

COMMONWEALTH OF AUSTRALIA.

JOURNALS OF THE SENATE.

No. 158.

THURSDAY, 22ND SEPTEMBER, 1966.

1. MEETING OF SENATE.—The Senate met at eleven a.m., pursuant to adjournment.—The Deputy-President (Senator T. C. Drake-Brockman) took the Chair.
2. PRAYERS.
3. QUESTIONS.—Questions on notice were answered.
4. PAPERS.—The following Papers were presented, pursuant to Statute—
 - Explosives Act—Explosives Regulations—Order directing the berthing of a vessel.
 - Export Payments Insurance Corporation Act—Tenth Annual Report of the Export Payments Insurance Corporation, together with financial statements and the Auditor-General's Report thereon, for year 1965–66.
 - National Capital Development Commission Act—Ninth Annual Report of the National Capital Development Commission, together with financial statements and the Auditor-General's Report thereon, for year 1965–66.
5. PRECEDENCE TO GOVERNMENT BUSINESS.—Ordered—That Government Business take precedence of General Business after eight p.m. this sitting.
6. REPATRIATION BILL 1966.—The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee.

Senator Bishop moved an amendment, viz.—Page 1, after clause 2, insert the following new clause—

“ 2A. Section 37 of the Principal Act is amended—

- (a) by inserting in sub-section (1.), after the words ‘ pulmonary tuberculosis ’, Pension for
pulmonary
tuberculosis.
the words ‘ or cancer ’; and
- (b) by omitting from paragraph (b) of sub-section (3.) the words ‘ pulmonary tuberculosis ’ and inserting in their stead the words ‘ pulmonary tuberculosis or cancer ’.”

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

Ayes, 24.

Senator— Benn. Bishop. Cant. Cavanagh. Cohen. Devitt. Dittmer. Drury. Fitzgerald. Gair. Hendrickson. Keffe. Kennelly. McClelland.	Senator— McManus. Mulvihill. Murphy. Nicholls. Ormonde. Poke. Ridley. Toohey. Willesee. <i>Teller:</i> Senator O'Byrne.
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Noes, 24.

Senator— Anderson. Branson. Breen. Cormack. Davidson. Drake-Brockman. Gorton. Hannaford. Henty. Laught. Lawrie. Lillico. McKellar. Marriott.	Senator— Mattner. Prowse. Rankin, Dame Annabelle. Sim. Webster. Wedgwood. Withers. Wood. Wright. <i>Teller:</i> Senator Scott.
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The Ayes and the Noes being equal, it was negatived.

Senator Bishop moved a further amendment, viz.—Page 1, after clause 2, insert the following new clause—

“ 2A. After section 47 of the Principal Act the following section is inserted:—

‘ 47A.—(1.) Where a claimant, applicant or appellant under this Act considers—

Further appeal
to High Court
or Supreme
Court.

- (a) that, in hearing, determining or deciding his claim, application or appeal, the Commission, a Board, an Appeal Tribunal or an Assessment Appeal Tribunal did not give to him the benefit of any doubt in respect of a matter or question referred to in paragraph (a) or (b) of sub-section (1.) of the last preceding section; or
- (b) a person or authority who contended that his claim, application or appeal should not be granted or allowed to the full extent claimed did not discharge the onus of proof placed on that person or authority by sub-section (2.) of that section,

the claimant, applicant or appellant may appeal to the High Court, or to the Supreme Court of the State or Territory of the Commonwealth in which he resides, against the determination or decision of the Commission, Board, Appeal Tribunal or Assessment Appeal Tribunal, as the case may be, on the ground that he was not given the benefit of a doubt or that the person or authority did not so discharge the onus of proof.

‘ (2.) Jurisdiction is conferred on the High Court, the several Supreme Courts of the States are invested with federal jurisdiction, and jurisdiction is conferred on the several Supreme Courts of the Territories of the Commonwealth, to hear and determine an appeal under this section.

‘ (3.) The jurisdiction conferred on, or invested in, the High Court or a Supreme Court by this section shall be exercised by a single Justice or Judge, as the case may be, of the Court.

‘ (4.) The Court hearing an appeal under this section may make such order with respect to the appeal as it thinks fit and that order shall be final and conclusive.

‘ (5.) An order as to the costs of an appeal under this section shall not be made.

‘ (6.) The regulations may make provision for the furnishing to a Court to which an appeal is made under this section of any records in the possession of the Commission which relate to the appellant.’ ”.

Debate ensued.

Senator Wright moved an amendment to the proposed amendment, viz.—Leave out sub-section (1.) of proposed new section 47A., insert—

“ (1.) Any claimant, applicant or appellant under this Act aggrieved by any determination or decision involving the operation or interpretation of the provisions of section forty-seven of this Act may appeal to the High Court, or to the Supreme Court of the State or Territory of the Commonwealth in which he resides, against the determination or decision of the Commission, Board, Appeal Tribunal or Assessment Appeal Tribunal, as the case may be.”.

Debate continued.

Question—That the words proposed to be left out be left out (Senator Wright’s amendment)—put.
The Committee divided—

Ayes, 25.

Noes, 25.

Senator—	Senator—
Benn.	McManus.
Bishop.	Mulvihill.
Cant.	Murphy.
Cavanagh.	Nicholls.
Cohen.	Ormonde.
Devitt.	Poke.
Dittmer.	Ridley.
Drury.	Toohey.
Fitzgerald.	Willesee.
Gair.	Wright.
Hendrickson.	
Keeffe.	
Kennelly.	<i>Teller:</i>
McClelland.	Senator O’Byrne.

Senator—	Senator—
Anderson.	Marriott.
Branson.	Mattner.
Breen.	Prowse.
Cotton.	Rankin, Dame
Davidson.	Annabelle.
Drake-Brockman.	Sim.
Gorton.	Turnbull.
Hannaford.	Webster.
Heatley.	Wedgwood.
Henty.	Withers.
Laught.	Wood.
Lawrie.	
Lillico.	<i>Teller:</i>
McKellar.	Senator Scott.

The Ayes and the Noes being equal, it was negatived.

Debate continued.

Question—That the proposed new clause be inserted in the Bill (Senator Bishop’s amendment)—put.
The Committee divided—

Ayes, 25.

Noes, 25.

Senator—	Senator—
Benn.	McManus.
Bishop.	Mulvihill.
Cant.	Murphy.
Cavanagh.	Nicholls.
Cohen.	Ormonde.
Devitt.	Poke.
Dittmer.	Ridley.
Drury.	Toohey.
Fitzgerald.	Willesee.
Gair.	Wright.
Hendrickson.	
Keeffe.	
Kennelly.	<i>Teller:</i>
McClelland.	Senator O’Byrne.

Senator—	Senator—
Anderson.	Marriott.
Branson.	Mattner.
Breen.	Prowse.
Cotton.	Rankin, Dame
Davidson.	Annabelle.
Drake-Brockman.	Sim.
Gorton.	Turnbull.
Hannaford.	Webster.
Heatley.	Wedgwood.
Henty.	Withers.
Laught.	Wood.
Lawrie.	
Lillico.	<i>Teller:</i>
McKellar.	Senator Scott.

The Ayes and the Noes being equal, it was negatived.

Ordered—That the Temporary Chairman (Senator Wedgwood) report progress and ask leave to sit again.

The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Wedgwood) 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 at a later hour of the day.

7. AIR ACCIDENT, WINTON, QUEENSLAND—MINISTERIAL STATEMENT.—The Minister for Customs and Excise (Senator Anderson), by leave, informed the Senate that an Ansett-A.N.A. Viscount aircraft had crashed near Winton, Queensland, while on a passenger flight from Mount Isa to Longreach. Senators Willesee and Gair, by leave, made statements relating to the accident.
8. REPATRIATION BILL 1966.—The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee.

Clauses 3 to 8, by leave, taken together, and agreed to.

Senator Bishop moved an amendment, viz.—Page 5, after clause 8, insert the following new clause—

“8A. Section 100 of the Principal Act is amended by inserting after paragraph (b) in the definition of ‘member of the Forces’ the following paragraph:—

‘(c) a representative of the Salvation Army.’”.

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

Ayes, 23.

Senator—	Senator—
Benn.	Mulvihill.
Bishop.	Murphy.
Cant.	Nicholls.
Cavanagh.	Ormonde.
Cohen.	Poke.
Devitt.	Ridley.
Dittmer.	Toohey.
Drury.	Willesee.
Fitzgerald.	
Gair.	
Keeffe.	
Kennelly.	<i>Teller:</i>
McClelland.	
McManus.	Senator O’Byrne.

Noes, 25.

Senator—	Senator—
Branson.	Mattner.
Breen.	Prowse.
Cotton.	Rankin, Dame
Davidson.	Annabelle.
Drake-Brockman.	Sim.
Gorton.	Turnbull.
Hannaford.	Webster.
Heatley.	Wedgwood.
Henty.	Withers.
Laught.	Wood.
Lawrie.	Wright.
Lillico.	
McKellar.	<i>Teller:</i>
Marriott.	Senator Scott.

Proposed new clause negatived accordingly.

Senator Bishop moved a further amendment, viz.—Page 5, after clause 8, insert the following new clause—

“8A. After section 123 of the Principal Act the following section is inserted:—

‘123A. The Commission may, subject to such conditions as it from time to time determines, provide for the wife of a person in receipt of the Special Rate of pension under the Second Schedule to this Act such medical benefits as she would receive if she were the wife of a person eligible for medical benefits under the Pensioner Medical Service.’”.

Medical
benefits for
wives of
Special Rate
pensioners.

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

Ayes, 23.

Senator—	Senator—
Benn.	McManus.
Bishop.	Mulvihill.
Cant.	Murphy.
Cavanagh.	Nicholls.
Cohen.	Ormonde.
Devitt.	Poke.
Dittmer.	Ridley.
Drury.	Toohey.
Fitzgerald.	Willesee.
Gair.	
Keeffe.	
Kennelly.	<i>Teller:</i>
McClelland.	Senator O’Byrne.

Noes, 25.

Senator—	Senator—
Branson.	Mattner.
Breen.	Prowse.
Cotton.	Rankin, Dame
Davidson.	Annabelle.
Drake-Brockman.	Sim.
Gorton.	Turnbull.
Hannaford.	Webster.
Heatley.	Wedgwood.
Henty.	Withers.
Laught.	Wood.
Lawrie.	Wright.
Lillico.	
McKellar.	<i>Teller:</i>
Marriott.	Senator Scott.

Proposed new clause negatived accordingly.

Senator Bishop moved a further amendment, viz.—Page 5, after clause 8, insert the following new clause—

“ 8A. After section 123 of the Principal Act the following section is inserted:—

“ 123A. The Commission may, subject to such conditions as it from time to time determines, provide medical and hospital treatment for a member of the Forces as defined in section twenty-three of this Act and for a person to whom section one hundred and twenty of this Act applies.’”.

Medical
treatment—
members of
the Forces
1914–18
War and
South
African War.

Debate ensued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

Ayes, 23.		Noes, 22.	
Senator—	Senator—	Senator—	Senator—
Benn.	McManus.	Branson.	Mattner.
Bishop.	Mulvihill.	Breen.	Prowse.
Cant.	Murphy.	Cotton.	Rankin, Dame
Cavanagh.	Ormonde.	Davidson.	Annabelle.
Cohen.	Poke.	Drake-Brockman.	Sim.
Devitt.	Ridley.	Gorton.	Webster.
Dittmer.	Toohey.	Hannaford.	Wedgwood.
Drury.	Turnbull.	Heatley.	Withers.
Fitzgerald.	Willesee.	Henty.	Wood.
Gair.		Laught.	
Keeffe.		Lawrie.	
Kennelly.	<i>Teller:</i>	McKellar.	<i>Teller:</i>
McClelland.	Senator O'Byrne.	Marriott.	Senator Scott.

And so it was resolved in the affirmative.

Remainder of the Bill, by leave, taken as a whole and agreed to.

Bill to be reported with an amendment.

The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Wedgwood) reported accordingly.

On the motion of the Minister for Repatriation (Senator McKellar) the Report from the Committee was adopted, and the Bill read a third time.

9. PARTICULARS OF PROPOSED EXPENDITURE 1966–67—PAPERS.—The Senate, according to Order, resolved itself into Committee for the further consideration of proposed expenditure for the year 1966–67.

In the Committee.

Division 155—Department of Customs and Excise, \$17,991,000; and

Division 908—“ “ “ “ , \$73,000—

Question—That the Committee take note of the proposed expenditure—further debated.

And it being 10.30 p.m.—The Temporary Chairman of Committees (Senator Wedgwood), under Sessional Order, put the Question—That she do leave the Chair and report to the Senate.

Which Question was negated.

Debate continued.

Question—That the Committee take note of the proposed expenditure—put and passed.

Ordered—That the Temporary Chairman (Senator Wedgwood) report progress and ask leave to sit again.

The Deputy-President resumed the Chair; and the Temporary Chairman of Committees (Senator Wedgwood) reported that the Committee had considered proposed expenditure for the year 1966–67 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.

10. AIR ACCIDENT, WINTON, QUEENSLAND—MINISTERIAL STATEMENT.—The Minister for Customs and Excise (Senator Anderson), by leave, made a further statement relating to the tragic air accident which occurred near Winton, Queensland, with loss of twenty-four lives. Senator Anderson expressed sympathy to the relatives of the deceased.
11. ADJOURNMENT.—The Senate adjourned at eleven minutes to eleven p.m. till Tuesday next at three p.m.
12. ATTENDANCE.—Present, all the Members except Senators Bull (on leave), Sir Walter Cooper, Lacey (on leave), Sir Alister McMullin (on leave), Morris, Sandford (on leave), Tangney and Wheeldon.

J. R. ODGERS,
Clerk of the Senate.