

1962.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 56.

WEDNESDAY, 7TH NOVEMBER, 1962.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable Sir John McLeay) took the Chair, and read Prayers.
2. QUESTIONS—STATEMENT BY MEMBER—LEAVE TO MAKE NOT GRANTED.—Questions without notice were answered.
Mr. Calwell (Leader of the Opposition) asked leave to make a Statement. Objection being raised, leave not granted.
3. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
Australian Wool Bureau—Financial statements, together with the Auditor-General's Reports, for year 1961–62.
Commonwealth Telegraphs Agreement—Commonwealth Telecommunications Board—Eleventh General Report for period 1st January, 1961 to 31st March, 1962, and Statement of Accounts for period 1st April, 1960 to 31st March, 1962.
The following Papers were presented, pursuant to Statute—
Australian Wool Testing Authority Act—Australian Wool Testing Authority—Financial statement, together with the Auditor-General's Report, for year 1961–62.
Northern Territory (Administration) Act—Regulations—Statutory Rules 1962, No. 95.
Petroleum Search Subsidy Act 1957–1958—Fifth Annual Statement, for year 1961–62.
Petroleum Search Subsidy Act 1959–1961—Third Annual Statement, for year 1961–62.
Snowy Mountains Hydro-electric Power Act—Snowy Mountains Hydro-electric Authority—Thirteenth Annual Report and financial statements, together with the Auditor-General's Report, for year 1961–62.
4. PUBLIC WORKS COMMITTEE—REFERENCE OF WORK—EXTENSION OF STOKES HILL WHARF AND PROVISION OF ADDITIONAL CARGO SHED, DARWIN.—Mr. Freeth (Minister for Works) moved, pursuant to notice, That, in accordance with the provisions of the *Public Works Committee Act* 1913–1960, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for investigation and report:—Extension of Stokes Hill Wharf and provision of Additional Cargo Shed, Darwin, Northern Territory.
Mr. Freeth laid on the Table plans in connexion with the proposed work.
Question—put and passed.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 1 to 3 be postponed until after Order of the Day No. 4, Government Business.
6. WAYS AND MEANS—CUSTOMS TARIFF AMENDMENTS (NOS. 52 AND 53) AND EXCISE TARIFF AMENDMENT (No. 1).—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

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

CUSTOMS TARIFF AMENDMENT (No. 52).

1. That the Schedule to the *Customs Tariff* 1933–1962, 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 eighth day of November, One thousand nine hundred and sixty-two, Duties of Customs be collected accordingly.

7th November, 1962.

EXCISE TARIFF AMENDMENT (No. 1).

That the Schedule to the *Excise Tariff 1921-1961* be amended as set out in the Schedule to these Proposals and that on and after the eighth day of November, One thousand nine hundred and sixty-two, Duties of Excise be collected in pursuance of the *Excise Tariff 1921-1961* as so amended.

THE SCHEDULE.

Articles.	Rate of Duty.
10. By inserting after sub-item (c) a new sub-item as follows:— “(H) Articles which are owned (prior to clearance for home consumption) by an International Organization or an official of an International Organization and are for the official use of the Organization or for the personal or official use of the official, as the case may be, as prescribed by Departmental By-laws -	Free.”

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.

7. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
Tariff Board—Reports—
Menthol and thymol.
Snap fasteners and eyelets.
Severally ordered to be printed.

8. SUSPENSION OF STANDING ORDERS—STEVEDORING INDUSTRY BILL 1962.—Mr. McMahon (Minister for Labour and National Service) moved, by leave, That, during the consideration in Committee of the Whole of the Stevedoring Industry Bill 1962, so much of Standing Order No. 223 be suspended as would prevent proposed new clauses being considered in their numerical order with the clauses as printed in the Bill.
Question—put and passed.

9. STEVEDORING INDUSTRY BILL 1962.—The House, according to Order, resolved itself into a Committee of the Whole for the further consideration of the Bill.

(In the Committee.)

Clauses 1 to 3, by leave, taken together, and agreed to.

New clause—

On the motion of Mr. McMahon (Minister for Labour and National Service), the following new clause was inserted in the Bill, after debate:—

“ 3A. After section fifteen of the Principal Act the following section is inserted:—

‘ 15A. The *Commonwealth Employees’ Compensation Act 1930-1959* applies to the Chairman and other members of the Authority, and to officers and employees of the Authority, as if they were employees within the meaning of that Act and—

Compensation to members, officers and employees.

(a) references in that Act to the Commonwealth were references to the Authority; and

(b) the Chairman and other members of the Authority were employed by the Authority.’”.

Proposed new clause—

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

“ 3B. Section seventeen of the Principal Act is amended by omitting from sub-paragraph (ii) of paragraph (d) of sub-section (1.) the words ‘ to require waterside workers registered at a port to offer and accept ’ and inserting in their stead the words ‘ to facilitate waterside workers registered at a port offering for and accepting ’.”.

Functions of the Authority.

Debate ensued.

Question—That the new clause proposed to be inserted be so inserted—put.

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

AYES, 54.

Mr. Armitage	Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Russell
Mr. Barnard	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Sexton
Mr. Beaton	Mr. Courtney	Mr. Griffiths	Mr. McGuren	Mr. Stewart
Mr. Benson	Mr. Crean	Mr. Hansen	Mr. Minogue	Mr. Thompson
Mr. Bryant	Mr. Cross	Mr. Harding	Mr. Monaghan	Mr. Uren
Mr. Cairns	Mr. Curtin	Mr. Harrison	Mr. O'Brien	Mr. Ward
Mr. C. R. Cameron	Mr. Daly	Mr. Hayden	Mr. O'Connor	Mr. Webb
Mr. Clark	Mr. Einfeld	Mr. Haylen	Mr. Peters	Mr. Whitlam
Mr. Clay	Mr. A. D. Fraser	Mr. Johnson	Mr. Pollard	Tellers:
Mr. Collard	Mr. Fuller	Mr. Jones	Mr. Reynolds	Mr. Coutts
Mr. Comber	Mr. Fulton	Mr. Kearney	Mr. Riordan	Mr. Duthie

7th November, 1962.

		NOES, 55.		
Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Mackinnon	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. McEwen	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Sir J. McLeay	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failes	Mr. Jack	Mr. Nixon	<i>Tellers:</i>
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	Mr. Chaney
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Turnbull
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	

And so it was negatived.

Clauses 4 to 8, by leave, taken together, and agreed to.

Clause 9—

Mr. Harrison moved, That the clause be omitted, and the following clause be inserted in place thereof:—

“9. Section thirty-six of the Principal Act is amended—

(a) by omitting paragraph (f) from sub-section (1.) and inserting in its stead the following paragraph:—

‘(f) has been convicted of an offence against this Act;’;

Cancellation
or suspension
of waterside
workers.

(b) by omitting from sub-section (1.) the words ‘or, where not inappropriate, suspend his entitlement to attendance money’;

(c) by omitting sub-sections (3A.), (3B.) and (3C.) and inserting in their stead the following sub-section:—

‘(3A.) Where the registration of a person as a waterside worker has been suspended under sub-section (1.) of this section by a person exercising a power delegated to him by the Authority under section fourteen of this Act, the Authority may, unless the waterside worker has filed a notice of appeal against the suspension under the next succeeding section or given notice under section thirty-seven B of this Act that he objects to the suspension, vary or set aside the suspension, but where the Authority varies the suspension, it shall not increase the period, or the number of working days or days, for which the suspension would, but for the variation, have effect.’;

(d) by omitting from sub-section (5.) the words ‘, or whether the entitlement of a waterside worker to attendance money should be suspended,’; and

(e) by adding at the end thereof the following sub-section:—

‘(6.) Where the Authority, under sub-section (3A.) of this section, varies or sets aside the suspension of the registration of a waterside worker, or, under sub-section (4.) of this section, revokes the suspension of the registration of a waterside worker, the Authority shall pay to the waterside worker such amount as the Authority determines as being equal to the whole of the loss of wages, of attendance money and of payments in respect of public holidays suffered by the waterside worker.’”.

Debate ensued.

Question—That the amendment be agreed to—put.

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

		AYES, 54.		
Mr. Armitage	Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Russell
Mr. Barnard	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Sexton
Mr. Beaton	Mr. Courtney	Mr. Griffiths	Mr. McGuren	Mr. Stewart
Mr. Benson	Mr. Crean	Mr. Hansen	Mr. Minogue	Mr. Thompson
Mr. Bryant	Mr. Cross	Mr. Harding	Mr. Monaghan	Mr. Uren
Mr. Cairns	Mr. Curtin	Mr. Harrison	Mr. O'Brien	Mr. Ward
Mr. C. R. Cameron	Mr. Daly	Mr. Hayden	Mr. O'Connor	Mr. Webb
Mr. Clark	Mr. Einfeld	Mr. Haylen	Mr. Peters	Mr. Whitlam
Mr. Clay	Mr. A. D. Fraser	Mr. Johnson	Mr. Pollard	<i>Tellers:</i>
Mr. Collard	Mr. Fuller	Mr. Jones	Mr. Reynolds	Mr. Coutts
Mr. Comber	Mr. Fulton	Mr. Kearney	Mr. Riordan	Mr. Duthie

		NOES, 55.		
Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Mackinnon	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. McEwen	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Sir J. McLeay	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failes	Mr. Jack	Mr. Nixon	<i>Tellers:</i>
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	Mr. Chaney
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Turnbull
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	

And so it was negatived.

On the motion of Mr. McMahon, the following amendment was made, after debate:—Pages 4 and 5, omit paragraph (a) to the end of proposed sub-section (3C.), insert—

“(a) by inserting after sub-section (3C.) the following sub-section:—”.

7th November, 1962.

Mr. Harrison moved the following further amendment:—Page 5, proposed sub-section (6.), omit all words after “ Authority ” (second occurring), insert “ shall pay to the waterside worker by way of compensation such amount as the Authority determines as being equal to the whole of the loss of wages of attendance money and of payments in respect of public holidays suffered by the waterside worker.’ ”.

Debate ensued.

Amendment negatived.

On the motion of Mr. McMahon, the following further amendment was made, after debate:—Page 5, proposed sub-section (6.), omit “ for loss of wages and attendance money or for loss of attendance money ”, insert “ for any loss of wages, any loss of attendance money and any loss of payments for public holidays or for any loss of attendance money ”.

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11—

On the motion of Mr. McMahon, the following amendment was made, after debate:—Page 6, lines 18 and 19, omit—

“ 11. Section thirty-seven A of the Principal Act is amended by inserting after sub-section (1.) the following sub-sections:—”, insert—

“ 11. Section thirty-seven A of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words ‘ loss of wages and attendance money ’ and inserting in their stead ‘ any loss of wages, any loss of attendance money and any loss of payments for public holidays ’; and

(b) by inserting after sub-section (1.) the following sub-sections:—”.

Mr. Harrison moved the following further amendment:—Page 6, proposed sub-section (1B.), omit paragraphs (a) and (b).

Debate ensued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 12—

On the motion of Mr. McMahon, the following amendment was made, after debate:—Page 8, line 32, omit “ one month ”, insert “ fourteen days ”.

Mr. Harrison moved the following further amendment:—Page 9, proposed sub-section (7.), omit all the words after “ Part B of a register,”, insert “ shall pay to the waterside worker such amount as the Authority determines as being equal to the whole of the loss of wages, of attendance money and of payments in respect of public holidays suffered by the waterside worker.”.

Amendment negatived.

On the motion of Mr. McMahon, the following further amendment was made, after debate:—Page 9, proposed sub-section (7.), omit “ loss of wages and attendance money ”, insert “ any loss of wages, any loss of attendance money and any loss of payments for public holidays ”.

Clause, as amended, agreed to.

Clause 13—

On the motion of Mr. McMahon, the following amendment was made, after debate:—Page 10, omit paragraph (d).

Mr. Harrison moved the following further amendment:—Page 10, omit paragraph (e), insert the following paragraph:—

“ (e) by omitting from paragraph (a) of sub-section (4.) the word and letters ‘ (a), (b), (c) or (d) ’ and inserting in their stead the word and letters ‘ (a), (c), (d) or (e) ’; ”.

Debate ensued.

Amendment negatived.

On the motion of Mr. McMahon, the following further amendment was made, after debate:—Page 11, paragraph (l), omit “ (iv) ”, insert “ (v) ”.

On the motion of Mr. McMahon, the following further amendment was made, after debate:—Page 11, omit paragraph (m).

Mr. Harrison, by leave, moved the following further amendments together:—

Page 13, line 27, omit “ employed ”, insert “ available for employment ”.

Page 13, omit paragraph (b) of proposed sub-section (9.).

Debate ensued.

Closure.—Mr. McMahon moved, That the question be now put.

Question—That the question be now put—put.

7th November, 1962.

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

AYES, 55.				
Mr. Adermann	Mr. Davies	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Mackinnon	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. McEwen	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Sir J. McLeay	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	<i>Tellers:</i>
Mr. Chipp	Mr. Failles	Mr. Jack	Mr. Nixon	
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	Mr. Chaney
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Turnbull
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	
NOES, 54.				
Mr. Armitage	Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Russell
Mr. Barnard	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Sexton
Mr. Beaton	Mr. Courtney	Mr. Griffiths	Mr. McGuren	Mr. Stewart
Mr. Benson	Mr. Crean	Mr. Hansen	Mr. Minogue	Mr. Thompston
Mr. Bryant	Mr. Cross	Mr. Harding	Mr. Monaghan	Mr. Uren
Mr. Cairns	Mr. Curtin	Mr. Harrison	Mr. O'Brien	Mr. Ward
Mr. C. R. Cameron	Mr. Daly	Mr. Hayden	Mr. O'Connor	Mr. Webb
Mr. Clark	Mr. Einfeld	Mr. Haylen	Mr. Peters	Mr. Whitlam
Mr. Clay	Mr. A. D. Fraser	Mr. Johnson	Mr. Pollard	<i>Tellers:</i>
Mr. Collard	Mr. Fuller	Mr. Jones	Mr. Reynolds	Mr. Coutts
Mr. Comber	Mr. Fulton	Mr. Kearney	Mr. Riordan	Mr. Duthie

And so it was resolved in the affirmative.

And the question—That the amendments be agreed to—being accordingly put—

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

AYES, 54.				
Mr. Armitage	Mr. Costa	Mr. Griffiths	Mr. Minogue	Mr. Uren
Mr. Barnard	Mr. Courtney	Mr. Hansen	Mr. Monaghan	Mr. Ward
Mr. Beaton	Mr. Crean	Mr. Harding	Mr. O'Brien	Mr. Webb
Mr. Benson	Mr. Cross	Mr. Harrison	Mr. O'Connor	Mr. Whitlam
Mr. Bryant	Mr. Curtin	Mr. Hayden	Mr. Peters	
Mr. Cairns	Mr. Daly	Mr. Haylen	Mr. Pollard	
Mr. C. R. Cameron	Mr. Einfeld	Mr. Johnson	Mr. Reynolds	
Mr. Clark	Mr. A. D. Fraser	Mr. Jones	Mr. Riordan	
Mr. Clay	Mr. Fuller	Mr. Kearney	Mr. Russell	<i>Tellers:</i>
Mr. Collard	Mr. Fulton	Mr. Luchetti	Mr. Sexton	
Mr. Comber	Mr. Galvin	Mr. Makin	Mr. Stewart	Mr. Coutts
Mr. Cope	Mr. Gray	Mr. McGuren	Mr. Thompson	Mr. Duthie

NOES, 55.				
Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Mackinnon	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. McEwen	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Sir J. McLeay	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failles	Mr. Jack	Mr. Nixon	<i>Tellers:</i>
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Chaney
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	Mr. Turnbull

And so it was negatived.

On the motion of Mr. McMahon, the following further amendment was made, after debate:—Page 13, proposed sub-section (9.), omit proposed paragraph (d), insert the following paragraph:—

“(d) days on which he was on—

- (i) annual leave;
- (ii) long service leave under this Part, not being long service leave to which he became entitled under sub-section (3.) of section forty-five D of this Act; or
- (iii) long service leave under a scheme which is a long service leave scheme for employees as defined in sub-section (11.) of section forty-five KA of this Act;”.

Mr. McMahon moved the following further amendment:—Page 14, proposed sub-section (9.), omit proposed paragraph (e), insert the following paragraph:—

“(e) days, not exceeding fifteen days in any year ending on the thirtieth day of June—

- (i) on which he was on sick leave with pay;
- (ii) on which, after the commencement of this sub-section, he was on sick leave that was granted by the Authority and was certified by a medical practitioner as being necessary on account of an illness or injury; or
- (iii) on which he was incapacitated by reason of an injury or illness in respect of which he was paid compensation under a law of the Commonwealth or of a State or Territory of the Commonwealth relating to the payment of compensation to employees by virtue of the application of that law in relation to his employment as a waterside worker;”.

Debate ensued.

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

Further question proposed—That the paragraph proposed to be inserted be so inserted.

7th November, 1962.

Mr. Harrison, by leave, moved the following further amendments together to the paragraph proposed to be inserted:—

Omit “, not exceeding fifteen days in any year ending on the thirtieth day of June.”.

Omit “with pay”.

Debate ensued.

Question—That the words proposed to be omitted stand part of the paragraph proposed to be inserted—put and passed.

Question—That the paragraph proposed to be inserted be so inserted—put and passed.

Clause, as amended, agreed to.

Clause 14—

Mr. McMahon moved the following amendment:—Page 15, omit proposed sub-section (2.), insert the following sub-section:—

“(2.) Subject to the next succeeding section, where—

(a) a person whose period of qualifying service is more than twenty years ceases to be a registered waterside worker by reason of his registration being cancelled at his request;

(b) a person whose period of qualifying service is ten years or more ceases to be a registered waterside worker and the Authority, on the application of that person, certifies in writing that his ceasing to be so registered—

(i) arose from such an illness, incapacity or disability as rendered him permanently incapable, or likely to be permanently incapable, of properly carrying out the duties of a waterside worker or as rendered him a danger to others;

(ii) arose from a request to cancel his registration made by him on account of pressing necessity of such a nature as to justify the making of that request;

(iii) arose from a request to cancel his registration made by him after he attained the age of sixty-five years or, if he is a person eligible for service pension, sixty years; or

(iv) arose from the cancellation of his registration under section thirty-two of this Act;

(c) a person whose period of qualifying service is ten years or more ceases to be a registered waterside worker by reason of his registration being cancelled at his request and the Authority, on the application of that person, certifies in writing that it is satisfied that he will continue to be employed in or in connexion with the stevedoring industry and that the cancellation of his registration is in the interests of the stevedoring industry; or

(d) a person, being a registered waterside worker whose period of qualifying service is ten years or more, dies,

he shall, if the period of his qualifying service is not a multiple of ten years, be deemed to have been entitled immediately before he ceased to be so registered or died, as the case may be, to long service leave for a period determined in accordance with sub-section (4.) of this section.”.

Debate ensued.

Question—That the sub-section proposed to be omitted stand part of the clause—put and negated.

Further question proposed—That the sub-section proposed to be inserted be so inserted.

Mr. Harrison moved the following amendment to the sub-section proposed to be inserted:—

Omit proposed sub-section (2.), insert the following sub-section:—

“(2.) Subject to the next succeeding section, where a person—

(a) ceases to be a registered waterside worker; or

(b) being a registered waterside worker, dies,

and his period of qualifying service is ten years or more and is not a multiple of ten years, he shall be deemed to have been entitled immediately before he ceased to be so registered or died, as the case may be, to long service leave for a period determined in accordance with sub-section (4.) of this section.”.

Debate ensued.

Question—That the sub-section proposed to be omitted by Mr. Harrison stand—put.

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

AYES, 55.

Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Mackinnon	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. McEwen	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Sir J. McLeay	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failes	Mr. Jack	Mr. Nixon	
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	<i>Tellers:</i>
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Chaney
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	Mr. Turnbull

NOES, 54.

Mr. Armitage	Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Russell
Mr. Barnard	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Sexton
Mr. Beaton	Mr. Courtney	Mr. Griffiths	Mr. McGuren	Mr. Stewart
Mr. Benson	Mr. Crean	Mr. Hansen	Mr. Minogue	Mr. Thompson
Mr. Bryant	Mr. Cross	Mr. Harding	Mr. Monaghan	Mr. Uren
Mr. Cairns	Mr. Curtin	Mr. Harrison	Mr. O'Brien	Mr. Ward
Mr. C. R. Cameron	Mr. Daly	Mr. Hayden	Mr. O'Connor	Mr. Webb
Mr. Clark	Mr. Einfeld	Mr. Haylen	Mr. Peters	Mr. Whitlam
Mr. Clay	Mr. A. D. Fraser	Mr. Johnson	Mr. Pollard	<i>Tellers:</i>
Mr. Collard	Mr. Fuller	Mr. Jones	Mr. Reynolds	Mr. Coutts
Mr. Comber	Mr. Fulton	Mr. Kearney	Mr. Riordan	Mr. Duthie

And so it was resolved in the affirmative,

7th November, 1962.

Question—That the sub-section proposed to be inserted by Mr. McMahon be so inserted—put and passed. On the motion of Mr. McMahon the following further amendment was made, after debate:—Page 17, line 3, after “sixty-one,” insert “or by reason of the provisions of section twenty-three of this Act,”. Clause, as amended, agreed to.

Clause 15—

On the motion of Mr. McMahon, by leave, the following amendments were made together, after debate:—

Page 18, at the end of sub-clause (2.) add “, and, in the application of that sub-section to him, the reference in paragraph (b) of that sub-section to one month shall be read as a reference to two months”.

Pages 18 and 19, omit sub-clause (3.), insert the following sub-clause:—

“(3.) Where—

(a) a person (including a person who ceased, by death or otherwise, to be a registered waterside worker before the date of commencement of this Act) did not, before that date, become entitled to be paid an amount under sub-section (3.) or sub-section (4.) of section forty-five E of the Principal Act but would have become so entitled if—

(i) the amendments made by paragraphs (c), (e) and (o) of sub-section (1.) of section thirteen of this Act had come into operation on the date of commencement of Part IIIA. of the Principal Act and paragraph (g) of sub-section (4.) of section forty-five C of the Principal Act had had effect on and from that date in the manner specified in section twenty-three of this Act; and

(ii) within the period specified in paragraph (c) of sub-section (3.), or the period specified in paragraph (b) of sub-section (4.), of section forty-five E of the Principal Act, he had, in a case where he did not so do, ceased to be a registered waterside worker upon the cancellation of his registration at his own request or become a registered irregular waterside worker at his own request; and

(b) in a case where he was a registered regular waterside worker immediately before the date of commencement of this Act—he ceases, within two months after that date to be a registered waterside worker upon the cancellation of his registration at his own request or he becomes, within that period, a registered irregular waterside worker at his own request,

there shall be paid to him (or, if he has died, to his legal personal representative) an amount equal to the amount which he would be entitled, or would have been entitled, to receive in respect of long service leave for a period of thirteen weeks.”.

Clause, as amended, agreed to.

Clause 16 agreed to.

Proposed new clause—

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

“16A. Section forty-five K of the Principal Act is amended by omitting sub-section (3.) ^{Assessed} and inserting in its stead the following sub-section:— ^{amount of pay.}

“(3.) In determining the amount of those average weekly earnings, the Authority shall have regard to any sums paid—

(a) by way of wages;

(b) by way of attendance money;

(c) in respect of absence on account of illness or injury; and

(d) for any day that was a holiday for waterside workers under an award of the Commission.’.”.

Debate ensued.

Proposed new clause negatived.

New clause—

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

“16A.—(1.) After section forty-five K of the Principal Act the following section is inserted:—

‘45KA.—(1.) Nothing in this Act shall be construed as preventing a person from becoming entitled to long service leave under a long service leave scheme for employees ^{Permanent waterside workers.} in respect of a period that is also a period of qualifying service in relation to the person under this Act if, during that period, the person was a permanent waterside worker.

“(2.) Where—

(a) a person makes application to the Authority to take the whole or a part of any long service leave to which he is entitled under this Part; and

(b) there is included in the qualifying service to which that long service leave relates a period (in this sub-section referred to as “the period of common service”) in respect of which he has, whether before or after the entitlement to that long service leave arose, become entitled to long service leave under a long service leave scheme for employees, whether or not he has taken the whole or any part of that leave,

the period of the long service leave to which he is entitled referred to in paragraph (a) of this sub-section shall, in lieu of the period that, but for this sub-section, would be the period of that leave, be a period equal to that last-mentioned period reduced by—

(c) a period equal to one-eightieth of the period of common service; or

7th November, 1962.

- (d) the period of the long service leave to which he has become entitled under the long service leave scheme for employees or, if he became entitled to that long service leave in respect of a period of which the period of common service forms a part only, a period equal to such part of the period of that long service leave as the Authority certifies in writing to be, in its opinion, attributable to the period of common service,

whichever is the less.

‘ (3.) Where—

- (a) a person makes application to the Authority to take the whole or a part of any long service leave to which he is entitled under this Part; and
 (b) there is included in the qualifying service to which that long service leave relates a period (in this sub-section referred to as “ the period of common service ”) in respect of which he will or may, but has not, become entitled to long service leave under a long service leave scheme for employees,

the period of the long service leave to which he is entitled referred to in paragraph (a) of this sub-section shall, in lieu of the period that, but for this sub-section, would be the period of that leave, be a period equal to that last-mentioned period reduced by a period equal to one-eightieth of the period of common service.

‘ (4.) Where sub-section (3.), (4.) or (5.) of section forty-five J of this Act applies in relation to long service leave to which a person is entitled under this Part, sub-sections (2.) and (3.) of this section apply in relation to that leave as if he had made application to take that leave immediately before he ceased to be a registered waterside worker, he died or he made application for payment of an amount in respect of that leave, as the case may be.

‘ (5.) Where—

- (a) a person becomes entitled to be paid an amount under section forty-five E of this Act; and
 (b) there is included in the period during which he has been registered as a waterside worker a period (in this sub-section referred to as “ the period of common service ”) in respect of which he has become entitled to long service leave under a long service leave scheme for employees, whether or not he has taken the whole or any part of that leave,

that section shall apply to him as if any reference in the section to a period of thirteen weeks were a reference to a period of thirteen weeks reduced by—

- (c) a period equal to one-eightieth of the period of common service; or
 (d) the period of long service leave to which he has become entitled under the long service leave scheme for employees or, if he became entitled to that long service leave in respect of a period of which the period of common service forms a part only, a period equal to such part of the period of that long service leave as the Authority certifies in writing to be, in its opinion, attributable to the period of common service,

whichever is the less.

‘ (6.) Where—

- (a) a person becomes entitled to be paid an amount under section forty-five E of this Act; and
 (b) there is included in the period during which he has been registered as a waterside worker a period (in this sub-section referred to as “ the period of common service ”) in respect of which he will or may, but has not, become entitled to long service leave under a long service leave scheme for employees,

that section shall apply to him as if any reference in the section to a period of thirteen weeks were a reference to a period of thirteen weeks reduced by a period equal to one-eightieth of the period of common service.

‘ (7.) Where—

- (a) sub-section (3.) or sub-section (6.) of this section has applied in relation to a person; and
 (b) the Authority (whether before or after the person ceases to be a registered waterside worker) certifies in writing that it is satisfied that the person has not and will not become entitled to long service leave under a long service leave scheme for employees in respect of the period that, for the purposes of sub-section (3.) or sub-section (6.) of this section, was the period of common service,

the person shall, notwithstanding sub-section (6.) of section forty-five E of this Act, be deemed to have been entitled, immediately before the issue of the certificate, or, if the certificate is issued after he ceases to be a registered waterside worker, immediately before he so ceased, to long service leave under this Part for a period equal to one-eightieth of the period of common service.

‘ (8.) Where—

- (a) sub-section (3.) or sub-section (6.) of this section has applied in relation to a person;
 (b) the person has (whether before or after he ceases to be a registered waterside worker) become entitled to long service leave under a long service leave scheme for employees in respect of the period that, for the purposes of sub-section (3.) or sub-section (6.) of this section, was the period of common service; and

7th November, 1962.

- (c) the Authority certifies in writing that the period equal to such part of that last-mentioned long service leave as, in its opinion, is attributable to the period of common service is less than one-eightieth of the period of common service,

the person shall, notwithstanding sub-section (6.) of section forty-five E of this Act, be deemed to have become entitled, immediately before the issue of the certificate, or, if the certificate is issued after he ceases to be a registered waterside worker, immediately before he so ceased, to long service leave under this Part for a period equal to the difference.

‘ (9.) Where—

- (a) a person has been employed at a port on weekly hiring as a waterside worker in stevedoring operations during any period after the establishment of a register of waterside workers at the port under Commonwealth stevedoring legislation and before the expiration of two months after the commencement of this section, being a period during which he was not registered as a waterside worker but was a member of a Union; and
- (b) the person is registered as a waterside worker on the date of commencement of this section, or the person is not so registered on that date but—
- (i) he has been so registered during a period before that date;
 - (ii) his registration was cancelled on his becoming employed on weekly hiring as a waterside worker in stevedoring operations;
 - (iii) he is, on the date of commencement of this section, employed on weekly hiring as a waterside worker in stevedoring operations; and
 - (iv) he informs the Authority by notice in writing given within two months after that date that he wishes to become a registered waterside worker,

he shall, for the purposes of this Part, be deemed to have been registered as a waterside worker at the port referred to in paragraph (a) of this sub-section during the period of employment referred to in that paragraph.

‘ (10.) For the purposes of the last preceding sub-section, the definition of “ Union ” in sub-section (1.) of section seven of this Act shall be read as if it included the Permanent and Casual Wharf Labourers Union of Australia.

‘ (11.) In this section—

- “ long service leave scheme for employees ” means a scheme providing for long service leave for employees, whether provided by or under a law of a State or a Territory of the Commonwealth or by agreement or in any other way, but does not include the long service leave scheme provided for in this Part;
- “ permanent waterside worker ” means a registered waterside worker employed on weekly hiring as a waterside worker in stevedoring operations;
- “ weekly hiring ” includes a hiring for a period longer than one week.

‘ (12.) Where, under a long service leave scheme for employees, an amount has been paid or is payable to or in respect of a person in lieu of long service leave, the person shall, for the purposes of this section, be deemed to have become entitled to long service leave under that scheme for a period equal to the period of leave represented by the amount.

‘ (13.) For the purposes of this section—

- (a) an entitlement to long service leave under a long service leave scheme for employees in respect of a period shall be deemed to be an entitlement to long service leave under that scheme in respect of any period that forms a part of that first-mentioned period; and
- (b) a person shall be deemed to have been employed on weekly hiring during any period if the Authority certifies in writing that, during that period, the person was continuously employed by one employer.’.

“ (2.) For the purposes of section forty-five KA of the Principal Act as amended by this Act, an entitlement under sub-section (3.) of section fifteen of this Act shall be deemed to be an entitlement under section forty-five E of the Principal Act as so amended and that sub-section shall be deemed to form part of that last-mentioned section.

“ (3.) Where a person to whom sub-section (9.) of section forty-five KA of the Principal Act as amended by this Act applies is not a registered waterside worker on the date of commencement of this Act, the cancellation of his registration referred to in sub-paragraph (ii) of paragraph (b) of that sub-section is, by force of this sub-section, revoked with effect from and including the date on which he gives the notice referred to in sub-paragraph (iv) of that paragraph.”.

Mr. Harrison moved the following amendment to the proposed new clause:—

Omit sub-sections (9.) and (10.) of proposed section forty-five KA, insert—

“ ‘ (9.) Where—

- (a) a person has been employed at a port on weekly hiring in stevedoring operations during any period after the establishment of a register of waterside workers at the port under Commonwealth stevedoring legislation and before the expiration of two months after the commencement of this section, being a period during which he was not registered as a waterside worker; and

7th and 8th November, 1962.

(b) the person is registered as a waterside worker on the date of commencement of this section or the person is not so registered on that date but—

(i) he is, on the date of commencement of this section, employed on weekly hiring as a waterside worker in stevedoring operations; and

(ii) he informs the Authority by notice in writing given within two months after that date that he wishes to become a registered waterside worker,

he shall, for the purposes of this Part, be deemed to have been registered as a waterside worker at the port referred to in paragraph (a) of this sub-section during the period of employment referred to in that paragraph.”.

Debate ensued.

Question—That the sub-sections proposed to be omitted stand part of the proposed new clause—put and passed.

Mr. Harrison moved the following amendment to the proposed new clause:—Omit sub-clause (3.).

Question—That the sub-clause proposed to be omitted stand part of the proposed new clause—put and passed.

Question—That the new clause proposed to be inserted be so inserted—put and passed.

Clause 17—

On the motion of Mr. McMahon, the following amendment was made, after debate:—Page 19, line 34, omit “ the Minister certifies in writing that he ”, insert “ the Authority ”.

Clause, as amended, agreed to.

Clause 18—

Mr. Harrison moved, That the clause be omitted, and the following clause be inserted in place thereof:—

“ 18.—(1.) Section fifty-two A of the Principal Act is repealed.
 “ (2.) A determination made by the Commission under paragraph (b) of sub-section (4.) of section fifty-two A of the Principal Act before the date of commencement of this Act shall not affect, and shall be deemed not to have affected, the qualifying service for long service leave of the waterside workers in respect of whom the determination was made.”

Reduction of
qualifying
service for long
service leave,
&c., on account
of participation
in port
stoppage.

Debate ensued.

The Committee continuing to sit until after midnight—

THURSDAY, 8TH NOVEMBER, 1962.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 54.

Mr. Armitage	Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Russell
Mr. Barnard	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Sexton
Mr. Beaton	Mr. Courtney	Mr. Griffiths	Mr. McGuren	Mr. Stewart
Mr. Benson	Mr. Crean	Mr. Hansen	Mr. Minogue	Mr. Thompson
Mr. Bryant	Mr. Cross	Mr. Harding	Mr. Monaghan	Mr. Uren
Mr. Cairns	Mr. Curtin	Mr. Harrison	Mr. O'Brien	Mr. Ward
Mr. C. R. Cameron	Mr. Daly	Mr. Hayden	Mr. O'Connor	Mr. Webb
Mr. Clark	Mr. Einfeld	Mr. Haylen	Mr. Peters	Mr. Whitlam
Mr. Clay	Mr. A. D. Fraser	Mr. Johnson	Mr. Pollard	<i>Tellers:</i>
Mr. Collard	Mr. Fuller	Mr. Jones	Mr. Reynolds	Mr. Coutts
Mr. Comber	Mr. Fulton	Mr. Kearney	Mr. Riordan	Mr. Duthie

NOES, 55.

Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Mackinnon	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. McEwen	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Sir J. McLeay	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failes	Mr. Jack	Mr. Nixon	<i>Tellers:</i>
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Chaney
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	Mr. Turnbull

And so it was negatived.

On the motion of Mr. McMahon, the following amendment was made:—

Page 20, line 18, after “ days ”, insert “ (or such longer period as the Commission allows) ”.

Clause, as amended, agreed to.

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

Bill to be reported with amendments.

The House resumed; Mr. Lucock reported accordingly.

On the motion of Mr. McMahon, by leave, the House adopted the Report, and, by leave, the Bill was read a third time.

7th and 8th November, 1962.

10. ADJOURNMENT.—Mr. McMahon (Minister for Labour and National Service) moved, That the House do now adjourn.

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

Question—That the question be now put—put.

The House divided (The Speaker, Sir John McLeay, in the Chair)—

AYES, 55.

Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Lucock	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Haworth	Mr. Mackinnon	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Mr. McEwen	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahon	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failes	Mr. Jack	Mr. Nixon	
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	<i>Tellers:</i>
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Chaney
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	Mr. Turnbull

NOES, 54.

Mr. Armitage	Mr. Costa	Mr. Griffiths	Mr. Minogue	Mr. Uren
Mr. Barnard	Mr. Courtney	Mr. Hansen	Mr. Monaghan	Mr. Ward
Mr. Beaton	Mr. Crean	Mr. Harding	Mr. O'Brien	Mr. Webb
Mr. Benson	Mr. Cross	Mr. Harrison	Mr. O'Connor	Mr. Whitlam
Mr. Bryant	Mr. Curtin	Mr. Hayden	Mr. Peters	
Mr. Cairns	Mr. Daly	Mr. Haylen	Mr. Pollard	
Mr. C. R. Cameron	Mr. Einfeld	Mr. Johnson	Mr. Reynolds	
Mr. Clark	Mr. A. D. Fraser	Mr. Jones	Mr. Riordan	<i>Tellers:</i>
Mr. Clay	Mr. Fuller	Mr. Kearney	Mr. Russell	
Mr. Collard	Mr. Fulton	Mr. Luchetti	Mr. Sexton	Mr. Coutts
Mr. Comber	Mr. Galvin	Mr. Makin	Mr. Stewart	Mr. Duthie
Mr. Cope	Mr. Gray	Mr. McGuren	Mr. Thompson	

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 twenty minutes to one o'clock in the morning, adjourned until this day at half-past ten o'clock a.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Beazley*, Mr. Brimblecombe*, Mr. D. J. Cameron, Mr. Davies*, Mr. Hasluck, Mr. James*, Mr. Killen, Mr. McIvor* and Mr. Stokes.

* On leave.

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