

1961.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 13.

TUESDAY, 18TH APRIL, 1961.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable J. McLeay) took the Chair, and read Prayers.
2. PETITIONS.—Mr. J. R. Fraser presented a Petition from certain citizens of the Australian Capital Territory praying that the Government will take immediate action to defer the implementation of rental increases of Government-owned dwellings in Canberra and conduct an inquiry into Canberra rentals at which evidence may be taken both from individuals and from community organizations.
Mr. Fraser also presented a Petition from certain citizens of the Australian Capital Territory praying that the rent level of Government-owned dwellings in Canberra will remain as it is and the recent rent increase will not be levied.
Petitions severally received and read.
3. FORESTRY AND TIMBER BUREAU—MINISTERIAL STATEMENT—MOTION FOR PRINTING PAPER.—Mr. Freeth (Minister for the Interior), by leave, made a Ministerial Statement with reference to the Forestry and Timber Bureau and announced decisions of the Government to strengthen and extend the work of the Bureau by establishing a Forest Research Institute and an Australian Forestry Council. Mr. Freeth then, by command of His Excellency the Administrator of the Government of the Commonwealth, laid upon the Table the following Paper:—
Forestry and Timber Bureau—Ministerial Statement—
and moved, That the Paper be printed.
Debate adjourned (Mr. Pollard), and the resumption of the debate made an Order of the Day for the next sitting.
4. COPYRIGHT LAW REVIEW COMMITTEE—REPORT—MINISTERIAL STATEMENT.—Sir Garfield Barwick (Attorney-General), by leave, made a Ministerial Statement informing the House that, before the Government made any decision on the report of the Copyright Law Review Committee, opportunity would be given to members of the public to make comments and submissions regarding the Committee's recommendations.
5. PAPERS.—The following Papers were presented, pursuant to Statute—
Commonwealth Railways Act—By-law No. 93.
Northern Territory (Administration) Act—Regulations—1961—No. 3 (Water Supplies Development Ordinance).
Public Service Act—Appointments—Department—
Supply—P. Anderson, W. Brown, J. Connell, L. K. Cottrell, H. Maudslay, P. W. T. Millyard, R. J. Richards, F. H. L. Scott, P. W. Slattery, D. K. Turnbull.
Territories—J. S. Muspratt.
Treasury—A. J. F. Bray, J. D. McNamee.
Works—J. Funston, Z. V. Holka, I. K. Jones, P. J. Kerr, D. A. Morley, W. Szymanowski, P. N. W. Urquhart, M. B. Williams.
Seat of Government (Administration) Act—Ordinance—1961—No. 2—Court of Petty Sessions.
6. LEAVE OF ABSENCE TO MEMBER.—Mr. Osborne (Minister for Repatriation) moved, That leave of absence for one month be given to the honorable Member for Paterson (Mr. Fairhall) on the ground of ill health.
Question—put and passed.

18th April, 1961.

7. SELECT COMMITTEE ON VOTING RIGHTS OF ABORIGINALS.—Mr. Freeth (Minister for the Interior) moved, pursuant to notice—

(1) That a Select Committee be appointed to inquire into and report on—

(a) whether the entitlement to enrolment and the right to vote presently conferred by the *Commonwealth Electoral Act 1918–1953* on persons referred to in section 39 of that Act should be extended with or without qualifications, restrictions or conditions to—

(i) all aboriginal natives of Australia, or

(ii) aboriginal natives of Australia included in particular classes, and, if so, what classes;

and, if so,

(b) the modifications, if any, that should be made to the provisions of that Act relating to enrolment or voting to provide for enrolment and voting by aboriginal natives or any particular classes of aboriginal natives.

(2) That the Select Committee consist of seven members, four to be appointed by the Prime Minister and three to be appointed by the Leader of the Opposition.

(3) That every appointment of a member of the Committee be forthwith notified in writing to the Speaker.

(4) That the Chairman be one of the members appointed by the Prime Minister.

(5) That the Chairman of the Committee may from time to time appoint another member of the Committee to be Deputy Chairman, and that the member so appointed act as Chairman of the Committee at any time when the Chairman is not present at a meeting of the Committee.

(6) That the Chairman or the Deputy Chairman, when acting as Chairman, shall have a deliberative vote and, in the event of an equality of voting, a casting vote.

(7) That the Select Committee have power to send for persons, papers and records, to sit during any adjournment of the House, and to move from place to place.

(8) That the Committee report to the House not later than the 31st day of October, 1961.

(9) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.

On the motion of Mr. Calwell (Leader of the Opposition) the following amendment was made, after debate:—Paragraph (8), at the end of the paragraph add the following words:—“, and that any member of the Committee have power to add a protest or dissent to the report”.

Motion, as amended, viz.:—

(1) That a Select Committee be appointed to inquire into and report on—

(a) whether the entitlement to enrolment and the right to vote presently conferred by the *Commonwealth Electoral Act 1918–1953* on persons referred to in section 39 of that Act should be extended with or without qualifications, restrictions or conditions to—

(i) all aboriginal natives of Australia, or

(ii) aboriginal natives of Australia included in particular classes, and, if so, what classes;

and, if so,

(b) the modifications, if any, that should be made to the provisions of that Act relating to enrolment or voting to provide for enrolment and voting by aboriginal natives or any particular classes of aboriginal natives.

(2) That the Select Committee consist of seven members, four to be appointed by the Prime Minister and three to be appointed by the Leader of the Opposition.

(3) That every appointment of a member of the Committee be forthwith notified in writing to the Speaker.

(4) That the Chairman be one of the members appointed by the Prime Minister.

(5) That the Chairman of the Committee may from time to time appoint another member of the Committee to be Deputy Chairman, and that the member so appointed act as Chairman of the Committee at any time when the Chairman is not present at a meeting of the Committee.

(6) That the Chairman or the Deputy Chairman, when acting as Chairman, shall have a deliberative vote and, in the event of an equality of voting, a casting vote.

(7) That the Select Committee have power to send for persons, papers and records, to sit during any adjournment of the House, and to move from place to place.

(8) That the Committee report to the House not later than the 31st day of October, 1961, and that any member of the Committee have power to add a protest or dissent to the report.

(9) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders—

agreed to.

8. NORTHERN TERRITORY SUPREME COURT BILL 1961.—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.

Debate adjourned (Mr. Nelson), and the resumption of the debate made an Order of the Day for a later hour this day.

9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 2 to 7 be postponed until after Order of the Day No. 8, Government Business.

10. WAYS AND MEANS—CUSTOMS TARIFF AMENDMENT (NO. 7) AND CUSTOMS TARIFF (NEW ZEALAND PREFERENCE) AMENDMENT (NO. 2).—The House, according to Order, resolved itself into the Committee of Ways and Means.

18th April, 1961.

(In the Committee.)

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

CUSTOMS TARIFF AMENDMENT (No. 7).

1. That the Schedule to the *Customs Tariff* 1933–1960, as proposed to be amended by Customs Tariff Proposals, be further amended as set out in the Schedule to these Proposals and that on and after the nineteenth day of April, One thousand nine hundred and sixty-one, Duties of Customs be collected accordingly.

2. That in these Proposals, “Customs Tariff Proposals” mean the Customs Tariff Proposals introduced into the House of Representatives on the following dates:—

16th March, 1961; and
23rd March, 1961.

THE SCHEDULE.
IMPORT DUTIES.

Tariff Items.	British Preferential Tariff.	Intermediate Tariff.	General Tariff.
DIVISION VIII.—EARTHENWARE, CEMENT, CHINA, GLASS, AND STONE.			
255. By omitting paragraph (2) of sub-item (c) and inserting in its stead the following paragraph:—			
“ (2) Other—			
(a) Edible - - - - - per lb. or ad val. whichever rate returns the higher duty.	10d. 17½ per cent.	1s. 4½d. 42½ per cent.	1s. 4½d. 42½ per cent.
<i>And</i> , in addition, on such goods which were not in direct transit to Australia on or before 14th March, 1961, a temporary duty as follows - - - - - per lb.			
(b) Other - - - - - per lb. or ad val. whichever rate returns the higher duty.”	6d. 10d. 17½ per cent.	6d. 1s. 4½d. 42½ per cent.	6d. 1s. 4½d. 42½ per cent.

CUSTOMS TARIFF (NEW ZEALAND PREFERENCE) AMENDMENT (No. 2).

That the Schedule to the *Customs Tariff (New Zealand Preference)* 1933–1960, as proposed to be amended by Customs Tariff (New Zealand Preference) Proposals introduced into the House of Representatives on the sixteenth day of March, One thousand nine hundred and sixty-one, be further amended as set out in the Schedule to these Proposals and that on and after the nineteenth day of April, One thousand nine hundred and sixty-one, Duties of Customs be collected accordingly.

THE SCHEDULE.

Consecutive No.	Tariff item.	Tariff Rates on Goods the Produce or Manufacture of New Zealand.
88	255 (A) Glue in dry form - - - - -	17½ per cent. ad val. or 5d. per lb., whichever rate returns the higher duty.
	255 (c) Gelatine—	
	(1) Coloured gelatine sheets of the type used for window displays and for lighting effects; gelatine dust of the type used in the manufacture of ladies' evening shoes - - - - -	Free
	(2) Other—	
	(a) Edible - - - - -	17½ per cent. ad val. or 10d. per lb., whichever rate returns the higher duty. <i>And</i> , in addition, on such goods which were not in direct transit to Australia on or before 14th March, 1961, a temporary duty of 6d. per lb.
	(b) Other - - - - -	17½ per cent. ad val. or 10d. per lb., whichever rate returns the higher duty.”

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

18th April, 1961.

The House resumed; Mr. Haworth reported accordingly.

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

11. PAPER.—The following Paper was presented, pursuant to Statute—
Tariff Board—Report of Deputy Chairman—Edible Gelatine.
Ordered to be printed.

12. NORTHERN TERRITORY SUPREME COURT BILL 1961.—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.)

Clause 1—

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

—————
The House resumed; Mr. Haworth reported accordingly.

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

13. MESSAGE FROM THE ADMINISTRATOR—NORTHERN TERRITORY SUPREME COURT BILL 1961.—Mr. Speaker announced the receipt of the following Message from His Excellency the Administrator of the Government of the Commonwealth:—

DALLAS BROOKS,
Administrator.

Message No. 1.

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Administrator of the Government of the Commonwealth recommends to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to create a Supreme Court of the Northern Territory of Australia, in place of the Supreme Court previously established.

Canberra, 12th April, 1961.

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

—————
(In the Committee.)

Sir Garfield Barwick (Attorney-General) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to create a Supreme Court of the Northern Territory of Australia, in place of the Supreme Court previously established.

Question—put and passed.

Resolution to be reported.

—————
The House resumed; Mr. Haworth reported accordingly.

On the motion of Sir Garfield Barwick, the Resolution reported from the Committee was adopted by the House.

14. NORTHERN TERRITORY SUPREME COURT BILL 1961.—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 8, by leave, taken together, and agreed to.

Clause 9 debated and agreed to.

Clauses 10 to 34, by leave, taken together, and agreed to.

Clause 35 debated and agreed to.

Clauses 36 to 50, by leave, taken together, and agreed to.

Clause 51 debated and agreed to.

Clause 47 reconsidered, by leave, and agreed to, after debate.

Clauses 52 to 54, by leave, taken together, and agreed to.

Clause 55—

Mr. Whitlam moved the following amendment:—Page 17, after sub-clause (5.) insert the following sub-clause:—

“(5A.) Where the Attorney-General disallows any Rule of Court, he shall cause a statement of the reasons for disallowance to be laid before each House of the Parliament as soon as possible, but in any case within fifteen sitting days of that House, after the date on which the Rule was disallowed.”.

18th April, 1961.

- Debate ensued.
- Amendment negatived.
- Clause agreed to.
- Schedule agreed to.
- Title agreed to.
- Bill to be reported without amendment.

The House resumed; Mr. Lucock reported accordingly.
On the motion of Sir Garfield Barwick (Attorney-General), the House adopted the Report, and, by leave, the Bill was read a third time.

15. JUDGES' PENSIONS BILL 1961.—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 by Mr. Whitlam who moved, as an amendment, That the word "now" be omitted from, and that the words "this day six months in order that the Government may confer with the States with a view to adopting a uniform basis for the payment of Judges' Pensions" be added to, the question.
Debate continued.
Question—That the word proposed to be omitted stand part of the question—put.
The House divided (The Deputy Speaker, Mr. Haworth, in the Chair)—

AYES, 62.

Mr. Adermann	Mr. Bury	Mr. England	Mr. Kelly	Mr. Stokes
Mr. Allan	Mr. D. A. Cameron	Mr. Erwin	Mr. Killen	Mr. Swartz
Mr. Anderson	Mr. Cash	Mr. Falles	Mr. King	Mr. Turner
Mr. Anthony	Mr. Chaney	Mr. Fairbairn	Mr. Lindsay	Mr. Wentworth
Mr. Aston	Mr. Chipp	Mr. Forbes	Mr. Lucock	Mr. Wheeler
Mr. Bandidt	Mr. Chresby	Mr. Fox	Mr. Mackinnon	Mr. Whittorn
Mr. Barnes	Mr. Cleaver	Mr. Halbert	Mr. McColm	Mr. Wight
Sir G. Barwick	Mr. Cramer	Mr. Hasluck	Mr. McMahon	Mr. Wilson
Mr. Bland	Mr. Davidson	Mr. Holten	Mr. Murray	
Mr. Bowden	Mr. Davis	Mr. Howson	Mr. Opperman	<i>Tellers:</i>
Mr. Brimblecombe	Mr. Dean	Mr. Hulme	Mr. Osborne	
Mr. Browne	Mr. Downer	Mr. Jack	Mr. Robertson	Mr. Pearce
Mr. Buchanan	Mr. Drummond	Mr. Jess	Mr. Snedden	Mr. Turnbull

NOES, 41.

Mr. Barnard	Mr. Costa	Mr. Harrison	Mr. Minogue	Mr. Uren
Mr. Beaton	Mr. Courtney	Mr. Haylen	Mr. O'Connor	Mr. Ward
Mr. Beazley	Mr. Crean	Mr. James	Mr. Peters	Mr. Whitlam
Mr. Bird	Mr. Curtin	Mr. Johnson	Mr. Pollard	
Mr. Bryant	Mr. Daly	Mr. Jones	Mr. Reynolds	<i>Tellers:</i>
Mr. Cairns	Mr. Davies	Mr. Lawson	Mr. Riordan	
Mr. C. R. Cameron	Mr. A. D. Fraser	Mr. Luchetti	Mr. Russell	
Mr. Clay	Mr. Fulton	Mr. Makin	Mr. Sexton	Mr. Duthie
Mr. Cope	Mr. Galvin	Mr. McIvor	Mr. Thompson	Mr. Stewart

And so it was resolved in the affirmative.
Question—That the Bill be now read a second time—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. Lucock reported accordingly.
Ordered—That the House will, at a later hour this day, again resolve itself into the said Committee.

16. MESSAGE FROM THE ADMINISTRATOR—JUDGES' PENSIONS BILL 1961.—Mr. Speaker announced the receipt of the following Message from His Excellency the Administrator of the Government of the Commonwealth:—

DALLAS BROOKS,
Administrator.

Message No. 2.

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Administrator of the Government of the Commonwealth recommends to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to amend the *Judges' Pensions Act 1948-1958*.

Canberra, 12th April, 1961.

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

(In the Committee.)

Sir Garfield Barwick (Attorney-General) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to amend the *Judges' Pensions Act 1948-1958*.

Question—put and passed.
Resolution to be reported.

18th April, 1961.

The House resumed; Mr. Lucock reported accordingly.

On the motion of Sir Garfield Barwick, the Resolution reported from the Committee was adopted by the House.

17. JUDGES' PENSIONS BILL 1961.—The House, according to Order, again resolved itself into a Committee of the Whole for the further consideration of the Bill.

(*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 Sir Garfield Barwick (Attorney-General), the House adopted the Report, and, by leave, the Bill was read a third time.

18. EXPORT PAYMENTS INSURANCE CORPORATION BILL 1961.—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 4, by leave, taken together, and agreed to.

Clause 5 debated and agreed to.

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

Bill to be reported without amendment.

The House resumed; Mr. Brimblecombe reported accordingly.

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

19. ADJOURNMENT.—Mr. Osborne (Minister for Repatriation) moved, That the House do now adjourn.
Question—put and passed.

And then the House, at twenty minutes past ten o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Clark, Mr. Drury, Mr. Fairhall*, Mr. Hamilton and Sir Earle Page.

* On leave.

N. J. PARKES,

Acting Clerk of the House of Representatives.