

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 24

WEDNESDAY, 13 MAY 1970

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- 1 The House met, at two o'clock p.m., pursuant to adjournment. Mr Speaker (the Honourable Sir William Aston) took the Chair, and read Prayers.
- 2 PETITIONS: Mr Fox presented a petition from certain residents of New South Wales praying that the export of all kangaroo products be banned immediately.
Petition received and read.
Similar petitions were presented by Mr Wentworth (Minister for Social Services) and Mr L. H. Irwin, and were severally received.
Mr Howson presented a petition from certain electors of the Commonwealth praying that the Australian Government take positive action as soon as possible to re-establish confidence in the Commonwealth arbitration system and to ensure that consideration of salaries and conditions for professional engineers be dealt with in an expeditious manner.
Petition received and read.
Mr Howson informed the House that he proposed to take action in connection with the petition, and moved—That the petition be printed.
Question—put and passed.
Mr Duthie presented a petition from certain citizens of the Commonwealth praying that this House make legal provision for (1) a joint Commonwealth-State inquiry into inequalities in Australian education, (2) the immediate financing of special programmes for low income earners and others and (3) the provision of pre-school opportunities for all children.
Petition received and read.
Mr Pettitt presented a petition from certain electors of the Division of Hume praying that the Australian Government take positive action as soon as possible to re-establish confidence in the Commonwealth arbitration system.
Petition received.
- 3 QUESTIONS: Questions without notice were asked.
- 4 HIGH COURT AND NATIONAL ART GALLERY SITES—MINISTERIAL STATEMENT—MOTION TO TAKE NOTE OF PAPER: Mr Nixon (Minister for the Interior), by leave, made a ministerial statement with reference to the decision of the Government on the siting of the High Court and the National Art Gallery within the Parliamentary Triangle, and, by command of His Excellency the Governor-General, presented the following paper:
High Court and National Art Gallery sites—Ministerial statement, 13 May 1970—
and moved—That the House take note of the paper.
Debate ensued.
Mr Howson moved—That the debate be now adjourned.
Question—That the debate be now adjourned—put.

The House divided (the Speaker, Sir William Aston, in the Chair)—

AYES, 58

Mr Adermann	Mr Drury	Mr Hunt	Mr O'Keefe
Mr Anthony	Mr England	Mr L. H. Irwin	Mr Peacock
Mr Bate	Mr Fairbairn	Mr Jarman	Mr Pettitt
Mr Bonnett	Mr Forbes	Mr Jess	Mr Reid
Mr N. H. Bowen	Mr J. M. Fraser	Sir W. Kent Hughes	Mr Robinson
Mr Brown	Mr Garland	Mr Killen	Mr Snedden
Mr Buchanan	Mr Giles	Mr King	Mr Solomon
Mr Bury	Mr Gorton	Mr Lucock	Mr Street
Mr K. M. K. Cairns	Mr Graham	Mr Lynch	Mr Swartz
Mr Calder	Mr Hallett	Mr Mackay	Mr Wentworth
Mr D. M. Cameron	Mr Hamer	Mr MacKellar	Mr Whittorn
Mr Chipp	Mr Holten	Mr Maisey	
Mr Corbett	Mr Howson	Mr McEwen	<i>Tellers:</i>
Sir J. Cramer	Mr Hughes	Mr McLeay	Mr Fox
Mr Dobie	Mr Hulme	Mr Nixon	Mr Turnbull

NOES, 52

Mr Armitage	Mr Cross	Mr Jenkins	Mr Patterson
Mr Barnard	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Bennett	Mr Everingham	Mr L. R. Johnson	Mr Scholes
Mr Berinson	Mr FitzPatrick	Mr Jones	Mr Sherry
Mr Birrell	Mr Foster	Mr Keating	Mr Stewart
Mr L. F. Bowen	Mr Fulton	Mr Kennedy	Mr Uren
Mr Bryant	Mr Garrick	Mr Keogh	Mr Wallis
Mr J. F. Cairns	Mr Grassby	Mr Kirwan	Mr Webb
Mr C. R. Cameron	Mr Griffiths	Mr Klugman	
Mr Cass	Mr Gun	Mr Luchetti	
Mr Cohen	Mr Hansen	Mr Martin	<i>Tellers:</i>
Mr Collard	Mr Hayden	Mr McIvor	Mr Cope
Mr Connor	Mr Hurford	Mr Morrison	Mr Duthie
Mr Crean	Mr Jacobi	Mr Nicholls	

And so it was resolved in the affirmative.

Ordered—That the resumption of the debate be made an order of the day for the next sitting.

- 5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—COMMONWEALTH EMPLOYMENT CONDITIONS: Mr Speaker informed the House that Mr C. R. Cameron had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The Government's refusal to grant Commonwealth employees four weeks' annual leave, pay rates comparable with those in private industry and outright equal pay".

The proposed discussion having received the necessary support—

Mr Cameron addressed the House.

Ordered—That Mr Cameron be granted an extension of time.

Discussion ensued.

Ordered—That Mr Martin be granted an extension of time.

Discussion continued.

Discussion concluded.

- 6 POSTPONEMENT OF ORDERS OF THE DAY: Ordered—That orders of the day Nos. 1 to 4, government business, be postponed until a later hour this day.

- 7 DECLARATION OF NATIONAL HEALTH BILL 1970 AS URGENT BILL—LIMITATION OF DEBATE: Mr Snedden (Leader of the House) declared that the National Health Bill 1970 was an urgent Bill.

Question—That the Bill be considered an urgent Bill—put.

The House divided (the Deputy Speaker, Mr Drury, in the Chair)—

AYES, 57

Mr Adermann	Mr England	Mr L. H. Irwin	Mr Peacock
Mr Anthony	Mr Fairbairn	Mr Jarman	Mr Pettitt
Mr Bate	Mr Forbes	Mr Jess	Mr Reid
Mr Bonnett	Mr J. M. Fraser	Mr Kelly	Mr Robinson
Mr N. H. Bowen	Mr Garland	Sir W. Kent Hughes	Mr Snedden
Mr Brown	Mr Giles	Mr Killen	Mr Solomon
Mr Buchanan	Mr Gorton	Mr King	Mr Street
Mr Bury	Mr Graham	Mr Lucock	Mr Swartz
Mr K. M. K. Cairns	Mr Hallett	Mr Lynch	Mr Turner
Mr Calder	Mr Hamer	Mr MacKellar	Mr Wentworth
Mr D. M. Cameron	Mr Holten	Mr Maisey	
Mr Chipp	Mr Howson	Mr McEwen	
Mr Corbett	Mr Hughes	Mr McLeay	
Sir J. Cramer	Mr Hulme	Mr Nixon	
Mr Dobie	Mr Hunt	Mr O'Keefe	

Tellers:

Mr Fox
Mr Turnbull

NOES, 54

Mr Armitage	Mr Cope	Mr Hurford	Mr Morrison
Mr Barnard	Mr Crean	Mr Jacobi	Mr Nicholls
Mr Beazley	Mr Cross	Mr Jenkins	Mr Patterson
Mr Bennett	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Berinson	Mr Everingham	Mr L. R. Johnson	Mr Scholes
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Sherry
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Stewart
Mr Bryant	Mr Fulton	Mr Kennedy	Mr Uren
Mr J. F. Cairns	Mr Garrick	Mr Keogh	Mr Wallis
Mr C. R. Cameron	Mr Grassby	Mr Kirwan	Mr Webb
Mr Cass	Mr Griffiths	Mr Klugman	
Mr Cohen	Mr Gun	Mr Luchetti	
Mr Collard	Mr Hansen	Mr Martin	
Mr Connor	Mr Hayden	Mr McIvor	

Tellers:

Mr Duthie
Mr James

And so it was resolved in the affirmative.

Allotment of time: Mr Snedden then moved—That the time allotted in connection with the Bill be as follows:

(a) For the committee stage—

- (i) to the end of clause 18, until 8.45 p.m. this day;
- (ii) to the end of clause 21, until 10.25 p.m. this day;
- (iii) to the end of clause 41, until 3.15 p.m. Thursday, 14 May;
- (iv) to the end of clause 55, until 4.15 p.m. Thursday, 14 May; and
- (v) remainder of committee stage, until 4.35 p.m. Thursday, 14 May.

(b) For the remaining stages, until 4.40 p.m. Thursday, 14 May.

Debate ensued.

The time allowed by standing order 92 for the discussion of the motion having expired—
Question—put.

The House divided (the Deputy Speaker, Mr Drury, in the Chair)—

AYES, 55

Mr Adermann	Mr England	Mr Hunt	Mr O'Keefe
Mr Anthony	Mr Fairbairn	Mr L. H. Irwin	Mr Peacock
Mr Bonnett	Mr Forbes	Mr Jarman	Mr Pettitt
Mr N. H. Bowen	Mr J. M. Fraser	Mr Jess	Mr Reid
Mr Brown	Mr Garland	Mr Kelly	Mr Robinson
Mr Buchanan	Mr Giles	Mr Killen	Mr Snedden
Mr Bury	Mr Gorton	Mr King	Mr Solomon
Mr K. M. K. Cairns	Mr Graham	Mr Lucock	Mr Street
Mr Calder	Mr Hallett	Mr Lynch	Mr Swartz
Mr D. M. Cameron	Mr Hamer	Mr MacKellar	Mr Turner
Mr Chipp	Mr Holten	Mr Maisey	Mr Wentworth
Mr Corbett	Mr Howson	Mr McEwen	
Sir J. Cramer	Mr Hughes	Mr McLeay	
Mr Dobie	Mr Hulme	Mr Nixon	

Tellers:

Mr Fox
Mr Turnbull

NOES, 54

Mr Armitage	Mr Cope	Mr Hurford	Mr Morrison
Mr Barnard	Mr Crean	Mr Jacobi	Mr Nicholls
Mr Beazley	Mr Cross	Mr Jenkins	Mr Patterson
Mr Bennett	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Berinson	Mr Everingham	Mr L. R. Johnson	Mr Scholes
Mr Birrell	Mr FitzPatrick	Mr Jones	Mr Sherry
Mr L. F. Bowen	Mr Foster	Mr Keating	Mr Stewart
Mr Bryant	Mr Fulton	Mr Kennedy	Mr Uren
Mr J. F. Cairns	Mr Garrick	Mr Keogh	Mr Wallis
Mr C. R. Cameron	Mr Grassby	Mr Kirwan	Mr Webb
Mr Cass	Mr Griffiths	Mr Klugman	
Mr Cohen	Mr Gun	Mr Luchetti	
Mr Collard	Mr Hansen	Mr Martin	<i>Tellers:</i>
Mr Connor	Mr Hayden	Mr McIvor	Mr Duthie
			Mr James

And so it was resolved in the affirmative.

- 8 NATIONAL HEALTH BILL 1970: 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 4, by leave, taken together, and agreed to.

Clause 5—

Mr Reynolds moved the following amendment: Page 2, at the end of the clause add the following paragraph:

“(c) by omitting from sub-section (4.) the words ‘, other than an attendance at which an examination of the patient’s eyes is made in consequence of which spectacle lenses are prescribed’.”

Chairman’s ruling: The Chairman (Mr Lucock) ruled that the proposed amendment was out of order as its effect would be to increase the amount of the appropriation required.

Mr Reynolds moved—That the clause be postponed.

Debate continued.

Question—put and negatived.

Clause agreed to.

Clause 6 agreed to.

Proposed new clause—

Mr L. R. Johnson moved—That the following new clause be inserted in the Bill:

“6A. Section 9 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Provision of certain medical and dental services.

“(3.) The Minister shall not disseminate information under the last preceding sub-section in a form that is designed to influence public opinion on a matter as to which the publicly declared policies of political parties represented in the Parliament differ unless those other political parties are given equal facilities at public expense to disseminate their views on that matter.”

Debate ensued.

Proposed new clause negatived.

Clauses 7 to 18, by leave, taken together.

Mr Hayden, by leave, moved the following amendments together:

Clause 8, page 4, lines 1 and 2, omit “in an operating theatre of an approved hospital”.

Clause 9, page 5, at the end of the clause add the following proposed section:

“13B. The schedule of fees shall be reviewed at least once every two years.”

Schedule of fees to be reviewed.

Clause 14, pages 8 and 9, omit all words after “repealed” (page 8, line 29) to the end of the clause.

Clause 15, page 9, omit all words from and including “amended” (line 6) to the end of the clause, insert “repealed”.

Clause 16, page 9, line 12, after “amended” insert “(a)—”.

Clause 16, page 9, at the end of the clause add the following paragraphs:

“(b) by omitting from sub-section (3.) the words ‘may, in his discretion,’ and inserting in their stead the word ‘shall’; and

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

‘(6.) There shall be a right of appeal on the determination of the Minister under the last preceding sub-section by a contributor to the jurisdiction which determined or would have otherwise heard his claim for compensation or damage.’”.

Clause 17, page 9, lines 34 and 35, omit the clause, insert the following clause:

“17. Section 23 of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:— Payment of
Common-
wealth
benefit.

‘(1.) Commonwealth benefit is payable to any person for medical treatment of a nature covered by the First Schedule.’”.

Chairman’s ruling: The Chairman ruled that the proposed amendments to clauses 8, 14, 15, 16 (proposed paragraph (b)) and 17 were out of order as their effect would be to increase the amount of the appropriation required.

Debate continued.

Limitation of debate: At fifteen minutes to nine o’clock p.m., the Chairman having called the attention of the committee to the fact that the time allotted for the committee stage to the end of clause 18 had expired—

Remaining amendments to clauses 9 and 16 negatived.

Further question—That clauses 7 to 18 be agreed to—put and passed.

Clause 19—

Mr Forbes (Minister for Health) moved the following amendment:

Page 10, proposed section 29A, omit sub-section (2.), insert the following sub-sections:—

“(2.) Each Committee shall consist of five medical practitioners appointed by the Minister in accordance with section twenty-nine BA of this Act.

‘(2A.) The exercise or performance of the powers or functions of a Committee is not affected by reason only of there being a vacancy or vacancies in the membership of the Committee.’”.

Debate continued.

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

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

Debate continued.

Question—put and passed.

Debate continued.

On the motion, by leave, of Mr Forbes, the following further amendments were made together, after debate:

Page 10, proposed section 29B, omit sub-section (1.), insert the following sub-sections:—

“(1.) There shall be a Specialist Recognition Appeal Committee, which shall consist of five medical practitioners appointed by the Minister in accordance with the next succeeding section.

‘(1A.) The exercise or performance of the powers or functions of the Committee is not affected by reason only of there being a vacancy or vacancies in the membership of the Committee.’”.

Page 10, after proposed section 29B insert the following section:—

“29BA.—(1.) Before making appointments to a Committee, the Minister shall request each of the following bodies to nominate a panel of not less than three medical practitioners for consideration for appointment to the Committee:—

Panels for the appointment of Committees.

- (a) the Australian Medical Association;
- (b) the Royal Australasian College of Surgeons;
- (c) the Royal Australasian College of Physicians;
- (d) the Australian Council of the Royal College of Obstetricians and Gynaecologists; and
- (e) the Royal Australian College of General Practitioners.

“(2.) When, in accordance with a request under the last preceding sub-section, each of the bodies referred to in that sub-section has nominated a panel of medical practitioners for consideration for appointment to a Committee, the Minister shall appoint to the Committee one medical practitioner from each of the panels.

“(3.) Where a member of a Committee dies or resigns or the appointment of a member of a Committee is terminated, the Minister shall request the body by whom the member was nominated to nominate a panel of not less than three medical practitioners for consideration for appointment to fill the place of the member, and the Minister shall appoint one of those medical practitioners to fill that place.

“(4.) In this section, “Committee” means a Specialist Recognition Advisory Committee or the Specialist Recognition Appeal Committee.”

Page 11, proposed section 29C, omit sub-section (2.), insert the following sub-section:—

“(2.) Before considering a question referred to it under the last preceding sub-section, a Committee may, with the Minister’s approval, engage as a consultant a medical practitioner who has qualifications, experience and standing in the medical profession in the specialty to which the question before the Committee relates.”

Page 12, proposed section 29D, omit sub-section (2.), insert the following sub-section:—

“(2.) Before considering an appeal, the Specialist Recognition Appeal Committee may, with the Minister’s approval, engage as a consultant a medical practitioner who has qualifications, experience and standing in the medical profession in the specialty to which the appeal relates.”

Page 12, at the end of the clause add the following section:—

“29E. A medical practitioner engaged as a consultant under either of the last two preceding sections shall be paid such professional fee in respect of his services as the Minister determines.”

Fees for consultants.

Clause, as amended, agreed to.

Proposed new clauses—

Mr L. R. Johnson moved—That the following new clause be inserted in the Bill:

“19A. Section 32 of the Principal Act is amended by adding at the end of sub-section (1.) the words ‘and the conditions of the agreement shall be reviewed at least once every two years’.”

Agreement with Australian Medical Association.

Debate ensued.

Proposed new clause negatived.

Mr Klugman moved—That the following new clause be inserted in the Bill:

“19B. After section 35 of the Principal Act the following section is inserted:—

‘36.—(1.) Where a claim by a medical practitioner has been disallowed in whole or in part under sub-section (1.) of section thirty-four of this Act, the medical practitioner may, within twenty-one days after receipt of notice of the disallowance, appeal to the Supreme

Appeal from decision of Minister disallowing claim.

Court of the State or Territory in which the medical practitioner resides against the decision of the Minister disallowing the claim.

‘(2.) The Supreme Court of each State is invested with federal jurisdiction, and jurisdiction is conferred on the Supreme Court of each Territory, to hear and determine appeals under the last preceding sub-section.

‘(3.) The Minister shall be the respondent in the appeal.

‘(4.) Upon an appeal under this section the Court shall have regard to the evidence before the Committee of Inquiry and the report of the Committee.

‘(5.) If the Court is satisfied that the medical practitioner has, in respect of the medical services specified in the report of the Committee, been guilty of failure to discharge conscientiously his obligations under the agreement entered into with the Director-General under section thirty-three of this Act, it shall dismiss the appeal but, if not so satisfied, it shall allow the appeal and set aside the decision of the Minister.

‘(6.) The Court may order either party to pay costs to the other party.

‘(7.) The jurisdiction conferred by this section is exercisable by a single judge of the Court, whose decision is final and conclusive.

‘(8.) A medical practitioner is not liable under section thirty-four of this Act to pay an amount to the Commonwealth in pursuance of a decision by the Minister disallowing a claim in whole or in part until the expiration of the period within which the medical practitioner may appeal against the decision or, if an appeal is instituted, until the determination of the appeal.’”.

Debate ensued.

Proposed new clause negatived.

Clause 20 agreed to.

Proposed new clause—

Mr Jenkins moved—That the following new clause be inserted in the Bill:

“20A. Section 46 of the Principal Act is repealed and the following section inserted in its stead:—

‘46. Where a person receives hospital treatment in an approved hospital, there is payable Commonwealth benefit of Two dollars for each day.’”.

Commonwealth benefit payable.

Chairman’s ruling: The Chairman ruled that the proposed new clause was out of order as its effect would be to increase the amount of the appropriation required.

Limitation of debate: At twenty-five minutes past ten o’clock p.m., the Chairman having called the attention of the committee to the fact that the time allotted for the committee stage to the end of clause 21 had expired—

Clause 21 agreed to.

Proposed new clause—

Mr Jenkins moved—That the following new clause be inserted in the Bill:

“21A. Section 53 of the Principal Act is amended by omitting from sub-section (1.) the words ‘Eighty cents’ and inserting in their stead the words ‘Two dollars.’”.

Benefit payable in respect of patients who are not contributors.

Chairman’s ruling: The Chairman ruled that the proposed new clause was out of order as its effect would be to increase the amount of the appropriation required.

Proposed new clause—

Mr Reynolds moved—That the following new clause be inserted in the Bill:

“21B. Section 58A of the Principal Act is amended by omitting from sub-section (1.) the words ‘One dollar fifty cents’ and inserting in their stead the words ‘Two dollars’.”

Benefit payable in respect of handicapped person care.

Chairman’s ruling: The Chairman ruled that the proposed new clause was out of order as its effect would be to increase the amount of the appropriation required. Clauses 22 and 23, by leave, taken together, and agreed to, after debate.

Proposed new clause—

Mr L. R. Johnson moved—That the following new clause be inserted in the Bill:

“23A. Section 69 of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the word ‘may’ and inserting in its stead the word ‘shall’; and
- (b) by omitting from sub-section (2.) the word ‘may’ and inserting in its stead the word ‘shall’.”

Furnishing of information by applicant organizations.

Debate ensued.

Proposed new clause negatived.

Clause 24 agreed to.

It being eleven o’clock p.m.—

In accordance with the order of the House of 16 April, the House resumed; Mr Lucock reported progress.

9 ADJOURNMENT: Mr Speaker accordingly proposed the question—That the House do now adjourn.

Debate ensued.

Several Members rising to address the House—

Closure: Mr Chipp (Minister for Customs and Excise) 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 three minutes to twelve o’clock midnight, adjourned until tomorrow at ten o’clock a.m.

PAPERS: The following papers were deemed to have been presented on 13 May 1970, pursuant to statute:

Public Service Arbitration Act—Public Service Arbitrator—Determinations—1970—

Nos. 98, 108 and 110—Australian Broadcasting Commission Staff Association.

No. 111—Federated Storemen and Packers’ Union of Australia.

No. 112—Hospital Employees’ Federation of Australia.

No. 113—Federated Clerks’ Union of Australia.

No. 114—Australian Broadcasting Commission Staff Association.

No. 116—Commonwealth Public Service Association (Fourth Division Officers).

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Calwell, Mr Davies, Mr G. D. Erwin, Mr A. D. Fraser and Mr Katter.

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