

1964-65.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 137.

FRIDAY, 3RD DECEMBER, 1965.

1. The House met, at half-past nine o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable Sir John McLeay) took the Chair, and read Prayers.
2. QUESTIONS.—Questions without notice were asked.
3. PAPER.—The following paper was presented, pursuant to statute—
Services Trust Funds Act—Royal Australian Air Force Welfare Trust Fund—Seventeenth Annual Report by the Trustees, accompanied by the Auditor-General's Report, for year 1964-65.
4. AUSTRALIAN NATIONAL UNIVERSITY BILL 1965.—The order of the day having been read for the second reading—Sir Robert Menzies (Prime Minister) moved, That the Bill be now read a second time.
Debate adjourned (Mr. Beazley), and the resumption of the debate made an order of the day for the next sitting.
5. AIR NAVIGATION (CHARGES) BILL 1965.—The order of the day having been read for the second reading—Mr. Fairbairn (Minister representing the Minister for Civil Aviation) moved, That the Bill be now read a second time.
Debate adjourned (Mr. Beazley), and the resumption of the debate made an order of the day for the next sitting.
6. NEW AND PERMANENT PARLIAMENT HOUSE—PROPOSED JOINT SELECT COMMITTEE.—Sir Robert Menzies (Prime Minister) moved, pursuant to notice—
 - (1) That, having in mind proposals for the erection of a new and permanent Parliament House (in this resolution referred to as "the Parliament building") and in that connexion the need to examine the efficiency or otherwise of working arrangements in the present Parliament House and any changes in those arrangements that may seem to be desirable, a Joint Select Committee be appointed to inquire into and report on—
 - (a) the accommodation needs of—
 - (i) the Senate, the House of Representatives and the Parliamentary staff in the Parliament building;
 - (ii) members of the public visiting the Parliament building; and
 - (iii) library facilities, and catering and other facilities and services in the Parliament building for Members of the Parliament and others;
 - (b) whether, and, if so, to what extent or in what manner, the following should be accommodated in the Parliament building:—
 - (i) the Executive;
 - (ii) the press; and
 - (iii) communication services; and
 - (c) matters incidental to the foregoing matters.
 - (2) That the Committee consist of—
 - (a) the President of the Senate, who shall be Chairman;
 - (b) the Speaker of the House of Representatives, who shall be Deputy Chairman;
 - (c) the Prime Minister;
 - (d) the Leader of the Country Party in the House of Representatives;
 - (e) the Leader of the Opposition in the House of Representatives;
 - (f) a member of the Opposition in the Senate or the House of Representatives appointed jointly by the Leader of the Opposition in the Senate and the Leader of the Opposition in the House of Representatives;
 - (g) eight Members of the House of Representatives, four of whom shall be appointed by the Prime Minister and four by the Leader of the Opposition in that House; and
 - (h) four Senators, two of whom shall be appointed by the Leader of the Government in the Senate and two by the Leader of the Opposition in the Senate.
 - (3) That the member of the Committee referred to in paragraph (c), (d), (e) or (f) of paragraph (2) of this resolution have power to appoint a Member of the House of Representatives or a Senator to attend the Committee when the member of the Committee is not present at a meeting of the Committee.

3rd December, 1965.

- (4) That a person so appointed, when attending a meeting of the Committee, be deemed to be a member of the Committee.
- (5) That every appointment of a member of the Committee, and every appointment under paragraph (3) of this resolution, be forthwith notified in writing to the President of the Senate and the Speaker of the House of Representatives.
- (6) That the members of the Committee hold office as a joint committee until the House of Representatives expires by dissolution or effluxion of time.
- (7) That the Committee have power to appoint sub-committees consisting of six or more of its members and to refer to such a sub-committee any matter that the Committee is empowered to inquire into.
- (8) That the Committee, or a sub-committee so appointed, have power to send for persons, papers and records and to sit during any adjournment or recess of the Parliament and during the sitting of either House of the Parliament.
- (9) That the Committee have leave to report from time to time and that any member of the Committee have power to add a protest or dissent to any report.
- (10) That ten members of the Committee, including the Chairman or Deputy Chairman, constitute a quorum of the Committee and four members of a sub-committee constitute a quorum of the sub-committee.
- (11) That, in matters of procedure, the Chairman or Deputy Chairman presiding at a meeting have a deliberative vote and, in the event of any equality of votes, have a casting vote and that, in other matters, the Chairman or Deputy Chairman have a deliberative vote only.
- (12) That the foregoing provisions of this resolution, in so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.
- (13) That a message be sent to the Senate acquainting it with this resolution and requesting the Senate that it concur and take action accordingly.

Debate ensued.

Question—put and passed.

7. TRADE PRACTICES BILL 1965.—The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

(In the committee.)

Clause 37—

Consideration resumed of the question, That the sub-clauses proposed to be inserted by Mr. Snedden (Attorney-General), viz.:—

“(1.) For the purposes of this Act, a person engages in monopolization if, being in a dominant position in the trade in goods of a particular description, or in the supply of services of a particular description, in Australia or in a part of Australia, he takes advantage of that position so as to—

- (a) induce or attempt to induce a person carrying on a business to refuse to deal with a third person, or to refuse to deal with a third person except on terms disadvantageous to the third person;
- (b) engage in price-cutting with the object of substantially damaging the business of a competitor or preventing a possible competitor from entering into competition with him; or
- (c) impose prices or other terms or conditions of dealing that he would be unable to impose but for his dominant position.

“(1A.) The Tribunal shall not regard as a part of Australia for the purposes of this section an area that does not include the whole of a State or Territory unless it is satisfied that it is appropriate to do so having regard to the substantial size of the area and its significance as a market area.

“(1B.) The Tribunal shall not regard a description of goods or services as being a particular description of goods or services for the purposes of this section if the Tribunal considers that it would be unreasonable to do so having regard to the fact that other goods or services are competitive with goods or services that are included in the description, and to the extent to which those other goods or services are so competitive.”

be so inserted—*And on the amendment moved thereto by Mr. Killen, viz.:*—Proposed sub-clause (1.), omit paragraph (c).

Amendment negatived.

Mr. Killen, by leave, moved the following amendments together to sub-clauses (1A.) and (1B.) proposed to be inserted:—

Sub-clause (1A.), omit “unless it is satisfied that it is appropriate to do so having regard to the substantial size of the area and its significance as a market area”.

Sub-clause (1B.), omit “if the Tribunal considers that”, insert “unless”.

Debate ensued.

Amendments negatived.

Mr. Wentworth moved the following amendment to sub-clause (1A.) proposed to be inserted:—Add “in which case the Tribunal’s decision shall only be made operative as a regulation under this Act”.

Debate ensued.

Amendment negatived.

Question—That the sub-clauses proposed to be inserted by Mr. Snedden be so inserted—put and passed.

On the motion, by leave, of Mr. Snedden, the following further amendments were made together:—

Page 17, lines 28 and 29, omit “a person is in a dominant position in a line of trade or commerce”, insert “the Tribunal shall regard a person as being in a dominant position in the trade in goods of a particular description, or in the supply of services of a particular description.”

Page 17, line 33, omit “any”, insert “that”.

Page 18, omit paragraph (e).

Mr. Killen moved the following amendment:—Page 17, line 30, omit “ and only if, the Tribunal is satisfied that ”.

Debate ensued.

Amendment negatived.

Mr. Killen moved the following amendment:—Page 17, line 31, omit “ one-third ”, insert “ one-half ”.

Debate ensued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 38—

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

Page 19, at the end of the clause add the following word and paragraph:—

“ or (i) to any provision of an agreement to the extent that it gives rise to a restriction in relation to the carriage of goods by sea between Australia and places outside Australia.”.

Clause, as amended, agreed to.

Clause 39—

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

Page 19, after sub-clause (2.) insert the following sub-clauses:—

“ (2A.) In determining whether a person or combination has engaged, is engaging or proposes to engage in an examinable practice, regard shall not be had to any act or thing done or proposed to be done in relation to the carriage of goods by sea between Australia and places outside Australia.

“ (2B.) In determining whether a person (other than a trade association or a person acting as a member of, or on behalf of, a trade association) has engaged, is engaging or proposes to engage in an examinable practice, regard shall not be had to—

(a) a term or condition imposed or to be imposed by the owner of land, in connexion with the grant of a lease or licence in respect of the land, being a term or condition by which the grantee, or a person deriving rights in respect of the land through the grantee, is, or is to be, required to acquire from the owner (or, if the owner is a corporation, from a related corporation) all or any of the goods or services required in connexion with the conduct of a business on the land; or

(b) a term or condition imposed or to be imposed in connexion with the lending of money or the granting of credit to a person for the purposes of the carrying on by him of a business, being a term or condition by which the person receiving the money or credit is required, while any of the moneys lent are unrepaid or any of the credit granted is being availed of, to acquire from the person from whom he receives the money or credit (or, if that last-mentioned person is a corporation, from a related corporation) all or any of the goods or services required for the purposes of that business,

unless the term or condition is imposed or to be imposed in pursuance of an agreement with a person carrying on a business other than the person on whom the term or condition is, or is to be, imposed.”.

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

Clause 40, page 19, at the end of the clause add the following sub-clauses:—

“ (5.) In relation to monopolization, the reference in sub-section (1.) of this section to an Act does not include a reference to an Act relating to patents, trade marks, designs or copyrights.

“ (6.) In sub-section (2B.) of this section—

‘ lease ’ includes a sub-lease;

‘ owner ’ includes the holder of a lease.”.

Clause, as amended, agreed to.

Clause 40 and postponed clause 34, by leave, taken together.

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

Page 19, at the end of the clause add the following sub-clauses:—

“ (3.) The regulations shall provide for the maintenance of a special section of the Register, and for the filing in that section of such particulars as the Commissioner may direct, being—

(a) particulars containing information the publication of which would, in the opinion of the Commissioner, be contrary to the public interest; or

(b) particulars containing information as to any secret process of manufacture or as to the presence, absence or situation of any mineral or other deposits or as to any other similar matter, being information the publication of which, in the opinion of the Commissioner, would substantially damage the legitimate business interests of any person.

“ (4.) The Register, other than the special section, shall be open to public inspection during such hours and subject to payment of such fee as may be prescribed by the regulations.

“ (5.) Any person may, upon payment of such fee as may be prescribed by the regulations, require the Commissioner to supply to him a copy of, or extract from, any particulars filed in the Register, other than the special section, certified by the Commissioner to be a true copy or extract.”.

Clause 34, page 15, at the end of the clause add the following sub-clause:—

“ (6.) The references in this section to the Register shall be read as references to the special section of the Register established in accordance with section 40 of this Act, and nothing in this section applies in relation to information contained in the portion of the Register other than the special section of the Register.”

Debate ensued.

Amendments negatived.

Clauses agreed to.

Clause 41 debated.

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

3rd December, 1965.

The House resumed; Mr. Failes reported accordingly.

Ordered—That the House will, at the next sitting, again resolve itself into the said committee.

8. ADJOURNMENT.—Mr. Snedden (Attorney-General) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at twenty-five minutes past four o'clock p.m., adjourned until Tuesday next at half-past two o'clock p.m.

PAPERS.—The following papers were deemed to have been presented on the 3rd December, 1965, pursuant to statute—

Defence Act—Regulations—Statutory Rules 1965, No. 174.

Naval Defence Act—Regulations—Statutory Rules 1965, No. 175.

Post and Telegraph Act—Regulations—Statutory Rules 1965, No. 173.

Public Service Act—Regulations—Statutory Rules 1965, No. 172.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Adermann, Mr. Allan, Mr. Beaton, Mr. Bury, Mr. Chipp, Mr. Cockle, Mr. Curtin, Mr. Gibson, Mr. Hansen, Mr. Hasluck, Mr. Mackinnon, Mr. Peters and Mr. Turner.

A. G. TURNER,

Clerk of the House of Representatives.