

1959.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 66.

THURSDAY, 19TH NOVEMBER, 1959.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable J. McLeay) took the Chair, and read Prayers.
2. PAPER.—The following Paper was presented, pursuant to Statute—
Conciliation and Arbitration Act—Commonwealth Conciliation and Arbitration Commission—
Third Annual Report by President, for year ended 13th August, 1959.
3. PUBLIC ACCOUNTS COMMITTEE—REPORT.—Mr. Bland (Chairman) brought up the following Report from the Joint Committee of Public Accounts:—
Forty-third Report—Expenditure from Advance to the Treasurer for the year 1958–59.
Ordered, after debate, to be printed.
4. LEAVE OF ABSENCE TO MEMBERS.—Mr. Evatt (Leader of the Opposition) moved, That leave of absence for one month be given to the honorable Member for Kennedy (Mr. Riordan) owing to his absence from Australia, and to the honorable Member for Adelaide (Mr. Sexton) on the ground of ill health.
Question—put and passed.
5. COMMONWEALTH MOTOR VEHICLES (LIABILITY) BILL 1959.—Sir Garfield Barwick (Attorney-General) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Liability of the Commonwealth and Commonwealth Authorities in respect of Death or Personal Injury caused by, or arising out of the use of, certain Motor Vehicles.
Question—put and passed.
Bill brought up, and read a first time.
Sir Garfield Barwick moved, by leave, That the Bill be now read a second time.
Debate adjourned (Mr. Evatt—Leader of the Opposition), and the resumption of the debate made an Order of the Day for next sitting.
6. POSTPONEMENT OF ORDER OF THE DAY.—Sir Garfield Barwick (Attorney-General) moved, That Order of the Day No. 1, Government Business, be postponed until a later hour this day.
Debate ensued.
Closure.—Mr. Holt (Treasurer) moved, That the question be now put.
Question—That the question be now put—put.
The House divided (The Deputy Speaker, Mr. Timson, in the Chair)—

AYES, 59.

Mr. Allan	Mr. Bury	Mr. Fairbairn	Mr. Howson	Mr. Pearce
Mr. Anderson	Mr. D. A. Cameron	Mr. Fairhall	Mr. Jack	Mr. Robertson
Mr. Anthony	Mr. Cash	Mr. Falkinder	Mr. Joske	Mr. Snedden
Mr. Aston	Mr. Chaney	Mr. Fox	Sir W. Kent Hughes	Mr. Stokes
Mr. Barnes	Mr. Chresby	Mr. J. M. Fraser	Mr. Killen	Mr. Turner
Sir G. Barwick	Mr. Cleaver	Mr. Freeth	Mr. King	Mr. Wentworth
Mr. Bate	Mr. Cramer	Mr. Halbert	Mr. Lindsay	Mr. Wheeler
Mr. Bland	Mr. Davidson	Mr. Hamilton	Mr. Lucock	Mr. Wight
Mr. Bowden	Mr. Davis	Mr. Hawthorth	Mr. Mackinnon	Mr. Wilson
Mr. Brimblecombe	Mr. Downer	Mr. Holt	Mr. McColm	<i>Tellers:</i>
Mr. Browne	Mr. Drummond	Mr. Holten	Mr. McMahan	Mr. Opperman
Mr. Buchanan	Mr. Erwin	Mr. Howse	Mr. Osborne	Mr. Turnbull

19th November, 1959.

NOES, 36.

Mr. Barnard	Mr. Clark	Mr. Fulton	Mr. Makin	Mr. Uren
Mr. Beazley	Mr. Clay	Mr. Galvin	Mr. McIvor	Mr. Ward
Mr. Bird	Mr. Cope	Mr. Griffiths	Mr. Minogue	
Mr. Bryant	Mr. Costa	Mr. Harrison	Mr. O'Connor	<i>Tellers:</i>
Mr. Cairns	Mr. Courtney	Mr. Johnson	Mr. Pollard	
Mr. Calwell	Mr. Crean	Mr. Jones	Mr. Reynolds	Mr. Duthie
Mr. C. R. Cameron	Mr. Curtin	Mr. Kearney	Mr. Russell	Mr. Stewart
Mr. Clarey	Mr. Daly	Mr. Luchetti	Mr. Thompson	

And so it was resolved in the affirmative.

And the question—That the motion be agreed—being accordingly put—
The House divided (The Deputy Speaker, Mr. Timson, in the Chair)—

AYES, 59.

Mr. Allan	Mr. Bury	Mr. Fairbairn	Mr. Howson	Mr. Pearce
Mr. Anderson	Mr. D. A. Cameron	Mr. Fairhall	Mr. Jack	Mr. Robertson
Mr. Anthony	Mr. Cash	Mr. Falkinder	Mr. Joske	Mr. Snedden
Mr. Aston	Mr. Chaney	Mr. Fox	Sir W. Kent Hughes	Mr. Stokes
Mr. Barnes	Mr. Chresby	Mr. J. M. Fraser	Mr. Killen	Mr. Turner
Sir G. Barwick	Mr. Cleaver	Mr. Freeth	Mr. King	Mr. Wentworth
Mr. Bate	Mr. Cramer	Mr. Halbert	Mr. Lindsay	Mr. Wheeler
Mr. Bland	Mr. Davidson	Mr. Hamilton	Mr. Lucock	Mr. Wight
Mr. Bowden	Mr. Davis	Mr. Haworth	Mr. Mackinnon	Mr. Wilson
Mr. Brimblecombe	Mr. Downer	Mr. Holt	Mr. McCalm	<i>Tellers:</i>
Mr. Browne	Mr. Drummond	Mr. Holten	Mr. McMahon	Mr. Opperman
Mr. Buchanan	Mr. Erwin	Mr. Howse	Mr. Osborne	Mr. Turnbull

NOES, 37.

Mr. Barnard	Mr. Clark	Mr. A. D. Fraser	Mr. Luchetti	Mr. Thompson
Mr. Beazley	Mr. Clay	Mr. Fulton	Mr. Makin	Mr. Uren
Mr. Bird	Mr. Cope	Mr. Galvin	Mr. McIvor	Mr. Ward
Mr. Bryant	Mr. Costa	Mr. Griffiths	Mr. Minogue	
Mr. Cairns	Mr. Courtney	Mr. Harrison	Mr. O'Connor	<i>Tellers:</i>
Mr. Calwell	Mr. Crean	Mr. Johnson	Mr. Pollard	
Mr. C. R. Cameron	Mr. Curtin	Mr. Jones	Mr. Reynolds	Mr. Duthie
Mr. Clarey	Mr. Daly	Mr. Kearney	Mr. Russell	Mr. Stewart

And so it was resolved in the affirmative.

7. MATRIMONIAL CAUSES BILL 1959.—The House, according to Order, resolved itself into a Committee of the Whole for the further consideration of the Bill.

(In the Committee.)

Clause 27—

Paragraph (n) agreed to.

Clauses 28 to 31, by leave, taken together, and agreed to.

New clause—

On the motion of Sir Garfield Barwick (Attorney-General), the following new clause was inserted in the Bill:—

“ 31A. A decree of dissolution of marriage shall not be made upon the ground specified in paragraph (j) of section twenty-seven of this Act unless the court is satisfied that reasonable attempts have been made by the petitioner to enforce the order or agreement under which the maintenance was ordered or agreed to be paid.”

Restriction on dissolution of marriage on ground of failure to pay maintenance.

Clause 32 agreed to.

New clause—

On the motion of Sir Garfield Barwick, the following new clause was inserted in the Bill:—

“ 32A.—(1.) For the purposes of paragraph (m) of section twenty-seven of this Act, the parties to a marriage may be taken to have separated notwithstanding that the cohabitation was brought to an end by the action or conduct of one only of the parties, whether constituting desertion or not.”

Provisions relating to ground of separation.

“ (2.) A decree of dissolution of marriage may be made upon the ground specified in paragraph (m) of section twenty-seven of this Act notwithstanding that there was in existence at any relevant time—

(a) a decree of a court suspending the obligation of the parties to the marriage to cohabit; or

(b) an agreement between those parties for separation.”

Proposed new clause—

Mr. Wentworth moved, That the following new clause be inserted in the Bill:—

“ 32B. A decree of dissolution of marriage shall not be made upon the ground specified in paragraph (m) of section twenty-seven of this Act where the suit is defended.”

Debate ensued.

Proposed new clause withdrawn, by leave.

19th November, 1959.

Clause 33—

On the motion of Sir Garfield Barwick, the following amendment was made, after debate:—

Page 17, after sub-clause (1.) insert the following sub-clause:—

“(1A.) Where, in proceedings for a decree of dissolution of marriage on the ground of separation, the court is of opinion that it is just and proper in the circumstances of the case that the petitioner should make provision for the maintenance of the respondent or should make any other provision for the benefit of the respondent, whether by way of settlement of property or otherwise, the court shall not make a decree on that ground in favour of the petitioner until the petitioner has made arrangements to the satisfaction of the court to provide the maintenance or other benefits upon the decree becoming absolute.”.

Clause, as amended, agreed to.

Proposed new clause—

Mr. Wentworth moved, That the following new clause be inserted in the Bill:—

“33A. A decree of dissolution of marriage shall not be pronounced upon the ground specified in paragraph (m) of section twenty-seven of this Act in a defended suit unless the petitioner has satisfied the court that the separation was in part due to unreasonable conduct of the other spouse.”.

Debate ensued.

Proposed new clause negatived.

Clauses 34 to 40, by leave, taken together, and agreed to.

Clause 41—

On the motion of Sir Garfield Barwick, the clause was omitted, and the following clause inserted in place thereof:—

“41.—(1.) Where, in a petition for a decree of dissolution of marriage or ^{Joinder of} adultery with a specified person, whether or not a decree of dissolution of marriage is sought on the ground of the adultery, that person shall, except as provided by the rules, be made a party to the proceedings.

“(2.) Where, in a petition for a decree of dissolution of marriage or in an answer to such a petition, a party to the marriage is alleged to have committed rape or sodomy on or with a specified person, whether or not a decree of dissolution of marriage is sought on the ground of the rape or sodomy, that person shall, except as provided by the rules, be served with notice that the allegation has been made and is thereupon entitled to intervene in the proceedings.

“(3.) Where a person has been made a party to proceedings for a decree of dissolution of marriage in pursuance of sub-section (1.) of this section, the court may, on the application of that person, after the close of the case for the party to the marriage who alleged the adultery, if it is satisfied that there is not sufficient evidence to establish that that person committed adultery with the other party to the marriage, dismiss that person from the proceedings.”.

Clause 42—

On the motion of Sir Garfield Barwick, the clause was omitted, and the following clause inserted in place thereof:—

“42. Where a decree of dissolution of marriage under this Act has become ^{Remarriage.} absolute, a party to the marriage may marry again as if the marriage had been dissolved by death.”.

Clauses 43 and 44, by leave, taken together, and agreed to.

Clause 45—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 21, at the end of the clause add the following sub-clause:—

“(2.) A decree of nullity of marriage shall not be made on the ground that the marriage is voidable by virtue of paragraph (a) of sub-section (1.) of section twenty of this Act where the court is of opinion that—

(a) by reason of—

- (i) the petitioner's knowledge of the incapacity at the time of the marriage;
- (ii) the conduct of the petitioner since the marriage; or
- (iii) the lapse of time; or

(b) for any other reason,

it would, in the particular circumstances of the case, be harsh and oppressive to the respondent, or contrary to the public interest, to make a decree.”.

Clause, as amended, agreed to.

Clauses 46 and 47, by leave, taken together, and agreed to.

Clauses 48 to 55, by leave, taken together, and agreed to.

Clause 56—

On the motion of Sir Garfield Barwick, the clause was omitted, and the following clause inserted in place thereof:—

“56. A petition under this Act by a party to a marriage for a decree of restitu- ^{Ground for} tion of conjugal rights may be based on the ground that the parties to the marriage, ^{decree of} whether or not they have at any time cohabited, are not cohabiting and that, ^{restitution} without just cause or excuse, the party against whom the decree is sought refuses to cohabit ^{of conjugal} with, and render conjugal rights to, the petitioner.”.

Clauses 57 and 58, by leave, taken together, and agreed to.

19th November, 1959.

New clause—

On the motion of Sir Garfield Barwick, the following new clause was inserted in the Bill:—

“ 58A. Where the court makes a decree of restitution of conjugal rights on the petition of a husband, the petitioner shall, as soon as practicable after the making of the decree, and at such other times as the rules so require, give to the respondent notice, in accordance with the rules, of the provision made by the petitioner, or which the petitioner is willing to make, with respect to a home for the purpose of enabling the respondent to comply with the decree.”

Clauses 59 to 62, by leave, taken together, and agreed to.

Clause 63—

On the motion of Sir Garfield Barwick, the clause was omitted, and the following clause inserted in place thereof:—

“ 63.—(1.) Subject to the next succeeding sub-section, a matrimonial cause of a kind referred to in paragraph (a) or (b) of the definition of ‘ matrimonial cause ’ in sub-section (1.) of section five of this Act shall be instituted by petition.”

“ (2.) A respondent may, in the answer to the petition, seek any decree or declaration that the respondent could have sought in a petition.

“ (3.) Proceedings of a kind referred to in paragraph (c) of the definition of ‘ matrimonial cause ’ in sub-section (1.) of section five of this Act that are in relation to proceedings under this Act for a decree or declaration of a kind referred to in paragraph (a) or (b) of that definition—

(a) may be instituted by the same petition as that by which the proceedings for that decree or declaration are instituted; and

(b) except as permitted by the rules or by leave of the court, shall not be instituted in any other manner.

“ (4.) The court shall, so far as is practicable, hear and determine at the same time all proceedings instituted by the one petition.”

Clause 64—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 24, line 9, omit “ Subject to ”, insert “ Except as provided by ”.

Clause, as amended, agreed to.

Clause 65 agreed to.

Clause 66—

On the motion of Sir Garfield Barwick, the following amendment was made, after debate:—

Page 24, lines 14–23, omit sub-clause (1.), insert the following sub-clause:—

“ (1.) Where there are children of the marriage in relation to whom this section applies, the decree *nisi* shall not become absolute unless the court, by order, has declared—

(a) that it is satisfied that proper arrangements in all the circumstances have been made for the welfare and, where appropriate, the advancement and education of those children; or

(b) that there are such special circumstances that the decree *nisi* should become absolute notwithstanding that the court is not satisfied that such arrangements have been made.”

Clause, as amended, agreed to.

Clause 67—

On the motion of Sir Garfield Barwick, the following amendments were made:—

Page 24, line 39, omit “ the date of ”.

Page 25, line 4, omit “ the date of ”.

Page 25, line 24, after “ decree *nisi* ” insert “, unless reversed or rescinded,”.

Page 25, lines 32–36, omit sub-clause (5.), insert the following sub-clauses:—

“ (5.) A decree *nisi* shall not become absolute by force of this section where either of the parties to the marriage has died.

“ (6.) In this section, ‘ appeal ’, in relation to a decree *nisi*, means—

(a) an appeal, application for leave to appeal or intervention, against or arising out of—

(i) the decree *nisi*; or

(ii) an order under the last preceding section in relation to the proceedings in which the decree *nisi* was made; or

(b) an application under section sixty-nine or sixty-nine A of this Act for rescission of the decree or an appeal or application for leave to appeal arising out of such an application.”

Clause, as amended, agreed to.

Clause 68 agreed to.

Clause 69—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 26, lines 11 and 12, omit “ the party in whose favour the decree was made ”, insert “ either of the parties to the marriage ”.

Clause, as amended, agreed to.

19th November, 1959.

New clause—

On the motion of Sir Garfield Barwick, the following new clause was inserted in Part VI. of the Bill, after debate:—

“ 69A. Where a decree *nisi* has been made but has not become absolute, the court by which the decree was made may, on the application of a party to the proceedings, if it is satisfied that there has been a miscarriage of justice by reason of fraud, perjury, suppression of evidence or any other circumstance, rescind the decree and, if it thinks fit, order that the proceedings be reheard.”

Rescission of
decree *nisi* on
ground of
miscarriage
of justice.

Clause 70 agreed to.

Clause 71—

On the motion of Sir Garfield Barwick, the following amendments were made:—

Page 26, lines 25 and 26, omit “ file an affidavit to that effect, and is thereupon entitled to ”.

Page 26, lines 27-31, omit sub-clause (2.).

Clause, as amended, agreed to.

Clause 72—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 27, after sub-clause (3.) add the following sub-clause:—

“ (4.) More than one delegation may be in force under this section at the one time in relation to the whole of Australia or in relation to the same part of Australia, and a delegation in relation to the whole of Australia may be in force at the same time as delegations in relation to parts of Australia.”

Clause, as amended, agreed to.

Clause 73 agreed to.

New clause—

On the motion of Sir Garfield Barwick, the following new clause was inserted in the Bill:—

“ 73A. Where an intervention takes place under this Part after a decree *nisi* has been made and it is proved that the petitioner has been guilty of collusion with intent to cause a perversion of justice or that material facts have not been brought before the court, the court may rescind the decree.”

Rescission of
decree *nisi*
in consequence
of intervention.

Clauses 74 to 76, by leave, taken together, and agreed to.

Clause 77—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 27, line 31, after “ marriage,” insert “ other than proceedings for an order for maintenance pending the disposal of proceedings.”

On the motion of Sir Garfield Barwick, the following further amendment was made, after debate:—

Page 27, after sub-clause (1.) insert the following sub-clause:—

“ (1A.) Subject to this section and to the rules, the court may, in proceedings for an order for the maintenance of a party to a marriage, or of children of the marriage, pending the disposal of proceedings, make such order as it thinks proper, having regard to the means, earning capacity and conduct of the parties to the marriage and all other relevant circumstances.”

Clause, as amended, agreed to.

Clause 78—

On the motion of Sir Garfield Barwick, the following amendment was made, after debate:—

Page 28, line 4, omit “ welfare ”, insert “ interests ”.

Clause, as amended, agreed to.

Clause 79—

On the motion of Sir Garfield Barwick, the following amendments were made:—

Page 28, lines 25-38, omit sub-clauses (1.) and (2.), insert the following sub-clauses:—

“ (1.) The court may, in proceedings under this Act, by order require the parties to the marriage, or either of them, to make, for the benefit of all or any of the parties to, and the children of, the marriage, such a settlement of property to which the parties are, or either of them is, entitled (whether in possession or reversion) as the court considers just and equitable in the circumstances of the case.

“ (2.) The court may, in proceedings under this Act, make such order as the court considers just and equitable with respect to the application for the benefit of all or any of the parties to, and the children of, the marriage of the whole or part of property dealt with by ante-nuptial or post-nuptial settlements on the parties to the marriage, or either of them.”

Page 28, line 40, omit “ sub-section (1.) of ”.

Clause, as amended, agreed to.

Clause 80—

On the motion of Sir Garfield Barwick, the following amendments were made:—

Page 29, line 2, omit “ may—”, insert “ may do any or all of the following:—”.

Page 29, lines 3-7, omit paragraph (a), insert the following paragraphs:—

“ (a) order that a lump sum or a weekly, monthly, yearly or other periodic sum be paid;

“ (aa) order that a lump sum or a weekly, monthly, yearly or other periodic sum be secured;

“ (ab) where a periodic sum is ordered to be paid, order that its payment be wholly or partly secured in such manner as the court directs;”

Page 29, after paragraph (b) insert the following paragraph:—

“ (ba) appoint or remove trustees;”

19th November, 1959.

Page 29, line 21, omit " the ".

Page 29, line 40, omit " payable under ", insert " ordered to be paid by ".

Page 29, line 42, after " sums " insert " or other benefits ".

Page 30, lines 3-6, omit paragraph (j) and the word " and " immediately preceding it, insert the following paragraphs:—

" (j) include its order under this Part in a decree under another Part; and

" (k) subject to this Act, make an order under this Part at any time before or after the making of a decree under another Part."

Page 30, lines 7-15, omit sub-clause (2.), insert the following sub-clauses:—

" (2.) The court shall not make an order increasing or decreasing an amount ordered to be paid by an order unless it is satisfied—

(a) that, since the order was made or last varied, the circumstances of the parties or either of them, or of any child for whose benefit the order was made, have changed to such an extent as to justify its so doing; or

(b) that material facts were withheld from the court that made the order or from a court that varied the order or material evidence previously given before such a court was false.

" (3.) The court shall not make an order increasing or decreasing—

(a) the security for the payment of a periodic sum ordered to be paid; or

(b) the amount of a lump sum or periodic sum ordered to be secured,

unless it is satisfied that material facts were withheld from the court that made the order or from a court that varied the order or that material evidence given before such a court was false."

Clause, as amended, agreed to.

New clauses—

On the motion of Sir Garfield Barwick, the following new clauses were inserted in Part VIII. of the Bill:—

" 80A.—(1.) Where a person who is directed by an order under this Part to execute a deed or instrument refuses or neglects to do so, the court may appoint an officer of the court or other person to execute the deed or instrument in his name and to do all acts and things necessary to give validity and operation to the deed or instrument.

Execution of
deeds, &c.,
by order
of court.

" (2.) The execution of the deed or instrument by the person so appointed has the same force and validity as if it had been executed by the person directed by the order to execute it.

" (3.) The court may make such order as it thinks just as to the payment of the costs and expenses of and incidental to the preparation of the deed or instrument and its execution."

" 80B.—(1.) Except as provided by this section, the court shall not make an order under this Part where the petition for the principal relief has been dismissed.

Power of court
to make orders
on dismissal
of petition.

" (2.) Where—

(a) the petition for the principal relief has been dismissed after a hearing on the merits; and

(b) the court is satisfied that—

(i) the proceedings for the principal relief were instituted in good faith to obtain that relief; and

(ii) there is no reasonable likelihood of the parties becoming reconciled, the court may, if it considers that it is desirable to do so, make an order under this Part, other than an order under section seventy-nine of this Act.

" (3.) The court shall not make an order by virtue of the last preceding sub-section unless it has heard the proceedings for the order at the same time as, or immediately after, the proceedings for the principal relief.

" (4.) In this section, ' principal relief ' means relief of a kind referred to in paragraph (a) or (b) of the definition of ' matrimonial cause ' in sub-section (1.) of section five of this Act."

Clause 81 agreed to.

Clause 82—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 30, after sub-clause (1.) insert the following sub-clause:—

" (1A.) The High Court may draw from the facts and the documents any inference, whether of fact or of law, which could have been drawn from them by the court by which the case was stated."

Clause, as amended, agreed to.

Clauses 83 to 85, by leave, taken together, and agreed to.

Clause 86—

On the motion of Sir Garfield Barwick, the clause was omitted, and the following clause inserted in place thereof:—

" 86.—(1.) A decree of dissolution or nullity of marriage—

(a) made before the commencement of this Act by a court in Australia or made after the commencement of this Act by such a court in accordance with Part XIII. of this Act; or

Recognition
of other
decrees.

(b) made, whether before or after the commencement of this Act, by a court of a Territory of the Commonwealth other than a Territory to which this Act applies,

shall be recognized as valid in the Commonwealth and all the Territories of the Commonwealth.

19th November, 1959.

“(2.) A dissolution or annulment of a marriage effected in accordance with the law of a foreign country shall be recognized as valid in Australia where, at the date of the institution of the proceedings that resulted in the dissolution or annulment, the party at whose instance the dissolution or annulment was effected (or, if it was effected at the instance of both parties, either of those parties) was—

(a) in the case of the dissolution of a marriage or the annulment of a voidable marriage—domiciled in that foreign country; or

(b) in the case of the annulment of a void marriage—domiciled or resident in that foreign country.

“(3.) For the purposes of the last preceding sub-section—

(a) where a dissolution of a marriage was effected in accordance with the law of a foreign country at the instance of a deserted wife who was domiciled in that foreign country either immediately before her marriage or immediately before the desertion, she shall be deemed to have been domiciled in that foreign country at the date of the institution of the proceedings that resulted in the dissolution; and

(b) a wife who, at the date of the institution of the proceedings that resulted in a dissolution or annulment of her marriage in accordance with the law of a foreign country, was resident in that foreign country and had been so resident for a period of three years immediately preceding that date shall be deemed to have been domiciled in that foreign country at that date.

“(4.) A dissolution or annulment of a marriage effected in accordance with the law of a foreign country, not being a dissolution or annulment to which sub-section (2.) of this section applies, shall be recognized as valid in Australia if its validity would have been recognized under the law of the foreign country in which, in the case of a dissolution, the parties were domiciled at the date of the dissolution or in which, in the case of an annulment, either party was domiciled at the date of the annulment.

“(5.) Any dissolution or annulment of a marriage that would be recognized as valid under the common law rules of private international law but to which none of the preceding provisions of this section applies shall be recognized as valid in Australia, and the operation of this sub-section shall not be limited by any implication from those provisions.

“(6.) For the purposes of this section, a court in Australia, in considering the validity of a dissolution or annulment effected under the law of a foreign country, may treat as proved any facts found by a court of the foreign country or otherwise established for the purposes of the law of the foreign country.

“(7.) A dissolution or annulment of a marriage shall not be recognized as valid by virtue of sub-section (2.) or (4.) of this section where, under the common law rules of private international law, recognition of its validity would be refused on the ground that a party to the marriage had been denied natural justice.

“(8.) Sub-section (2.) to (7.) of this section apply in relation to dissolutions and annulments effected, whether by decree, legislation or otherwise, before or after the commencement of this Act.

“(9.) In this section, ‘foreign country’ means a country, or part of a country, outside the Commonwealth and the Territories of the Commonwealth.”.

Clauses 87 to 92, by leave, taken together, and agreed to.

Clause 93—

On the motion of Sir Garfield Barwick, the following amendments were made:—

Page 34, line 10, after “attachment” insert “or by sequestration”.

Page 34, at the end of the clause add the following sub-clauses:—

“(2.) The court shall order the release from custody of a person who has been attached under this section upon being satisfied that that person has complied with the order in respect of which he was attached and may, at any time, if the court is satisfied that it is just and equitable to do so, order the release of such a person notwithstanding that he has not complied with that order.

“(3.) Where a person who has been attached under this section in consequence of his failure to comply with an order for the payment of maintenance or costs becomes a bankrupt, he shall not be kept in custody under the attachment longer than six months after he becomes a bankrupt unless the court otherwise orders.”.

Clause, as amended, agreed to.

Clauses 94 to 96, by leave, taken together, and agreed to.

Clause 97—

Mr. Beazley moved the following amendment:—Page 35, at the end of the clause add the following sub-clause:—

“(2.) The provisions of the last preceding sub-section apply notwithstanding the provisions of the *Navigation Act 1912-1958* in relation to the attachment of wages due or accruing to a seaman.”.

Debate ensued.

Amendment withdrawn, by leave.

Clause agreed to.

19th November, 1959.

New clause—

On the motion of Sir Garfield Barwick, the following new clause was inserted in the Bill:—

“ 97A. Subject to this Act, the rules may make provision for the enforcement of decrees made under this Act by means other than those specified in the preceding provisions of this Part.” Enforcement
by other means.

Clauses 98 and 99, by leave, taken together, and agreed to.
Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Bowden reported accordingly.

Ordered—That the House will, at a later hour this day, again resolve itself into the said Committee.

8. TRADE AGREEMENT BETWEEN AUSTRALIA AND THE FEDERATION OF RHODESIA AND NYASALAND—MINISTERIAL STATEMENT.—Mr. Osborne (Minister representing the Minister for Customs and Excise), by leave, made a Ministerial Statement with reference to the review of the Trade Agreement between Australia and the Federation of Rhodesia and Nyasaland.
9. WAYS AND MEANS—CUSTOMS TARIFF (FEDERATION OF RHODESIA AND NYASALAND PREFERENCE) AMENDMENT (NO. 1).—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

Mr. Osborne (Minister representing the Minister for Customs and Excise) moved—

That the Schedule to the *Customs Tariff (Federation of Rhodesia and Nyasaland Preference) 1956–1958* be amended as set out in the Schedule to these Proposals, and that on and after the twentieth day of November, One thousand nine hundred and fifty-nine, at nine o'clock in the forenoon, reckoned according to standard time in the Australian Capital Territory, Duties of Customs be collected in pursuance of the *Customs Tariff (Federation of Rhodesia and Nyasaland Preference) 1956–1958* as so amended.

THE SCHEDULE.

Column 1. Item No.	Column 2. Description of Goods.	Column 3. Rate.
5.	By omitting the item and inserting in its stead the following item:— “ 5 Citrus oils, geranium oil, jasmine oil or lemon grass oil, to which sub-item (b) of Item 287 in the Schedule to the Customs Tariff applies	British Preferential Tariff ”
	By inserting new items as follows:—	
“ 9	Unsweetened limejuice to which sub-item (A) of Item 16 in the Schedule to the Customs Tariff applies	British Preferential Tariff
“ 10	Passionfruit pulp to which sub-item (D) of Item 54 in the Schedule to the Customs Tariff applies	British Preferential Tariff
“ 11	Copper blocks ingots or pigs, to which sub-item (A) of Item 140 in the Schedule to the Customs Tariff applies	British Preferential Tariff
“ 12	Graphite or plumbago, to which Item 224 in the Schedule to the Customs Tariff applies	British Preferential Tariff
“ 13	Nicotine sulphate spraying preparations to which sub-item (D) of Item 269 in the Schedule to the Customs Tariff applies	British Preferential Tariff
“ 14	Citrus oils or peppermint oil, to which sub-item (c) of Item 287 in the Schedule to the Customs Tariff applies	British Preferential Tariff ”

Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Chaney reported accordingly.

Ordered—That the House will, at a later hour this day, again resolve itself into the said Committee.

10. MATRIMONIAL CAUSES BILL 1959.—The House, according to Order, again resolved itself into a Committee of the Whole for the further consideration of the Bill.

(In the Committee.)

Clauses 100 and 101, by leave, taken together, and agreed to.

Clause 102—

On the motion of Sir Garfield Barwick (Attorney-General), the following amendment was made:—

Page 37, lines 30–33, omit the definitions of “ petition ” and “ petitioner ”, insert the following definitions:—

“ ‘ petition ’ includes a writ of summons, a cross-petition, a counter-petition, a counter-claim and an answer;

“ ‘ petitioner ’ includes a plaintiff, a cross-petitioner, a counter-petitioner, a defendant counter-claiming and a respondent seeking relief in an answer.”

19th November, 1959.

Clause, as amended, agreed to.

Clauses 103 to 107, by leave, taken together, and agreed to.

Clause 108—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 40, line 32, omit “ by a Judge sitting ”.

Clause, as amended, agreed to.

Clauses 109 to 112, by leave, taken together, and agreed to.

Clause 113—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 41, line 40, omit “ names of the Judge or Judges ”, insert “ name or names of the member or members of the court ”.

Clause, as amended, debated and agreed to.

Clauses 114 and 115, by leave, taken together, and agreed to.

New clause—

On the motion of Sir Garfield Barwick, the following new clause was inserted in the Bill:—

“ 115A.—(1.) The court may, at any stage of proceedings under this Act, if it is satisfied that the proceedings are frivolous or vexatious, dismiss the proceedings. Frivolous or vexatious proceedings.

“(2.) The court may, at any stage of proceedings under this Act, if it is satisfied that the allegations made in respect of a party to the proceedings are frivolous or vexatious, order that that party be dismissed from the proceedings.”.

Clause 116—

On the motion of Sir Garfield Barwick, the following amendment was made:—

Page 44, lines 30–34, omit sub-clause (6.).

Clause, as amended, agreed to.

Schedules, by leave, taken together, and agreed to.

Title debated and agreed to.

Bill to be reported with amendments.

The House resumed; Mr. Bowden reported accordingly.

On the motion of Sir Garfield Barwick, by leave, the House adopted the Report.

Sir Garfield Barwick moved, by leave, That the Bill be now read a third time.

Debate ensued.

Question—put and passed.—Bill read a third time.

11. MESSAGE FROM THE SENATE—AIRPORTS (BUSINESS CONCESSIONS) BILL 1959.—Mr. Speaker reported the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 82.

The Senate has passed a Bill for “ *An Act to provide for the Grant of Leases, Licences and Trading Rights in connexion with Commonwealth Airports* ”, and transmits the same to the House of Representatives for its concurrence.

A. M. McMULLIN,
President.

The Senate,
Canberra, 18th November, 1959.

On the motion of Mr. Townley (Minister representing the Minister for Civil Aviation), the Bill was read a first time.

Mr. Townley moved, by leave, That the Bill be now read a second time.

Debate adjourned (Mr. Calwell), and the resumption of the debate made an Order of the Day for the next sitting.

12. MESSAGES FROM THE SENATE.—Messages from the Senate were reported returning the following Bills without amendment:—

19th November, 1959—*Message—*

No. 84—National Health 1959.

No. 85—Therapeutic Substances 1959.

13. SEAT OF GOVERNMENT (ADMINISTRATION) BILL 1959.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—

Debate resumed.

Question—put and passed.—Bill read a second time.

The House resolved itself into a Committee of the Whole.

(*In the Committee.*)

Clauses 1 to 3 agreed to.

Clause 4—

Mr. J. R. Fraser moved the following amendment:—Page 3, after paragraph (b) insert the following paragraph:—

“(ba) by adding after sub-section (1.) the following sub-section:—

“(1A.) Before the instrument of variation is laid before each House of the Parliament, as required by the next succeeding sub-section, the Minister shall refer the proposal to the Joint Committee on the Australian Capital Territory which shall furnish a report to the Minister within seven sitting days.”.

19th November, 1959.

Debate ensued.

Question—That the amendment be agreed to—put.

The Committee divided (The Temporary Chairman, Mr. Lucock, in the Chair)—

AYES, 29.				
Mr. Beazley	Mr. Clay	Mr. A. D. Fraser	Mr. Minogue	Mr. Uren
Mr. Bird	Mr. Cope	Mr. J. R. Fraser	Mr. O'Connor	Mr. Ward
Mr. Bryant	Mr. Costa	Mr. Galvin	Mr. Pollard	Mr. Whitlam
Mr. Cairns	Mr. Courtney	Mr. Harrison	Mr. Reynolds	<i>Tellers:</i>
Mr. Calwell	Mr. Crean	Mr. Johnson	Mr. Russell	Mr. Luchetti
Mr. Clarey	Mr. Daly	Mr. Makin	Mr. Thompson	Mr. Stewart
NOES, 53.				
Mr. Adermann	Mr. Bury	Mr. Fairhall	Mr. Howse	Mr. Robertson
Mr. Allan	Mr. D. A. Cameron	Mr. Forbes	Mr. Howson	Mr. Stokes
Mr. Anderson	Mr. Cash	Mr. Fox	Mr. Jack	Mr. Timson
Mr. Anthony	Mr. Chaney	Mr. J. M. Fraser	Mr. Joske	Mr. Wentworth
Mr. Barnes	Mr. Chresby	Mr. Freeth	Mr. King	Mr. Wheeler
Sir G. Barwick	Mr. Cleaver	Mr. Halbert	Mr. Lindsay	Mr. Wight
Mr. Bland	Mr. Davidson	Mr. Hamilton	Mr. Mackinnon	Mr. Wilson
Mr. Bowden	Mr. Davis	Mr. Hasluck	Mr. McMahon	<i>Tellers:</i>
Mr. Brimblecombe	Mr. Downer	Mr. Haworth	Mr. Murray	Mr. Opperman
Mr. Browne	Mr. Drummond	Mr. Holt	Mr. Osborne	Mr. Turnbull
Mr. Buchanan	Mr. Fairbairn	Mr. Holten	Mr. Pearce	

And so it was negatived.

Mr. Fraser moved the following amendment:—Page 4, line 2, after “ Minister ” insert “ and the report of the Joint Committee on the Australian Capital Territory ”.

Debate continued.

Amendment withdrawn, by leave.

Mr. Fraser, by leave, moved the following amendment:—Page 4, line 8, omit “ six ”, insert “ ten ”.

Debate continued.

Question—That the amendment be agreed to—put.

The Committee divided (The Temporary Chairman, Mr. Lucock, in the Chair)—

AYES, 29.				
Mr. Beazley	Mr. Clay	Mr. A. D. Fraser	Mr. Minogue	Mr. Uren
Mr. Bird	Mr. Cope	Mr. J. R. Fraser	Mr. O'Connor	Mr. Ward
Mr. Bryant	Mr. Costa	Mr. Galvin	Mr. Pollard	Mr. Whitlam
Mr. Cairns	Mr. Courtney	Mr. Harrison	Mr. Reynolds	<i>Tellers:</i>
Mr. Calwell	Mr. Crean	Mr. Johnson	Mr. Russell	Mr. Luchetti
Mr. Clarey	Mr. Daly	Mr. Makin	Mr. Thompson	Mr. Stewart
NOES, 50.				
Mr. Adermann	Mr. D. A. Cameron	Mr. Forbes	Mr. Jack	Mr. Turner
Mr. Allan	Mr. Cash	Mr. Fox	Mr. Joske	Mr. Wentworth
Mr. Anderson	Mr. Chaney	Mr. J. M. Fraser	Mr. King	Mr. Wheeler
Mr. Anthony	Mr. Chresby	Mr. Freeth	Mr. Lindsay	Mr. Wilson
Mr. Barnes	Mr. Cleaver	Mr. Halbert	Mr. Mackinnon	<i>Tellers:</i>
Sir G. Barwick	Mr. Davidson	Mr. Hamilton	Mr. Murray	Mr. Opperman
Mr. Bland	Mr. Davis	Mr. Hasluck	Mr. Osborne	Mr. Turnbull
Mr. Bowden	Mr. Downer	Mr. Haworth	Mr. Pearce	
Mr. Browne	Mr. Erwin	Mr. Holt	Mr. Robertson	
Mr. Buchanan	Mr. Fairbairn	Mr. Holten	Mr. Stokes	
Mr. Bury	Mr. Fairhall	Mr. Howson	Mr. Timson	

And so it was negatived.

Clause agreed to.

Clause 5 agreed to.

Title agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Lucock reported accordingly.

On the motion of Mr. Freeth (Minister for the Interior); the House adopted the Report, and, by leave, the Bill was read a third time.

14. AUSTRALIAN CAPITAL TERRITORY REPRESENTATION BILL (No. 2) 1959.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—

Debate resumed.

Question—put and passed.—Bill read a second time.

The House resolved itself into a Committee of the Whole.

(In the Committee.)

Bill, by leave, taken as a whole, and agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Lucock reported accordingly.

On the motion of Mr. Freeth (Minister for the Interior), the House adopted the Report, and, by leave, the Bill was read a third time.

19th November, 1959.

15. CANNING-FRUIT CHARGE BILL 1959.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
Debate resumed.
Question—put and passed.—Bill read a second time.
The House resolved itself into a Committee of the Whole.

(In the Committee.)

Bill, by leave, taken as a whole, and agreed to.
Bill to be reported without amendment.

The House resumed; Mr. Bowden reported accordingly.
On the motion of Mr. Adermann (Minister for Primary Industry), the House adopted the Report, and the Bill was read a third time.

16. CANNING-FRUIT CHARGE (ADMINISTRATION) BILL 1959.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
Question—put and passed.—Bill read a second time.
The House resolved itself into a Committee of the Whole.

(In the Committee.)

Bill, by leave, taken as a whole, and agreed to.
Bill to be reported without amendment.

The House resumed; Mr. Bowden reported accordingly.
On the motion of Mr. Adermann (Minister for Primary Industry), the House adopted the Report, and, by leave, the Bill was read a third time.

17. CANNED FRUIT (SALES PROMOTION) BILL 1959.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
Question—put and passed.—Bill read a second time.
The House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 1—
Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Bowden reported accordingly.
Ordered—That the House will, at a later hour this day, again resolve itself into the said Committee.

18. MESSAGE FROM THE GOVERNOR-GENERAL—CANNED FRUIT (SALES PROMOTION) BILL 1959.—Mr. Speaker announced the receipt of the following Message from His Excellency the Governor-General:—

W. J. SLIM,
Governor-General.

Message No. 49.

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Governor-General recommends to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act relating to the Promotion of the Sale of Canned Fruit.

Canberra, 12th November, 1959.

Ordered—That the Message be taken into consideration, in Committee of the whole House, forthwith.

(In the Committee.)

Mr. Adermann (Minister for Primary Industry) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act relating to the Promotion of the Sale of Canned Fruit.

Question—put and passed.
Resolution to be reported.

The House resumed; Mr. Bowden reported accordingly.
On the motion of Mr. Adermann, the Resolution reported from the Committee was adopted by the House.

19. CANNED FRUIT (SALES PROMOTION) BILL 1959.—The House, according to Order, again resolved itself into a Committee of the Whole for the further consideration of the Bill.

(In the Committee.)

Clauses 1 to 5, by leave, taken together, and agreed to.
Clause 6—

Mr. Clarey moved the following amendment:—Page 2, line 30, omit " and ".

19th November, 1959.

Amendment withdrawn, by leave.

Mr. Clarey moved the following amendment:—Page 2, at the end of sub-clause (1.) add the following word and paragraph:—

“ ; and (e) one member to represent the Food Preservers Union of Australia.”.

Debate ensued.

Question—That the amendment be agreed to—put.

The Committee divided (The Chairman, Mr. Bowden, in the Chair)—

AYES, 25.				
Mr. Beazley	Mr. Clay	Mr. Harrison	Mr. Reynolds	<i>Tellers:</i>
Mr. Bird	Mr. Cope	Mr. Johnson	Mr. Thompson	Mr. Luchetti
Mr. Bryant	Mr. Costa	Mr. Makin	Mr. Uren	Mr. Stewart
Mr. Cairns	Mr. Courtney	Mr. Minogue	Mr. Ward	
Mr. Calwell	Mr. Crean	Mr. O'Connor	Mr. Whitlam	
Mr. Clarey	Mr. Galvin	Mr. Pollard		
NOES, 51.				
Mr. Adermann	Mr. Cash	Mr. J. M. Fraser	Sir W. Kent Hughes	Mr. Townley
Mr. Allan	Mr. Chaney	Mr. Freeth	Mr. King	Mr. Turner
Mr. Anderson	Mr. Chresby	Mr. Halbert	Mr. Lindsay	Mr. Wentworth
Mr. Anthony	Mr. Davidson	Mr. Hamilton	Mr. Lucock	Mr. Wheeler
Mr. Barnes	Mr. Davis	Mr. Hasluck	Mr. Mackinnon	Mr. Wilson
Sir G. Barwick	Mr. Downer	Mr. Holt	Mr. Murray	
Mr. Brimblecombe	Mr. Erwin	Mr. Holten	Mr. Osborne	
Mr. Browne	Mr. Fairbairn	Mr. Howse	Mr. Pearce	<i>Tellers:</i>
Mr. Buchanan	Mr. Fairhall	Mr. Howson	Mr. Robertson	Mr. Opperman
Mr. Bury	Mr. Forbes	Mr. Jack	Mr. Stokes	Mr. Turnbull
Mr. D. A. Cameron	Mr. Fox	Mr. Joske	Mr. Timson	

And so it was negatived.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Bowden reported accordingly.

On the motion of Mr. Adermann (Minister for Primary Industry), the House adopted the Report, and, by leave, the Bill was read a third time.

20. CANNED FRUITS EXPORT CONTROL BILL 1959.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—

Question—put and passed.—Bill read a second time.

The House resolved itself into a Committee of the Whole.

(In the Committee.)

Clauses 1 and 2, by leave, taken together, and agreed to.

Clause 3—

Mr. Clarey moved the following amendment:—Page 2, omit paragraph (b), insert the following paragraph:—

“(b) by adding at the end of sub-section (2.) the following paragraphs:—

‘(e) one member appointed by the Governor-General, on the nomination of the Australian Canning Fruitgrowers Association, to represent the growers of apricots, peaches and pears used in the production of canned fruit; and

‘(f) one member elected by the Federal Conference of the Food Preservers Union of Australia to represent employees of proprietary and co-operative canneries.’; and”.

Debate ensued.

Question—That the paragraph proposed to be omitted stand part of the clause—put.

The Committee divided (The Chairman, Mr. Bowden, in the Chair)—

AYES, 52.				
Mr. Adermann	Mr. Cash	Mr. J. M. Fraser	Sir W. Kent Hughes	Mr. Townley
Mr. Allan	Mr. Chaney	Mr. Freeth	Mr. King	Mr. Turner
Mr. Anderson	Mr. Chresby	Mr. Halbert	Mr. Lindsay	Mr. Wentworth
Mr. Anthony	Mr. Davidson	Mr. Hamilton	Mr. Mackinnon	Mr. Wheeler
Mr. Barnes	Mr. Davis	Mr. Hasluck	Mr. McCole	Mr. Wight
Sir G. Barwick	Mr. Downer	Mr. Holt	Mr. Murray	Mr. Wilson
Mr. Brimblecombe	Mr. Erwin	Mr. Holten	Mr. Osborne	
Mr. Browne	Mr. Fairbairn	Mr. Howse	Mr. Pearce	<i>Tellers:</i>
Mr. Buchanan	Mr. Fairhall	Mr. Howson	Mr. Robertson	Mr. Opperman
Mr. Bury	Mr. Forbes	Mr. Jack	Mr. Stokes	Mr. Turnbull
Mr. D. A. Cameron	Mr. Fox	Mr. Joske	Mr. Timson	
NOES, 27.				
Mr. Beazley	Mr. Clay	Mr. A. D. Fraser	Mr. O'Connor	Mr. Whitlam
Mr. Bird	Mr. Cope	Mr. Galvin	Mr. Pollard	
Mr. Bryant	Mr. Costa	Mr. Harrison	Mr. Reynolds	<i>Tellers:</i>
Mr. Cairns	Mr. Courtney	Mr. Johnson	Mr. Thompson	Mr. Luchetti
Mr. Calwell	Mr. Crean	Mr. Makin	Mr. Uren	Mr. Stewart
Mr. Clarey	Mr. Daly	Mr. Minogue	Mr. Ward	

19th and 20th November, 1959.

And so it was resolved in the affirmative.
 Clause agreed to.
 Clause 4 agreed to.
 Title agreed to.
 Bill to be reported without amendment.

The House resumed; Mr. Bowden reported accordingly.
 On the motion of Mr. Adermann (Minister for Primary Industry), the House adopted the Report, and, by leave, the Bill was read a third time.

21. MESSAGES FROM THE SENATE.—Messages from the Senate were reported returning the following Bills without amendment:—

19th November, 1959—*Message*—

No. 86—Loan (War Service Land Settlement) 1959.

No. 87—Loan (Housing) 1959.

22. ADJOURNMENT.—Mr. Adermann (Minister for Primary Industry) moved, That the House do now adjourn. Debate ensued.

The House continuing to sit until after midnight—

FRIDAY, 20TH NOVEMBER, 1959.

Debate continued.

Several Members rising to address the House—

Closure.—Mr. Holt (Treasurer) moved, That the question be now put.

Question—That the question be now put—put.

The House divided (The Speaker, Mr. McLeay, in the Chair)—

AYES, 45.

Mr. Adermann	Mr. Bury	Mr. J. M. Fraser	Sir W. Kent Hughes	Mr. Townley
Mr. Allan	Mr. Cash	Mr. Freeth	Mr. King	Mr. Turner
Mr. Anderson	Mr. Chaney	Mr. Halbert	Mr. Lindsay	Mr. Wentworth
Mr. Anthony	Mr. Chresby	Mr. Hamilton	Mr. Mackinnon	
Mr. Barnes	Mr. Davidson	Mr. Hasluck	Mr. Murray	<i>Tellers:</i>
Sir G. Barwick	Mr. Downer	Mr. Holt	Mr. Osborne	
Mr. Bowden	Mr. Erwin	Mr. Howse	Mr. Pearce	Mr. Opperman
Mr. Brimblecombe	Mr. Fairbairn	Mr. Howson	Mr. Robertson	Mr. Turnbull
Mr. Browne	Mr. Forbes	Mr. Jack	Mr. Stokes	
Mr. Buchanan	Mr. Fox	Mr. Joske	Mr. Timson	

NOES, 18.

Mr. Beazley	Mr. Clarey	Mr. Johnson	Mr. Reynolds	<i>Tellers:</i>
Mr. Bryant	Mr. Cope	Mr. Minogue	Mr. Uren	
Mr. Cairns	Mr. Courtney	Mr. O'Connor	Mr. Ward	Mr. Costa
Mr. Calwell	Mr. Galvin	Mr. Pollard	Mr. Whitlam	Mr. Stewart

And so it was resolved in the affirmative.

And the question—That the House do now adjourn—was put accordingly, and passed.

And then the House, at nine minutes past twelve o'clock midnight, adjourned until Tuesday next at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Bandidt, Mr. Casey, Mr. Davies, Mr. Dean, Mr. Drury, Mr. Failes, Mr. Hulme, Mr. Kelly, Mr. Lawson, Mr. Peters*, Mr. Riordan*, Mr. Sexton* and Mr. Swartz.

* On leave.

A. G. TURNER,
 Clerk of the House of Representatives.