisations - and they are the same - have not been sought in respect to the other leases. There will now be a public inquiry under the Federal legislation, and that ought to be concluded within the next few months, and it may be that shortcomings in the mining on Fraser Island would be revealed by that inquiry as they were not revealed by the State inquiry of 1971, and if they are, then public opinion or State pressure, or coordination, cooperation, Federal and State, might preclude any damage.

Question: You mentioned the Marine Environment Bill and the Barrier Reef Bill. Those Bills I take it, are proceeding on the basis that you already have power over the offshore areas despite the fact that the High Court hasn't made a decision on the Seas and Submerged Lands Bill.

Prime Minister: Yes that's right, that is so.

Question: Are you worried at the suggestions that the High Court may take up to a year to make that determination? And in the meantime, how are you going to stop the States granting and renewing leases in offshore areas?

Prime Minister: I'm not going to speculate how long the High Court may reserve its decision in this matter. The legislation which is about to come in - it was approved by the Legislation Committee this morning - is based on the assumption that successive Federal Governments have made for over five years now, that the sea bed is within Federal jurisdiction.

Question: Regarding the Mayaguez affair. Do you believe that President Ford was justified in sending in the Marines, or do you think that his action was precipitate, could have risked the security of the area, and finally have you sent any note or any message or any communication or cable to President Ford about the matter?

Prime Minister: No, I've sent no communication, note, cable or letter, to use the terms of the Melbourne 'Age', and I have no comment to offer.

Question: Have you been appraised as yet of the A.C.T.U.'s decision on indexation in Perth?

Prime Minister: No.

Question: I understand that it was announced by Mr. Hawke about 45 minutes ago, and that they support the principle of indexation and call on all Australian trade unionists to do the same.

Prime Minister: Good.

Question: Apart from good, do you have any comment?

Prime Minister: No, I'm very pleased. They've done the right thing as the Government did.

Question: In view of reported denials this morning of your allegations concerning the Vietnamese family's entering Australia, could you tell us when and how the Australian authorities were misled in regard to this incident?

Prime Minister: I'll quote what I said to the Joint Parliamentary Committee on Parliamentary Committees last night :

"I should refer to what Senator Mulverhill says about this Australian of Vietnamese origin. What happened there was that he misled the authorities. He said that the Acting Prime Minister, he said Connor, had given authority for him

to bring certain extended relatives. Connor denies it, so for greater precaution I thought he might have meant Cairns - Cairns denies it too. He got them in by misrepresentation." The situation is that a cable came from Guam to the Department of Labor and Immigration on 11 May from an experienced officer. "Sponsor travelled to Saigon after speaking to acting Prime Minister, Connor. Sponsor claims to have been told by Acting Prime Minister that should he succeed in getting rest of family out of Vietnam they would also be approved." Mr. Connor denies that he ever spoke to him or that he ever told him anything of the nature.

Question: Soon after Labor came to power a uranium mining company in Australia entered into a contract which was signed and written with a Japanese electricity firm for the supply of uranium. So far Mr. Connor has refused to honour that contract. Under what law is he refusing to do so, other than the export powers?

Prime Minister: He assured the House today that he would honour it, and it will be honoured. The uranium ...

Question: I'm talking about a contract entered into after Labor came to power, he's only previously said that he will honour contracts entered into before Labor came to power.

Prime Minister: Well the contract to which you refer will be honoured. It was approved by the Government. The uranium which the company is entitled to receive by whatever date it is will be received by that company. The Australian Government is in a position to ensure that that uranium will be delivered in the terms of the contract. I made it plain earlier, that in regard to the Northern Territory, the Australian Government has all the powers that any State Government has in these matters, in addition to export powers.

Question: What is your attitude to the application by B.H.P. for a price rise?

Prime Minister: The Australian Government is responding to the suggestion that it should provide counsel to assist the tribunal in determining this application, and I expect in the next few days to be conferring with the relevant Ministers on the general terms of the view that will be put by the Government.

Question: Efforts are being made to get the trade unions to prevent any mining on Fraser Island. If they succeed what would the Government's attitude and actions be?

Prime Minister: The Government has responsibilities in this matter and I don't see that unions do.

Question: Have you received any communication from the U.N. on the distribution of refugees from Guam and can you give us any idea on the numbers although you've said that this is going to be left up to the U.N. largely. Have you had any discussion about the numbers that are likely to come to Australia?

Prime Minister: No, I can give no estimate of that at all. There might have been some communications with the United Nations High Commissioner for Refugees in the last day ; I haven't seen it. The UNHCR's representatives have been operating rather in Hong Kong, and have been trying to operate in Singapore rather than in Guam. One feature which has not been sufficiently emphasised is that it is quite likely that increasing numbers of refugees and they're the only categories with which the Australian Government would be concerned, and even of evacuees, might be returning to Vietnam. All the forecasts and in fact the propaganda about bloodbaths and holocausts have not materialised and there may, therefore, be a very considerable number, very considerable increase in Vietnamese returning to their own country. That of course would be the best outcome.

Question: Are you satisfied with Mr. Connor's performance as Minister for Minerals and Energy?

Prime Minister: In the matters we have been discussing here which is all I suppose you are asking about, of course. I think he has been a very effective and successful Minister. He has gone as far in asserting the national interest as the law allows. I know that some people choose to disparage him. There was some reference to Utah by one of the earlier questioners. Let me point out, that the previous Labor Government federally made the Joint Coal Board arrangement with New South Wales, and because of that, in New South Wales, Mr. Connor is able to assert proper environmental conditions. In Queensland there is no such arrangement and, therefore, he has to rely on persuasion alone. Mr. Connor has a longer experience and a deeper involvement in environmental matters than any of us.

Question: What mechanisms exist for the Department of the Environment to be made aware of projects for the export of mining products and at what stage of the projects proposal to the Federal Government do those mechanisms come into operation?

Prime Minister: I don't know the details here. You should ask the Ministers concerned. The Fraser Island one, of course, the Fraser Island chronology, I know well and I cited it at question time today.

Question: Supplementary question regarding the Vietnamese question - You did say they gained entry by misrepresentation or words to that effect, but what was the actual misrepresentation? How did they get in - 24 of them?

Prime Minister: I have no supplementary answer.

Question: During your discussions with the President of the World Bank, Mr. Robert McNamara in Washington, was the question of the Bank's Third Window Project raised with you?

Prime Minister: Yes.

Question: Did Mr. McNamara ask you for a contribution, did he ask for Australia to contribute towards that project? And to what extent would Australia become financially involved?

Prime Minister: He raised these matters with me. I pointed out, of course, that no commitment could be made except in the Budget context and the Budget wouldn't be announced until 19 August. But I did tell him that I would, quite soon, let him have a tentative response, but not as to amounts.

Question: When do you hope to renew the aids programmes in South Vietnam, the civil aid programmes?

Prime Minister: As soon as we can establish communications with the Revolutionary Government of South Vietnam. We have, today, instructed our Ambassador in Hanoi to establish contact with the representatives of the Revolutionary Government of South Vietnam. When we have that contact, then of course, we will be able to resume the quite extensive aid programmes we have in the South. We also, of course, will be able to make our own assessment about conditions for reconstruction, resettlement, repatriation.

Question: Are you concerned that the Government's overtures to the new rulers, the new Government in Phnom Penh, have yet to be acknowledged?

Prime Minister: I think we are having the same time lag as every other country is having in establishing relations with the new Government in Phnom Penh.