

AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 73

TUESDAY, 20 MAY 1975

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- 1 The House met, at fifteen minutes past two o'clock p.m., pursuant to adjournment. Mr Speaker (the Honourable G. G. D. Scholes) took the Chair, and read Prayers.
 - 2 PETITIONS: The Clerk announced that the following Members had each lodged petitions for presentation, viz.:
 - Mr Crean (Minister for Overseas Trade), Mr Anthony (Leader of the National Country Party of Australia), Mr D. M. Cameron, Mrs Child, Mr Chipp, Mr Cross, Mr Drury, Mr Jacobi, Mr Macphee, Mr Mathews and Mr Oldmeadow—from certain employees and agents of the Australian insurance industry praying that the House reject the Australian Government Insurance Office Bill.
 - Mr Berinson, Mr Fisher, Mr Garland, Mr Garrick, Mr Hyde, Mr Lamb, Mr McLeay and Mr Willis—a similar petition from certain citizens of Australia.
 - Mrs Child, Mr FitzPatrick, Mr Garrick and Mr Oldmeadow—from certain citizens of Australia praying that (1) the Metric Conversion Act be repealed and (2) the Government take urgent steps to cause the traditional and familiar units to be restored in those areas where the greatest inconveniences and distress are occurring.
 - Mr Clayton—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 Drury—from certain citizens of Australia praying that the House amend the Family Law Bill.
- Petitions received.
- 3 QUESTIONS: Questions without notice were asked.
 - 4 PAPERS: The following papers were presented, pursuant to statute:
 - Royal Australian Air Force Veterans' Residences Act—Royal Australian Air Force Veterans' Residences Trust—Report and financial statements, together with the Auditor-General's Report, for year 1973-74.
 - Stevedoring Industry Act—Australian Stevedoring Industry Authority—Report and financial statements, together with the Auditor-General's Report, for year 1973-74.
 - Urban and Regional Development (Financial Assistance) Act—Agreements relating to financial assistance for year 1974-75 to—
 - New South Wales for—
 - Area improvement, dated 18 March 1975.
 - National estate, dated 18 March 1975.
 - Sewerage, dated 18 March 1975.
 - Urban expansion and redevelopment (Bathurst-Orange), dated 18 March 1975.
 - Urban expansion and redevelopment (Sydney south-west sector), dated 18 March 1975.

Urban expansion and redevelopment (Urban Land Council), dated 20 March 1975.

New South Wales and Victoria for urban expansion and redevelopment (Albury-Wodonga), dated 27 March 1975.

Tasmania for urban expansion and redevelopment (Strategic Development Study).
Victoria for—

Area improvement, dated 11 April 1975.

National estate, dated 11 April 1975.

Sewerage, dated 13 March 1975.

Western Australia for—

Area improvement, dated 24 April 1975.

National estate, dated 7 April 1975.

Sewerage, dated 7 April 1975.

- 5 INDUSTRIES ASSISTANCE COMMISSION—SUPERPHOSPHATE REFERENCE—MINISTERIAL STATEMENT AND PAPER: Mr Bowen (Special Minister of State), by leave, made a ministerial statement relating to the membership of the Industries Assistance Commission dealing with the superphosphate reference, and, by command of His Excellency the Administrator, presented the following paper:

Industries Assistance Commission—Membership of Commission dealing with superphosphate reference—Correspondence dated 20 May 1975 between Mrs H. Rolfe, Commissioner, Mr G. A. Rattigan, C.B.E., Chairman of the Commission and Mr Bowen.

- 6 INTER-PARLIAMENTARY UNION—TOKYO CONFERENCE, 1974—REPORT OF AUSTRALIAN DELEGATION—STATEMENT BY MEMBER: Mr Collard, by leave, presented the following paper:

Inter-Parliamentary Union—Sixty-first Conference, Tokyo, 2–11 October 1974—
Report of the Australian Delegation.

Ordered to be printed.

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

- 7 FAMILY LAW BILL 1974: The House, according to order, resolved itself into a committee of the whole for the further consideration of the Bill.

In the committee

Clause 4 further considered.

On the motion, by leave, of Mr Enderby (Attorney-General), the following amendment was made: Page 5, line 20, after “children” insert “, being an organization that has been approved by the Attorney-General”.

Mr Wentworth, by leave, moved the following further amendment: Page 5, lines 33 and 34, omit paragraph (b), substitute the following paragraph:

“(b) subject to paragraph (a) of this sub-section, the domicile of a woman who is, or has at any time been, married shall be determined as if she had never been married; and”.

Amendment negatived.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6—

Mr Wentworth moved the following amendment: Page 6, line 28, after “Australia” insert “by persons ordinarily resident in such place, in accordance with the laws of that place”.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 33

Mr Adermann	Mr Fraser	Mr Lucock	Mr Stewart
Mr Anthony	Mr Graham	Mr Lusher	Mr Sullivan
Mr Beazley	Mr Hewson	Mr McLeay	Mr Viner
Mr Bonnett	Mr Holten	Mr McVeigh	Mr Wentworth
Mr K. M. Cairns	Mr Howard	Mr Millar	
Mr Calder	Mr Hunt	Mr Nixon	
Mr Drury	Mr Keating	Mr O'Keefe	<i>Tellers:</i>
Mr Fisher	Mr Killen	Mr Riordan	Mr Luchetti
Mr FitzPatrick	Mr King	Mr I. L. Robinson	Mr Martin

NOES, 83

Mr Armitage	Mr Crean	Mr Hurford	Mr Oldmeadow
Mr Barnard	Mr Cross	Mr Hyde	Mr Peacock
Mr Bennett	Mr Daly	Mr Innes	Mr Reynolds
Mr Bouchier	Mr Dawkins	Mr Jacobi	Mr E. L. Robinson
Mr Bowen	Mr Drummond	Mr Jarman	Mr Ruddock
Mr Bryant	Mr Duthie	Dr Jenkins	Mr Scholes
Mr Bungey	Dr Edwards	Mr L. K. Johnson	Mr Sinclair
Mr Cadman	Mr Ellicott	Mr L. R. Johnson	Mr Snedden
Dr J. F. Cairns	Mr Enderby	Mr Jones	Mr Staley
Mr C. R. Cameron	Mr England	Mr Kelly	Mr Street
Mr D. M. Cameron	Mr Erwin	Mr Keogh	Mr Thorburn
Dr Cass	Mr Fairbairn	Mr Kerin	Mr Uren
Mrs Child	Mr Fry	Dr Klugman	Mr Wallis
Mr Chipp	Mr Fulton	Mr Lamb	Mr Whan
Mr Clayton	Mr Garland	Mr Lloyd	Mr Whitlam
Mr Coates	Mr Garrick	Mr MacKellar	Mr Willis
Mr Cohen	Mr Giles	Mr McMahan	Mr Wilson
Mr Collard	Mr Gorton	Mr Macphee	Mr Young
Mr Connolly	Dr Gun	Mr Mathews	<i>Tellers:</i>
Mr Cope	Mr Hayden	Mr Morris	Mr James
Mr Corbett	Mr Hodges	Mr Morrison	Mr Nicholls

And so it was negatived.

Clause agreed to.

Clauses 7 and 8, by leave, taken together, and agreed to, after debate.

Clauses 9 and 10 agreed to.

Clauses 11 to 13, by leave, taken together, and agreed to, after debate.

Clause 14—

Mr Wilson moved the following amendment: Page 11, line 3, after “application” insert “or where there is a child of the marriage who has not attained the age of 16 years”.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 34

Mr Adermann	Mr England	Mr McLeay	Mr Street
Mr Anthony	Mr FitzPatrick	Mr McVeigh	Mr Sullivan
Mr Beazley	Mr Giles	Mr Millar	Mr Viner
Mr Bonnett	Mr Hewson	Mr Nixon	Mr Wentworth
Mr Cadman	Mr Holten	Mr O'Keefe	Mr Wilson
Mr Corbett	Mr Killen	Mr Peacock	
Mr Drury	Mr King	Mr I. L. Robinson	<i>Tellers:</i>
Dr Edwards	Mr Lucock	Mr Ruddock	Mr Armitage
Mr Ellicott	Mr Lusher	Mr Sinclair	Mr Luchetti

NOES, 76

Mr Barnard	Mr Dawkins	Mr Innes	Mr Oldmeadow
Mr Bennett	Mr Drummond	Mr Jacobi	Mr Reynolds
Mr Bouchier	Mr Duthie	Mr Jarman	Mr Riordan
Mr Bowen	Mr Enderby	Dr Jenkins	Mr E. L. Robinson
Mr Bryant	Mr Fairbairn	Mr L. K. Johnson	Mr Scholes
Mr Bungey	Mr Fisher	Mr L. R. Johnson	Mr Snedden
Dr J. F. Cairns	Mr Fraser	Mr Jones	Mr Staley
Mr K. M. Cairns	Mr Fry	Mr Kelly	Mr Stewart
Mr C. R. Cameron	Mr Fulton	Mr Keogh	Mr Thorburn
Dr Cass	Mr Garland	Mr Kerin	Mr Uren
Mrs Child	Mr Garrick	Dr Klugman	Mr Wallis
Mr Chipp	Mr Gorton	Mr Lamb	Mr Whittam
Mr Clayton	Mr Graham	Mr Lloyd	Mr Willis
Mr Coates	Dr Gun	Mr MacKellar	Mr Young
Mr Cohen	Mr Hayden	Mr McMahan	
Mr Collard	Mr Hodges	Mr Macphee	
Mr Connolly	Mr Howard	Mr Martin	
Mr Cope	Mr Hunt	Mr Mathews	<i>Tellers:</i>
Mr Crean	Mr Hurford	Mr Morris	Mr James
Mr Cross	Mr Hyde	Mr Morrison	Mr Nicholls

And so it was negatived.

Clause agreed to.

Clauses 15 to 19, by leave, taken together, and agreed to.

Clause 20 agreed to.

Clause 22 debated and agreed to.

Clauses 23 to 25 agreed to.

Clauses 26 to 36, by leave, taken together, and agreed to, after debate.

Clauses 37 and 38 agreed to.

Clause 39—

Mr Ellicott moved the following amendment: Page 17, at the end of sub-clause (1) add the following paragraph:

“(c) in such other Court of a State or Territory (not being a Court of summary jurisdiction) as may be prescribed.”.

Debate continued.

Amendment negatived.

Mr Wentworth moved the following amendment: Page 18, after sub-clause (3) add:

“Provided that no such proceedings shall be finalised unless—

(a) the Court is satisfied that the respondent has received due notice of the application, or

(b) the Court is satisfied that it is impracticable to serve such notice on the respondent and that, having regard to all the circumstances, it would be equitable for the application to proceed.”.

Debate continued.

Mr Enderby, by leave, again addressed the committee.

Amendment negatived.

Clause agreed to.

Clause 40 agreed to.

Clause 41 debated.

On the motion of Mr Enderby, the following amendment was made: Page 20, line 1, omit “sub-section (1)”, substitute “sub-section (2)”.

Clause, as amended, agreed to.

Clause 42 agreed to.

Clause 43—

Mr K. M. Cairns moved the following amendment: Page 20, line 31, omit “in the exercise of that jurisdiction, have regard to—”, substitute “to the extent to which it is not contrary to this Act, have regard to—”.

Debate continued.

Amendment negatived.

Mr McMahon moved the following amendment: Page 20, line 34, omit “voluntarily entered into for life”, substitute “, voluntarily entered into upon the basis that the union is intended to be permanent and should not be dissolved by law unless the marriage relationship has irretrievably broken down”.

Debate continued.

Amendment negatived.

Mr Fraser (Leader of the Opposition) moved the following amendment: Page 20, after paragraph (c) insert the following paragraph:

“(ca) the need to protect the position of a woman who wishes only to continue her role as a wife and mother;”.

Debate continued.

Mr Ellicott, by leave, again addressed the committee.

Debate continued.

Mr Enderby and Mr Fraser, by leave, again addressed the committee.

Question—That the amendment be agreed to—put.

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

AYES, 47

Mr Adermann	Mr Ellicott	Mr Killen	Mr I. L. Robinson
Mr Anthony	Mr Fairbairn	Mr King	Mr Snedden
Mr Beazley	Mr Fisher	Mr Lloyd	Mr Staley
Mr Bonnett	Mr FitzPatrick	Mr Lucock	Mr Stewart
Mr Bouchier	Mr Fraser	Mr Lusher	Mr Street
Mr Cadman	Mr Graham	Mr MacKellar	Mr Sullivan
Mr K. M. Cairns	Mr Hewson	Mr McLeay	Mr Viner
Mr Connolly	Mr Hodges	Mr McVeigh	Mr Wentworth
Mr Cope	Mr Holten	Mr Millar	Mr Wilson
Mr Corbett	Mr Howard	Mr Nixon	<i>Tellers:</i>
Mr Drury	Mr Jarman	Mr O’Keefe	Mr England
Dr Edwards	Mr Kelly	Mr Reynolds	Mr Luchetti

NOES, 64

Mr Armitage	Mr Dawkins	Mr L. K. Johnson	Mr E. L. Robinson
Mr Barnard	Mr Drummond	Mr L. R. Johnson	Mr Ruddock
Mr Bennett	Mr Duthie	Mr Keating	Mr Scholes
Mr Bowen	Mr Enderby	Mr Keogh	Mr Sinclair
Mr Bryant	Dr Forbes	Mr Kerin	Mr Thorburn
Dr J. F. Cairns	Mr Fry	Dr Klugman	Mr Uren
Mr C. R. Cameron	Mr Fulton	Mr Lamb	Mr Wallis
Mr D. M. Cameron	Mr Garland	Mr McMahon	Mr Whan
Dr Cass	Mr Garrick	Mr Macphee	Mr Whitlam
Mrs Child	Mr Gorton	Mr Martin	Mr Willis
Mr Clayton	Dr Gun	Mr Mathews	Mr Young
Mr Coates	Mr Hayden	Mr Morris	
Mr Cohen	Mr Hurford	Mr Morrison	
Mr Collard	Mr Hyde	Mr Oldmeadow	
Mr Crean	Mr Innes	Dr Patterson	<i>Tellers:</i>
Mr Cross	Mr Jacobi	Mr Peacock	Mr James
Mr Davies	Dr Jenkins	Mr Riordan	Mr Nicholls

And so it was negatived.

Clause agreed to.

Clauses 44 to 47, by leave, taken together, and agreed to.

Clause 49—

Mr Connolly moved the following amendment: Page 22, lines 32 and 33, omit “or that either party has rendered some household services to the other”.

Debate continued.

Amendment negatived.

Clause agreed to.

Clause 50—

Mr K. M. Cairns moved the following amendment: Page 22, lines 38 and 39, omit “up to the date of the commencement of the hearing of the application”, substitute “up to the date of the filing of the application”.

Amendment negatived.

Clause agreed to.

Clause 51—

Mr Wentworth moved the following amendment: Page 23, omit sub-clauses (3), (4) and (5), substitute the following sub-clause:

“(3) Marriages that are within a prohibited relationship are marriages—

(a) between a man and a woman who is, or has been, his—	between a woman and a man who is, or has been, her—
Ancestress	Ancestor
Descendant	Descendant
Sister	Brother
Father's sister	Father's brother
Mother's sister	Mother's brother
Brother's daughter	Brother's son
Sister's daughter	Sister's son
Wife's mother	Husband's father
Wife's grandmother	Husband's grandfather
Wife's daughter	Husband's son
Wife's son's daughter	Husband's son's son
Wife's daughter's daughter	Husband's daughter's son
Father's wife	Mother's husband
Grandfather's wife	Grandmother's husband
Son's wife	Daughter's husband
Son's son's wife	Son's daughter's husband
Daughter's son's wife	Daughter's daughter's husband;

(b) for the purposes of this section, it is immaterial whether the relationship is of whole blood or half-blood, or whether it is traced through or to, a person of illegitimate birth; and

(c) (i) any relationship specified in paragraph (a) of this sub-section includes a relationship traced through, or to, a person who is or was an adopted child, and, for that purpose, the relationship between an adopted child and his adoptive parent, or each of his adoptive parents, shall be deemed to be or to have been the natural relationship of child and parent; and

(ii) for the purposes of this section a person who has at any time been adopted by another person shall be deemed to remain the adopted child of that other person notwithstanding that any order by which the adoption was affected has been annulled, cancelled or discharged or that the adoption has for any other reason ceased to be effective; and a person who has been adopted on more than one occasion shall be deemed to be the adopted child of each person by whom he has been adopted.”.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 47

Mr Adermann	Mr Drury	Mr Hunt	Mr Peacock
Mr Anthony	Mr Duthie	Mr Keating	Mr I. L. Robinson
Mr Beazley	Dr Edwards	Mr King	Mr Ruddock
Mr Bonnett	Mr Ellicott	Mr Luchetti	Mr Sinclair
Mr Bouchier	Mr Erwin	Mr Lucock	Mr Stewart
Mr Cadman	Mr FitzPatrick	Mr Lusher	Mr Street
Mr K. M. Cairns	Mr Fraser	Mr MacKellar	Mr Sullivan
Mr Calder	Mr Graham	Mr McLeay	Mr Viner
Mr D. M. Cameron	Mr Hewson	Mr McVeigh	Mr Wentworth
Mr Connolly	Mr Hodges	Mr Millar	<i>Tellers:</i>
Mr Cope	Mr Holten	Mr Nixon	Mr England
Mr Corbett	Mr Howard	Mr O'Keefe	Mr Killen

NOES, 62

Mr Armitage	Mr Drummond	Dr Jenkins	Mr Riordan
Mr Bennett	Mr Enderby	Mr L. R. Johnson	Mr E. L. Robinson
Mr Bowen	Mr Fisher	Mr Kelly	Mr Scholes
Mr Bryant	Mr Fry	Mr Keogh	Mr Snedden
Mr Bungey	Mr Fulton	Mr Kerin	Mr Staley
Dr J. F. Cairns	Mr Garland	Dr Klugman	Mr Thorburn
Mr C. R. Cameron	Mr Garrick	Mr Lamb	Mr Uren
Dr Cass	Mr Giles	Mr Lloyd	Mr Wallis
Mrs Child	Mr Gorton	Mr McMahon	Mr Whan
Mr Clayton	Dr Gun	Mr Macphee	Mr Willis
Mr Coates	Mr Hayden	Mr Martin	Mr Wilson
Mr Cohen	Mr Hurford	Mr Mathews	Mr Young
Mr Collard	Mr Hyde	Mr Morris	<i>Tellers:</i>
Mr Crean	Mr Innes	Mr Morrison	Mr James
Mr Cross	Mr Jacobi	Mr Oldmeadow	Mr Nicholls
Mr Dawkins	Mr Jarman	Mr Reynolds	

And so it was negatived.

Clause agreed to.

Clauses 52 to 54, by leave, taken together, and agreed to.

Clause 55—

Mr Wentworth moved the following amendment: Page 24, line 21, omit "1 month", substitute "3 months".

Amendment negatived.

Clause agreed to.

Clause 56 agreed to.

Clauses 57 to 60, by leave, taken together, and agreed to.

Clause 61 agreed to.

Clauses 62 to 71, by leave, taken together, and agreed to, after debate.

Clause 72—

Mr K. M. Cairns moved the following amendment: Page 32, lines 5 and 6, omit "having regard to any relevant matter referred to in sub-section 75 (2)".

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 27

Mr Adermann	Mr Erwin	Mr Jarman	Mr Riordan
Mr Beazley	Mr FitzPatrick	Mr Keating	Mr Stewart
Mr Bonnett	Mr Graham	Mr Lucock	Mr Sullivan
Mr K. M. Cairns	Mr Hewson	Mr Lusher	Mr Wentworth
Mr Calder	Mr Hodges	Mr McVeigh	<i>Tellers:</i>
Mr Corbett	Mr Holten	Mr Millar	Mr England
Mr Drury	Mr Hunt	Mr O'Keefe	Mr Luchetti

NOES, 78

Mr Anthony	Mr Drummond	Mr L. K. Johnson	Mr Peacock
Mr Armitage	Mr Duthie	Mr L. R. Johnson	Mr Reynolds
Mr Bennett	Dr Edwards	Mr Kelly	Mr Ruddock
Mr Bouchier	Mr Ellicott	Mr Keogh	Mr Scholes
Mr Bowen	Mr Enderby	Mr Kerin	Mr Sinclair
Mr Bryant	Mr Fairbairn	Mr Killen	Mr Snedden
Mr Bungey	Mr Fisher	Mr King	Mr Staley
Mr Cadman	Mr Fraser	Dr Klugman	Mr Street
Dr J. F. Cairns	Mr Fry	Mr Lamb	Mr Thorburn
Mr C. R. Cameron	Mr Fulton	Mr Lloyd	Mr Uren
Dr Cass	Mr Garrick	Mr MacKellar	Mr Viner
Mrs Child	Mr Gorton	Mr McLeay	Mr Wallis
Mr Clayton	Dr Gun	Mr McMahan	Mr Whan
Mr Coates	Mr Hayden	Mr Macphee	Mr Willis
Mr Collard	Mr Howard	Mr Martin	Mr Wilson
Mr Connolly	Mr Hurford	Mr Mathews	Mr Young
Mr Cope	Mr Hyde	Mr Morris	
Mr Crean	Mr Innes	Mr Morrison	<i>Tellers:</i>
Mr Cross	Mr Jacobi	Mr Nixon	Mr James
Mr Dawkins	Dr Jenkins	Mr Oldmeadow	Mr Nicholls

And so it was negatived.

Mr Viner moved, by leave—That the clause be omitted, and the following clause be substituted:

“72. The Court may, having regard to the matters referred to in section 75 as may be relevant in the circumstances, make such order for the maintenance of a party to a marriage or a child of a marriage who has not attained the age of 18 years, as it deems proper.”.

Right of spouse and children to maintenance.

Question—put and negatived.

Clause agreed to.

Clauses 73 and 74, by leave, taken together, and agreed to.

Clause 75 debated.

Mr Viner, by leave, moved the following amendments together:

Page 32, line 14, omit “shall”, substitute “may”.

Page 32, line 15, omit “only”.

Debate continued.

Amendments negatived.

Mr Viner, by leave, moved the following amendment: Page 32, paragraph (e), after “the” insert “relevant”.

Amendment negatived.

Mr Viner, by leave, moved the following amendment: Page 32, line 25, omit “eligibility of either party for”, substitute “receipt by either party of”.

Amendment negatived.

Mr Fraser moved the following amendment: Page 32, after paragraph (k) insert the following paragraph:

“(ka) the need to protect the position of a woman who wishes only to continue her role as a wife and mother;”.

Debate continued.

Question—That the amendment be agreed to—put.

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

AYES, 61

Mr Adermann	Mr Ellicott	Mr Kelly	Mr I. L. Robinson
Mr Anthony	Mr Erwin	Mr Killen	Mr Ruddock
Mr Beazley	Mr Fairbairn	Mr King	Mr Sinclair
Mr Bonnett	Mr Fisher	Mr Lloyd	Mr Snedden
Mr Bouchier	Mr FitzPatrick	Mr Lucock	Mr Staley
Mr Bowen	Mr Fraser	Mr Lusher	Mr Stewart
Mr Cadman	Mr Giles	Mr MacKellar	Mr Street
Mr K. M. Cairns	Mr Graham	Mr McLeay	Mr Sullivan
Mr Calder	Mr Hewson	Mr McVeigh	Mr Viner
Mr Connolly	Mr Hodges	Mr Martin	Mr Wentworth
Mr Cope	Mr Holten	Mr Millar	Mr Wilson
Mr Corbett	Mr Howard	Mr Nixon	
Mr Drummond	Mr Hunt	Mr O'Keefe	
Mr Drury	Mr Hurford	Mr Peacock	<i>Tellers:</i>
Mr Duthie	Mr Jarman	Mr Reynolds	Mr England
Dr Edwards	Mr Keating	Mr Riordan	Mr Luchetti

NOES, 50

Mr Armitage	Mr Cross	Mr Jacobi	Mr Oldmeadow
Mr Bennett	Mr Dawkins	Dr Jenkins	Dr Patterson
Mr Bryant	Mr Enderby	Mr L. R. Johnson	Mr E. L. Robinson
Dr J. F. Cairns	Dr Forbes	Mr Jones	Mr Scholes
Mr C. R. Cameron	Mr Fry	Mr Keogh	Mr Thorburn
Mr D. M. Cameron	Mr Fulton	Mr Kerin	Mr Wallis
Dr Cass	Mr Garland	Dr Klugman	Mr Whan
Mrs Child	Mr Garrick	Mr Lamb	Mr Willis
Mr Clayton	Mr Gorton	Mr McMahan	Mr Young
Mr Coates	Dr Gun	Mr Macphee	
Mr Cohen	Mr Hayden	Mr Mathews	<i>Tellers:</i>
Mr Collard	Mr Hyde	Mr Morris	Mr James
Mr Crean	Mr Innes	Mr Morrison	Mr Nicholls

And so it was resolved in the affirmative.

It being past half-past ten o'clock p.m.—Progress to be reported.

The House resumed; Mr Berinson reported accordingly.

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

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

Question—put and negated.

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

In the committee

Mr Killen moved—That the Chairman do report progress and ask leave to sit again.

Question—put.

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

AYES, 23

Mr Bryant	Mr Enderby	Mr MacKellar	Mr Ruddock
Mr K. M. Cairns	Mr Fairbairn	Mr McMahan	Mr Stewart
Dr Cass	Mr Hayden	Mr Martin	Mr Wentworth
Mrs Child	Mr L. R. Johnson	Mr Morris	<i>Tellers:</i>
Mr Collard	Mr Jones	Mr Morrison	Mr England
Mr Drummond	Mr Lucock	Mr Peacock	Mr Killen

NOES, 84

Mr Adermann	Mr Drury	Mr Hyde	Mr Oldmeadow
Mr Anthony	Mr Duthie	Mr Innes	Mr Reynolds
Mr Armitage	Dr Edwards	Mr Jacobi	Mr Riordan
Mr Beazley	Mr Ellicott	Mr Jarman	Mr I. L. Robinson
Mr Bennett	Mr Erwin	Dr Jenkins	Mr Scholes
Mr Bonnett	Mr Fisher	Mr Keating	Mr Sinclair
Mr Bouchier	Mr FitzPatrick	Mr Kelly	Mr Snedden
Mr Bowen	Dr Forbes	Mr Keogh	Mr Staley
Mr Bungey	Mr Fraser	Mr Kerin	Mr Street
Mr Cadman	Mr Fry	Mr King	Mr Sullivan
Mr Calder	Mr Fulton	Dr Klugman	Mr Thorburn
Mr C. R. Cameron	Mr Garland	Mr Lamb	Mr Viner
Mr D. M. Cameron	Mr Garrick	Mr Lloyd	Mr Wallis
Mr Clayton	Mr Giles	Mr Luchetti	Mr Willis
Mr Coates	Mr Graham	Mr Lusher	Mr Wilson
Mr Connolly	Dr Gun	Mr McLeay	Mr Young
Mr Cope	Mr Hewson	Mr McVeigh	
Mr Corbett	Mr Hodges	Mr Macphee	
Mr Crean	Mr Holten	Mr Mathews	
Mr Cross	Mr Howard	Mr Millar	
Mr Daly	Mr Hunt	Mr Nixon	<i>Tellers:</i>
Mr Dawkins	Mr Hurford	Mr O'Keefe	Mr James
			Mr Nicholls

And so it was negatived.

Mr Viner, by leave, moved the following amendment: Page 32, line 27, omit "or" (second occurring), substitute "and".

Amendment negatived.

Clause, as amended, agreed to.

Clause 76—

On the motion of Mr Enderby, the following amendment was made: Page 33, line 21, omit "sub-sections (3) and (4)", substitute "sub-section (3)".

Clause, as amended, agreed to.

Clauses 77 to 81 agreed to.

Mr Enderby moved—That the Chairman do report progress and ask leave to sit again.

Question—put.

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

AYES, 45

Mr Bennett	Mr Enderby	Dr Klugman	Mr Scholes
Mr Bryant	Mr Fisher	Mr Lamb	Mr Stewart
Dr J. F. Cairns	Mr Fry	Mr Lloyd	Mr Thorburn
Mr C. R. Cameron	Mr Garrick	Mr Luchetti	Mr Wallis
Dr Cass	Dr Gun	Mr Lucock	Mr Whan
Mrs Child	Mr Hayden	Mr McMahon	Mr Willis
Mr Clayton	Mr Hurford	Mr Martin	Mr Young
Mr Coates	Mr Innes	Mr Mathews	
Mr Cohen	Dr Jenkins	Mr Morris	
Mr Collard	Mr L. R. Johnson	Mr Morrison	
Mr Dawkins	Mr Jones	Mr Oldmeadow	<i>Tellers:</i>
Mr Drummond	Mr Kerin	Mr Peacock	Mr James
			Mr Nicholls

NOES, 59

Mr Adermann	Dr Edwards	Mr Jacobi	Mr Reynolds
Mr Anthony	Mr Ellicott	Mr Jarman	Mr Riordan
Mr Armitage	Mr Erwin	Mr Keating	Mr I. L. Robinson
Mr Beazley	Mr Fairbairn	Mr Kelly	Mr Ruddock
Mr Bonnett	Mr FitzPatrick	Mr Keogh	Mr Sinclair
Mr Bouchier	Mr Fraser	Mr Killen	Mr Snedden
Mr Bowen	Mr Garland	Mr King	Mr Staley
Mr Cadman	Mr Giles	Mr Lusher	Mr Street
Mr Connolly	Mr Graham	Mr MacKellar	Mr Sullivan
Mr Cope	Mr Hewson	Mr McLeay	Mr Viner
Mr Corbett	Mr Hodges	Mr McVeigh	Mr Wentworth
Mr Crean	Mr Holten	Mr Macphee	Mr Wilson
Mr Cross	Mr Howard	Mr Millar	<i>Tellers:</i>
Mr Daly	Mr Hunt	Mr Nixon	Mr D. M. Cameron
Mr Drury	Mr Hyde	Mr O'Keefe	Mr England

And so it was negatived.

Proposed new clause—

Mr Wentworth moved—That the following new clause be inserted in the Bill:

“81A. In proceedings under this Part, where the parties have by mutual consent come to an agreement and have so notified the court, the court shall not make an order differing in substance from the terms of that agreement, unless it is satisfied—

Court order relating to mutual agreement.

- (a) that the agreement does not adequately protect the interests of any child or children of the marriage; or
- (b) that there are special circumstances which would justify such variation; or
- (c) the parties have mutually consented to such variation; or
- (d) that since the making of the agreement there have been changes in the circumstances of either party which were not contemplated at the time of the making of the agreement.”.

Debate ensued.

Mr Daly moved—That the Chairman do report progress and ask leave to sit again.

Question—put.

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

AYES, 62

Mr Armitage	Mr Crean	Mr L. K. Johnson	Mr Peacock
Mr Beazley	Mr Cross	Mr L. R. Johnson	Mr Reynolds
Mr Bennett	Mr Daly	Mr Jones	Mr Riordan
Mr Bonnett	Mr Dawkins	Mr Keating	Mr E. L. Robinson
Mr Bowen	Mr Drummond	Mr Keogh	Mr Scholes
Mr Bryant	Mr Enderby	Mr Kerin	Mr Stewart
Mr Bungey	Mr FitzPatrick	Dr Klugman	Mr Thorburn
Mr K. M. Cairns	Mr Fry	Mr Lamb	Mr Wallis
Mr C. R. Cameron	Mr Garland	Mr Luchetti	Mr Whan
Mr D. M. Cameron	Mr Garrick	Mr Lucock	Mr Willis
Dr Cass	Dr Gun	Mr McMahon	Mr Wilson
Mrs Child	Mr Hayden	Mr Macphee	Mr Young
Mr Clayton	Mr Hurford	Mr Mathews	
Mr Coates	Mr Innes	Mr Morris	<i>Tellers:</i>
Mr Cohen	Mr Jacobi	Mr Morrison	Mr James
Mr Cope	Dr Jenkins	Mr Oldmeadow	Mr Nicholls

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Mr Adermann	Mr Fisher	Mr Lloyd	Mr Snedden
Mr Anthony	Mr Graham	Mr Lusher	Mr Staley
Mr Bourchier	Mr Hewson	Mr MacKellar	Mr Street
Mr Cadman	Mr Hodges	Mr McLeay	Mr Sullivan
Mr Connolly	Mr Holten	Mr McVeigh	Mr Viner
Mr Corbett	Mr Howard	Mr Millar	Mr Wentworth
Mr Drury	Mr Hyde	Mr Nixon	
Dr Edwards	Mr Jarman	Mr O'Keefe	
Mr Ellicott	Mr Kelly	Mr I. L. Robinson	<i>Tellers:</i>
Mr Erwin	Mr Killen	Mr Ruddock	Mr England
Mr Fairbairn	Mr King	Mr Sinclair	Mr Giles

And so it was resolved in the affirmative.

The House resumed; Mr Berinson reported accordingly.

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

- 8 AUSTRALIAN CAPITAL TERRITORY—JOINT COMMITTEE: Mr Speaker informed the House that the Leader of the National Country Party of Australia had nominated Mr Hewson to be a member of the Joint Committee on the Australian Capital Territory in place of Mr Fisher, resigned.
- 9 ABORIGINAL AFFAIRS—STANDING COMMITTEE: Mr Speaker informed the House that the Leader of the National Country Party of Australia had nominated Mr Fisher to be a member of the Standing Committee on Aboriginal Affairs in place of Mr Hunt, resigned.

10 ADJOURNMENT: Mr Enderby (Attorney-General) moved—That the House do now adjourn.

Mr MacKellar rising to address the House—

Closure: Mr Daly (Leader of the House) moved—That the question be now put.

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

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

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

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Dr Everingham, Mr Katter, Mr Lynch, Mr McKenzie, Mr Mulder and Mr Sherry.

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