

1962-63.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 77.

FRIDAY, 19TH APRIL, 1963.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable Sir John McLeay) took the Chair, and read Prayers.
2. PETITION.—Mr. Reynolds presented a Petition from certain electors of New South Wales praying that the Government take urgent and immediate action to (1) grant an increase in the pension and allowances of age, invalid and widow pensioners and (2) allocate additional finance for the building of low rental houses and units for pensioners and elderly people.
Petition received.
3. QUESTIONS.—Questions without notice were answered.
4. SPECIAL ADJOURNMENT.—Mr. Davidson (Postmaster-General) moved, That the House, at its rising, adjourn until Tuesday, the 30th April, at half-past two o'clock p.m.
Question—put and passed.
5. MESSAGE FROM THE GOVERNOR-GENERAL—PROCESSED MILK PRODUCTS BOUNTY BILL 1963.—Mr. Speaker announced the receipt of the following Message from His Excellency the Governor-General:—

DE L'ISLE,

*Governor-General.**Message No. 67.*

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 to amend the *Processed Milk Products Bounty Act 1962*.

Canberra, 18th April, 1963.

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 to amend the *Processed Milk Products Bounty Act 1962*.

Question—put and passed.

Resolution to be reported.

The House resumed; Mr. Lucock reported accordingly.

Mr. Adermann moved, pursuant to contingent notice, That so much of the Standing Orders be suspended as would prevent the remaining stages being passed without delay.

Question—put and passed.

On the motion of Mr. Adermann, the Resolution reported from the Committee was adopted by the House.

Ordered—That Mr. Adermann and Mr. Downer do prepare and bring in a Bill to carry out the foregoing Resolution.

Bill brought up by Mr. Adermann, and read a first time.

Mr. Adermann moved, That the Bill be now read a second time.

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

19th April, 1963.

6. COPYRIGHT BILL 1963.—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 and 2, by leave, taken together, and agreed to.

Clause 3—

Mr. Whitlam moved the following amendment:—Page 4, line 7, omit “High Court”, insert “Commonwealth Industrial Court”.

Debate ensued.

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

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

AYES, 54.

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

NOES, 51.

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

And so it was resolved in the affirmative.

Clause agreed to.

Clause 4 agreed to.

New clause—

On the motion of Mr. Freeth (Acting Attorney-General), the following new clause was added to the Bill:—
 “5. The Principal Act, as amended by this Act, extends to and in relation to an ^{Application} of amendments.
 arbitration pending at the commencement of this Act.”.

Title agreed to.

Bill to be reported with an amendment.

The House resumed; Mr. Lucock reported accordingly.

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

7. SERVICE AND EXECUTION OF PROCESS BILL 1963.—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 10, by leave, taken together, and agreed to.

Clause 11—

On the motion of Mr. Freeth (Acting Attorney-General), the following amendment was made, after debate:—Page 7, lines 34 and 35, omit “for whose apprehension the warrant was issued”, insert “on whom the fine was imposed”.

Mr. Whitlam moved the following further amendment:—Page 7, lines 35 and 36, omit “is not satisfied that the liability of the person to pay the fine has”, insert “that the liability of the person to pay the fine has not”.

Debate continued.

Question—That the words proposed to be omitted stand part of the clause—put.
The Committee divided (The Chairman, Mr. Lucock, in the Chair)—

AYES, 52.

Mr. Anthony	Mr. Dean	Mr. Freeth	Mr. King	Mr. Stokes
Mr. Bate	Mr. Downer	Mr. Hasluck	Mr. Leslie	Mr. Swartz
Mr. Brimblecombe	Mr. Drury	Mr. Haworth	Mr. Lindsay	Mr. Turner
Mr. Buchanan	Mr. England	Mr. Holt	Mr. Mackinnon	Mr. Wentworth
Mr. Bury	Mr. Erwin	Mr. Holt	Sir J. McLeay	Mr. Whittorn
Mr. Chipp	Mr. Fales	Mr. Howson	Mr. McMahon	Mr. Wilson
Mr. Cleaver	Mr. Fairbairn	Mr. Jack	Mr. McNeill	
Mr. Cockle	Mr. Fairhall	Mr. Jess	Mr. Nixon	<i>Tellers:</i>
Mr. Cramer	Mr. Forbes	Mr. Kelly	Mr. Opperman	
Mr. Davidson	Mr. Fox	Sir W. Kent Hughes	Mr. Robertson	Mr. Chaney
Mr. Davis	Mr. J. M. Fraser	Mr. Killen	Mr. Snedden	Mr. Turnbull

NOES, 51.

Mr. Armitage	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Stewart
Mr. Beaton	Mr. Courtnay	Mr. Griffiths	Mr. McGuren	Mr. Uren
Mr. Beazley	Mr. Crean	Mr. Hansen	Mr. McIvor	Mr. Ward
Mr. Bryant	Mr. Cross	Mr. Harrison	Mr. Minogue	Mr. Webb
Mr. Cairns	Mr. Curtin	Mr. Hayden	Mr. Monaghan	Mr. Whitlam
Mr. C. R. Cameron	Mr. Daly	Mr. Haylen	Mr. O'Brien	
Mr. D. J. Cameron	Mr. Davies	Mr. James	Mr. O'Connor	
Mr. Clay	Mr. Einfeld	Mr. Johnson	Mr. Peters	<i>Tellers:</i>
Mr. Collard	Mr. A. D. Fraser	Mr. Jones	Mr. Pollard	
Mr. Comber	Mr. Fuller	Mr. Kearney	Mr. Reynolds	Mr. Coutts
Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Riordan	Mr. Duthie

And so it was resolved in the affirmative.

On the motion of Mr. Freeth, the following further amendment was made, after debate:—

Page 8, proposed section twenty-six F, omit sub-section (2.), insert the following sub-section:—

“(2.) For the purposes of this section, the Court may presume that the person before the Court is the person on whom the fine was imposed if the person before the Court does not adduce evidence that he is not the person on whom the fine was imposed.”

On the motion of Mr. Freeth, the following further amendment was made, after debate:—

Page 8, after proposed section twenty-six F insert the following section:—

“26 FA.—(1.) A person against whom an order of committal is made under the last preceding section may apply to a Judge of the Supreme Court of the State or Territory in which the person was apprehended, sitting in chambers, for a review of the order, and the Judge may review the order.

“(2.) A Judge to whom an application is made for the review of an order may—

- (a) order the release on bail of the apprehended person on such terms and conditions as the Judge thinks fit; or
- (b) direct that the apprehended person be kept in such custody as the Judge directs in the State or Territory of the Commonwealth in which the person was apprehended until the order has been reviewed.

“(3.) The review of the order shall be by way of rehearing, and evidence in addition to, or in substitution for, the evidence given on the making of the order may be given on or in connexion with the review.

“(4.) For the purposes of a review under this section, a copy of a public document or of a document filed in a Department or office of the Commonwealth or of a State or Territory of the Commonwealth, certified to be a true copy of the document by the person purporting by the certificate to have charge of the document, shall be received as evidence of the facts stated in the copy.

“(5.) Upon the review of an order, the Judge may confirm or vary the order, or quash the order and order the discharge of the person, and may make such other order (including an order as to the costs of the review) as the Judge thinks proper.

“(6.) An order as confirmed or varied shall have effect according to its tenor as an order of the Court before which the person apprehended was brought or appeared in accordance with section twenty-six E of this Act.

“(7.) A warrant of commitment issued in pursuance of an order as confirmed or varied under this section shall make appropriate reference to the review under this section and to the confirmation or variation, as the case may be.”

Clause, as amended, agreed to.

Clause 12 agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr. Lucock reported accordingly.

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

8. PAPERS.—The following Papers were presented, pursuant to Statute—

Norfolk Island Act—Regulations—1963—No. 1 (Maintenance Orders (Facilities for Enforcement) Ordinance).

Public Service Act—Appointments—Department—Attorney-General—D. B. Dossor.

Interior—J. W. Slater.

Works—H. H. Karacsay.

19th April, 1963.

9. ADJOURNMENT.—Mr. Freeth (Minister for the Interior) moved, That the House do now adjourn.
Mr. Clay rising to address the House—
Closure.—Mr. Freeth moved, That the question be now put.
Question—That the question be now put—put and passed.
And the question—That the House do now adjourn—was put accordingly, and passed.

And then the House, at thirteen minutes past three o'clock p.m., adjourned until Tuesday, the 30th April, at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Allan, Mr. Barnard, Sir Garfield Barwick, Mr. Benson, Mr. Clark, Mr. Drummond, Mr. Falkinder, Mr. J. R. Fraser, Mr. Fulton, Mr. McEwen, Mr. Nelson, Mr. Sexton, Mr. Thompson and Mr. Townley.

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