

PRIME MINISTER'S PRESS CONFERENCE

BRISBANE, FRIDAY 23 MAY, 1975

---

Mr. Whitlam: I thought I would begin by announcing a decision we made in Canberra this morning. It was on the Royal Commissions into the protection of the Great Barrier Reef. You remember the Australian and Queensland Governments appointed joint Royal Commissions in May 1970 and the report came to hand six months ago. Cabinet considered the report this morning. We decided that there should be no drilling in the area of the Reef until more scientific evidence is available about the long term effects of possible oil pollution on the Reef and its ecosystems. You might remember there was a difference of opinion between the three Commissioners on the degree of risk involved. We came down firmly on the side of taking no risk at all. All the Commissioners, all three of them, were agreed that no drilling should be permitted on any cay, island, reef or national park or marine park when declared. Two of the Commissioners, Dr. Smith and Mr. Moroni, felt that with certain strict safeguards, drilling might be permitted in designated areas around the Reef. The Chairman, Mr. Justice Wallace, the former President of the Court of Appeal of New South Wales, felt that this would be an unacceptable risk and that all drilling should be prohibited until further scientific inquiries had been made and the degree of risk established. We accepted Sir Gordon Wallace's view. I wrote to Mr. Bjelke-Petersen this morning, informing him of our decision and seeking his support for our stand, suggesting that our respective Ministers should consult as soon as possible about carrying out the decision.

To put the safety of the Reef beyond doubt, we on Thursday, yesterday, introduced a Bill to establish a Great Barrier Reef Marine Park. This is in accordance with an undertaking I gave here six months ago. I hope the Queensland Government will cooperate with us in establishing a joint authority to administer the Park for the protection of a great natural and national asset.

Are there any questions you would like to ask?

Question: Can Queenslanders expect that you will give the Barrier Reef better protection than you have given Fraser Island?

Mr. Whitlam: The Barrier Reef in our view, falls within Federal jurisdiction. Fraser Island does not. Federal jurisdiction covers the Northern Territory, the Australian Capital Territory: there's no doubt about that. We also believe that the seabed around Australia falls within Federal jurisdiction. You remember it was on this basis that Mr. McMahon when he was Foreign Minister, in April, 1970, sponsored a Bill, when Mr. Gorton was Prime Minister, to declare Australian jurisdiction over the seabed. That Government, including Mr. McMahon's Government, when he ousted Mr. Gorton, didn't proceed with the Bill. We passed it. All the States have now challenged it in the High Court. We

are confident, however, that we have power there, so we exercise it. But on Fraser Island, that is State territory and, accordingly, any authority we have starts at the stage of exports only. That is, we can't say that people can mine or cannot mine. We can't say on what conditions they can mine. All we can do turns on whether they can make exports. Now you asked me about Fraser Island in particular. You are referring to the fact that we have said, in effect, we can't stop the export of minerals under arrangements which were operating before we came into office or before we passed any laws about it.

Question: Your Cabinet decision on the Barrier Reef - Is that an attempt perhaps to recoup some of the bad publicity you received on Fraser Island?

Mr. Whitlam: We have been committed to having a Great Barrier Reef National Park, Marine Park. I'm sure I promised it in the 1974 policy speech and I'm pretty sure I promised it the 1972 policy speech. It's a very complicated piece of legislation because it wants to rely on all the Constitutional authority we have - the seabed, international treaties, and so on. You look at the Bill we brought in last night. We promised to do this, we believe we are entitled to do it, now we have done it.

Question: Wouldn't this seem to pre-empt the High Court decision?

Mr. Whitlam: You can't wait until you get the decision. If we wait until all the challenges - there are about half a dozen different challenges and each of those is supported by more than one State - if we waited until the High Court handed down its judgement in all these half dozen challenges, we would have to just mark time. We take the view, as the Gorton Government took, and as I believe Mr. McMahon personally took, that the Australian Parliament is entitled to pass laws concerning the seabed around Australia, so we have gone ahead on that basis.

Question: I understand the Queensland Government considers that the granting of oil drilling permits is within its jurisdiction. What can the Federal Government do if the Queensland Government continues along that line?

Mr. Whitlam: When this Act goes through, and I would expect that it would go through the House of Representatives by the end of next week and through the Senate by the end of the following week, that will then, we think, be the law. If any drilling goes ahead, we would think it would be in breach of the law. I suppose we would have to wait for the High Court decision there, but people who would undertake drilling now, and it has been suspended for some years, anybody who undertook drilling now, would do so with the full knowledge that the Federal Parliament has passed the law and unless the High Court declares

that law invalid, then that's a law which the person starting drilling would have to obey. He would be committing a breach of the law if he went ahead. The law has been passed and therefore they would breach it at their risk.

Question: Is this legislation then virtually a challenge to the High Court?

Mr. Whitlam: No, we are going ahead on the basis, partly, that we do have the legislative authority over the seabed. There are, in addition, some international conventions covering it and we would rely on those too.

Question: Are you not challenging the High Court to find in your favour?

Mr. Whitlam: The States, all of them, have challenged our Seas and Submerged Lands Act, which is the same piece of legislation that Mr. McMahon introduced under Mr. Gorton, five years ago last month. The States have challenged the law.

Question: But you could go and establish National Parks and then have the High Court rule them as out of order because of State territories.

Mr. Whitlam: That could be. But in the meantime, I hasten to say, we offered I think, at least six months ago, we offered to the Queensland Government..I wrote to Mr. Bjelke-Petersen saying let's have a Joint Board or Commission running the National Park. And under the Bill which we brought in last night, we would propose to ask Queensland to appoint people to it. We want a joint one.

Question: Is it true that you expect that cooperation from the State Government in view of what's happened in the past?

Mr. Whitlam: I'd go no further and say that I hope. The offer's been there for at least half a year. I think I wrote to Mr. Bjelke-Petersen just after the elections last year, that's in May I think.

Question: Will you be very disappointed if he doesn't give that cooperation?

Mr. Whitlam: I will be disappointed, yes.

Question: Is it correct, that Cabinet has decided against extending the minimum floor price for wool?

Mr. Whitlam: The decision that the Cabinet made this morning on this matter will be given by the Minister for Agriculture, Senator Wriedt, to the Australian Wool Industry Conference.

Question: What reaction .....?

Mr. Whitlam: I don't know that, but that's when it will be given.

Question: What reaction will you get from wool growers, Sir?

Mr. Whitlam: I've given an answer to that one.

Question: Will that be on Tuesday, Sir?

Mr. Whitlam: I don't know when the Australian Wool Industry Conference is to meet the Minister.

Question: But Cabinet has made a firm decision on it?

Mr. Whitlam: Yes.

Question: Has it rejected it?

Mr. Whitlam: I've given an answer to this one.

Question: Cabinet also today decided to appoint a three man Royal Commission into pecuniary interests of parliamentarians. Could I ask you, Sir, why a Royal Commission, why an inquiry at such a high level?

Mr. Whitlam: The parliament resolved that there should be a judicial inquiry. That meant an inquiry by judges. Now the best way, we believe, to have an inquiry by judges is to appoint them as Royal Commissioners. Once you appoint them as Royal Commissioners, they can require people to give information in reference to them. If you don't make them Royal Commissioners, then they can ask somebody to give them information and that person can defy them.

Question: Can you give us the terms of reference for this inquiry?

Mr. Whitlam: I haven't got them with me, but they were substantially stated in the resolution of the parliament

three weeks ago.

Question: Has any decision been made as to who will make up the Commission?

Mr. Whitlam: No. Even if there had been, I wouldn't tell you those, because obviously one has to wait until the Governor-General appoints them, but I can tell you we have not approached judges at this stage. After all, we only decided this morning that it would be a Royal Commission and that there would be three Royal Commissioners. But it's been known for at least three weeks that there would have to be at least one judge or retired judge conducting it. So we decided that there should be three judges, or retired judges, and that they should be Royal Commissioners.

Question: What about the suggested changes in Ministerial responsibilities for some members of your Cabinet? Is this in fact true that you will be making changes in the near future?

Mr. Whitlam: There's one change that I'm going to make. When the Telecommunications Bill and the Postal Services Bill are passed by the House of Representatives, the Telecommunications Commission and the Postal Commission will come into operation and the Postmaster-General's Department will be abolished. Senator Bishop will be the last Australian Postmaster-General and he will take over one of Mr. Enderby's portfolios - Police and Customs.

Question: What about Housing? Will that be taken off Mr. Johnson and given to Mr. .... ?

Mr. Whitlam: You ask me directly: no! But frankly there is no basis whatever for this speculation. It's significant that this was in the papers earlier in the week and I suppose I'm asked more questions at question time than anyone and nobody thought there was sufficient strength in that speculation to ask me. If they thought I'd be embarrassed by this in parliament, they would have asked me, but nobody asked. There's no strength in that whatever. We created the Department of Housing and Construction. We created it.

Question: What about Mr. Connor's standing after this \$2,000 million loan business that's been causing such a scandal?

Mr. Whitlam: Be more precise. What do you mean scandal?

Question: According to Mr. Anthony it is a scandal.

Mr. Whitlam: Mr. Anthony talking about scandals! Don't hide behind him. Let him say that to my face. You put something directly to me yourself.

Question: Did the news of the loan affect Australia's overseas credit rating? Was that reason, or one of the reasons why Mr. Connor's authority was revoked?

Mr. Whitlam: No, I told the parliament yesterday that you can only raise one loan overseas at a time and we were raising a loan in the United States. Now that being so, you've got to end any other negotiations you're carrying on for loans. There are two big nations which lend money - the United States and West Germany - and each of them makes that requirement. I stated that yesterday.

Question: Will the authority be given back to Mr. Connor to re-negotiate this loan?

Mr. Whitlam: We'll wait until there's some proposition before anything like that comes up.

Question: Any comment on Mr. Gorton's resignation from the Liberal Party and his decision to stand as an independent for the Senate in the A.C.T.?

Mr. Whitlam: I don't come into such painful political questions as that. You'll be asking me about the split up in Western Australia next and Mr. Bjelke-Petersen's visit there. What can I say about Mr. Gorton? Obviously it is an astonishing thing when a former Prime Minister leaves the Party he led. That's big news but I don't want to say anything more about it. I've made a couple of references to Mr. Gorton in earlier comments to you. As you know, I support, always have supported, my Party's always supported, some of the things for which he has stood. After all, he was the first Australian Prime Minister to show any interest in the Barrier Reef. He was the first Australian Prime Minister to show any interest in the Australian seabed. He persuaded Mr. Bjelke-Petersen to appoint the Royal Commission into the Barrier Reef. He got through his Parliamentary Party federally, the Bill to declare Australian jurisdiction over the seabed. I support very much some of the initiatives he took and I'm proud that I was able to consummate those initiatives. His crowd let him down. We have pushed them through.

Question: What sort of penalties are you thinking of in this oil drilling legislation? Any special penalties for people who break the law in that particular regard, with oil drilling in the Great Barrier Reef?

Mr. Whitlam: No. I can't remember what the penalties are. I frankly can't remember. But there are penalties. I think we should remember that penalties are of three kinds. One is you can have a jail sentence, one is a fine, one is just getting the Courts to enjoin somebody from breaking the law, and then, of course, if any person breaks an injunction like that, he goes to Court for contempt of Court. It could be in any of those three respects.

Question: You mentioned the loan negotiations going on in the United States. How long had they been going on before it was realised that you had two negotiations going at once?

Mr. Whitlam: The negotiations in the United States have just started this week.

Question: Why didn't you continue with negotiations for the \$2,000 million that ..... ?

Mr. Whitlam: You've got to choose which one you go ahead with. You can't have competing loan negotiations. You have one or the other.

Question: Can you say what that \$2,000 million that Mr. Connor was negotiating was to be used for in Australia?

Mr. Whitlam: In connection with energy matters, that is, to maximise the development of Australian energy resources.

Question: Could you be more specific, Sir?

Mr. Whitlam: Well, look at the energy resources we have here. We have natural gas, we have uranium, we have coal, we have both black coal and lignite, we have some hydro.

Question: Could you explain a little more explicitly, Sir, as to why the United States loan negotiations were continued?

Mr. Whitlam: Why they were commenced?

Question: Why you decided to drop these other negotiations in favour of the United States?

Mr. Whitlam: We decided the United States one was specific and immediate.

Question: There was more chance of obtaining money from the United States rather than from this \$2,000 million loan?

Mr. Whitlam: It was immediate and specific.

Question: Were you happy with the Queensland Labor image?.. Can I ask a question of the poor showing in the State elections?

Mr. Whitlam: This is a bit far back now, isn't it. That's six months ago, really. I think it's been much improved.

Question: Will the money to be raised in the United States be of a similar amount to the \$2,000 million.

Mr. Whitlam: No, no.

Question: Will it be used for the same purposes as you outlined in Mr. Connor's ....?

Mr. Whitlam: No.

Question: What will it be used for?

Mr. Whitlam: General governmental purposes in Australia, that's all - general ones.

Question: Why have you decided to drop these measures that you wanted the \$2,000 million for?

Mr. Whitlam: We aren't dropping those measures at all. We are intent on doing all these matters in the energy field. After all, we established the Pipeline Authority, we established the Petroleum and Minerals Authority, we have expanded the operation of the Australian Atomic Energy Commission. In all these respects, it is very obvious that we are pushing ahead with the development of one of Australia's principal strengths, namely our energy resources.

Question: Then it is possible that you could re-open negotiations for the \$2,000 million ...?

Mr. Whitlam: That's your speculation.



Question: You've told us that you think the Labor image in Queensland has improved since the election, and yet we see just recently and because of the Caucus vote on Fraser Island, a deepening rift between Mr. Burns and his Deputy. Does this concern you?

Mr. Whitlam: I only know what I see in this afternoon's paper and I have learned from long experience to look behind the headlines.

Question: Would you attempt to mediate if you find .... ?

Mr. Whitlam: Now, wait a bit. I have stated where there is Federal jurisdiction. I want you to get clear what the Federal jurisdiction is in matters within State boundaries. Why the Federal Government decided to allow the Fraser Island people to export the minerals which they've been mining there, is because they were entirely within the law in what they had done. They had got the leases within the law. They had been subjected to a public inquiry on environmental issues. They had undertaken to comply with the findings of that public inquiry. They had undertaken operations on those leases in accordance with those environmental conditions. They had done all those things before my Government was elected. Furthermore, when my Government was elected, there was no law preventing the export of any minerals other than iron ore and uranium. Our predecessors had no laws forbidding the export of minerals. It was one of the very first things we did. It was one of the very first submissions before our Government. It came from Mr. Connor and it was to prevent the export of any mineral from Australia without the authorisation of the Minister for Minerals and Energy. Let's get this quite clear. It is true there are divisions of opinion in the Labor Party purely on this question - Should any Government make something illegal retrospectively? Should you say that something that was quite legal when it was done, is now to be retrospectively made an offence? And the Government has decided that it shouldn't. Now let's look on the other side of politics. The mining is going on there under a State law. The leases were granted by Mr. Bjelke-Petersen as the responsible Minister himself. In our parliament, federally, Mr. Fraser, Mr. Lynch, the Leader of the Opposition, the Deputy Leader of the Opposition, Mr. Anthony, the Leader of the National Country Party, Mr. Sinclair, the Deputy Leader of it, have never said a word of criticism of the mining on Fraser Island or the exportation of the minerals mined on Fraser Island. They've not said a word. Some of you may know Mr. Anthony's family has interests on Fraser Island. Now do at least be a bit relevant. There are differences of opinion within the Labor Party. I believe that no Government should make a legal action retrospectively illegal. We have passed the law now. Anybody who now seeks to mine on Fraser Island and any new lease where there's been no mining up till now, knows that we require an environmental impact statement and a favourable result from any public inquiry, before we will give authorisation to export the mineral.

They know that. That's now the law, but you can't fairly, justly make a law retrospective.

Question: Do you foresee a clash between the Unions and the Federal Government over the Fraser Island sand mining issue now that the Unions have decided to black ban the company's operations in Australia?

Mr. Whitlam: Have they?

---