

AUSTRALIA
HOUSE OF REPRESENTATIVES
VOTES AND PROCEEDINGS

No. 29

THURSDAY, 24 OCTOBER 1974

1 The House met, at ten o'clock a.m., pursuant to adjournment. Mr Speaker (the Honourable J. F. Cope) took the Chair, and read Prayers.

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

Dr Cass (Minister for the Environment and Conservation), Mr Garrick, Mr Jarman and Mr McKenzie—from certain citizens of Australia praying that the House ask the Australian Commission on Advanced Education to consider in its 1976-78 Triennium Report an allocation of funds for the provision of Union Facilities at the Royal Melbourne Institute of Technology.

Mr Connolly and Dr Edwards—from certain citizens of Australia praying that the Government forthwith return to the States all moneys raised by way of taxes and excise on petroleum products.

Mr Coates and Dr Gun—from certain citizens of Australia praying that the House take urgent steps to ensure that further mining and export from Australia of uranium, except for bio-medical purposes, be banned and that the Australian Atomic Energy Commission be transformed into an Australian Energy Commission.

Mr Lusher—from certain electors of the Division of Hume praying that greater consideration be given to those provisions of the Family Law Bill which could place in an unjust and unfair position a woman who performs in a praiseworthy manner her duties of wife, mother and home-maker.

Mr Lusher—from certain citizens of Australia praying that the House urge the Government to accept responsibility for the upgrading and maintenance of the Barton Highway as a main entrance to the National Capital.

Mr McLeay—from certain citizens of Australia praying that the Government take no measures to interfere with the existing national health scheme.

Mr McLeay—from certain citizens of Australia praying that the Government cease the support of those organizations in southern Africa which are guilty of various acts of terrorism.

Mr Morris—from certain citizens of Australia praying that the Government hasten to introduce a universal health scheme so that health care services in Australia can function efficiently and economically.

Petitions received.

3 QUESTIONS: Questions without notice were asked.

4 PAPERS: The following papers were presented, by command of His Excellency the Governor-General:

Australian defence—

Estimates 1974–75—Statement by Mr Barnard (Minister for Defence) dated 24 October 1974.

Memorandum of Arrangements, dated 30 August 1974, between Australia and the United States of America relating to the proposed purchase of patrol frigates, together with explanatory notes by the Department of Defence.

Australian Shippers' Council—Second Annual Report, for year 1973–74.

Automotive Industry in Australia—Reports to the Department of the Prime Minister and Cabinet from Martec Pty Ltd, dated 21 October 1974—

Evaluating the I.A.C.'s vehicle demand projections: The keystone of the I.A.C.'s report and recommendations.

Future protection policy.

Industries Assistance Commission—Report on passenger motor vehicles, etc.—

Correspondence dated 8 August and 21 October 1974 from Mr G. A. Rattigan, C.B.E., Chairman of the Commission, to the Standing Interdepartmental Committee on Assistance to Industries.

The following papers were presented, pursuant to statute:

Canberra College of Advanced Education Act—Council of the Canberra College of Advanced Education—Report and financial statements, together with the Auditor-General's Report, for 1973.

Cities Commission Act—Cities Commission—Second Annual Report and financial statements, together with the Auditor-General's Report, for year 1973–74.

5 GRIEVANCE DEBATE: Pursuant to the provisions of standing order 106, the order of the day having been read—

Question proposed—That grievances be noted.

Debate ensued.

Question—That grievances be noted—put and passed.

6 ENVIRONMENT AND CONSERVATION—STANDING COMMITTEE—REPORT—STATEMENT BY MEMBER: Dr Jenkins (Chairman) brought up a Report from the Standing Committee on Environment and Conservation on the conservation of endangered species on Christmas Island, together with minutes of proceedings of the committee.

Ordered—That the report be printed.

Mr Lamb, by leave, made a statement in connection with the report.

7 POSTPONEMENT OF ORDER OF THE DAY: Ordered—That order of the day No. 2, government business, be postponed until a later hour this day.

8 APPROPRIATION BILL (NO. 1) 1974–75: The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Schedule 2—

Proposed expenditure—Department of Agriculture, \$49,418,000—further debated.

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

The House resumed; Mr Scholes reported accordingly.

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

9 NATIONAL COMPENSATION BILL 1974: 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 Chipp who moved, as an amendment—That all words after "That" be omitted with a view to substituting the following words: "the House is of the opinion that, while recognising the obvious area of social need of sick and injured persons which this Bill seeks to assist, the Bill should be withdrawn and re-drafted because:

(a) it creates gross inequities for people and between people;

- (b) it abolishes basic existing rights of people, substitutes apparent benefits which are not described with clarity and which are at the unfettered discretion of bureaucrats, and leaves many people worse off than under their existing legal rights;
- (c) the cost to the Australian people has not been properly assessed or debated nor has its method of funding yet been decided or announced;
- (d) it has been so hastily and incompletely drawn that already 46 Government amendments have been circulated, and
- (e) trade unions, employers, welfare organisations and interested community groups have not had an opportunity of presenting their views”.

Debate continued.

Debate adjourned (Mr Coates), and the resumption of the debate made an order of the day for a later hour this day.

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

Automotive Industry in Australia—Industries Assistance Commission’s comments dated 24 October 1974 on reports to the Department of the Prime Minister and Cabinet from Martec Pty Ltd.

11 NATIONAL COMPENSATION BILL 1974: 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 Chipp, viz.—That all words after “That” be omitted with a view to substituting the following words: “the House is of the opinion that, while recognising the obvious area of social need of sick and injured persons which this Bill seeks to assist, the Bill should be withdrawn and re-drafted because:*

- (a) it creates gross inequities for people and between people;
- (b) it abolishes basic existing rights of people, substitutes apparent benefits which are not described with clarity and which are at the unfettered discretion of bureaucrats, and leaves many people worse off than under their existing legal rights;
- (c) the cost to the Australian people has not been properly assessed or debated nor has its method of funding yet been decided or announced;
- (d) it has been so hastily and incompletely drawn that already 46 Government amendments have been circulated, and
- (e) trade unions, employers, welfare organisations and interested community groups have not had an opportunity of presenting their views”—

Debate resumed.

Mr Chipp and Mr Bowen (Minister representing the Minister for Repatriation and Compensation), by leave, made statements in connection with the Bill.

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

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

AYES, 57

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Graham	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Hodges	Mr MacKellar	Mr Street
Mr Calder	Mr Holten	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Howard	Mr McMahan	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative.

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

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

AYES, 57

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Graham	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Hodges	Mr MacKellar	Mr Street
Mr Calder	Mr Holten	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Howard	Mr McMahan	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative—Bill read a second time.

Mr Chipp moved—That this Bill be referred to a select committee.

Debate ensued.

Mr Killen rising to address the House—

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

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

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Graham	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Hodges	Mr MacKellar	Mr Street
Mr Calder	Mr Holten	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Howard	Mr McMahan	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

NOES, 55

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

And so it was negated.

Declaration of Bill as urgent Bill: Mr Bowen declared that the Bill was an urgent Bill.

Question—That the Bill be considered an urgent Bill—put.

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

AYES, 56

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Graham	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Hodges	Mr MacKellar	Mr Street
Mr Calder	Mr Holten	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Howard	Mr McMahan	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative.

Allotment of time: Mr Bowen then moved—That, notwithstanding the order of the House of 11 July 1974, the time allotted in connection with the Bill be as follows:

- (a) For the committee stage, until 11 p.m. this day.
- (b) For the remaining stages, until 11.15 p.m. this day.

Debate ensued.

Mr Wentworth rising to address the House—

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

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

And the question—That the motion be agreed to—being accordingly put—

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

AYES, 56

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Graham	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Hodges	Mr MacKellar	Mr Street
Mr Calder	Mr Holten	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Howard	Mr McMahan	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative.

The House resolved itself into a committee of the whole.

In the committee

Bill, by leave, taken as a whole.

Mr Bowen, by leave, moved the following amendments and new clauses together:

Amendments—

Clause 4, page 2, lines 22 and 23, omit "Director-General", substitute "Secretary".

Clause 15, page 7, at the end of the clause add the following sub-clause:

"(2) Sub-section (1) does not affect the application of this Act to or in relation to a person whose usual place of residence is in Australia or is a person specified in paragraph 16 (2) (a), (b), (c) or (d)."

Clause 17, page 8, lines 9 and 10, omit "that date", substitute "the date fixed under sub-paragraph 19 (b) (i)".

Clause 22, page 9, line 17, omit "that date", substitute "the date fixed under sub-paragraph 22 (4) (b) (i)".

Clause 24, page 10, lines 6 and 7, omit paragraph (b), substitute—

"(b) sub-paragraph 39 (1) (b) (ii)—the reference in that sub-paragraph to 5 weeks shall be read as a reference to 7 weeks and the reference in that sub-paragraph to sub-paragraph 19 (b) (i) shall be read as a reference to sub-paragraph 22 (4) (b) (i); and

(c) sub-section 50 (1)—the reference to section 17 shall be read as a reference to sub-sections 22 (1) and (2)."

Clause 28, page 11, line 38, omit "earnings", substitute "net income".

Clause 29, pages 12 and 13, omit the clause, substitute the following clause:

"29. (1) This section applies in relation to the weekly income, for the purposes of benefit in respect of total incapacity, of a person—

(a) whose usual place of residence at the time when his incapacity commenced was in Australia; and

(b) who had attained the age of 15 years but had not attained the age of 31 years when his incapacity commenced.

“(2) The weekly income of such a person is, after he attains the age of 21 years, 26 years or 31 years, such amount, not being less than \$50 per week, as the Secretary determines as fairly representing the amount that the person’s weekly earnings would have been if he had not been incapacitated.”.

Clause 34, page 14, line 11, after “the” (first occurring) insert “Secretary may determine that the”.

Clause 35—

Page 14, at the end of sub-clause (2) add “but, where the personal injury occurred after the commencing date, there is payable to that person a lump-sum benefit of the amount (if any) prescribed in respect of that injury”.

Page 14, omit sub-clauses (4) and (5), substitute the following sub-clause:

“(4) For the purpose of giving a certificate as to the percentage of a person’s incapacity, a medical practitioner shall have regard to the tables of relative impairment set out in the work entitled ‘Guides to the Evaluation of more Permanent Impairment’ prepared by the Committee of the American Medical Association on Rating of Mental and Physical Impairment and as last published by that Association.”.

New clause—

Page 14, after clause 35 insert the following new clause:

“35A. (1) Where, in relation to a claim, the Secretary has certifies by more than 1 medical practitioner, the Secretary may, in making a decision on the claim, act upon whichever of those certificates he considers to be the most appropriate. Selection of appropriate medical certificate.

“(2) In this section, ‘claim’ includes an application to review the rate of a benefit by reason of an increase in the beneficiary’s incapacity.”.

Amendments—

Clause 36—

Page 15, lines 1–4, omit sub-clause (1), substitute the following sub-clause:

“(1) If the Secretary determines that the rate of benefit that, but for this section, would be payable to a person under section 33 or 34 is, having regard to the extent to which the person’s personal efficiency and ability to lead a normal life have been impaired by reason of his incapacity, less than it should be, the weekly rate of benefit payable to that person is such higher rate as the Secretary determines.”.

Page 15, after sub-clause (2), insert the following sub-clauses:

“(2A) Where, in respect of a person (being a person to whom benefit is payable in respect of permanent partial incapacity), the rate $a + b$ is less than $\frac{85c}{100}$, the Secretary may determine that the weekly rate of benefit payable to that person is the rate ascertained in accordance with the $\frac{85c}{100}$ formula —.

“(2B) For the purposes of sub-section (2A)—

a is the net income per week that the Secretary determines that the person is capable of earning;

b is the rate per week of the benefit that, but for this section, would be payable to the person; and

c is the weekly income of the person as ascertained in accordance with section 28, 29, 30 or 31, as the case may be.

“(2c) A rate of benefit determined under this section is subject to variation as provided by section 88.”

Clause 37, page 15, line 11, omit “a certificate of a medical practitioner under this Division”, substitute “the certificate of a medical practitioner upon which the Secretary acted for the purposes of section 33 or 34, as the case may be,”.

New clause—

Page 15, after clause 38 insert the following new clause:

“38A. In the case of incapacity that the Secretary determines to be total incapacity, a benefit is payable to the incapacitated person as provided by section 39 or 39A.”

Benefits in respect of total incapacity.

Amendment—

Clause 39, page 15, lines 36 and 37, omit “In the case of incapacity that the Secretary determines to be total incapacity, a benefit is payable to the incapacitated person”, substitute “A benefit is payable to the incapacitated person”.

New clauses—

Page 16, after clause 39 insert the following new clause:

“39A. (1) This section applies in relation to a person who, immediately before the day on which his incapacity commenced, was in full-time employment and has effect of notwithstanding anything in section 39.

Rate of benefit in respect of total incapacity—full-time employees with income below minimum wage.

“(2) The Minister may, by notice published in the *Gazette*, specify an amount as being the weekly rate of the minimum wage for the purposes of this section.

“(3) Where 85 per centum of the weekly income of a person, as ascertained under section 28, 29, 30, or 31 as the case may be, immediately before the day on which his incapacity commenced, was less than the amount specified by the Minister under sub-section (2), the weekly rate of benefit payable to that person is the amount so specified.

“(4) Where the weekly income of a person, as ascertained under section 28, 29, 30 or 31, as the case may be, immediately before the day on which his incapacity commenced, was less than the amount specified by the Minister under sub-section (2), sub-section (3) does not apply and the weekly rate of benefit payable to that person is that weekly income.”

Page 17, after the heading “*Division 4—Death Benefits*” insert the following new clause:

“41A. In this Division, a reference to ‘the commencing date’ is, in relation to a person who died as the result of sickness, a reference to the date fixed under section 21.”

Commencing date for benefits in respect of death as the result of sickness.

Amendments—

Clause 43—

Page 17, line 17, after “adopted” insert “or foster”.

Page 17, line 35, after “the” insert “commencing”.

Page 17, after sub-clause (3) insert the following sub-clause:

“(3A) Benefit under sub-section (3) is not payable—

- (a) where the person died as the result of personal injury suffered before the commencing date—in respect of a period before the date fixed under subparagraph 19 (b) (i); or
- (b) where the person died as the result of sickness suffered before the commencing date—in respect of a period before the date fixed under subparagraph 22 (4) (b) (i).”

Clause 47, page 19, omit the clause, substitute the following clause:

“47. (1) Where a person has suffered severe facial or bodily disfigurement and damages have not been recovered in respect of the personal injury or sickness that caused the disfigurement, the Secretary may determine that there be paid to that person a benefit by way of a lump sum payment of such amount, not exceeding \$10,000, as the Secretary determines.

Disfigurement.

“(2) Where the disfigurement was caused by personal injury occurring before the commencing date, benefit under this section is not payable before the date fixed under sub-paragraph 19 (b) (i).

“(3) Where the disfigurement was caused by sickness occurring before the date fixed under section 21, benefit under this section is not payable before the date fixed under sub-paragraph 22 (4) (b) (i).”.

Clause 50, page 20, line 12, omit “section 17”, substitute “sub-section 18 (2) or 22 (3), as the case may be”.

Clause 51, page 21, at the end of the clause add the following sub-clause:

“(4) In this Part, each reference to ‘the commencing date’ is, in relation to a person who died as the result of sickness, a reference to the date fixed under section 21.”.

Clause 52, page 21, after sub-clause (1) insert the following sub-clause:

“(1A) Pension under this Part is not payable to a widow—

(a) whose husband died as the result of personal injury suffered before the commencing date—in respect of a period before the date fixed under sub-paragraph 19 (b) (i); or

(b) whose husband died as the result of sickness suffered before the commencing date—in respect of a period before the date fixed under sub-paragraph 22 (4) (b) (i).”.

Clause 55, page 22, line 20, after “died” insert “on or”.

Clause 56, page 23, line 16, omit “the proclaimed”, substitute “that”.

Clause 65—

Page 25, line 4, omit “claim or matter”, substitute “real merits and justness of the claim or matter”.

Page 25, at the end of the clause add the following sub-clauses:

“(2) Where the Secretary has not, within 21 days after a claim is lodged, informed the applicant of the decision that it is proposed to make, the applicant may lodge, as prescribed, a request that the claim be dealt with by an Appeal Tribunal.

“(3) Where such a request is so lodged, the Secretary shall, at the expiration of 7 days, unless in the meantime he has informed the applicant of the decision that it is proposed to make, refer the claim to an appropriate Appeal Tribunal.

“(4) The Appeal Tribunal shall consider and give a decision on the claim and for that purpose has all the functions and powers of the Secretary in respect of the claim.

“(5) An Appeal does not lie against a decision given under sub-section (4).

“(6) Proceedings of an Appeal Tribunal in respect of a claim being dealt with by the Appeal Tribunal under this section shall not be in public.

“(7) Section 86 applies to a decision of an Appeal Tribunal in respect of a claim dealt with by the Appeal Tribunal under this section.”.

New clause—

Page 25, after clause 65 insert the following new clause in Part VII:

“65A. (1) The Secretary may determine that a benefit be paid, at such rate as the Secretary determines, to a person who has lodged a claim, pending the making of a decision on that claim. Provisional
payment of
benefit.

“(2) If the decision on the claim is that benefit is not payable, or is payable at a lower rate than the rate of benefit paid under sub-section (1), benefit paid under sub-section (1) is not recoverable.

“(3) If the decision on the claim is that the benefit is payable at a higher rate than the rate of benefit paid under sub-section (1), the beneficiary shall be paid the additional amount of benefit.”.

Amendment—

Clause 78, page 28, lines 30 and 31, omit “matters and questions before the Tribunal”, substitute “real merits and justness of the matters and questions before the Tribunal”.

New clause—

Page 30, after clause 84 insert the following new clause:

“84A. An Appeal Tribunal may direct that there be paid to an applicant such amount in respect of his costs and expenses of the proceedings before the Appeal Tribunal as the Appeal Tribunal determines and the Secretary shall pay that amount accordingly.”

Amendments—

Clause 92, page 33, omit sub-clauses (5) and (6).

Clause 98—

Page 36, lines 3 and 4, omit all the words from and including “shall inform” to the end of the sub-clause, substitute “may cancel or suspend the benefit or reduce or increase the rate of the benefit.”

Page 36, lines 5 and 6, omit “If the Secretary has determined that the incapacity, whether partial or total, of a beneficiary is permanent”, substitute “A beneficiary may make an application to the Secretary for a determination that his incapacity, whether total or partial, is permanent and, if the Secretary determines that the incapacity is permanent”.

Page 36, omit sub-clauses (3) and (4), substitute the following sub-clause:

“(3) The Secretary may, on application, as prescribed, by a beneficiary, review any matter in connexion with a benefit and make such determination as, subject to this Act, he considers to be appropriate.”

New clauses—

After clause 98 insert the following new clauses:

“98A. (1) Before making a determination under this Act in respect of any matter in connexion with a benefit, not being a decision on a claim under Part VII, the Secretary shall inform the beneficiary, in writing, of the determination that it is proposed to make.

“(2) Sub-section 62 (3) and sections 63 and 64 apply, *mutatis mutandis*, in relation to the proposed determination as though it were a decision on a claim under Part VII.

“98B. If an applicant or beneficiary so requests, the Secretary shall make available to him all the information by reference to which the Secretary made a proposed determination or a determination on his claim or affecting his benefit.”

Amendments—

Clause 100, page 36, line 21, after “not” insert “, with fraudulent intent”.

Clause 101, page 37, omit the clause.

Clause 105, page 38, line 6, after “information” insert “or a report”.

Clause 109, page 39, line 15, omit “paragraph 108 (1) (d)”, substitute “sub-section 108 (1) or (2)”.

Clause 110, page 39, omit sub-clauses (2) and (3).

Schedule, page 44, item 8, omit—

“found dead
injured } on permanent way, NOS”.

Schedule, page 45, item 18, omit “found injured on public highway”.

Schedule, page 61, item 133, omit “50”, substitute “60”.

Schedule, page 66, item 178, omit “190-197”, substitute “170-177”.

Debate continued.

Limitation of debate: At eleven o'clock p.m., the Chairman having called the attention of the committee to the fact that the time allotted for the committee stage had expired—

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

Further question—That the Bill, as amended, be agreed to, and that the Bill be reported with amendments—put.

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

AYES, 57

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Hodges	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Holten	Mr MacKellar	Mr Street
Mr Calder	Mr Howard	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Hunt	Mr McMahon	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative.

The House resumed; Mr Scholes reported accordingly.
On the motion of Mr Bowen, the House adopted the report.
Mr Bowen moved—That the Bill be now read a third time.
Debate ensued.

Limitation of debate: At fifteen minutes past eleven o'clock p.m., Mr Speaker having called the attention of the House to the fact that the time allotted for the remaining stages of the Bill had expired—

Question—That the Bill be now read a third time—put.

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

AYES, 56

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr King	Mr Peacock
Mr Bonnett	Mr Erwin	Mr Lloyd	Mr E. L. Robinson
Mr Bungey	Dr Forbes	Mr Lucock	Mr Ruddock
Mr Cadman	Mr Hodges	Mr Lusher	Mr Sinclair
Mr K. M. Cairns	Mr Holten	Mr MacKellar	Mr Street
Mr Calder	Mr Howard	Mr McLeay	Mr Sullivan
Mr Chipp	Mr Hunt	Mr McMahon	Mr Viner
Mr Connolly	Mr Hyde	Mr McVeigh	Mr Wentworth
Mr Corbett	Mr Jarman	Mr Macphee	Mr Wilson
Mr Drummond	Mr Katter	Mr Millar	<i>Tellers:</i>
Mr Drury	Mr Kelly	Mr Nixon	Mr D. M. Cameron
Dr Edwards	Mr Killen	Mr O'Keefe	Mr England

And so it was resolved in the affirmative—Bill read a third time.

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

24 October 1974—Message No. 73—Conciliation and Arbitration (Organizations) 1974.

13 MESSAGE FROM THE SENATE—ARBITRATION (FOREIGN AWARDS AND AGREEMENTS) BILL 1974: Message No. 74, dated 24 October 1974, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to approve Accession by Australia to a Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to give effect to that Convention, and for related purposes*".

Bill read a first time.

Ordered—That the second reading be made an order of the day for the next sitting.

14 ADJOURNMENT: Mr Bowen (Acting Leader of the House) moved—That the House do now adjourn.

Question—put and passed.

And then the House, at twenty-two minutes past eleven o'clock p.m., adjourned until Tuesday next at half-past ten o'clock a.m., or such time thereafter as Mr Speaker may take the Chair.

PAPER: The following paper was deemed to have been presented on 24 October 1974, pursuant to statute:

Commonwealth Banks Act—Appointment certificate—F. Paredes.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Anthony, Mr Beazley, Mr Bourchier, Mrs Child, Mr Daly, Mr Fairbairn, Mr Fisher, Mr Fraser, Mr Giles, Mr Hewson, Mr L. K. Johnson, Mr I. L. Robinson and Mr Stewart.

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