

AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 54

WEDNESDAY, 26 FEBRUARY 1975

-
- 1 The House met, at ten o'clock a.m., pursuant to adjournment. Mr Speaker (the Honourable J. F. Cope) took the Chair.
A quorum of Members not being present, Mr Speaker ordered the bells to be rung. And a quorum having been formed, Mr Speaker read Prayers.
 - 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Stewart (Minister for Tourism and Recreation), Mr Cadman, Mr Drury, Mr Giles, Mr Hurford, Mr Hyde, Mr Jarman, Mr Keogh, Mr Luchetti, Mr Lusher, Mr McMahon, Mr Ruddock and Mr Wallis—from certain citizens of Australia praying that the House amend the Family Law Bill.
 - Mr Jones (Minister for Transport), Mr Clayton, Mr Hodges and Mr McVeigh—from certain citizens of Australia praying that the House oppose the Family Law Bill.
 - Mr Hayden (Minister for Social Security) and Mrs Child—from certain citizens of Australia praying that the House amend the National Compensation Bill and the new superannuation scheme for Australian Government employees to provide for the payment of reversionary benefits to dependent members of all families.
 - Mr Beazley (Minister for Education) and Mr L. K. Johnson—from certain citizens of Australia praying that (1) the Metric Conversion Act be repealed and (2) the Government take urgent steps to cause the traditional and familiar units to be restored in those areas where the greatest inconveniences and distress are occurring.
 - Mr Drury—from certain citizens of Australia praying that the Government reduce the cost of the subscription to *Hansard*.
 - Mr Drury—from certain citizens of Australia praying for divorce law reform.
 Petitions received.
 - 3 QUESTIONS: Questions without notice were asked.
 - 4 MESSAGE FROM THE SENATE: A message from the Senate was reported returning the following Bill and acquainting the House that the Senate does not insist upon its amendments disagreed to by the House, has agreed to the amendments made by the House in place of Senate's amendments Nos. 2, 9, 13, 15 and 16, and has agreed to the amendment made by the House to clause 61 of the Bill:
25 February 1975—Message No. 163—Darwin Reconstruction 1975.
 - 5 SUSPENSION OF STANDING ORDERS—DISCUSSION OF MATTER OF PUBLIC IMPORTANCE:
Mr Daly (Leader of the House) moved, by leave—That so much of the standing orders be suspended as would prevent the House discussing a definite matter of public importance proposed to the Speaker by the honourable Member for Warringham.
Question—put and passed.

- 6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—THE RT HON. JOHN STONEHOUSE, M.P.:
Mr Speaker informed the House that Mr MacKellar had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The Government’s inept handling of the case of the Rt Hon. John Stonehouse, M.P.”.

The proposed discussion having received the necessary support—

Mr MacKellar addressed the House.

Discussion ensued.

Discussion concluded.

- 7 MESSAGE FROM THE SENATE—FISHERIES BILL 1975: Message No. 162, dated 25 February 1975, from the Senate was reported transmitting for the concurrence of the House a Bill for “*An Act to amend the ‘Fisheries Act 1952–1973’*”.

Bill read a first time.

Mr Daly (Leader of the House) moved, by leave—That the second reading be made an order of the day for a later hour this day.

Question—put and passed.

- 8 TRADE PRACTICES BILL 1975: Mr Enderby (Attorney-General), pursuant to notice, presented a Bill for an Act to amend the *Trade Practices Act 1974* to provide for certain Matters to be disregarded in determining whether certain Contracts are unenforceable and in relation to Product Safety and Information Standards and the Sending of unsolicited Credit Cards.

Bill read a first time.

Mr Enderby moved—That the Bill be now read a second time.

Debate adjourned (Mr Street), and the resumption of the debate made an order of the day for the next sitting.

- 9 CORPORATIONS AND SECURITIES INDUSTRY BILL 1975: 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—*And on the amendment moved thereto by Mr Lynch (Deputy Leader of the Opposition), viz.*—That all words after “That” be omitted with a view to substituting the following words: “while strongly supporting the creation of a national regulatory authority to supervise the functioning of the securities industry with a view to increasing efficiency and avoiding abuses in that industry, the House (1) deplors the failure of the Government to consider the views of the States, company organisations and the securities industry and the decision to force the Bill through the House contrary to previous assurances, and (2) is of the opinion that the Bill:

- (a) will not permit the speedy and effective prevention of malpractices within the securities industry;
- (b) will involve confusion, increased costs and the creation of a massive administrative bureaucracy;
- (c) will not lead to an improved functioning of Australia’s securities markets necessary to increase real capital formation and to allocate resources efficiently among competing demands for capital, and
- (d) relies too heavily on discretionary powers, rules and regulations and denies effective rights of appeal”—

Debate resumed.

Dr Klugman rising to address the House—

Closure: Mr Nicholls moved—That the question be now put.

Question—That the question be now put—put.

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

AYES, 62

Mr Armitage	Mr Cross	Dr Jenkins	Dr Patterson
Mr Barnard	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Beazley	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Bennett	Mr Dawkins	Mr Jones	Mr Scholes
Mr Berinson	Mr Duthie	Mr Keating	Mr Sherry
Mr Bowen	Mr Enderby	Mr Keogh	Mr Stewart
Mr Bryant	Dr Everingham	Mr Kerin	Mr Thorburn
Dr J. F. Cairns	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr C. R. Cameron	Mr Fry	Mr Lamb	Mr Wallis
Mrs Child	Mr Fulton	Mr Luchetti	Mr Whan
Mr Clayton	Mr Garrick	Mr McKenzie	Mr Willis
Mr Coates	Dr Gun	Mr Martin	Mr Young
Mr Cohen	Mr Hayden	Mr Mathews	
Mr Collard	Mr Hurford	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Innes	Mr Mulder	Mr James
Mr Crean	Mr Jacobi	Mr Oldmeadow	Mr Nicholls

NOES, 53

Mr Adermann	Mr Fairbairn	Mr Killen	Mr E. L. Robinson
Mr Bonnett	Mr Fisher	Mr King	Mr I. L. Robinson
Mr Bourchier	Mr Fraser	Mr Lucock	Mr Ruddock
Mr Bungey	Mr Garland	Mr Lusher	Mr Sinclair
Mr Cadman	Mr Giles	Mr Lynch	Mr Staley
Mr K. M. Cairns	Mr Gorton	Mr MacKellar	Mr Street
Mr Calder	Mr Graham	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Hewson	Mr McMahan	Mr Viner
Mr Connolly	Mr Hodges	Mr McVeigh	Mr Wilson
Mr Corbett	Mr Holten	Mr Macphee	
Mr Drummond	Mr Hunt	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Hyde	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Jarman	Mr O'Keefe	Mr England
Mr Erwin	Mr Kelly	Mr Peacock	

And so it was resolved in the affirmative.

And the question—That the words proposed to be omitted stand part of the question—being accordingly put—

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

AYES, 62

Mr Armitage	Mr Cross	Dr Jenkins	Dr Patterson
Mr Barnard	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Beazley	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Bennett	Mr Dawkins	Mr Jones	Mr Scholes
Mr Berinson	Mr Duthie	Mr Keating	Mr Sherry
Mr Bowen	Mr Enderby	Mr Keogh	Mr Stewart
Mr Bryant	Dr Everingham	Mr Kerin	Mr Thorburn
Dr J. F. Cairns	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr C. R. Cameron	Mr Fry	Mr Lamb	Mr Wallis
Mrs Child	Mr Fulton	Mr Luchetti	Mr Whan
Mr Clayton	Mr Garrick	Mr McKenzie	Mr Willis
Mr Coates	Dr Gun	Mr Martin	Mr Young
Mr Cohen	Mr Hayden	Mr Mathews	
Mr Collard	Mr Hurford	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Innes	Mr Mulder	Mr James
Mr Crean	Mr Jacobi	Mr Oldmeadow	Mr Nicholls

NOES, 52

Mr Adermann	Mr Fairbairn	Mr King	Mr I. L. Robinson
Mr Bonnett	Mr Fisher	Mr Lucock	Mr Ruddock
Mr Bourchier	Mr Fraser	Mr Lusher	Mr Sinclair
Mr Bungey	Mr Garland	Mr Lynch	Mr Staley
Mr Cadman	Mr Giles	Mr MacKellar	Mr Street
Mr K. M. Cairns	Mr Graham	Mr McLeay	Mr Sullivan
Mr Calder	Mr Hewson	Mr McMahan	Mr Viner
Mr Chipp	Mr Hodges	Mr McVeigh	Mr Wilson
Mr Connolly	Mr Holten	Mr Macphee	
Mr Corbett	Mr Hunt	Mr Millar	<i>Tellers:</i>
Mr Drummond	Mr Hyde	Mr Nixon	Mr D. M. Cameron
Mr Drury	Mr Jarman	Mr O'Keefe	Mr England
Dr Edwards	Mr Kelly	Mr Peacock	
Mr Erwin	Mr Killen	Mr E. L. Robinson	

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put.
The House divided (the Speaker, Mr Cope, in the Chair)—

AYES, 62

Mr Armitage	Mr Cross	Dr Jenkins	Dr Patterson
Mr Barnard	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Beazley	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Bennett	Mr Dawkins	Mr Jones	Mr Scholes
Mr Berinson	Mr Duthie	Mr Keating	Mr Sherry
Mr Bowen	Mr Enderby	Mr Keogh	Mr Stewart
Mr Bryant	Dr Everingham	Mr Kerin	Mr Thorburn
Dr J. F. Cairns	Mr FitzPatrick	Dr Klugman	Mr Uren
Mr C. R. Cameron	Mr Fry	Mr Lamb	Mr Wallis
Mrs Child	Mr Fulton	Mr Luchetti	Mr Whan
Mr Clayton	Mr Garrick	Mr McKenzie	Mr Willis
Mr Coates	Dr Gun	Mr Martin	Mr Young
Mr Cohen	Mr Hayden	Mr Mathews	
Mr Collard	Mr Hurford	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Innes	Mr Mulder	Mr James
Mr Crean	Mr Jacobi	Mr Oldmeadow	Mr Nicholls

NOES, 52

Mr Adermann	Mr Fairbairn	Mr King	Mr I. L. Robinson
Mr Bonnett	Mr Fisher	Mr Lucock	Mr Ruddock
Mr Bouchier	Mr Fraser	Mr Lusher	Mr Sinclair
Mr Bungey	Mr Garland	Mr Lynch	Mr Staley
Mr Cadman	Mr Giles	Mr MacKellar	Mr Street
Mr K. M. Cairns	Mr Graham	Mr McLeay	Mr Sullivan
Mr Calder	Mr Hewson	Mr McMahan	Mr Viner
Mr Chipp	Mr Hodges	Mr McVeigh	Mr Wilson
Mr Connolly	Mr Holten	Mr Macphee	
Mr Corbett	Mr Hunt	Mr Millar	
Mr Drummond	Mr Hyde	Mr Nixon	
Mr Drury	Mr Jarman	Mr O'Keefe	<i>Tellers:</i>
Dr Edwards	Mr Kelly	Mr Peacock	Mr D. M. Cameron
Mr Erwin	Mr Killen	Mr E. L. Robinson	Mr England

And so it was resolved in the affirmative—Bill read a second time.
The House resolved itself into a committee of the whole.

In the committee

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

Clauses 4 to 12, by leave, taken together, and agreed to, after debate.

Clauses 13 to 15, by leave, taken together, and agreed to, after debate.

Clause 16—

On the motion, by leave, of Mr Enderby (Attorney-General), the following amendments were made together:

Page 13, line 34, at the end of paragraph (b) add “(including any corporation that is that other corporation’s subsidiary by another application or other applications of this paragraph)”.

Page 14, line 32, omit “last-mentioned”, substitute “other”.

Clause, as amended, agreed to.

Clauses 17 to 33, by leave, taken together, and agreed to, after debate.

Clause 34—

On the motion of Mr Enderby, the following amendment was made: Page 23, omit sub-clauses (4) to (7).

Clause, as amended, agreed to.

Clauses 35 to 44, by leave, taken together, and agreed to, after debate.

Clauses 45 to 47, by leave, taken together, and agreed to, after debate.

Clause 48 debated and agreed to.

Clauses 49 to 51, by leave, taken together, and agreed to, after debate.

Clauses 52 to 58, by leave, taken together, and agreed to, after debate.

Clauses 59 and 60, by leave, taken together, and agreed to, after debate.

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

The House resumed; Mr Scholes reported accordingly.

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

- 10 STAFF ASSISTANCE FOR MEMBERS OF PARLIAMENT—MINISTERIAL STATEMENT: Mr Daly (Minister for Services and Property), by leave, made a ministerial statement relating to the Government's decision to provide additional staff assistance to Members of Parliament and the subsequent inaccurate reporting of the matter by the media.

Mr Keating and Mr Killen, by leave, also made statements in connection with the matter.

- 11 MESSAGE FROM THE SENATE: A message from the Senate was reported returning the following Bill without amendment:

26 February 1975—Message No. 164—Privy Council (Appeals from the High Court) 1975.

- 12 CORPORATIONS AND SECURITIES INDUSTRY BILL 1975: The House, according to order, again resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Clause 61 debated and agreed to.

Clauses 62 to 65, by leave, taken together, and agreed to, after debate.

Clauses 66 to 81, by leave, taken together, and agreed to, after debate.

Clauses 82 to 87, by leave, taken together, and agreed to, after debate.

Clauses 88 to 104, by leave, taken together, and agreed to, after debate.

Clauses 105 to 113, by leave, taken together, and agreed to, after debate.

Clause 114—

On the motion of Mr Enderby (Attorney-General), the following amendment was made:

Page 68, line 38, after "exchange" insert "if the person complies with the prescribed requirements".

Clause, as amended, agreed to.

Clauses 115 to 117, by leave, taken together, and agreed to, after debate.

Clause 118—

On the motion, by leave, of Mr Enderby, the following amendments were made together:

Page 71, line 38, omit "carrying on a business of dealing in securities", substitute "dealing in securities of prescribed corporations".

Page 71, at the end of the clause add the following sub-clause:

"(2) This section does not affect any application that the *Trade Practices Act* 1974 would have apart from this section."

Clause, as amended, agreed to.

Clauses 119 to 130, by leave, taken together, and agreed to, after debate.

Clauses 131 to 159, by leave, taken together, and agreed to.

Clause 160—

On the motion of Mr Enderby, the following amendment was made: Page 104, omit paragraph (d).

Clause, as amended, agreed to.

Clause 161—

On the motion of Mr Enderby, the following amendment was made: Page 105, at the end of the clause add the following sub-clause:

"(3) This section does not apply to a take-over offer or take-over invitation."

Clause, as amended, agreed to.

Clause 162—

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

Page 107, lines 5 to 7, omit all the words after “ distribution ”, substitute “ of a prospectus in relation to an exempt corporation ”.

Pages 107 and 108, omit sub-clauses (12) to (16).

Clause, as amended, debated and agreed to.

Clause 163 agreed to.

Clause 164—

On the motion of Mr Enderby, the following amendment was made: Page 110, omit sub-clause (5).

Clause, as amended, agreed to.

Clause 165 agreed to.

Clause 166—

On the motion of Mr Enderby, the following amendment was made, after debate:

Page 112, line 11, omit “ 2 months ”, substitute “ 1 month ”.

Clause, as amended, agreed to.

Clauses 167 to 170, by leave, taken together, and agreed to.

Clause 171—

On the motion of Mr Enderby, the following amendment was made: Page 121, at the end of the clause add the following sub-clause:

“ (14) This section applies in relation to a prospectus of which a copy has not been registered by the Commission in like manner as it applies in relation to a prospectus a copy of which has been so registered, but, for the purposes of the application of this section in relation to a prospectus by virtue of this sub-section, this section has effect as if a copy of the prospectus had been registered by the Commission at the time when the prospectus was first issued, circulated or distributed, as the case may be.”.

Clause, as amended, agreed to.

Clauses 172 to 174, by leave, taken together, and agreed to.

Clause 175—

On the motion of Mr Enderby, the following amendment was made: Page 126, line 31, omit “issue”, substitute “date of registration of a copy”.

Clause, as amended, agreed to.

Clause 176 agreed to.

Clause 177—

On the motion of Mr Enderby, the following amendment was made: Page 129, line 2, omit “allot”, substitute “issue”.

Clause, as amended, agreed to.

Clause 178 agreed to.

Clause 179—

On the motion of Mr Enderby, the following amendment was made: Page 131, line 32, after “subscription” insert “or purchase”.

Clause, as amended, agreed to.

Clauses 180 to 186, by leave, taken together, and agreed to.

Clause 187—

On the motion of Mr Enderby, the following amendment was made: Page 141, line 21, after “not to be” insert “an invitation to the public to make applications or offers to subscribe for or purchase debentures of the corporation or an offer of debentures of the corporation to the public for subscription or purchase and not to be”.

Clause, as amended, agreed to.

Clauses 188 to 262, by leave, taken together, and agreed to, after debate.

Clause 263 debated and agreed to.

Clauses 264 to 267, by leave, taken together, and agreed to, after debate.

Clauses 268 to 278, by leave, taken together, and agreed to.

Clause 279—

On the motion of Mr Enderby, the clause was omitted, and the following clause substituted:

“279. Except as provided by the *Administrative Appeals Tribunal Act* 1975 and subject to the jurisdiction of the High Court under paragraph 75 (v) of the Constitution, a decision of the Commission in respect of which an application may be made to the Administrative Appeals Tribunal for review shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition, mandamus, certiorari or injunction, in any court on any account whatever.”

Certain decisions of Commission not to be reviewed except as provided by Administrative Appeals Tribunal Act.

Clauses 280 to 282, by leave, taken together, and agreed to.

Clause 283—

On the motion of Mr Enderby, the following amendment was made, after debate:

Page 212, omit sub-clause (1), substitute the following sub-clause:

“(1) Subject to this section, the Commission may make rules, not inconsistent with this Act or the regulations, for or in relation to—

(a) any matter in respect of which the Commission is permitted by sub-section 59 (3) to make rules; or

(b) any matter in respect of which the Governor-General may make regulations, and, except where the context otherwise requires, this Act (other than this section and sub-section 284(1)) has effect as if a reference to regulations included a reference to rules of the Commission.”

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 Drury reported accordingly.

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

13 FISHERIES BILL 1975: The order of the day having been read for the second reading—
Dr Patterson (Minister representing the Minister for Agriculture) moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Dr Patterson, the Bill was read a third time.

14 ADJOURNMENT: Dr Patterson (Minister for Northern Development) moved—That the House do now adjourn.

Debate ensued.

The House continuing to sit until eleven o'clock p.m.—Mr Speaker adjourned the House until tomorrow at ten o'clock a.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr Cass, Mr Ellicott, Mr Lloyd, Mr Morris and Mr Wentworth.

N. J. PARKES,
Clerk of the House of Representatives