

COMMONWEALTH OF AUSTRALIA.

JOURNALS OF THE SENATE.

No. 140.

TUESDAY, 3RD MAY, 1966.

1. MEETING OF SENATE.—The Senate met at three p.m., pursuant to adjournment.—The President (Senator the Honorable Sir Alister McMullin) took the Chair.

2. PRAYERS.

3. QUESTIONS.—Questions on notice were answered.

4. PAPERS.—The following Paper was presented, by Command of His Excellency the Governor-General—
Tariff Board Report—Collapsible sun lounges (Dumping and Subsidies Act).
The following Papers were presented, pursuant to Statute—

Customs Tariff—Section 11—Order—No. 1.

Lands Acquisition Act—Regulations—Statutory Rules 1966, No. 82.

National Health Act—Regulations—Statutory Rules 1966, No. 80.

Native Members of the Forces Benefits Act—Regulations—Statutory Rules 1966, No. 83.

Post and Telegraph Act—Regulations—Statutory Rules 1966, No. 81.

Public Service Act—Appointments—Department of Territories—J. K. R. Doolan, N. G. Fletcher.

Public Service Arbitration Act—Determinations by the Arbitrator—1966—

No. 64—Association of Railway Professional Officers of Australia.

No. 65—Commonwealth Public Service Artisans' Association and others.

No. 66—Hospital Employees' Federation of Australia.

Seat of Government (Administration) Act—Ordinance—1966—No. 6—Police.

Tariff Board Act—Report of Special Advisory Authority—Stainless steel.

5. UNITED NATIONS POLICE FORCE IN CYPRUS—AUSTRALIAN CONTINGENT—MINISTERIAL STATEMENT.—The Minister for Works (Senator Gorton), by leave, made a statement relating to the decision of the Australian Government to accede to the request of the Secretary-General of the United Nations for the continuation of an Australian element in the United Nations Police Force in Cyprus.

6. GOVERNOR-GENERAL'S MESSAGES—ASSENT TO BILLS.—The following Messages from His Excellency the Governor-General were presented by the President—

CASEY,

Governor-General.

Message No. 62.

A Proposed Law intituled "*Loan (Housing) Act 1966*" as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name of Her Majesty, assented to the said Law.

Government House,

Canberra, 28th April, 1966.

CASEY,

Governor-General.

Message No. 63.

A Proposed Law intituled "*Post and Telegraph Act 1966*" as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name of Her Majesty, assented to the said Law.

Government House,

Canberra, 29th April, 1966.

7. QUARANTINE BILL 1966.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read—

MR. PRESIDENT,

Message No. 286.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the ' Quarantine Act 1908-1961 ' to provide for Measures of Quarantine for preventing the spread of Pulmonary Tuberculosis in Australia*", in which it desires the concurrence of the Senate.

J. MCLEAY,

Speaker.

House of Representatives,
Canberra, 28th April, 1966.

Suspension of Standing Orders.—The Minister for Housing (Senator Dame Annabelle Rankin), pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator Dame Annabelle Rankin the Bill was read a first time.

Senator Dame Annabelle Rankin moved—That this Bill be now read a second time.

On the motion of Senator O'Byrne the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.

8. HOUSING AGREEMENT BILL 1966.—The Minister for Housing (Senator Dame Annabelle Rankin) moved, by leave—That leave be given to introduce a Bill for an Act relating to Financial Assistance to the States for the purpose of Housing.

Question—put and passed.

Bill presented, and on the motion of Senator Dame Annabelle Rankin read a first time.

Suspension of Standing Orders.—Senator Dame Annabelle Rankin, pursuant to contingent notice, moved—That so much of the Standing Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.

Question—put and passed.

Senator Dame Annabelle Rankin moved—That this Bill be now read a second time.

On the motion of Senator McKenna the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.

9. REGULATIONS AND ORDINANCES COMMITTEE—TWENTY-FIRST REPORT.—Senator Willesee brought up the Twenty-first Report from the Standing Committee on Regulations and Ordinances, together with Minutes of Evidence.

Ordered—That the Report be printed.

10. BANKRUPTCY BILL 1966.—Order of the Day read for the adjourned debate on the Question—That this Bill be now read a second time.

Debate resumed.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

Clauses 1 to 22, by leave, taken together, and agreed to.

Clause 23 read—

On the motion of Senator Wright the following amendment was made, after debate, viz.—Paragraph (b), line 31, after " State " insert " or of a Territory ".

Clause 23, as amended, agreed to.

Clauses 24 to 38, by leave, taken together, and agreed to.

Clause 39 read—

Senator Cohen moved an amendment, viz.—Leave out the clause, insert the following clause—

" 39.—An order of the Court in a bankruptcy matter shall, at the instance of the Official Receiver or trustee or any person aggrieved, be subject to appeal to the High Court ".

Debate ensued.

Question, by leave, put in the form—That the amendment be agreed to.

The Committee divided—

Ayes, 19.

Noes, 25.

Senator—

Benn.

Bishop.

Cant.

Cavanagh.

Cohen.

Dittmer.

Drury.

Fitzgerald.

Hendrickson.

Keeffe.

Kennelly.

Senator—

Lacey.

McClelland.

Mulvihill.

Poke.

Ridley.

Wheeldon.

Willesee.

Teller:

Senator O'Byrne.

Senator—

Anderson.

Branson.

Breen.

Bull.

Cormack.

Cotton.

Davidson.

Gair.

Gorton.

Hannaford.

Heatley.

Lawrie.

McKellar.

McManus.

McMullin, Sir

Alister.

Senator—

Marriott.

Mattner.

Prowse.

Rankin, Dame

Annabelle.

Sim.

Webster.

Wedgwood.

Withers.

Wright.

Teller:

Senator Scott.

Amendment negatived accordingly.

Debate continued.

Senator Wright moved an amendment, viz.—Page 18, lines 41 to 44, leave out sub-clause (2.), insert the following sub-clause—

- “(2.) An appeal lies to the High Court from an order of the Court, being—
- (a) a sequestration order;
 - (b) an order convicting a person of an offence against this Act involving a fine exceeding Five hundred dollars or imprisonment for six months, or, on a question of law, any offence; or
 - (c) an order involving a civil right or property amounting to or of the value of Three thousand dollars.”

Debate ensued.

Senator Wright, by leave, amended his proposed amendment to read—Page 18, lines 41 to 44, leave out sub-clause (2.), insert the following sub-clause—

- “(2.) An appeal lies to the High Court from an order of the Court, being—
- (a) a sequestration order;
 - (b) an order convicting a person of an offence against this Act—
 - (i) on a question of fact—involving a fine exceeding Two hundred dollars or imprisonment for six months;
 - (ii) on a question of law; or
 - (c) an order involving a civil right or property amounting to, or of the value of, Three thousand dollars.”

Debate continued.

Question—That the words proposed to be left out be left out—put.

The Committee divided—

Ayes, 22.

Senator—	Senator—
Benn.	McClelland.
Bishop.	McManus.
Cant.	Mulvihill.
Cavanagh.	Poke.
Cohen.	Ridley.
Dittmer.	Wheeldon.
Drury.	Willesee.
Fitzgerald.	Wright.
Gair.	
Hendrickson.	
Keeffe.	<i>Teller:</i>
Kennelly.	
Lacey.	Senator O'Byrne.

Noes, 21.

Senator—	Senator—
Anderson.	Marriott.
Breen.	Mattner.
Bull.	Prowse.
Cormack.	Rankin, Dame
Cotton.	Annabelle.
Davidson.	Sim.
Gorton.	Webster.
Hannaford.	Wedgwood.
Heatley.	Withers.
Lawrie.	
McKellar.	<i>Teller:</i>
McMullin, Sir	
Alister.	Senator Scott.

And so it was resolved in the affirmative.

Question—That the words proposed to be inserted be inserted—put and passed.

Clause 39, as amended, agreed to.

Clause 40 debated—

Senator Wright moved an amendment, viz.—Page 19, sub-clause (1.), lines 30 and 35, after “execution” in sub-paragraphs (i) and (ii) of paragraph (d), insert “for a sum exceeding Five hundred dollars”.

Debate ensued.

Question—That the words proposed to be inserted be inserted—put.

The Committee divided—

Ayes, 20.

Senator—	Senator—
Benn.	McClelland.
Bishop.	Mulvihill.
Cant.	Poke.
Cavanagh.	Ridley.
Cohen.	Wheeldon.
Dittmer.	Willesee.
Drury.	Wright.
Fitzgerald.	
Hendrickson.	
Keeffe.	<i>Teller:</i>
Kennelly.	
Lacey.	Senator O'Byrne.

Noes, 23.

Senator—	Senator—
Anderson.	McMullin, Sir
Breen.	Alister.
Bull.	Marriott.
Cormack.	Mattner.
Cotton.	Prowse.
Davidson.	Rankin, Dame
Gair.	Annabelle.
Gorton.	Sim.
Hannaford.	Webster.
Heatley.	Wedgwood.
Lawrie.	Withers.
McKellar.	<i>Teller:</i>
McManus.	Senator Scott.

Amendment negatived accordingly.

Senator Wright moved a further amendment, viz.—Page 21, sub-clause (3.), lines 39 to 44, leave out paragraph (b).

Debate ensued.

Amendment negatived.

Clause 40 agreed to.

Clauses 41 to 108, by leave, taken together, and agreed to.

Clause 109 read—

Senator Wright moved an amendment, viz.—Page 51, sub-clause (1.), lines 30 to 41, leave out paragraph (f), insert the following paragraph:—

“(f) Sixth, in payment of all wages or salary of any clerk, servant, labourer or workman (not being the wife, husband, child, parent, brother or sister of the bankrupt) not exceeding Six hundred dollars whether payable per time or piecework in respect of services rendered to the bankrupt within four months before the date of the sequestration order;”.

Debate ensued.

And it being 10.30 p.m.—The Chairman of Committees (Senator Drake-Brockman), under Sessional Order, put the Question—That he do leave the Chair and report to the Senate.
Question—resolved in the affirmative.

The President resumed the Chair; and Senator Drake-Brockman reported accordingly.

11. **ADJOURNMENT.**—The President, under Sessional Order, put the Question—That the Senate do now adjourn.
Question—resolved in the affirmative.

The Senate adjourned at twenty-nine minutes to eleven p.m. till to-morrow at three p.m.

12. **ATTENDANCE.**—Present, all the Members except Senators Devitt, Henty, Laught (on leave), Lillico (on leave), Ormonde (on leave), Tangney (on leave) and Toohey.

J. R. ODGERS,
Clerk of the Senate.