

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 151

WEDNESDAY, 5 MARCH 1980

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- 1 The House met, at 2.15 p.m., pursuant to adjournment. Mr Speaker (the Right Honourable Sir Billy Snedden) took the Chair, and read Prayers.
 - 2 **PETITIONS:** The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Aldred, Mr Falconer, Mr Holding, Mr Johnston and Mr B. O. Jones—from certain citizens praying that the National Women's Advisory Council and its recommendations be supported.
 - Mr Burns, Mr Johnston, Mr Lloyd and Mr Lusher—from certain citizens praying that the National Women's Advisory Council be abolished.
 - Mr Bouchier—from certain citizens praying for the abolition of the export parity pricing policy for LPG consumed in Australia and that certain other action be taken in relation to the pricing of LPG.
 - Mr Cadman—from certain residents of New South Wales praying that the 1980 level of education expenditure to Government schools be restored and increased in real terms.
 - Dr Everingham—from certain citizens praying that the Human Rights Commission Bill 1979 and the Racial Discrimination Amendment Bill 1979 be redrafted to ensure that the rights of all ethnic groups are enhanced.
 - Mr Hayden—from certain citizens praying that the recommendations of the 1972 Jess Committee Report be implemented, the contents of the Bonnett Report be made public and certain other action be taken to assist former members of the armed forces.
 - Mr C. K. Jones—from certain citizens praying that positive policies be adopted to reduce unemployment and that certain social security benefits be granted.
 - Mr L. B. McLeay—from certain citizens praying that pensions and benefits be increased and adjusted quarterly and that greater taxation relief be given to pensioners and others on low incomes.
 - Mr J. L. McMahon—from certain citizens praying that the Human Rights Commission Bill 1979 and the Racial Discrimination Amendment Bill 1979 be returned to the Senate so that all elected Senators are able to be present and vote on the legislation.
 - Mr West—from certain sports men and women and others praying that the participation of a full Australian contingent at the Moscow Olympic Games be ensured.Petitions received.
 - 3 **MINISTERIAL ARRANGEMENTS:** Mr Fraser (Prime Minister) informed the House that during the period of leave from ministerial duties of Mr Fife (Minister for Education), Mr Staley (Minister for Post and Telecommunications) would act as Minister for Education.
 - 4 **QUESTIONS:** Questions without notice were asked.

- 5 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—WOOL SHIPMENTS BAN: Mr Speaker informed the House that both Mr Burr and Mr Kerin had proposed that definite matters of public importance be submitted to the House for discussion today. In accordance with the provisions of standing order 107, he had given priority to the matter proposed by Mr Burr, namely, "The disastrous effects on the Australian nation due to the ban on wool shipments by the Storemen and Packers Union".
The proposed discussion having received the necessary support—
Mr Burr addressed the House.
Discussion ensued.
Discussion concluded.
- 6 POSTPONEMENT OF NOTICE: Ordered—That notice No. 1, government business, be postponed until a later hour this day.
- 7 BANKRUPTCY AMENDMENT BILL 1979: 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 by Mr Hurford who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "whilst not opposing the Bill, the House—
(1) expresses its concern at the rapid increase in the number of petitions for bankruptcy which has occurred in Australia in recent years;
(2) notes that the proposed amending legislation does not provide for a full reform of the bankruptcy law, particularly in the area of assignments, arrangements and compositions under Part X of the Act, and
(3) expresses the view that a broad reference on the question of insolvency and the bankruptcy law should be made to the Australian Law Reform Commission".
Debate continued.
Debate adjourned (Mr I. L. Robinson), and the resumption of the debate made an order of the day for a later hour this day.
- 8 URANIUM ENRICHMENT IN AUSTRALIA—FEASIBILITY—PAPER AND MINISTERIAL STATEMENT—
PAPERS NOTED: Mr Anthony (Minister for Trade and Resources), by command of His Excellency the Governor-General, presented the following paper:
Uranium enrichment in Australia—Feasibility—Report by Uranium Advisory Council, dated 24 October 1979.
Mr Anthony, by leave, made a ministerial statement in connection with the report, and, by command of His Excellency the Governor-General, presented the following paper:
Uranium enrichment in Australia—Feasibility—Report by Uranium Advisory Council—Ministerial statement, 5 March 1980.
Mr Garland (Minister for Business and Consumer Affairs) moved—That the House take note of the papers.
Debate ensued.
Question—put and passed.
- 9 PARLIAMENTARY ZONE—BUS SHELTER AND LIGHTING MASTS—APPROVAL OF PROPOSALS: Mr MacKellar (Minister Assisting the Prime Minister), pursuant to notice, moved—That, in accordance with section 5 of the *Parliament Act 1974*, the House of Representatives approves the following proposals:
Erection of a bus shelter in Kings Avenue.
Erection of 3 lighting masts on the ramps leading to Kings Avenue Bridge.
Debate ensued.
Question—put and passed.
- 10 BANKRUPTCY AMENDMENT BILL 1979: 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 Hurford, viz.—That all words after "That" be omitted with a view to substituting the following words: "whilst not opposing the Bill, the House—
(1) expresses its concern at the rapid increase in the number of petitions for bankruptcy which has occurred in Australia in recent years;

(2) notes that the proposed amending legislation does not provide for a full reform of the bankruptcy law, particularly in the area of assignments, arrangements and compositions under Part X of the Act, and

(3) expresses the view that a broad reference on the question of insolvency and the bankruptcy law should be made to the Australian Law Reform Commission”—

Debate resumed.

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

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole, and debated.

On the motion of Mr Garland (Minister for Business and Consumer Affairs), by leave, the following amendments were made together, after debate:

Amendments—

Clause 3—

Page 3, line 3, after “court” insert “in Australia or an external Territory or any other agreement with respect to the maintenance of a person that has been so registered or approved”.

Page 3, lines 24–30, omit proposed sub-section (4), substitute the following sub-section:

“(4) Unless the contrary intention appears, a reference in this Act to the trustee of the estate of a bankrupt, or to the trustee of a deed of assignment or deed of arrangement executed, or of a composition accepted, under Part X, shall—

- (a) in relation to an estate or a deed or composition in respect of which there are 2 or more joint trustees—be read as a reference to all the trustees; or
- (b) in relation to an estate or a deed or composition in respect of which there are 2 or more joint and several trustees—be read as a reference to all of the trustees or any one or more of the trustees.”.

New clause—

Page 20, after clause 25, insert the following new clause:

Conditions on which creditor may petition

“25A. (1) Section 44 of the Principal Act is amended by omitting from paragraph (a) of sub-section (1) ‘\$500’ (wherever occurring) and substituting ‘\$1,000’.

“(2) The amendment of section 44 of the Principal Act made by sub-section (1) does not apply in relation to a creditor’s petition presented before the commencement of this section.”.

Amendments—

Clause 56—

Page 57, lines 7–8, omit paragraphs (f) and (g).

Page 57, line 18, omit paragraph (j).

Clause 57, page 57, line 30, omit paragraph (c) of sub-clause (1), substitute the following paragraph:

“(c) by omitting sub-section (6) and substituting the following sub-section:

“(6) Nothing in this Act invalidates, in any case where a debtor becomes a bankrupt, a conveyance, transfer, charge, disposition, assignment, payment or obligation executed, made or incurred by the debtor, before the day on which the debtor became a bankrupt, under or in pursuance of a maintenance agreement or maintenance order.”.

Clause 71—

Page 65, line 13, omit “2”, substitute “3”.

Page 65, lines 14–20, omit proposed sub-section (2), substitute the following sub-section:

“(2) Subject to this section, a person who was an undischarged bankrupt immediately before the commencement of this section is, by force of this section, discharged from bankruptcy—

- (a) in a case where the bankrupt became a bankrupt more than 3 years before the commencement of this section—upon the commencement of this section; or
- (b) in any other case, unless sooner discharged in accordance with section 150—upon the expiration of 3 years from the date of the bankruptcy.”.

Page 65, line 37, omit “3”, substitute “5”.

Page 66, line 12, omit “3”, substitute “5”.

Page 66, line 16, omit “3”, substitute “5”.

Page 66, line 20, omit “3”, substitute “5”.

Page 66, line 22, omit “3”, substitute “5”.

Page 66, line 26, omit “2”, substitute “3”.

Page 66, line 26, omit “3”, substitute “5”.

Clause 72—

Page 68, line 24, omit “3”, substitute “5”.

Page 68, line 33, omit “3”, substitute “5”.

Page 69, line 5, omit “2”, substitute “3”.

Clause 73—

Page 69, line 19, omit “3”, substitute “5”.

Page 69, line 28, omit “3”, substitute “5”.

Clause 84, page 72, line 31, omit “and”, substitute “or”.

Clause 101, page 77, line 24, omit “the authority”, substitute “the consent, and a copy of the authority,”.

New clause—

Page 99, after clause 134, insert the following new clause:

Administration of estates under this Part upon petition by creditor

“134A. (1) Section 244 of the Principal Act is amended by omitting from sub-section (1) ‘\$500’ (wherever occurring) and substituting ‘\$1,000’.

“(2) The amendment of section 244 of the Principal Act made by sub-section (1) does not apply in relation to a petition presented under that section of the Principal Act before the commencement of this section.”.

Amendments—

Clause 165, page 122, after proposed section 306B, add the following section:

Protection in respect of trustees’ reports

“306C. (1) An action, suit or proceeding does not lie against the trustee of the estate of a bankrupt or any other person in respect of a statement made in good faith in a report prepared by the trustee in pursuance of paragraph 175 (1) (b).

“(2) Sub-section (1) shall not be taken to limit or affect any other right, privilege, immunity or defence existing apart from that sub-section.”.

Clause 168—

Page 123, line 26, omit “documents”, substitute “any accounts or records”.

Page 124, lines 2–3, omit “documents”, substitute “any accounts or records”.

Schedule, page 129, table in item 3, omit—

“Paragraph 123 (5) (b) . . . Omit ‘–1959, or of that Act as amended,’”
substitute—

“Paragraph 123 (5) (b) . . . Omit ‘*Income Tax and Social Services Contribution Assessment Act 1936–1959, or of that Act as amended,*’, substitute ‘*Income Tax Assessment Act 1936,*’”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed; Mr Jarman reported accordingly.

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

11 CUSTOMS AMENDMENT BILL (No. 5) 1979: 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—

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

Leave granted for third reading to be moved forthwith.

On the motion of Mr Garland (Minister for Business and Consumer Affairs), the Bill was read a third time.

12 HUMAN RIGHTS COMMISSION BILL 1979: The order of the day having been read for the further consideration of the Bill in committee, the House resolved itself into a committee of the whole.

—————
In the committee

Clause 3—

Debate resumed on the clause and on the amendment moved by Mr Martyr, viz.: Page 2, at the end of the definition of "Covenant" add ", as that Covenant would have effect if it were amended—

- (a) by adding after the words 'human person' in the second recital the words 'from conception';
- (b) by inserting in paragraph 1. of *Article 2* after the word 'jurisdiction' the words 'from conception';
- (c) by adding at the end of paragraph 1. of *Article 2* the words ', including mental and physical handicap'; and
- (d) by inserting after the word 'life' (first occurring) in paragraph 1. of *Article 6* the words 'from conception' "

Mr McLean addressing the committee—

It being 10.30 p.m.—Progress to be reported.

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The House resumed; Mr Millar reported accordingly.

Adjournment negated: The question was accordingly proposed—That the House do now adjourn.

Mr Viner (Leader of the House) requiring the question to be put forthwith without debate—

Question—put and negated.

The House again resolved itself into a committee of the whole.

—————
In the committee

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Chairman, Mr Millar, in the Chair)

The committee continuing to sit until after 12 midnight—

THURSDAY, 6 MARCH 1980

AYES, 47

Mr Adermann	Mr Chapman	Mr Howard	Mr McVeigh
Mr Aldred	Mr Connolly	Mr Hunt	Mr Martin
Mr Baillieu	Mr Corbett*	Mr Hyde	Mr Martyr
Mr Baume	Mr Cotter	Mr Jarman	Mr Neil
Mr Birney	Mr Falconer	Mr P. F. Johnson	Mr O'Keefe
Mr Bouchier	Mr Fisher*	Mr Johnston	Mr I. L. Robinson
Mr Braithwaite	Mr FitzPatrick	Mr Jull	Mr Ruddock
Mr Burns	Mr Fraser	Mr Lucock	Mr Sainsbury
Mr Cadman	Mr Gillard	Mr Lusher	Mr Shack
Mr Cairns	Mr Goodluck	Mr Lynch	Mr Short
Mr Calder	Mr Groom	Mr McLean	Mr Viner
Mr E. C. Cameron	Mr Hodgman	Mr J. L. McMahon	

NOES, 57

Mr Armitage	Mr Ellicott	Mr B. O. Jones	Mr Porter
Mr Bowen	Mr Garland	Mr C. K. Jones	Mr Scholes
Mr Bradfield	Mr Giles	Mr Keating	Mr Shipton
Mr J. J. Brown	Mr Graham	Mr Kerin	Mr Simon
Mr Bryant	Mr Haslem	Dr Klugman	Mr Staley
Mr Burr	Mr Hayden	Mr Lloyd	Mr Street
Mr C. R. Cameron	Mr Hodges	Mr MacKellar	Mr Thomson
Mr D. M. Cameron	Mr Holding	Mr MacKenzie	Mr Uren
Mr Carlton	Mr Howe	Mr J. E. McLeay	Mr Wallis
Dr Cass	Mr Humphreys	Mr L. B. McLeay	Mr West
Mr Cohen	Mr Hurford	Sir William McMahan	Mr Wilson
Mr Dawkins	Mr Innes	Mr Macphee	Mr Young
Mr Dean	Mr Jacobi	Mr Moore	
Mr Drummond	Dr Jenkins*	Mr Morris	
Dr Edwards	Mr L. K. Johnson*	Mr Newman	

* Tellers

And so it was negatived.

Mr Simon moved the following amendment: Page 2, at the end of the definition of "Covenant" add " , as that Covenant would have effect if it were amended—

- by adding after the words 'human person' in the second recital the words 'before as well as after birth';
- by inserting in paragraph 1. of *Article 2* after the words 'the rights' the words 'including those of the child before as well as after birth';
- by adding at the end of paragraph 1. of *Article 2* the words ', including mental and physical handicap'; and
- by inserting after the word 'life' (first occurring) in paragraph 1. of *Article 6* the words 'before as well as after birth'".

Debate continued.

Question—That the amendment be agreed to—put.

The committee divided (the Chairman, Mr Millar, in the Chair)—

AYES, 56

Mr Adermann	Mr E. C. Cameron	Mr Haslem	Mr McLean
Mr Aldred	Mr Carlton	Mr Hodgman	Mr L. B. McLeay
Mr Armitage	Mr Chapman	Mr Howard	Mr J. L. McMahan
Mr Baillieu	Mr Connolly	Mr Hunt	Mr McVeigh
Mr Birney	Mr Corbett*	Mr Hurford	Mr Martin
Mr Bouchier	Mr Cotter	Mr Hyde	Mr Martyr
Mr Bradfield	Dr Edwards	Mr Jarman	Mr Neil
Mr Braithwaite	Mr Falconer	Mr P. F. Johnson	Mr O'Keefe
Mr J. J. Brown	Mr Fisher*	Mr Johnston	Mr I. L. Robinson
Mr Burns	Mr FitzPatrick	Mr Jull	Mr Ruddock
Mr Cadman	Mr Fraser	Mr Keating	Mr Sainsbury
Mr Cairns	Mr Gillard	Mr Lucock	Mr Shack
Mr Calder	Mr Goodluck	Mr Lusher	Mr Short
Mr D. M. Cameron	Mr Groom	Mr Lynch	Mr Viner

NOES, 49

Mr Baume	Mr Graham	Mr Kerin	Mr Shipton
Mr Bowen	Mr Hayden	Dr Klugman	Mr Simon
Mr Bryant	Mr Hodges*	Mr Lloyd	Mr Staley
Mr Burr	Mr Holding	Mr MacKellar	Mr Street
Mr C. R. Cameron	Mr Howe	Mr MacKenzie	Mr Thomson
Dr Cass	Mr Humphreys	Mr J. E. McLeay	Mr Uren
Mr Cohen	Mr Innes	Sir William McMahan	Mr Wallis
Mr Dawkins	Mr Jacobi	Mr Macphee	Mr West
Mr Dean	Mr James	Mr Moore	Mr Wilson
Mr Drummond	Dr Jenkins	Mr Morris	Mr Young
Mr Ellicott	Mr L. K. Johnson*	Mr Newman	
Mr Garland	Mr B. O. Jones	Mr Porter	
Mr Giles	Mr C. K. Jones	Mr Scholes	

* Tellers

And so it was resolved in the affirmative.

Mr Martyr moved the following further amendment: Page 2, at the end of the definition of "human rights" add "and includes human rights before birth".

Question—That the amendment be agreed to—put.

The committee divided (the Chairman, Mr Millar, in the Chair)—

AYES, 58

Mr Adermann	Mr E. C. Cameron	Mr Hodgman	Mr J. L. McMahon
Mr Aldred	Mr Carlton	Mr Howard	Mr McVeigh
Mr Armitage	Mr Chapman	Mr Hunt	Mr Martin
Mr Baillieu	Mr Connolly	Mr Hurford	Mr Martyr
Mr Baume	Mr Corbett*	Mr Hyde	Mr Neil
Mr Birney	Mr Cotter	Mr Jarman	Mr O'Keefe
Mr Bouchier	Dr Edwards	Mr P. F. Johnson	Mr Porter
Mr Bradfield	Mr Falconer	Mr Johnston	Mr I. L. Robinson
Mr Braithwaite	Mr Fisher*	Mr Jull	Mr Ruddock
Mr J. J. Brown	Mr FitzPatrick	Mr Keating	Mr Sainsbury
Mr Burns	Mr Fraser	Mr Lucock	Mr Shack
Mr Cadman	Mr Gillard	Mr Lusher	Mr Short
Mr Cairns	Mr Goodluck	Mr Lynch	Mr Viner
Mr Calder	Mr Groom	Mr McLean	
Mr D. M. Cameron	Mr Haslem	Mr L. B. McLeay	

NOES, 46

Mr Bowen	Mr Graham	Mr Kerin	Mr Shipton
Mr Bryant	Mr Hodges*	Dr Klugman	Mr Simon
Mr Burr	Mr Holding	Mr Lloyd	Mr Staley
Mr C. R. Cameron	Mr Howe	Mr MacKellar	Mr Street
Dr Cass	Mr Humphreys	Mr MacKenzie	Mr Thomson
Mr Cohen	Mr Innes	Mr J. E. McLeay	Mr Uren
Mr Dawkins	Mr Jacobi	Sir William McMahon	Mr Wallis
Mr Dean	Mr James	Mr Macphee	Mr West
Mr Drummond	Dr Jenkins	Mr Moore	Mr Wilson
Mr Ellicott	Mr L. K. Johnson*	Mr Morris	Mr Young
Mr Garland	Mr B. O. Jones	Mr Newman	
Mr Giles	Mr C. K. Jones	Mr Scholes	

*Tellers

And so it was resolved in the affirmative.

Clause, as amended, agreed to.

Clause 4—

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

The House resumed; Mr Millar reported accordingly.

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

13 ADJOURNMENT: Mr Viner (Leader of the House) moved—That the House do now adjourn.
Question—put and passed.

And then the House, at 12.43 a.m., adjourned until this day at 10.30 a.m.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr Blewett, Mr N. A. Brown, Mr Bungey, Dr Everingham, Mr Katter, Mr Nixon, Mr Peacock, Mr Sinclair and Mr Willis.

J. A. PETTIFER,

Clerk of the House of Representatives