

## COMMONWEALTH OF AUSTRALIA.

## JOURNALS OF THE SENATE.

No. 141.

WEDNESDAY, 4TH 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 Papers were presented, by Command of His Excellency the Governor-General—  
Treaties—

Foreign Exchange Operations Fund for Laos—Exchange of Notes dated 29th January, 1966, between Australia and Laos, extending the Agreement of 1963 relating to Foreign Exchange Operations for Laos.

International Tin Agreement—Third International Tin Agreement, dated 21st December, 1965.  
Space Vehicle Tracking and Communications—Exchange of Notes dated 7th December, 1965, between Australia and the United States of America, constituting an amendment of the Agreement of 1960.

Trade Agreement between Australia and the Republic of Korea—Agreement dated 21st September, 1965.

United Nations—

Australian Force in Cyprus—Exchange of Notes dated 21st and 25th February, 1966, between Australia and the United Nations, constituting an Agreement concerning the services with the United Nations Force in Cyprus of the national contingent provided by Australia.

General Assembly—Resolution 2101 (XX) dated 20th December, 1965, being an Amendment to Article 109 of the Charter of the United Nations.

5. PUBLIC WORKS COMMITTEE—REPORT.—Senator Prowse brought up the following Report from the Parliamentary Standing Committee on Public Works—

Proposed Laboratories for the Commonwealth Scientific and Industrial Research Organization at Indooroopilly, Queensland.

Senator Prowse, by leave, made a statement in connexion with the Report.

6. AUSTRALIAN CAPITAL TERRITORY SUPREME COURT BILL 1966.—*Governor-General's Message*.—The following Message from His Excellency the Governor-General was presented by the President—

CASEY,

*Governor-General.*

*Message No. 64.*

A Proposed Law intituled "*Australian Capital Territory Supreme Court 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, 3rd May, 1966.

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

MR. PRESIDENT,

*Message No. 287.*

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act relating to the Asian Development Bank*", in which it desires the concurrence of the Senate.

House of Representatives,

Canberra, 3rd May, 1966.

J. McLEAY,

*Speaker.*

*Suspension of Standing Orders*.—The Minister for Works (Senator Gorton), 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 Gorton, the Bill was read a first time.

Senator Gorton moved—That this Bill be now read a second time.

On the motion of Senator Bishop the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for a later hour of the day.

8. BANKRUPTCY BILL 1966.—The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee.

Consideration resumed of clause 109 and of the amendment moved thereto by Senator Wright, 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 continued.

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

Senator Wright moved a further amendment, viz.—Page 51, sub-clause (1.), paragraph (f), line 36, leave out “employee”, insert “clerk, servant, labourer or workman”.

Debate ensued.

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

Senator Wright moved a further amendment, viz.—Page 51, sub-clause (1.), paragraph (f), line 36, leave out “employee”, insert “clerk, servant, labourer or workman, not being the wife, husband, child, parent, brother or sister,”.

Debate ensued.

Amendment negatived.

Senator Wright moved a further amendment, viz.—Page 51, sub-clause (1.), paragraph (f), line 40, after “bankrupt” insert “within twelve months”.

Debate ensued.

Amendment negatived.

On the motion of Senator Cohen the following amendment was made, after debate, viz.—Page 52, sub-clause (1.), paragraph (g), line 2, leave out “by accident”.

Clause 109 further debated.

Senator Wright moved a further amendment, viz.—Page 52, sub-clause (1.), lines 4 to 9, leave out paragraph (h).

Debate ensued.

Amendment negatived.

Debate continued.

Clause 109, as amended, agreed to.

Clause 110 agreed to.

Clause 111 debated and agreed to.

Clauses 112 to 115, by leave, taken together, and agreed to.

Clause 116 debated—

Senator Wright moved an amendment, viz.—Page 56, sub-clause (2.), paragraph (g), line 48, after “person;”, add “but this paragraph shall not be construed to exclude from the property of the bankrupt any damages or compensation for any economic or property injury or wrong;”.

Debate ensued.

Amendment negatived.

Senator Wright moved a further amendment, viz.—Page 56, sub-clause (2.), lines 18 to 27, leave out paragraphs (d) and (e), insert the following paragraph:—

“(d) policies of life assurance or endowment in respect of his own life or the life of his spouse except to the extent of a charge on the policies in respect of the amount of premiums paid on the policies during the five years next preceding the date of the petition;”.

Debate ensued.

Amendment negatived.

Clause 116 agreed to.

Clauses 117 to 138, by leave, taken together, and agreed to.

Clause 139 debated—

Senator Cohen moved an amendment, viz.—Page 75, at end of sub-clause (3.), add “Provided that this sub-section shall not operate to relieve the estate of the bankrupt from any such liability.”.

Debate ensued.

Ordered—That further consideration of clause 139, and the amendment moved thereto, be postponed.

Clauses 140 to 148, by leave, taken together, and agreed to.

Clause 149 read—

On the motion of Senator Cohen the following amendment was made, after debate, viz.—Page 77, sub-clause (2.), lines 19 and 20, leave out “five years from the commencement of this Act”, insert “three years from the commencement of this Act or five years from the date on which the sequestration order was made against his estate or he otherwise became a bankrupt, whichever is the later”.

Senator Cohen moved a further amendment, viz.—Sub-clause (3.), at end of paragraph (b), add “Provided that an objection by a creditor shall give grounds (other than the bankrupt’s indebtedness to such creditor) which in the opinion of the Registrar are sufficient.”.

Debate ensued.

Amendment negatived.

Clause 149, as amended, agreed to.

Clauses 150 to 186, by leave, taken together, and agreed to.

Clause 187 debated and agreed to.

Senator Wright moved—That clauses 188 to 203 be postponed till after clause 204.

Debate ensued.

Question—put and negatived.

Clauses 188 to 203 agreed to.

Clause 204 read—

Senator Cohen, by leave, moved the following amendments together, viz.—

Sub-clause (3.), line 17, after “composition”, add “It may at the option of the creditors provide for the appointment of a trustee, the giving of security and for provisions thereof to be amended, extended, repealed or for other terms or conditions to be added thereto by subsequent special resolution or resolutions.”.

Sub-clause (4.), lines 19 and 20, leave out “or accepting a composition”.

Sub-clause (4.), line 22, leave out “or composition”.

Debate ensued.

Amendments negatived.

Senator Cohen moved a further amendment, viz.—Sub-clause (7.), line 38, leave out “forthwith”, insert “within seven days”.

Debate ensued.

Amendment negatived.

Senator Cohen moved a further amendment, viz.—Sub-clause (7.), line 40, leave out “forthwith”, insert “within seven days”.

Amendment negatived.

Clause 204 agreed to.

Clauses 205 to 212 by leave, taken together, and agreed to.

Clause 213 read—

Senator Cohen moved an amendment, viz.—Page 109, leave out sub-clause (3.).

Debate ensued.

Amendment negatived.

Clause 213 agreed to.

Clauses 214 and 215 agreed to.

Clause 216 read—

Senator Cohen moved an amendment, viz.—Leave out sub-clause (3.).

Debate ensued.

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

The Committee divided—

Ayes, 24.

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

Noes, 21.

Senator—	Senator—
Anderson.	Mattner.
Breen.	Morris.
Bull.	Prowse.
Cooper, Sir Walter.	Rankin, Dame
Cotton.	Annabelle.
Davidson.	Sim.
Drake-Brockman.	Webster.
Gorton.	Wedgwood.
Heatley.	Withers.
Lawrie.	
McMullin, Sir	
Alister.	Teller:
Marriott.	Senator Scott.

And so it was resolved in the affirmative.

Clause 216, as amended, agreed to.

Clauses 217 to 264, by leave, taken together, and agreed to.

Clause 265 debated—

*And it being 11 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.  
Which question was negatived.

Debate continued.

Senator Wright moved an amendment, viz.—Page 138, sub-clause (1.), paragraph (h), line 38, after “shall”, insert “to the best of his knowledge and belief”.

Debate ensued.

Amendment negatived.

Clause 265 agreed to.

Clauses 266 to 272, by leave, taken together, and agreed to.

Senator Cohen moved—That the following new clause be inserted in the Bill—

“272A.—No prosecution under this Part shall be instituted without the written consent of the Attorney-General.”.

Debate ensued.

Proposed new clause negatived.

Clause 273 read—

Senator Cohen, by leave, moved the following amendments together, viz.—

Page 144, sub-clause (2.), lines 27 and 28, leave out “determine the proceedings”, insert “with the consent of the defendant determine the proceedings summarily”.

Page 144, sub-clause (5.), line 38, leave out “determine the proceedings”, insert “with the consent of the defendant determine the proceedings summarily”.

Debate ensued.

Question—That the amendments be agreed to—put.  
The Committee divided—

Ayes, 22.

Senator—

Benn.  
Bishop.  
Cant.  
Cavanagh.  
Cohen.  
Dittmer.  
Drury.  
Fitzgerald.  
Gair.  
Hendrickson.  
Keeffe.  
Kennelly.

Senator—

Lacey.  
McClelland.  
McManus.  
Mulvihill.  
Murphy.  
Poke.  
Ridley.  
Wheeldon.  
Willesee.  
  
*Teller:*  
Senator O'Byrne.

Noes, 23.

Senator—

Anderson.  
Breen.  
Bull.  
Cooper, Sir Walter.  
Cotton.  
Davidson.  
Drake-Brockman.  
Gorton.  
Heatley.  
Lawrie.  
McMullin, Sir  
Alister.  
Marriott.

Senator—

Mattner.  
Morris.  
Prowse.  
Rankin, Dame  
Annabelle.  
Sim.  
Webster.  
Wedgwood.  
Withers.  
Wood.  
Wright.  
*Teller:*  
Senator Scott.

Amendments negated accordingly.

Clause 273 agreed to.

Clauses 274 to 315, by leave, taken together, and agreed to.

To report progress and ask leave to sit again.

The President resumed the Chair; and the Chairman of Committees (Senator Drake-Brockman) reported that the Committee had considered the Bill and had made progress, and asked leave to sit again.  
Ordered—That the Committee have leave to sit again on the next day of sitting.

9. ADJOURNMENT.—The Senate adjourned at twenty-three minutes to twelve o'clock midnight till tomorrow at eleven a.m.
10. ATTENDANCE.—Present, all the Members except Senators Cormack, Devitt, Henty, Laught (on leave), Lillico (on leave), Ormonde (on leave) and Tangney (on leave).

J. R. ODGERS,  
*Clerk of the Senate.*