

1967

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 39

WEDNESDAY, 30 AUGUST 1967

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- 1 The House met, at half-past two o'clock p.m., pursuant to adjournment. Mr Speaker (the Honourable W. J. Aston) took the Chair, and read Prayers.
 - 2 QUESTIONS: Questions without notice were asked.
 - 3 PAPERS: The following papers were presented, by command of His Excellency the Governor-General:
 - Defence Forces Retirement Benefits and Commonwealth Superannuation—Table of selected pension benefits.
 - Ordered to be printed.
 - Commonwealth Scholarships Board—Report for 1966.
 The following paper was presented, pursuant to statute:
 - National Debt Sinking Fund Act—National Debt Commission—Forty-fourth Annual Report, for year 1966–67.
 - 4 COMMONWEALTH PRISONERS BILL 1967—SENATE'S AMENDMENTS: The House, according to order, resolved itself into a committee of the whole to consider the amendments made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- (1) Page 1, after clause 1, insert the following clause:—
 - “ 1A. This Act shall come into operation on a date to be fixed by Proclamation.”
- (2) Page 4, clause 3, lines 8 to 21, leave out sub-clause (4.), insert the following sub-clauses:—
 - “ (4.) For the purposes of the preceding provisions of this section, the law of a State or Territory with respect to the fixing of minimum terms of imprisonment shall be deemed to be the provisions of the law of that State or Territory with respect to the fixing of minimum terms of imprisonment that are applicable in respect of a State offender or a Territory offender who is before a court for sentence for only one offence and is not already serving a term of imprisonment for another offence, but this sub-section does not prevent a court, in fixing a minimum term of imprisonment under this section in respect of one offence, from taking into account any matter that the court thinks relevant, including another offence or a sentence in respect of another offence.

“(5.) Notwithstanding sub-section (1.) of section 19 of the *Crimes Act* 1914–1966, where a court sentences a federal offender to a term of imprisonment and, at the time of the sentence, the offender is under sentence of imprisonment for an offence that is not an offence against a law of the Commonwealth but is an offence in respect of which a minimum term of imprisonment was fixed, the court may direct that the sentence imposed by it is to commence to be served at the expiration of service of that minimum term of imprisonment.

“(6.) Where an offender is sentenced to a term of imprisonment for an offence against a law of the Commonwealth in respect of which a minimum term of imprisonment is fixed and, at the same time or a later time but before he has served that minimum term of imprisonment, the offender is sentenced to a further term of imprisonment for another offence against a law of the Commonwealth in respect of which a minimum term of imprisonment is fixed, then the minimum term fixed in respect of that other offence is cumulative upon, or concurrent with, that fixed in respect of the first-mentioned offence according as the term of imprisonment imposed is cumulative upon, or concurrent with, the term imposed in respect of the first-mentioned offence.

“(7.) Where a person has been sentenced as a federal offender to several terms of imprisonment in respect of any of which a minimum term of imprisonment has been fixed, the sentences of the following categories shall be served in the following order:—

- (a) first, any terms in respect of which no minimum terms of imprisonment were fixed and so much of any minimum term of imprisonment as is to be served concurrently with any of those terms;
- (b) second, any minimum terms of imprisonment, other than any minimum term, or part of a minimum term, referred to in the last preceding paragraph; and
- (c) third, the unserved balances of any terms in respect of which minimum terms of imprisonment were fixed.

“(8.) Where, during the service of a sentence referred to in the last preceding sub-section, a further sentence is imposed in respect of an offence against a law of the Commonwealth, service of the first-mentioned sentence shall, if necessary, be suspended in order that the sentences may thereafter be served in accordance with the order referred to in that sub-section.”.

(3) Page 5, clause 4, line 20, leave out “before or”.

(4) Page 10, clause 16, at the end of the clause, add the following sub-clause:—

“(2.) Where a parole order in relation to a person is, under sub-section (7.) of section 4 of this Act, to be deemed to have been revoked as from the time immediately before the expiration of the parole period, the last preceding sub-section has effect as if the parole period had not expired without the parole order being revoked or cancelled.”.

(5) Page 11, clause 18, line 2, after “sentences”, insert “or minimum terms of imprisonment”.

On the motion of Mr Bowen (Attorney-General), the amendments were agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Lucock reported accordingly.

On the motion of Mr Bowen, the House adopted the report.

5 WIRELESS TELEGRAPHY BILL 1967—SENATE’S AMENDMENT: The House, according to order, resolved itself into a committee of the whole to consider the amendment made by the Senate.

In the committee

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE

Page 3, clause 6, lines 35–37, leave out the clause, insert the following clause:—

“6. Section 9 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the words ‘Court of Summary Jurisdiction’, the words ‘having jurisdiction with respect to the offence’; and
- (b) by omitting from sub-section (1.) all the words after the word ‘section’ and inserting in their stead the words ‘may be committed for trial or, with his consent, dealt with summarily’.”

On the motion of Mr Hulme (Postmaster-General), the amendment was agreed to, after debate.

Resolution to be reported.

The House resumed; Mr Lucock reported accordingly.

On the motion of Mr Hulme, the House adopted the report.

6 SOCIAL SERVICES BILL (NO. 2) 1967: 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.

Message from the Governor-General: Mr Speaker announced the receipt of message No. 45, dated 16 August 1967, from His Excellency the Governor-General recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Sinclair (Minister for Social Services), the Bill was read a third time.

7 APPROPRIATION BILL (NO. 1) 1967–68—BUDGET DEBATE: 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 Whitlam (Leader of the Opposition), viz.*—That all words after “That” be omitted with a view to inserting the following words in place thereof: “this House condemns the Budget because—

- (1) it places defence costs on those least able to pay them;
- (2) it fails to curb administrative waste and extravagance;
- (3) it defers and retrenches development projects; and
- (4) it allows social service and war pensioners to fall still further behind their fellow citizens”—

Debate resumed.

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

8 ADJOURNMENT: Mr Snedden (Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at three minutes past eleven o’clock p.m., adjourned until to morrow at half-past ten o’clock a.m.

PAPERS: The following papers were deemed to have been presented on 30 August 1967, pursuant to statute:

Explosives Act—Explosives Regulations—Order—Berthing of a vessel.
Public Service Arbitration Act—Public Service Arbitrator—Determinations—1967—

No. 174—Commonwealth Public Service Association (Fourth Division Officers).

No. 175—Federated Clerks' Union of Australia.

No. 176—Federated Liquor and Allied Industries Employees' Union of Australia.

No. 187—Association of Architects, Engineers, Surveyors and Draughtsmen of Australia.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Arthur, Mr Calwell*, Mr C. R. Cameron*, Mr Daly, Mr Dobie, Mr Failes, Mr Gibbs*, Mr C. K. Jones*, Sir Wilfrid Kent Hughes*, Mr Maisey, Mr McEwen and Mr Whittorn*.

* On leave.

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