

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 205

TUESDAY, 24 OCTOBER 1972

1 The House met, at eleven o'clock a.m., pursuant to adjournment. Mr Speaker (the Honourable Sir William Aston) took the Chair, and read Prayers.

2 PETITIONS: The Clerk announced that the following honourable Members had each lodged petitions for presentation, viz.:

Mr J. M. Fraser (Minister for Education and Science), Mr Brown, Mr Collard and Mr Corbett—from certain citizens of the Commonwealth praying that Australia's official development assistance in 1972–73 be increased to at least \$240 million, and that Australia's aid and trade policies be reviewed to benefit developing countries.

Mr Jones, Mr Keating, Mr Martin and Mr Reynolds—from certain employees of the Australian aircraft industry in New South Wales and citizens of Australia praying that the Federal Government take immediate action to ensure the re-equipment of the armed forces with Australian designed and produced aircraft and accessories.

Mr Enderby—from certain residents of the Australian Capital Territory praying that the strip of land on the whole western side of Melrose Drive, Canberra, be reserved for development as parkland.

Mr Hurford—from certain citizens of the Commonwealth praying that the contract let to an American controlled company for the advertising rights for the Victorian Pink Pages Telephone Directories be revoked in the national interest.

Mr Klugman—from certain citizens of Australia praying that this House provide the finance to enable State Education Departments and local government authorities to establish pre-school and after-school centres and facilities for training the staff for these centres.

Petitions received.

3 QUESTIONS: Questions without notice being asked—

Paper: Mr Martin, in accordance with standing order 321, having called for a document quoted from by Mr Snedden (Treasurer)—

Mr Snedden laid upon the Table the following paper:

Department of the Treasury—Minute paper relating to statements made by Mr C. R. Cameron in the House on 11 October 1972 concerning a thesis prepared by Mr J. Tilling.

Questions without notice concluded.

4 STATEMENT BY MEMBER: Mr Cope, by leave, made a statement concerning a certain passage in the book *Twelfth Man* written by Mr Don Whitington relating to the Sydney suburb of Redfern.

5 PAPERS: Mr Speaker presented the following paper:

Commonwealth Parliamentary Association—Summary report of proceedings of the First Australian Parliamentary Seminar held at Parliament House, Canberra, 11 to 16 September 1972.

The following paper was presented, by command of His Excellency the Governor-General:

Australian Parliamentary Delegation—Report of visit to Japan and Korea by delegation led by the Honourable M. G. Mackay, M.P., Minister for the Navy, 20 February to 2 March 1972.

The following papers were presented, pursuant to statute:

Poultry Industry Assistance Act—Seventh Annual Report, for year 1971–72.

Science and Industry Endowment Act—Report by Auditor-General on accounts of Science and Industry Endowment Fund, for year 1971–72.

Sugar Agreement Act—Fruit Industry Sugar Concession Committee—Forty-first Annual Report, and Statement of Receipts and Expenditure certified by the Auditor-General of the Commonwealth, for year 1971–72.

Mr Grassby, by leave, presented the following paper:

Election pamphlet supporting the Australian Country Party candidate for Angas.

6 PUBLIC WORKS COMMITTEE—REPORTS: Mr Kelly (Chairman) brought up the following reports from the Parliamentary Standing Committee on Public Works:

Report relating to the proposed construction of a rehabilitation centre at Camperdown, N.S.W. (Thirty-first report of 1972).

Report relating to the proposed construction of patients' and staff accommodation at Kingshome Rehabilitation Centre, Taringa, Qld (Thirty-second report of 1972).

Report relating to the proposed construction of an outpatients' clinic at Repatriation General Hospital, Greenslopes, Qld (Thirty-third report of 1972).

Report relating to the proposed construction of a Commonwealth office block at Alice Springs, N.T. (Thirty-fourth report of 1972).

Report relating to the proposed construction of Commonwealth offices at Port Moresby (Thirty-fifth report of 1972).

Severally ordered to be printed.

Mr Kelly, Mr Fulton, Mr Corbett and Mr L. R. Johnson, by leave, made statements with reference to the reports and the work of the committee.

7 POSTPONEMENT OF NOTICE: Ordered—That notice No. 1, government business, be postponed until a later hour this day.

8 NATIONAL HEALTH BILL 1972: Mr Forbes (Minister representing the Minister for Health), pursuant to notice, presented a Bill for an Act to amend the *National Health Act 1953–1971*.

Bill read a first time.

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

Debate, by leave, ensued.

Mr Klugman addressing the House—

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

Question—That the question be now put—put and passed.

And the question—That the Bill be now read a second time—was put accordingly, and passed—Bill read a second time.

Message from the Governor-General: Message No. 274, dated 24 October 1972, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

Leave granted for third reading to be moved forthwith.

Mr Forbes moved—That the Bill be now read a third time.

Mr Bryant rising to address the House—

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

Question—That the question be now put—put and passed.

And the question—That the Bill be now read a third time—was put accordingly, and passed—Bill read a third time.

- 9 AIR NAVIGATION (CHARGES) BILL 1972: The order of the day having been read for the second reading—Sir Reginald Swartz (Minister representing the Minister for Civil Aviation) 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 Sir Reginald Swartz, the Bill was read a third time.

- 10 ADVANCE TO THE TREASURER 1971-72—STATEMENT OF EXPENDITURE: The House, according to order, resolved itself into a committee of the whole to consider the statement.
-

In the committee

Statement taken as a whole, and agreed to, after debate.

Mr Garland (Minister assisting the Treasurer) moved—That the following resolution be reported to the House:

That the committee agrees with the statement for the year 1971-72 of heads of expenditure and the amounts charged thereto pursuant to section 36A of the *Audit Act* 1901-1969.

Question—put and passed.

The House resumed; Mr Lucock reported accordingly.

On the motion of Mr Garland, the resolution reported from the committee was adopted by the House.

- 11 RESTRICTIVE TRADE PRACTICES BILL 1972: 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.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Anthony (Minister for Trade and Industry), the Bill was read a third time.

- 12 CHILD CARE BILL 1972: 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 Beazley who moved, as an amendment—That all words after “That” be omitted with a view to inserting the following words in place thereof: “the House, while not refusing a second reading to the Bill, is of the opinion (a) that the Commonwealth Government should take the initiative to establish child care centres to meet the needs of working mothers, and should do this on a basis of priorities, to give maximum advantage to a maximum number of families, rather than leave the provision of this service to the chance interest of employers and local authorities and (b) that child care centres should be within the province of the Department of Education and Science and should be part of a pre-school system developed progressively throughout the nation”.

Debate continued.

Amendment negatived.

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

Message from the Governor-General: Message No. 275, dated 10 October 1972, from His Excellency the Governor-General was announced recommending an appropriation of revenue for the purposes of the Bill.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Beazley, by leave, moved the following amendments and new clause together:

Amendments—

Clause 4, page 2, lines 12 and 13, omit “in their own homes or in the homes of other persons”, insert “in their ordinary place of residence”.

Clause 4, page 2, lines 17–19, omit “(other than an organization conducted or controlled by, or by persons appointed by, the Government of the Commonwealth or of a State)”.

Clause 4, page 2, after paragraph (a) of the definition of “eligible organization” insert the following paragraph:

“(aa) an organization conducted or controlled by, or by persons appointed by, the Government of the Commonwealth;”.

Clause 4, page 2, line 30, after “established” insert “by or under the law of the Government of the Commonwealth or of a State or”.

Clause 11, page 5, lines 31 and 32, omit “ascertained in accordance with this section”, insert “necessary to meet its recurring cost”.

Clause 11, pages 5 and 6, omit sub-clauses (2.) and (3.), insert the following sub-clause:

“(2.) The rate of a grant payable under this section in respect of a child care centre is an amount necessary to staff centres at standards acceptable to the Child Care Standards Committee.”.

Clause 11, page 6, lines 27–30, omit “ascertaining the number of hours during which each of those children attends at that child care centre on that day, by adding together the numbers so ascertained and by dividing the result by eight”, insert “a formula specified by the Child Care Standards Committee and approved by the Minister”.

Clause 11, page 6, lines 35–37, omit “in the opinion of the Minister, are equivalent to the qualifications and experience so prescribed”, insert “are acceptable to the Child Care Standards Committee and approved by the Minister”.

Clause 11, page 7, lines 2 and 3, omit “or, if no such rate is applicable, the rate of salary or wages determined by the Minister”, insert “as determined by the Public Service Board and approved by the Minister”.

Clause 12, page 7, sub-clause (1.), after paragraph (d) insert the following paragraph:

“(e) a child who suffers from physical or mental handicap or other disability;”.

Clause 12, page 7, lines 32 and 39, omit “Minister” (twice occurring), insert “Child Care Standards Committee”.

Clause 14, page 8, line 24, omit “may”, insert “shall”.

Clause 14, page 8, after sub-clause (1.) insert the following sub-clauses:

“(1A.) The Minister shall appoint persons with qualifications in pre-school education, pediatricians, psychologists, educationalists and child psychiatrists.

“(1B.) Members of the Child Care Standards Committee shall be appointed for three years and be eligible for re-appointment.”.

Clause 18, page 9, lines 12 and 13, omit the clause, insert the following clause:

“18. Members of committees established under section 16 of this Act shall be appointed by the Minister on the recommendation of members of committees of the Child Care Standards Committee and shall hold office for a period to be determined by the Minister on the advice of the Child Care Standards Committee.”.

Clause 20, page 9, line 26, omit “as the Minister thinks fit”, insert “as the Minister determines upon the recommendations of the Child Care Standards Committee”.

Clause 20, page 10, at the end of the clause add the following sub-clause:

“(5.) Upon the closure of a child care centre such property as has been provided by the Commonwealth shall remain the property of the Commonwealth.”.

Clause 21, page 10, line 9, omit “Secretary to the Department of Labour and National Service”, insert “Secretary to the Department of Education and Science”.

Proposed new clause—

Page 10, after clause 21 insert the following new clause:

“21A. The Minister shall as soon as possible after the close of Annual report each financial year lay before each House of Parliament a report on the administration and operation of this Act.”.

Debate continued.

Question—That the amendments and the new clause be agreed to—put.

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

AYES, 46

Mr Armitage	Mr Enderby	Mr Jenkins	Mr Morrison
Mr Barnard	Mr Everingham	Mr L. K. Johnson	Mr Patterson
Mr Beazley	Mr FitzPatrick	Mr L. R. Johnson	Mr Reynolds
Mr Birrell	Mr Foster	Mr Jones	Mr Scholes
Mr L. F. Bowen	Mr Fulton	Mr Keating	Mr Sherry
Mr Bryant	Mr Grassby	Mr Kennedy	Mr Stewart
Mr C. R. Cameron	Mr Griffiths	Mr Keogh	Mr Wallis
Mr Cass	Mr Gun	Mr Kirwan	Mr Webb
Mr Cohen	Mr Hansen	Mr Klugman	
Mr Connor	Mr Hayden	Mr Luchetti	Tellers:
Mr Crean	Mr Hurford	Mr Martin	Mr Cope
Mr Cross	Mr Jacobi	Mr McIvor	Mr Duthie

NOES, 51

Sir C. Adermann	Mr G. D. Erwin	Mr L. H. Irwin	Mr Pettitt
Mr Anthony	Mr Fairbairn	Mr Jess	Mr Reid
Mr Barnes	Mr Forbes	Mr Katter	Mr Robinson
Mr Bonnett	Mr J. M. Fraser	Mr Kelly	Mr Sinclair
Mr N. H. Bowen	Mr Garland	Mr Killen	Mr Solomon
Mr Brown	Mr Giles	Mr King	Mr Staley
Mr Bury	Mr Gorton	Mr Lloyd	Mr Street
Mr K. M. K. Cairns	Mr Hallett	Mr Mackay	Sir R. Swartz
Mr Calder	Mr Hamer	Mr MacKellar	Sir W. Turnbull
Mr D. M. Cameron	Mr Holten	Mr Maisey	Mr Wentworth
Mr Chipp	Mr Howson	Mr McLeay	Tellers:
Mr Corbett	Sir A. Hulme	Mr Nixon	Mr England
Mr Dobie	Mr Hunt	Mr O'Keefe	Mr Fox

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Lucock reported accordingly.

On the motion of Mr Howson (Minister for the Environment, Aborigines and the Arts), the House adopted the report, and, by leave, the Bill was read a third time.

13 COMPENSATION (COMMONWEALTH EMPLOYEES) BILL 1972: 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.

Mr C. R. Cameron, by leave, moved the following amendments and new clause together:

Amendments—

Clause 4, page 2, omit the clause, insert the following clause:

“4. Section 5 of the Principal Act is amended—

Interpretation.

(a) by omitting from sub-section (1.) the definition of ‘child in relation to whom this Act applies’ and inserting in its stead the following definition:

‘“child” means a son, daughter, grandson or grand-daughter, whether legitimate or illegitimate, or child by adoption, or other child in the custody, care or control of the employee, who is not self-supporting, and includes a son or daughter, whether legitimate or illegitimate, who is born after the employee’s death;’;

(b) by omitting from sub-section (1.) the definition of ‘dependant’ and inserting in its stead the following definition:—

‘“dependant”, in relation to a deceased employee, means the widow of a deceased person and such persons as were wholly, mainly or partly dependent upon the employee at the date of the death of the employee or would, but for the incapacity or death due to the injury, have been so dependent;’;

(c) [by inserting in sub-section (1.), after the definition of ‘medical treatment’, the following definition:—

‘“overtime” includes—

(a) any duty on shifts or on Saturdays, Sundays or other holidays; and

(b) excess travelling time;’;

(d) by adding at the end of sub-section (1.) the following definition:—

‘“widow” in relation to a deceased employee, includes a woman who, although not legally married to the employee, lived with him at the time of his death on a *bona fide* domestic basis and, in relation to a deceased aboriginal native of Australia or of a Territory of the Commonwealth not forming part of the Commonwealth, includes a person who was recognized as the wife of that aboriginal native by the custom prevailing in the tribe or group of aboriginal natives of Australia or of such a Territory to which that aboriginal native belonged;’;

(e) by omitting from sub-section (4.) the words ‘other than sub-section (5.) of section 43’; and

(f) by omitting from sub-section (10.) the words ‘an impairment of speech of the employee referred to in sub-section (10.)’ and inserting in their stead the words ‘a partial loss referred to in sub-section (4.)’.”.

Clauses 7, 8 and 9, pages 2–4, omit the clauses, insert the following clauses:

“7. Section 25 of the Principal Act is repealed and the following section inserted in its stead:—

‘25. For the purposes of this Act, the average weekly earnings of an employee before an injury shall be calculated in accordance with this section:—

Average weekly earnings.

(a) a reference in the succeeding provisions of this section to earnings of an employee in relation to any employment shall be read as including a reference to any allowance payable to the employee in respect of that employment other than an allowance that is intermittent or is payable in respect of special expenses incurred or likely to be incurred by the employee in respect of that employment;

- (b) where an employee was, at the date of the injury, employed by the employer only in part time employment or in employment in respect of which the employee was not paid, any earnings of the employee from any other employment shall be treated for the purposes of this section as if they were earnings of the employee from his employment by the employer;
- (c) subject to the succeeding provisions of this section, the average weekly earnings of an employee before the injury shall be calculated in relation to the period immediately preceding the date of the injury in which he was continuously employed by the employer but any part of that period that was earlier than twelve months before that date shall be disregarded;
- (d) subject to the next succeeding paragraph, if, during the period ascertained in accordance with the last preceding paragraph, the minimum amount per week payable to the employee in respect of his employment by the employer was varied as a result of the operation of a law of the Commonwealth or of a State or Territory of the Commonwealth, or as a result of the making, alteration or operation of an award, order, determination or industrial agreement, or of the doing of any other act or thing, under such a law, so much of that period as occurred before the variation took place or, if there was more than one variation, before the last variation took place, shall be disregarded for the purposes of the last preceding paragraph;
- (e) where—
 - (i) as a result of a variation in the minimum amount per week payable to the employee in respect of his employment by the employer, a period that occurred before the variation took place would, by reason of the last preceding paragraph, be disregarded for the purposes of paragraph (c) of this section; and
 - (ii) if that period were so disregarded, it would be impracticable to calculate the average weekly earnings of the employee before the injury in accordance with paragraph (c) of this section, or the average weekly earnings as so calculated would not fairly represent the rate per week at which the employee was being remunerated in respect of that employment before the injury,
that period shall not be so disregarded but the average weekly earnings of the employee during that period shall be taken to be the amount that would have been his average weekly earnings during that period if the variation had taken effect at the commencement of that period;
- (f) if, during any part of the period in relation to which the average weekly earnings of the employee before the injury are required to be calculated by virtue of the last three preceding paragraphs, the earnings of the employee were reduced, or the employee did not receive any earnings, by reason that he was absent from his employment owing to illness or otherwise, that part of that period shall be disregarded for the purposes of paragraph (c) of this section;
- (g) where, by reason of the shortness of the period during which the employee has been employed by the employer, it is impracticable to calculate the average weekly earnings of the employee before the injury in accordance with the last four preceding paragraphs, or the average weekly earnings as so calculated would not fairly represent the rate per

week at which the employee was being remunerated in respect of that employment before the injury, the average weekly earnings, as calculated in accordance with the preceding provisions of this section, from employment by the employer before the date of the injury of an employee who was performing comparable work shall be taken to be the average weekly earnings of the first-mentioned employee before the injury;

(h) subject to paragraph (k) of this section, if the minimum amount per week payable to the employee in respect of the employment by the employer in which he was engaged at the date of the injury would, if he had continued in that employment, have been increased—

- (i) upon the attainment by the employee of a particular age; or
- (ii) upon the completion by the employee of a particular period of service,

a reference in this Act to the average weekly earnings of the employee before the injury shall be read as a reference to the amount that is, by virtue of the preceding provisions of this section, to be taken to be the amount of those average weekly earnings, increased by the same percentage as the percentage by which that minimum amount would have been so increased if the employee had continued in that employment;

(j) subject to the next succeeding paragraph, where—

- (i) the relevant employment of an employee is employment referred to in sub-section (4.) or (5.) of section 7, or sub-section (2.) of section 8, of this Act; and
- (ii) the employee is not in receipt of earnings from any other employment at the date of the injury,

a reference in this Act to the average weekly earnings of the employee before the injury shall be read as a reference to an amount determined by the Commissioner to be the amount per week that the employee would have been able to earn at the date of the injury (including any amount that he would have been able to earn in respect of overtime) if he had engaged in suitable paid employment;

(k) if the minimum amount per week payable in respect of employees included in a class of employees in which the employee was included at the date of the injury is increased or reduced on or after that date as a result of the operation of a law of the Commonwealth or of a State or Territory of the Commonwealth, or as a result of the making, alteration or operation of an award, order, determination or industrial agreement, or of the doing of any other act or thing, under such a law, the amount that is, by virtue of the preceding provisions of this section, to be taken to be the amount of the average weekly earnings of the employee before the injury shall be increased or reduced by the same percentage as the percentage by which that minimum amount was so increased or reduced, as the case may be;

(l) in this section, "earnings" includes earnings in respect of overtime; and

(m) where the employee delivers to the employer a statement in writing verified by statutory declaration setting out the amount of his earnings during any period, that statement shall be *prima facie* evidence that that amount was the earnings of the employee during that period.'

"8. Section 38 of the Principal Act is amended by omitting sub-section (5.).

Provision of vocational training.

"9. Section 39 of the Principal Act is repealed and the following section inserted in its stead:—

'39.—(1.) Where an injury sustained by an employee arising out of, or in the course of, his employment is a loss specified in the first column of the table in sub-section (9.) of this section, a lump sum of compensation equal to the percentage of special compensation specified or referred to, in relation to that injury, in the second column of that table is, subject to this Act, payable to the employee.

'(2.) For the purposes of this section, special compensation is an amount calculated by multiplying the minimum weekly wage for adult males as fixed from time to time by the Commonwealth Conciliation and Arbitration Commission by five hundred and twenty.

'(3.) For the purposes of this section and the table in sub-section (9.) of this section, the permanent loss of the efficient use of a joint, organ, faculty, power, sense, limb or member, shall be deemed to be the loss of that joint, organ, faculty, power, sense, limb or member.

'(4.) Where an injury sustained by an employee arising out of, or in the course of, his employment is the partial loss of speech, eyesight, hearing, taste or smell, or of the use of a faculty, organ, limb, member or joint, a lump sum of compensation equivalent to such percentage of the amount of special compensation payable under sub-section (1.) of this section in respect of total loss of a similar nature as is equal to the percentage of the diminution of the efficiency of the faculty, sense, organ or part of the body concerned is, subject to this Act, payable to the employee.

'(5.) Where an injury sustained by an employee arising out of, or during, or in the course of, his employment is the loss of genital organs or the permanent loss of the capacity to engage in sexual intercourse or of the procreative function, the amount of compensation to be paid to the employee, shall be fair and reasonable having regard to the nature of the injury, the age of the employee, and any circumstances relevant to the injury or the consequences of the injury, but the amount of compensation shall not be less than fifty per centum of, or more than the amount of, special compensation.

'(6.) Subject to this Act, the compensation payable under this Act in respect of an injury that is facial or bodily disfigurement to an employee is such amount of compensation, not exceeding the amount of special compensation, as is fair and reasonable having regard to the nature of the disfigurement, and any circumstances relevant to the injury or the consequences of the injury, and that compensation is payable to the employee.

'(7.) Where an employee sustains more than one injury in relation to which this section applies, he is entitled to payment of a lump sum of compensation equal to the aggregate of each lump sum payable under the preceding provisions of this section in respect of each of those injuries.

'(8.) The amounts of compensation provided in this section shall be in addition to any other compensation prescribed by this Act.

(9.) For the purposes of this section, the table is as follows:—

Nature of injury	Percentage of special compensation
Eye Injuries—	
Loss of, or total loss of sight of, both eyes	100
Loss of, or total loss of sight of, an eye, the other being blind or absent	100
Loss of, or total loss of the sight of, one eye and serious diminution of sight of the other	90
Loss of, or total loss of sight of, an eye	50
Loss of binocular vision	40
Hearing Injuries—	
Total loss of hearing	75
Total loss of hearing of one ear	35
Arm Injuries—	
Loss of arm at or above elbow	90
Loss of arm below elbow	80
Hand Injuries—	
Loss of both hands	100
Loss of hand or loss of thumb and four fingers	80
Loss of thumb	35
Loss of forefinger	25
Loss of middle finger	17
Loss of ring finger	15
Loss of little finger	14
Loss of distal phalanx or joint of thumb	17
Total loss of movement of joint of thumb	15
Loss of portion of terminal segment of thumb involving one-third of its flexor surface without loss of distal phalanx or joint	15
Loss of two phalanges or joints of forefinger	13
Loss of two phalanges or joints of middle or ring finger	12
Loss of two phalanges or joints of little finger	11
Loss of distal phalanx or joint of forefinger	11
Loss of distal phalanx or joint of other fingers	9
Leg Injuries—	
Loss of leg at or above knee	90
Loss of leg below knee	80
Foot Injuries—	
Loss of both feet	100
Loss of foot	75
Loss of great toe	25
Loss of any other toe	10
Loss of phalanx or joint of great toe	11
Loss of two phalanges or joints of any other toe	8
Loss of phalanx or joint of any other toe	7
Other Injuries—	
Loss of foot and hand	100
Total loss of the power of speech	100
Total loss of sense of taste or smell	35
Loss of, or the loss of the use of any other faculty, organ or part of the body not covered elsewhere in this Act; or, partial loss of sense of taste or smell	Percentage to be fair and reasonable.

“9A. Section 43 of the Principal Act is repealed and the following section inserted in its stead:—

‘43.—(1.) Where the death of an employee results from, or is contributed to by, an injury, compensation is payable in accordance with this section. Compensation in respect of death.

(2.) If the deceased employee leaves—

- (a) more than one person who is a widow for the purposes of this Act, with or without any dependent children, but no other dependants; or
- (b) a widow or dependent widower and one or more dependent children, but no other dependants,

a weekly payment of an amount equal to the employee's average weekly earnings before the injury is, subject to sub-sections (7.) and (8.) of this section, payable—

- (c) in a case to which paragraph (a) of this sub-section applies—to the widows, or, if there are any dependent children and the Commissioner so determines, to the widows and dependent children, in such shares as the Commissioner determines; or
- (d) in a case to which paragraph (b) of this sub-section applies—to the widow or widower, or, if the Commissioner so determines, to the widow or widower and dependent children in such shares as the Commissioner determines.

'(3.) If the deceased employee leaves a widow or dependent widower but no other dependants, a weekly payment of an amount equal to seventy-five per centum of the payment prescribed by the last preceding sub-section is, subject to sub-sections (7.) and (8.) of this section, payable to the widow or widower.

'(4.) If the deceased employee leaves one or more dependent children, but no other dependants, a weekly payment or payments of such amount or amounts, not exceeding in the total the maximum weekly payment prescribed by sub-section (2.) of this section, as is reasonably necessary to ensure the proper maintenance and education of the child or children is payable to the Commissioner for the benefit of the child or children.

'(5.) If the deceased employee leaves one or more dependants including any dependant in relation to whom sub-section (2.), (3.) or (4.) of this section does not apply, a weekly payment of such amount as is fair and reasonable, having regard to the extent of dependency of the dependent concerned, is, subject to the next succeeding sub-section, payable to each dependant.

'(6.) The amount payable under the last preceding sub-section shall not exceed in the aggregate—

- (a) if there is more than one dependant—the maximum weekly payment prescribed by sub-section (2.) of this section; or
- (b) if there is only one dependant—the maximum weekly payment prescribed by sub-section (3.) of this section.

'(7.) Weekly payments under any of the preceding sub-sections of this section are not payable to a widow or other female dependant, or dependent widower (as the case may be) of a deceased employee after her or his marriage after the death of the employee, but, if immediately before the injury or death of the employee, the widow or other dependent female or dependent widower (as the case may be) was wholly, substantially or partly dependent upon the employee's earnings, a lump sum equal to the total of one hundred and four weekly payments, at the rate payable to her or him immediately before her or his marriage, is payable to her or him upon her or his marriage.

'(8.) If—

- (a) the deceased employee leaves one or more dependent children and, thereafter—
 - (i) the widow or dependent widower of the deceased employee or another person caring for the child or children marries or dies; or
 - (ii) the Commissioner considers that circumstances have arisen that affect the proper maintenance and education of the child or children;
- (b) any variation of the circumstances of any of the dependants of a deceased employee has occurred; or

(c) there is, in the opinion of the Commissioner any other sufficient cause, the Commissioner may vary any apportionment or, subject to the maximum weekly payments prescribed by sub-sections (2.) or (4.), or sub-sections (5.) and (6.), of this section, as the case requires, vary the amount of, or cancel, weekly payments that are the subject of a determination under any preceding provision of this section, but where the widow, dependent widower or another person caring for the child or children marries or dies, the weekly payments payable to each child shall not be less than one-sixth of the compensation that would have been paid to the deceased employee had he survived and been totally incapacitated.

'(9.) Notwithstanding anything in this Act—

- (a) the Commissioner may, in respect of a child of a deceased employee who is not self-supporting, authorize the continuation of weekly payments until the education of the child is completed;
- (b) where two or more employees die as the result of injury at or about the same time, and at the time of injury they were contributing towards the support of the same dependant or dependants, nothing in this Act shall be construed as preventing the Commissioner from determining that those dependants were dependent upon the earnings of each or all of the deceased employees; and
- (c) the amount of any child endowment paid under Part VI. of the *Social Services Act* 1947–1972 shall be disregarded in determining the extent of any person's dependency.'

'9B. Sections 45 and 46 of the Principal Act are repealed and the following sections inserted in their stead:—

'45. Where an employee is totally incapacitated for work by an injury, a weekly payment of a sum equal to the employee's average weekly earnings before the injury is payable to the employee for the duration of the period for which he is so incapacitated.

Compensation
in respect
of total
incapacity.

'46. Where an employee is partially incapacitated for work by an injury, a weekly payment of the sum (if any) by which the weekly amount that he is earning in some suitable employment or business after the injury is less than his average weekly earnings before the injury, or, if he is not engaged in paid employment, a weekly payment equal to his average weekly earnings before the injury, is payable to the employee for the duration of the period for which he is partially incapacitated.

Compensation
in respect
of partial
incapacity.

'46A.—(1.) In assessing the amount of the weekly payments to be made under either of the last two preceding sections, the Commissioner shall, subject to the next two succeeding sub-sections, have regard to any payment, allowance or benefit that the employee receives from his employer during the period of his incapacity, and the amount of the weekly payment otherwise payable under whichever of those sections is applicable shall be reduced to such amount (if any) as is just and proper in the circumstances of the case.

Amounts of
compensation
payable under
section 45 or
46.

(2.) The weekly compensation payable under either of the last two preceding sections shall not be reduced as a consequence of any earnings received by the employee during or after vocational training.

'(3.) Child endowment under Part VI. of the *Social Services Act* 1947–1972, a pension or allowance in respect of a child dependent upon the earnings of the employee, a payment other than that part of a pension not attributable to contributions for the pension paid by the employee under the *Superannuation Act* 1922–1971, the *Defence Forces Retirement Benefits Act* 1948–1971 or the *Parliamentary Retiring Allowances Act* 1948–1968, deferred pay, a payment

under section 74 of the *Public Service Act* 1922–1972 or under section 8 of the *Commonwealth Employees' Furlough Act* 1943–1968, and payments for public holidays, annual leave or long service leave under any other law, award, determination or agreement, are not payments, allowances or benefits to which regard shall be had under sub-section (1.) of this section.

'(4.) Where an employee is, subject to sub-section (1.) of this section, entitled to weekly payments in accordance with either of the last two preceding sections and by reason of his retirement on the ground of invalidity caused by injury or disease, is also entitled to a pension under the *Superannuation Act* 1922–1971, the *Defence Forces Retirement Benefits Act* 1948–1971 or the *Parliamentary Retiring Allowances Act* 1948–1968, the liability for the weekly payments shall, if the employee so elects, but subject to the regulations, be redeemed by the payment of a lump sum of such amount as is determined by the Commissioner, having regard to the nature of the injury and the age and occupation of the employee at the date of the injury, and that lump sum shall be paid to the Commissioner for the benefit of the employee.

'46B. Subject to sections 47 and 50 of this Act, where a determination is made that the liability of the Commonwealth to make further payments to the employee under section 46 of this Act in respect of an injury is to be redeemed, compensation is not payable to the employee under section 45 or section 46 of this Act in respect of a period of incapacity for work resulting from that injury, being a period occurring after the date of the making of the determination.'

"9c. Section 47 of the Principal Act is amended by omitting from paragraph (b) all the words after the words 'as the case may be'.".

Clause 10, page 4, omit the clause, insert the following clauses:

"10. Section 50 of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words 'section 39 or'.

"10A. Section 51 of the Principal Act is amended—

(a) by omitting sub-sections (1.) and (2.); and

(b) by omitting from sub-section (3.) the words 'sub-section (9.) of section 45, sub-section (5.) of section 46' and inserting in their stead the word and figures 'section 46B'.".

Clause 11, page 4, line 36, omit "and".

Clause 11, page 4, at the end of the clause add the following word and paragraph:—

" ; and (c) by omitting from sub-section (9.) the words 'under sub-section (5.) or (7.) of' and inserting in their stead the words 'in respect of a child under'."

Proposed new clause—

Page 4, after clause 11 insert the following new clause:

"11A. Section 100 of the Principal Act is amended by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (4.) the words 'under sub-section (5.) or (7.) of' and inserting in their stead the words 'in respect of a child under'.".

Amendments—

Clause 13, page 5, lines 1 and 2, omit "sections 8, 9, 10 and", insert "section".

Clause 13, page 5, line 16, omit "sections 8, 9, 10 and", insert "section".

Clause 13, page 5, lines 21–28, omit sub-clause (3.).

Debate continued.

Question—That the amendments and new clause be agreed to—put.

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

AYES, 44

Mr Armitage	Mr Cross	Mr L. K. Johnson	Mr Reynolds
Mr Barnard	Mr Enderby	Mr L. R. Johnson	Mr Scholes
Mr Beazley	Mr Everingham	Mr Jones	Mr Sherry
Mr Bennett	Mr FitzPatrick	Mr Kennedy	Mr Stewart
Mr Birrell	Mr Foster	Mr Keogh	Mr Wallis
Mr L. F. Bowen	Mr Fulton	Mr Kirwan	Mr Webb
Mr Bryant	Mr Grassby	Mr Klugman	
Mr C. R. Cameron	Mr Gun	Mr Luchetti	
Mr Cass	Mr Hansen	Mr Martin	
Mr Cohen	Mr Hayden	Mr Morrison	Tellers: Mr Cope
Mr Connor	Mr Jacobi	Mr Nicholls	Mr Duthie
Mr Crean	Mr Jenkins	Mr Patterson	

NOES, 49

Sir C. Adermann	Mr Forbes	Mr Jess	Mr Sinclair
Mr Anthony	Mr J. M. Fraser	Mr Katter	Mr Snedden
Mr Barnes	Mr Garland	Mr Kelly	Mr Solomon
Mr Bonnett	Mr Giles	Mr Killen	Mr Staley
Mr N. H. Bowen	Mr Gorton	Mr King	Mr Street
Mr Brown	Mr Hallett	Mr Lloyd	Sir R. Swartz
Mr K. M. K. Cairns	Mr Hamer	Mr MacKellar	Sir W. Turnbull
Mr Calder	Mr Holten	Mr Maisey	Mr Wentworth
Mr D. M. Cameron	Mr Howson	Mr McLeay	
Mr Chipp	Sir A. Hulme	Mr Nixon	
Mr Dobie	Mr Hunt	Mr O'Keefe	Tellers: Mr England
Mr G. D. Erwin	Mr L. H. Irwin	Mr Pettitt	Mr Fox
Mr Fairbairn	Mr Jarman	Mr Robinson	

And so it was negatived.

Bill agreed to.

Bill to be reported without amendment.

The House resumed; Mr Corbett reported accordingly.

On the motion of Mr Wentworth (Minister for Social Services), the House adopted the report, and, by leave, the Bill was read a third time.

- 14 UNITED STATES NAVAL COMMUNICATION STATION (CIVILIAN EMPLOYEES) BILL 1972: 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 Wentworth (Minister for Social Services), the Bill was read a third time.

- 15 SEAMEN'S COMPENSATION BILL 1972: 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 Wentworth (Minister for Social Services), the Bill was read a third time.

- 16 COMPANIES (FOREIGN TAKE-OVERS) BILL 1972: Mr McMahon (Prime Minister), by leave, presented a Bill for an Act to control Foreign Take-overs of certain Australian Companies.

Bill read a first time.

Mr McMahon 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.

- 17 AIRLINES AGREEMENTS BILL 1972: Sir Reginald Swartz (Minister representing the Minister for Civil Aviation), by leave, presented a Bill for an Act to amend the *Airlines Agreements Act 1952–1961*.

Bill read a first time.

Sir Reginald Swartz moved—That the Bill be now read a second time.

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

- 18 AUSTRALIAN NATIONAL AIRLINES BILL 1972: Sir Reginald Swartz (Minister representing the Minister for Civil Aviation), by leave, presented a Bill for an Act to amend the *Australian National Airlines Act 1945-1970*.

Bill read a first time.

Sir Reginald Swartz moved—That the Bill be now read a second time.

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

- 19 POLLUTION OF THE SEA BY OIL BILL 1972: Mr Nixon (Minister for Shipping and Transport), pursuant to notice, presented a Bill for an Act relating to the Prevention of the Pollution of the Sea by Oil.

Bill read a first time.

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

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

- 20 POLLUTION OF THE SEA BY OIL (SHIPPING LEVY) BILL 1972: Mr Nixon (Minister for Shipping and Transport) presented a Bill for an Act to impose a Levy in respect of certain Ships in Australian ports with Oil on board.

Bill read a first time.

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

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

- 21 POLLUTION OF THE SEA BY OIL (SHIPPING LEVY COLLECTION) BILL 1972: Mr Nixon (Minister for Shipping and Transport) presented a Bill for an Act relating to the Levy imposed in respect of certain Ships in Australian ports with Oil on board.

Bill read a first time.

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

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

- 22 CUSTOMS TARIFF BILL (No. 5) 1972: Mr Chipp (Minister for Customs and Excise) presented a Bill for an Act relating to Duties of Customs.

Bill read a first time.

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

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

- 23 STATES GRANTS (UNIVERSITIES) BILL 1972: 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: Message No. 276, dated 31 August 1972, from His Excellency the Governor-General was announced 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 J. M. Fraser (Minister for Education and Science), the Bill was read a third time.

- 24 STATES GRANTS (UNIVERSITIES) BILL (No. 2) 1972: 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.

Message from the Governor-General: Message No. 277, dated 12 October 1972, from His Excellency the Governor-General was announced 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 J. M. Fraser (Minister for Education and Science), the Bill was read a third time.

25 STATES GRANTS (ADVANCED EDUCATION) BILL (NO. 2) 1972: 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.

Message from the Governor-General: Message No. 278, dated 31 August 1972, from His Excellency the Governor-General was announced 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 J. M. Fraser (Minister for Education and Science), the Bill was read a third time.

26 STATES GRANTS (ADVANCED EDUCATION) BILL (NO. 3) 1972: 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.

Message from the Governor-General: Message No. 279, dated 17 October 1972, from His Excellency the Governor-General was announced 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 J. M. Fraser (Minister for Education and Science), the Bill was read a third time.

27 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

24 October 1972—Message—

No. 375—States Grants (Schools) 1972.

No. 376—States Grants (Independent Schools) (No. 2) 1972.

No. 377—Loans (Qantas Airways Limited) 1972.

No. 378—Delivered Meals Subsidy 1972.

No. 379—States Grants (Aboriginal Advancement) 1972.

28 ADJOURNMENT: Mr Nixon (Minister for Shipping and Transport) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at seventeen minutes to eleven o'clock p.m., adjourned until tomorrow at half-past ten o'clock a.m.

PAPERS: The following papers were deemed to have been presented on 24 October 1972, pursuant to statute:

Northern Territory (Administration) Act—Crown Lands Ordinance—Statement of reasons by Minister for revocation of reserve at Katherine, N.T.

Papua New Guinea Act—Ordinances—1972—

No. 56—Mental Disorders and Treatment (Exclusion).

No. 57—Public Hospitals (Charges).

Seat of Government (Administration) Act—National Memorials Ordinance—Determination naming two Divisions of the Territory, dated 5 October 1972.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Bate, Mr Buchanan, Mr Calwell, Mr Collard, Sir John Cramer, Mr Daly, Mr Davies, Mr Drury, Mr A. D. Fraser, Mr Garrick, Mr Graham, Mr Hughes, Mr James, Mr Peacock, Mr Turner and Mr Whittorn.

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