

1962.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 57.

THURSDAY, 8TH NOVEMBER, 1962.

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. QUESTIONS.—Questions without notice were answered.
3. PAPERS.—The following Papers were presented, pursuant to Statute—
 Customs Tariff—Order—Customs (Intermediate Tariff) No. 91.
 Customs Tariff (Primage Duties)—Orders—Customs Tariff (Primage Duties) Nos. 112, 113.
 Egg Export Control Act—Australian Egg Board—Fifteenth Annual Report, for year 1961–62, together with Statement by Minister regarding the operation of the Act.
 Public Service Arbitration Act—Public Service Arbitrator—Determinations—1962—
 No. 43—Australian Broadcasting Commission Staff Association.
 No. 44—Professional Officers' Association, Commonwealth Public Service and others.
4. DISCUSSION OF MATTER OF URGENCY—ACTIVITIES OF HIRE-PURCHASE COMPANIES.—Mr. Speaker informed the House that Mr. A. D. Fraser had proposed that a definite matter of urgent public importance be submitted to the House for discussion, namely, "The need to investigate complaints that hire-purchase companies are exploiting the Australian Capital Territory Hire-purchase Ordinance to deal unconscionably with residents in several States and are publishing misleading advertisements on television and radio to further this purpose".
 The proposed discussion having received the necessary support—
 Mr. Fraser addressed the House.
 Discussion ensued.
 Discussion concluded.
5. INTERNATIONAL AIRPORT AT TULLAMARINE.—Mr. Howson moved, pursuant to notice, That this House recognizes the desirability of the early establishment of an international airport at Tullamarine in order to promote tourism and to ensure the satisfactory development of international air services for the State of Victoria and the City of Melbourne.
 Debate ensued.
 It being two hours after the time fixed for the meeting of the House, the debate was interrupted in accordance with Standing Order No. 108.
 Ordered—That the time for the discussion of motions be extended until fifteen minutes to one o'clock p.m.
 Debate continued.
Closure moved.—Mr. Whitlam moved, That the question be now put.
 Question—That the question be now put—put.
 The House divided (The Speaker, Sir John McLeay, in the Chair)—

AYES, 54.

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

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		NOES, 55.		
Mr. Adermann	Mr. Davis	Mr. Fox	Mr. Leslie	Mr. Townley
Mr. Anthony	Mr. Dean	Mr. J. M. Fraser	Mr. Lindsay	Mr. Turner
Mr. Barnes	Mr. Downer	Mr. Freeth	Mr. Lucock	Mr. Wentworth
Sir G. Barwick	Mr. Drummond	Mr. Hawthorth	Mr. Mackinnon	Mr. Whittorn
Mr. Bate	Mr. Drury	Mr. Holt	Mr. McEwen	Mr. Wilson
Mr. Buchanan	Mr. England	Mr. Holten	Mr. McMahan	
Mr. Bury	Mr. Erwin	Mr. Howson	Mr. McNeill	
Mr. Chipp	Mr. Failes	Mr. Jack	Mr. Nixon	
Mr. Cleaver	Mr. Fairbairn	Mr. Jess	Mr. Opperman	
Mr. Cockle	Mr. Fairhall	Mr. Kelly	Mr. Robertson	<i>Tellers:</i>
Mr. Cramer	Mr. Falkinder	Sir W. Kent Hughes	Mr. Snedden	Mr. Chaney
Mr. Davidson	Mr. Forbes	Mr. King	Mr. Swartz	Mr. Turnbull

And so it was negatived.

The time allotted for precedence to General Business having expired, the debate was interrupted, Mr. Jess was granted leave to continue his speech when the debate is resumed, and the resumption of the debate was made an Order of the Day for the next sitting.

6. MESSAGE FROM THE GOVERNOR-GENERAL—WESTERN AUSTRALIA GRANT (BEEF CATTLE ROADS) BILL 1962.—Mr. Speaker announced the receipt of the following Message from His Excellency the Governor-General:—

DE L'ISLE,

Governor-General.

Message No. 44.

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 grant Financial Assistance to the State of Western Australia for Works in connexion with certain Roads to be used for the transport of Beef Cattle.

Canberra, 8th November, 1962.

Ordered—That the Message be taken into consideration, in Committee of the whole House, forthwith.

(In the Committee.)

Mr. Holt (Treasurer) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to grant Financial Assistance to the State of Western Australia for Works in connexion with certain Roads to be used for the transport of Beef Cattle.

Question—put and passed.

Resolution to be reported.

The House resumed; Mr. Lucock reported accordingly.

Mr. Holt 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. Holt, the Resolution reported from the Committee was adopted by the House.

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

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

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

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

7. MESSAGE FROM THE GOVERNOR-GENERAL—LOAN BILL (No. 2) 1962.—Mr. Speaker announced the receipt of the following Message from His Excellency the Governor-General:—

DE L'ISLE,

Governor-General.

Message No. 45.

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 moneys be made for the purposes of a Bill for an Act to Authorize the Raising and Expending of a sum not exceeding One hundred and eighteen million three hundred and twenty-eight thousand pounds for Defence Purposes.

Canberra, 8th November, 1962.

Ordered—That the Message be taken into consideration, in Committee of the whole House, forthwith.

(In the Committee.)

Mr. Holt (Treasurer) moved, That it is expedient that an appropriation of moneys be made for the purposes of a Bill for an Act to Authorize the Raising and Expending of a sum not exceeding One hundred and eighteen million three hundred and twenty-eight thousand pounds for Defence Purposes.

Question—put and passed.

Resolution to be reported.

8th November, 1962.

The House resumed: Mr. Lucock reported accordingly.

Mr. Holt 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. Holt, the Resolution reported from the Committee was adopted by the House.

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

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

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

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

8. AUDIT BILL 1962.—Mr. Holt (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to Repayments of Amounts out of the Commonwealth Public Account.

Question—put and passed.

Bill brought up, and read a first time.

Mr. Holt moved, by leave, That the Bill be now read a second time.

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

9. MESSAGE FROM THE GOVERNOR-GENERAL—COPPER AND BRASS STRIP BOUNTY BILL 1962.—Mr. Speaker announced the receipt of the following Message from His Excellency the Governor-General:—

DE L'ISLE,

Governor-General.

Message No. 46.

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 provide for the Payment of Bounty on the Production of Copper or Brass Strip for use in Australia.

Canberra, 8th November, 1962.

Ordered—That the Message be taken into consideration, in Committee of the whole House, forthwith.

(*In the Committee.*)

Mr. Fairhall (Minister representing the Minister for Customs and Excise) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to provide for the Payment of Bounty on the Production of Copper or Brass Strip for use in Australia.

Question—put and passed.

Resolution to be reported.

The House resumed; Mr. Lucock reported accordingly.

Mr. Fairhall 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. Fairhall, the Resolution reported from the Committee was adopted by the House.

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

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

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

Debate ensued.

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

10. REPATRIATION BILL 1962.—Mr. Swartz (Minister for Repatriation) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend sections twenty-nine and seventy-eight of the *Repatriation Act 1920-1961*.

Question—put and passed.

Bill brought up, and read a first time.

Mr. Swartz moved, by leave, That the Bill be now read a second time.

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

11. PATENTS BILL 1962.—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.

8th November, 1962.

(In the Committee.)

Bill, by leave, taken as a whole.

On the motion of Sir Garfield Barwick (Attorney-General), by leave, the following amendments were made together:—

Clause 9, page 6, at the end of proposed section fifty-four A add the following sub-section:—

“(5.) Where an order is in force under section one hundred and thirty-one of this Act in relation to an application at a time when, but for this sub-section, a notification that the complete specification lodged in respect of the application is open to public inspection would be published under this section, the notification shall not be published until the order is revoked.”

Clause 17, page 8, omit the clause, insert the following clause:—

“17. Section eighty-seven of the Principal Act is repealed.”

Clause 26, page 11, at the end of the clause add the following proposed section:—

“159B. Where an amendment is made under this Act to a complete specification after the specification became open to public inspection, damages shall not be awarded, and an order shall not be made for an account of profits, in an action for an infringement of the patent occurring before the date of the decision or order allowing or directing the amendment—

- (a) unless the court is satisfied that the specification without the amendment was framed in good faith and with reasonable skill and knowledge; or
- (b) if the claim of the specification in respect of which the infringement is found is a claim in respect of which the court is required, by virtue of sub-section (1.) or sub-section (3.) of the last preceding section, to treat a certain date as the priority date.”

Clause 28, page 12, omit the clause, insert the following clause:—

“28.—(1.) Where, before the commencement of this section, an Examiner has reported adversely to an application or specification under section forty-seven or section forty-eight of the *Patents Act* 1952, or of that Act as amended, and—

- (a) the applicant has amended the application or specification for the purpose of removing the grounds of objection; or
- (b) the Commissioner has given a direction under sub-section (2.) of section forty-nine of the *Patents Act* 1952, or of that Act as amended.

the provisions of section forty-nine of the *Patents Act* 1952–1962 do not apply in relation to the application or specification and the provisions of sub-sections (1.), (2.) and (4.) of section forty-nine of the *Patents Act* 1952–1960 continue to apply in relation to the application or specification as if this Act had not been enacted.

“(2.) Nothing in the last preceding sub-section affects the application to or in relation to an application or specification referred to in that sub-section of the provisions of the *Patents Act* 1952–1962 other than the provisions of section forty-nine of that Act but, in the application of section forty-nine A of that Act, the reference in sub-section (1.) of that section to an amendment made under the section last preceding that section shall be read as a reference to an amendment made under section forty-nine of the *Patents Act* 1952 or of that Act as amended before the commencement of this section.”

Proposed new clause—

Mr. Whitlam moved, That the following new clause be inserted in the Bill:—

“24A. Section one hundred and forty-six of the Principal Act is amended by omitting the words ‘High Court’ (twice occurring) and inserting in their stead the words ‘Commonwealth Industrial Court’”.

Debate ensued.

Question—That the new clause proposed to be inserted be so inserted—put

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

AYES, 53.

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

NOES, 54.

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

And so it was negatived.

Bill, as amended, agreed to.

Bill to be reported with amendments.

8th November, 1962.

The House resumed; Mr. Lucock reported accordingly.

On the motion of Sir Garfield Barwick, by leave, the House adopted the Report, and, by leave, the Bill was read a third time.

12. STATES GRANTS (SPECIAL ASSISTANCE) BILL 1962.—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.)

Bill, by leave, taken as a whole, and agreed to.
Bill to be reported without amendment.

The House resumed; Mr. Lucock reported accordingly.

On the motion of Mr. Freeth (Minister for the Interior), the House adopted the Report, and the Bill was read a third time.

13. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 3 to 6, Government Business, be postponed until a later hour this day.
14. REMOVAL OF PRISONERS (TERRITORIES) BILL 1962.—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.)

Bill, by leave, taken as a whole, and agreed to.
Bill to be reported without amendment.

The House resumed; Mr. Lucock reported accordingly.

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

15. LOAN (HOUSING) BILL (NO. 2) 1962.—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.
Debate adjourned (Mr. Wentworth), and the resumption of the debate made an Order of the Day for the next sitting.
16. ADJOURNMENT.—Mr. Holt (Treasurer) moved, That the House do now adjourn.
Ordered—That Mr. Holt be granted an extension of time.
Debate continued.
Closure.—Mr. Cramer (Minister for the Army) moved, That the question be now put.
Question—That the question be now put—put.
The House divided (The Speaker, Sir John McLeay, in the Chair)—

AYES, 54.

Mr. Adermann	Mr. Davidson	Mr. Falkinder	Mr. Kelly	Mr. Robertson
Mr. Anthony	Mr. Davis	Mr. Forbes	Sir W. Kent Hughes	Mr. Snedden
Mr. Barnes	Mr. Dean	Mr. Fox	Mr. King	Mr. Swartz
Sir G. Barwick	Mr. Downer	Mr. J. M. Fraser	Mr. Lindsay	Mr. Townley
Mr. Bate	Mr. Drummond	Mr. Freeth	Mr. Lucock	Mr. Turner
Mr. Buchanan	Mr. Drury	Mr. Haworth	Mr. Mackinnon	Mr. Wentworth
Mr. Bury	Mr. England	Mr. Holt	Mr. McEwen	Mr. Whittorn
Mr. Chipp	Mr. Erwin	Mr. Holten	Mr. McMahon	Mr. Wilson
Mr. Cleaver	Mr. Failes	Mr. Howson	Mr. McNeill	Tellers:
Mr. Cockle	Mr. Fairbairn	Mr. Jack	Mr. Nixon	Mr. Chaney
Mr. Cramer	Mr. Fairhall	Mr. Jess	Mr. Opperman	Mr. Turnbull

NOES, 53.

Mr. Armitage	Mr. Costa	Mr. Gray	Mr. Makin	Mr. Sexton
Mr. Barnard	Mr. Courtney	Mr. Griffiths	Mr. McGuren	Mr. Stewart
Mr. Beaton	Mr. Crean	Mr. Hansen	Mr. Minogue	Mr. Thompson
Mr. Benson	Mr. Cross	Mr. Harding	Mr. Monaghan	Mr. Uren
Mr. Bryant	Mr. Curtin	Mr. Harrison	Mr. O'Brien	Mr. Ward
Mr. Cairns	Mr. Daly	Mr. Hayden	Mr. O'Connor	Mr. Webb
Mr. C. R. Cameron	Mr. Einfeld	Mr. Haylen	Mr. Peters	Mr. Whitlam
Mr. Clark	Mr. A. D. Fraser	Mr. Johnson	Mr. Pollard	Tellers:
Mr. Clay	Mr. Fuller	Mr. Jones	Mr. Reynolds	Mr. Coutts
Mr. Comber	Mr. Fulton	Mr. Kearney	Mr. Riordan	Mr. Duthie
Mr. Cope	Mr. Galvin	Mr. Luchetti	Mr. Russell	

And so it was resolved in the affirmative.

And the question—That the House do now adjourn—was put accordingly, and passed.

8th November, 1962.

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

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Beazley*, Mr. Brimblecombe*, Mr. D. J. Cameron, Mr. Davies*, Mr. Hasluck, Mr. James*, Mr. Killen, Mr. McIvor* and Mr. Stokes.

* On leave.

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