

AUSTRALIA

HOUSE OF REPRESENTATIVES

VOTES AND PROCEEDINGS

No. 14

FRIDAY, 23 AUGUST 1974

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- 1 The House met, at half-past ten o'clock a.m., according to the terms of the resolution of 2 August last. 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.:
- Mrs Child, Mr Clayton, Mr Mathews and Mr Staley—from certain citizens of Australia praying that the Government increase child endowment in the September Budget.
- Mr Ellicott, Mr McLeay and Mr Riordan—from certain citizens of Australia praying that the Government take no measures to interfere with the existing national health scheme.
- Mr Graham, Mr Riordan and Mr Thorburn—from certain citizens of Australia praying that the Government (1) grant a cash loading to pensioners, (2) increase within a reasonable period the weekly pension to 25 per cent of average weekly earnings, (3) freeze the tapered means test ceilings of income and assets and (4) give an assurance that the proposed national superannuation Bill will provide pensioners with a guaranteed minimum income of 30 per cent of quarterly adjusted average weekly earnings.
- Mr Enderby (Minister for Manufacturing Industry)—from certain citizens of Australia praying that the House urge the Government (1) to grant at least \$10 million immediate emergency aid to the Sahelian region of Africa and continue to assist in the long term agricultural and social development of the region and (2) to take a leading part in initiatives to set up world food and fertilizer funds at the World Food Conference in November.
- Mr Chipp—from certain citizens of Australia praying that the Government take immediate steps to implement a pension scheme for males bringing up and supporting their children and to make tax deductible the total wage of a house-keeper employed by any parent working full time.
- Mr Clayton—from certain citizens of Australia praying that the Government immediately increase, as an interim measure, current grants made to children in non-government schools to at least 50 per cent of the cost of educating children in government schools.
- Mr Garland—from certain citizens of Australia praying that the Government ensure that the publication and availability of pornographic literature and films are restricted and that people are made aware of the dangers to the community of such material.
- Mr Hunt—from certain residents of the Australian Capital Territory praying that the House urge the Government not to proceed with the introduction of self-government for the Australian Capital Territory until the residents of the Territory are consulted, by means of a referendum, on the issue.

Mr Jacobi—from certain citizens of Australia praying that the House urge the Prime Minister to make known publicly to the Indonesian authorities when he visits Indonesia the concern of Australians about the plight of Indonesian political prisoners.

Mr McLeay—from certain citizens of Australia praying that the Government set aside sufficient funds for research into the production of industrial solar energy.

Petitions received.

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

Australian Agricultural Council—Resolutions—

Eighty-eighth meeting, Canberra, 7 December 1973.

Eighty-ninth meeting, Hobart, 4-5 February 1974.

Medical and surgical aids and appliances—Working party—Reports—

Provision of dialysis equipment and supplies for home dialysis, dated June 1974.

Provision of stoma appliances to all who need them, dated 9 April 1974.

Papua New Guinea—Report to the General Assembly of the United Nations on administration of Papua New Guinea for year 1972-73.

Yuendumu and Hooker Creek—Report by Dr H. C. Coombs and Professor W. E. H. Stanner on visit in March 1974.

Mr Peacock asked leave to make a statement.

Objection being raised, leave not granted.

The following papers were presented, pursuant to statute:

Grants Commission Act—Grants Commission—First Report (1974) on financial assistance for local government.

Growth Centres (Financial Assistance) Act—Agreement between the Australian and Tasmanian Governments in relation to a study program based on the proposed strategic development study for Tasmania.

4 PRESENTATION OF ADDRESS IN REPLY: Mr Speaker informed the House that the Address in Reply would be presented to His Excellency the Governor-General at Government House at half-past five o'clock p.m. on Wednesday, 18 September.

Mr Speaker said he would be glad if the mover and seconder, together with other honourable Members, would accompany him to present the Address.

5 MESSAGES FROM THE SENATE: Messages from the Senate were reported returning the following Bills without amendment:

16 August 1974—Message—

No. 30—Transport (Planning and Research) 1974.

No. 31—States Grants (Urban Public Transport) 1974.

No. 32—Urban Public Transport (Research and Planning) 1974.

No. 33—Prices Justification 1974.

No. 34—Stevedoring Industry (Temporary Provisions) 1974.

No. 35—Marginal Dairy Farms Agreements 1974.

No. 36—Public Works Committee 1974.

6 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO PROPOSED LAWS: The following messages from His Excellency the Governor-General were announced:

JOHN R. KERR

Governor-General

Message No. 19

Proposed Laws intitled:—

“Commonwealth Electoral Act (No. 2) 1973”

“Senate (Representation of Territories) Act 1973”

“Representation Act 1973”

as last proposed by the House of Representatives and as affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives at the joint sitting convened by the Governor-General pursuant to

section 57 of the Constitution by Proclamation dated 30 July 1974, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name of Her Majesty, assented to the said Laws.

Government House,
Canberra.

7 August 1974

JOHN R. KERR

Governor-General

Message No. 20

Proposed Laws intituled:—

“Health Insurance Commission Act 1973”

“Health Insurance Act 1973”

“Petroleum and Minerals Authority Act 1973”

as last proposed by the House of Representatives and as affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives at the joint sitting convened by the Governor-General pursuant to section 57 of the Constitution by Proclamation dated 30 July 1974, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name of Her Majesty, assented to the said Laws.

Government House,
Canberra.

8 August 1974

7 MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS: Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name of Her Majesty, had assented to the following Bills:

6 August 1974—Message No. 21—Glebe Lands (Appropriation) 1974.

7 August 1974—Message No. 22—

Financial Corporations 1974.

National Health 1974.

21 August 1974—Message No. 23—

Stevedoring Industry (Temporary Provisions) 1974.

States Grants (Urban Public Transport) 1974.

Urban Public Transport (Research and Planning) 1974.

Prices Justification 1974.

Public Works Committee 1974.

Marginal Dairy Farms Agreements 1974.

Transport (Planning and Research) 1974.

8 FOREIGN AFFAIRS AND DEFENCE—JOINT COMMITTEE: Mr Speaker informed the House of the following nominations of Senators and Members to be members of the Joint Committee on Foreign Affairs and Defence:

Mr Berinson, Mr Coates, Mr Cross, Mr Dawkins, Mr Fry, Mr Kerin, Dr Klugman and Mr Oldmeadow had been nominated by the Prime Minister, Mr Connolly, Dr Forbes, Mr Giles and Mr Peacock had been nominated by the Leader of the Opposition and Mr Corbett and Mr Lucock had been nominated by the Leader of the Australian Country Party.

Senators Drury, McIntosh, Primmer and Wheeldon had been nominated by the Leader of the Government in the Senate, Senators Carrick and Sim had been nominated by the Leader of the Opposition in that House and Senator Maunsell had been nominated by the Leader of the Australian Country Party in that House.

9 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC SITUATION: Mr Speaker informed the House that Mr Snedden (Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, “The alarming decline of confidence in the community arising out of the Government’s inability to handle the deteriorating economic situation which has

been created by its own policies, and contributed to by the conflicting statements of Ministers, the Prime Minister's abdication of leadership and the rapidly worsening employment situation".

The proposed discussion having received the necessary support—
Mr Snedden rising to address the House—

Mr Daly (Leader of the House) moved—That the business of the day be called on.
Question—put.

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

AYES, 55

Mr Armitage	Mr Connor	Mr Jacobi	Mr Oldmeadow
Mr Barnard	Mr Crean	Dr Jenkins	Dr Patterson
Mr Beazley	Mr Cross	Mr L. K. Johnson	Mr Reynolds
Mr Bennett	Mr Daly	Mr L. R. Johnson	Mr Scholes
Mr Berinson	Mr Davies	Mr Jones	Mr Sherry
Mr Bowen	Mr Dawkins	Mr Kerin	Mr Stewart
Mr Bryant	Mr Duthie	Dr Klugman	Mr Thorburn
Dr J. F. Cairns	Mr Enderby	Mr Lamb	Mr Uren
Mr C. R. Cameron	Dr Everingham	Mr Luchetti	Mr Whan
Dr Cass	Mr FitzPatrick	Mr McKenzie	Mr Whitlam
Mrs Child	Mr Fulton	Mr Martin	Mr Willis
Mr Coates	Mr Garrick	Mr Mathews	<i>Tellers:</i>
Mr Cohen	Mr Hayden	Mr Morris	Mr James
Mr Collard	Mr Innes	Mr Morrison	Mr Nicholls

NOES, 47

Mr Adermann	Mr Ellicott	Mr Katter	Mr O'Keefe
Mr Anthony	Mr Fairbairn	Mr Kelly	Mr Peacock
Mr Bonnett	Mr Fisher	Mr Killen	Mr E. L. Robinson
Mr Bouchier	Mr Garland	Mr King	Mr Ruddock
Mr Bungey	Mr Gorton	Mr Lloyd	Mr Snedden
Mr Cadman	Mr Graham	Mr Lucock	Mr Street
Mr K. M. Cairns	Mr Hewson	Mr Lusher	Mr Sullivan
Mr Calder	Mr Hodges	Mr Lynch	Mr Wentworth
Mr Connolly	Mr Holten	Mr MacKellar	Mr Wilson
Mr Drummond	Mr Howard	Mr McVeigh	<i>Tellers:</i>
Mr Drury	Mr Hunt	Mr Millar	Mr D. M. Cameron
Dr Edwards	Mr Hyde	Mr Nixon	Mr I. L. Robinson

And so it was resolved in the affirmative.

10 MESSAGE FROM THE SENATE—TRADE PRACTICES BILL 1974: The following message from the Senate was reported:

MR SPEAKER,

Message No. 27

The Senate returns to the House of Representatives the Bill for "*An Act relating to certain Trade Practices*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,
Canberra, 15 August 1974

JUSTIN O'BYRNE,
President

11 SUSPENSION OF STANDING ORDERS MOVED: Mr Snedden (Leader of the Opposition) moved—That so much of the standing orders be suspended as would prevent the Leader of the Opposition moving that this House, having been assembled, not adjourn until a full debate on the economy, industrial relations and unemployment is concluded.

Debate ensued.

The time allowed by standing order 91 for debate on the motion having expired—

Question—put.

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

AYES, 48

Mr Adermann	Mr Ellicott	Mr Kelly	Mr E. L. Robinson
Mr Anthony	Mr Fairbairn	Mr Killen	Mr Ruddock
Mr Armitage	Mr Fisher	Mr King	Mr Snedden
Mr Bonnett	Mr Garland	Mr Lloyd	Mr Street
Mr Bouchier	Mr Gorton	Mr Lucock	Mr Sullivan
Mr Bungey	Mr Graham	Mr Lusher	Mr Wentworth
Mr Cadman	Mr Hewson	Mr Lynch	Mr Wilson
Mr K. M. Cairns	Mr Hodges	Mr MacKellar	
Mr Calder	Mr Holten	Mr McVeigh	
Mr Connolly	Mr Howard	Mr Millar	
Mr Drummond	Mr Hunt	Mr Nixon	
Mr Drury	Mr Hyde	Mr O'Keefe	<i>Tellers:</i>
Dr Edwards	Mr Katter	Mr Peacock	Mr D. M. Cameron
			Mr I. L. Robinson

NOES, 54

Mr Barnard	Mr Crean	Mr L. R. Johnson	Mr Reynolds
Mr Beazley	Mr Daly	Mr Jones	Mr Riordan
Mr Bennett	Mr Dawkins	Mr Kerin	Mr Sherry
Mr Berinson	Mr Duthie	Dr Klugman	Mr Stewart
Mr Bowen	Mr Enderby	Mr Lamb	Mr Thorburn
Mr Bryant	Dr Everingham	Mr Luchetti	Mr Uren
Dr J. F. Cairns	Mr FitzPatrick	Mr McKenzie	Mr Whan
Mr C. R. Cameron	Mr Fry	Mr Martin	Mr Whitlam
Dr Cass	Mr Garrick	Mr Mathews	Mr Willis
Mrs Child	Dr Gun	Mr Morris	Mr Young
Mr Coates	Mr Hayden	Mr Morrison	
Mr Cohen	Mr Innes	Mr Mulder	<i>Tellers:</i>
Mr Collard	Dr Jenkins	Mr Oldmeadow	Mr James
Mr Connor	Mr L. K. Johnson	Dr Patterson	Mr Nicholls

And so it was negatived.

- 12 NOTICE OF MOTION OF CENSURE OF GOVERNMENT: Mr Snedden (Leader of the Opposition) having delivered to the Clerk a notice of a motion of censure of the Government which he proposed to move at the next sitting and the notice having been reported to the House—

Suspension of standing orders moved: Mr Snedden moved—That so much of the standing orders be suspended as would prevent the immediate debate of the notice of motion given by the Leader of the Opposition on 23 August 1974.

Debate ensued.

The time allowed by standing order 91 for debate on the motion to suspend the standing orders having expired—

Question—put.

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

AYES, 47

Mr Adermann	Mr Ellicott	Mr Katter	Mr O'Keefe
Mr Anthony	Mr Fairbairn	Mr Kelly	Mr Peacock
Mr Bonnett	Mr Fisher	Mr Killen	Mr E. L. Robinson
Mr Bouchier	Mr Garland	Mr King	Mr Ruddock
Mr Bungey	Mr Gorton	Mr Lloyd	Mr Snedden
Mr Cadman	Mr Graham	Mr Lucock	Mr Street
Mr K. M. Cairns	Mr Hewson	Mr Lusher	Mr Sullivan
Mr Calder	Mr Hodges	Mr Lynch	Mr Wentworth
Mr Connolly	Mr Holten	Mr MacKellar	Mr Wilson
Mr Drummond	Mr Howard	Mr McVeigh	<i>Tellers:</i>
Mr Drury	Mr Hunt	Mr Millar	Mr D. M. Cameron
Dr Edwards	Mr Hyde	Mr Nixon	Mr I. L. Robinson

NOES, 53

Mr Armitage	Mr Daly	Mr Jones	Mr Scholes
Mr Barnard	Mr Davies	Mr Kerin	Mr Sherry
Mr Beazley	Mr Dawkins	Dr Klugman	Mr Thorburn
Mr Bennett	Mr Duthie	Mr Lamb	Mr Uren
Mr Berinson	Mr Enderby	Mr Luchetti	Mr Wallis
Mr Bowen	Dr Everingham	Mr McKenzie	Mr Whan
Mr Bryant	Mr Fry	Mr Martin	Mr Whitlam
Mr C. R. Cameron	Mr Garrick	Mr Mathews	Mr Willis
Dr Cass	Dr Gun	Mr Morris	Mr Young
Mr Coates	Mr Hayden	Mr Mulder	
Mr Collard	Mr Innes	Mr Oldmeadow	
Mr Connor	Dr Jenkins	Dr Patterson	
Mr Crean	Mr L. K. Johnson	Mr Reynolds	<i>Tellers:</i>
Mr Cross	Mr L. R. Johnson	Mr Riordan	Mr James
			Mr Nicholls

And so it was negatived.

- 13 **SPEAKER'S RULING—DISSENT FROM RULING MOVED:** A point of order having been raised by Mr Wentworth that the notice of motion of censure of the Government given by the Leader of the Opposition had been accepted by the Minister for Services and Property as a motion of censure and should, therefore, under standing order 110, take precedence of all other business—

Speaker's ruling: Mr Speaker ruled that the motion had not been accepted by a Minister.

Dissent from ruling moved: Mr Wentworth moved—That the ruling be dissented from.

Debate ensued.

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

Question—That the question be now put—put.

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

AYES, 55

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

NOES, 47

Mr Adermann	Mr Ellicott	Mr Katter	Mr O'Keefe
Mr Anthony	Mr Fairbairn	Mr Kelly	Mr Peacock
Mr Bonnett	Mr Fisher	Mr Killen	Mr E. L. Robinson
Mr Bouchier	Mr Garland	Mr King	Mr Ruddock
Mr Bungey	Mr Gorton	Mr Lloyd	Mr Snedden
Mr Cadman	Mr Graham	Mr Lucock	Mr Street
Mr K. M. Cairns	Mr Hewson	Mr Lusher	Mr Sullivan
Mr Calder	Mr Hodges	Mr Lynch	Mr Wentworth
Mr Connolly	Mr Holten	Mr MacKellar	Mr Wilson
Mr Drummond	Mr Howard	Mr McVeigh	<i>Tellers:</i>
Mr Drury	Mr Hunt	Mr Millar	Mr D. M. Cameron
Dr Edwards	Mr Hyde	Mr Nixon	Mr I. L. Robinson

And so it was resolved in the affirmative.

And the question—That the ruling be dissented from—being accordingly put—
The House divided (the Speaker, Mr Cope, in the Chair)—

AYES, 47

Mr Adermann	Mr Ellicott	Mr Katter	Mr O'Keefe
Mr Anthony	Mr Fairbairn	Mr Kelly	Mr Peacock
Mr Bonnett	Mr Fisher	Mr Killen	Mr E. L. Robinson
Mr Bouchier	Mr Garland	Mr King	Mr Ruddock
Mr Bungey	Mr Gorton	Mr Lloyd	Mr Snedden
Mr Cadman	Mr Graham	Mr Lucock	Mr Street
Mr K. M. Cairns	Mr Hewson	Mr Lusher	Mr Sullivan
Mr Calder	Mr Hodges	Mr Lynch	Mr Wentworth
Mr Connolly	Mr Holten	Mr MacKellar	Mr Wilson
Mr Drummond	Mr Howard	Mr McVeigh	<i>Tellers:</i>
Mr Drury	Mr Hunt	Mr Millar	Mr D. M. Cameron
Dr Edwards	Mr Hyde	Mr Nixon	Mr I. L. Robinson

NOES, 56

Mr Armitage	Mr Daly	Mr L. K. Johnson	Mr Reynolds
Mr Barnard	Mr Davies	Mr L. R. Johnson	Mr Riordan
Mr Beazley	Mr Dawkins	Mr Jones	Mr Scholes
Mr Bennett	Mr Duthie	Mr Keogh	Mr Thorburn
Mr Bowen	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 Whitlam
Dr Cass	Mr Fry	Mr Luchetti	Mr Willis
Mrs Child	Mr Fulton	Mr McKenzie	Mr Young
Mr Clayton	Mr Garrick	Mr Martin	
Mr Coates	Dr Gun	Mr Mathews	
Mr Cohen	Mr Hayden	Mr Morris	
Mr Collard	Mr Innes	Mr Morrison	<i>Tellers:</i>
Mr Connor	Mr Jacobi	Mr Mulder	Mr James
Mr Cross	Dr Jenkins	Dr Patterson	Mr Nicholls

And so it was negatived.

- 14 TRADE PRACTICES BILL 1974—SENATE'S AMENDMENTS: Mr Enderby (Minister representing the Attorney-General) moved—That the amendments made by the Senate to the Trade Practices Bill 1974 be taken into consideration, in committee of the whole House, forthwith.

Question—put and passed.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 1, clause 2, lines 11 to 15, leave out sub-clauses (3) and (4), insert the following sub-clauses:

“(3) Subject to sub-section (4), the remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.

“(4) Sub-sections 45 (1) and (2), except so far as they relate to contracts, arrangements and understandings referred to in sub-section 88 (2), and sub-sections 47 (1) and 49 (1), shall not come into operation until the expiration of 4 months after the date fixed under sub-section (3).

“(5) A reference in sub-section 45 (1) or (2) to the commencement of the sub-section concerned shall be read—

- (a) for the purposes of the application of the sub-section concerned in relation to a contract, arrangement or understanding referred to in sub-section 88 (2)—as a reference to the date fixed under sub-section (3) of this section; and
- (b) for the purposes of the application of the sub-section concerned in relation to any other contract, arrangement or understanding—as a reference to the expiration of the period referred to in sub-section (4) of this section.

- “(6) The power of the Governor-General to make appointments of members of the Commission or to make regulations under this Act may be exercised at any time after the day on which this Act receives the Royal Assent but any appointment or regulation so made shall not take effect until the date fixed under sub-section (3).”
- No. 2—Page 2, clause 4, lines 14 and 15, in the definition of “Companies Ordinance”, leave out “or, if that Ordinance is amended, that Ordinance as amended”.
- No. 3—Page 7, clause 7, at end of clause, add the following new sub-clause:
“(5) A person shall not be appointed as a member of the Commission unless he appears to the Governor-General to be qualified for appointment by virtue of his knowledge of, or experience in, industry, commerce or public administration.”
- No. 4—Page 9, clause 17, after sub-clause (1), insert the following new sub-clause:
“(1A) Where an interest is so disclosed to the Chairman and—
(a) in the case of an interest in a business—the person carrying on the business; or
(b) in the case of an interest in a body corporate—that body corporate, is concerned in an application before the Commission, being an application in the hearing and determination of which the member who has the interest is or will be participating, the Chairman shall cause the interest to be disclosed to the public.”
- No. 5—Page 13, clause 29, sub-clause (1), line 24, leave out “under” (second occurring), insert “related directly or indirectly to”.
- No. 6—Page 16, clause 40, at end of clause, add the following new sub-clause:
“(2) Where an interest is so disclosed to the President and—
(a) in the case of an interest in a business—the person carrying on the business; or
(b) in the case of an interest in a body corporate—that body corporate, is concerned in the proceedings, the President shall cause the interest to be disclosed to the public.”
- No. 7—Page 17, clause 45, sub-clause (2), line 27, leave out “that is”, insert “to the extent that it is”.
- No. 8—Page 17, clause 45, lines 31 to 35, leave out sub-clause (3), insert the following sub-clauses:
“(3) A contract, arrangement or understanding having the purpose or effect of fixing, controlling or maintaining the price for, or any discount, allowance or rebate in relation to, any goods or services supplied by the parties to the contract, arrangement or understanding, or by any of them, in competition with each other to persons not being parties to the contract, arrangement or understanding is not in restraint of trade or commerce for the purposes of this Act if the restraint has such a slight effect on competition between the parties to the contract, arrangement or understanding, and on competition between those parties or any of them and other persons, as to be insignificant.
“(3A) A contract, arrangement or understanding that is not of the kind referred to in sub-section (3) is not in restraint of trade or commerce for the purposes of this Act unless the restraint has or is likely to have a significant effect on competition between the parties to the contract, arrangement or understanding or on competition between those parties or any of them and other persons.”
- No. 9—Page 18, clause 46, after sub-clause (2), insert the following new sub-clause:
“(2A) For the purposes of this section, a reference to a corporation being in a position substantially to control a market for goods or services includes a reference to a corporation which, by reason of its share of the market, or of its share of the market combined with availability of technical knowledge, raw

materials or capital, has the power to determine the prices, or control the production or distribution, of a substantial part of the goods or services in that market.”.

No. 10—Page 19, clause 46, lines 2 to 5, leave out paragraph (a) of sub-clause (3), insert the following paragraph:

“(a) engaging, during the period of 4 months immediately following the date fixed under sub-section 2 (3), in conduct that is of a kind referred to in sub-section 45 (2) or 47 (1) but to which that sub-section does not apply by reason of the fact that the conduct is engaged in before the expiration of that period; or”.

No. 11—Page 20, clause 47, at end of clause, add the following new sub-clause:

“(6) This section does not apply with respect to any conduct engaged in by a body corporate by way of restricting dealings by another body corporate if those bodies corporate are related to each other.”.

No. 12—Page 20, clause 49, sub-clause (1), lines 5 and 6, leave out “directly or indirectly”.

No. 13—Page 21, clause 50, after sub-clause (1), insert the following new sub-clause:

“(1A) This section does not apply to an acquisition of assets of a body corporate in the ordinary course of business.”.

No. 14—Pages 35 and 36, clause 76, leave out all words to and including “liable” in line 6 on page 36, insert:

“76. If the Court is satisfied that a person—

- (a) has contravened a provision of Part IV;
- (b) has attempted to contravene such a provision;
- (c) has aided, abetted, counselled or procured a person to contravene such a provision;
- (d) has induced, or attempted to induce, a person, whether by threats or promises or otherwise, to contravene such a provision;
- (e) has been in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision; or
- (f) has conspired with others to contravene such a provision,

the Court may order the person”.

No. 15—Page 36, clause 77, sub-clause (1), line 18, leave out “by way of civil action”.

No. 16—Page 36, clause 77, sub-clause (2), line 20, leave out “An action”, insert “A proceeding”.

No. 17—Page 36, clause 77, sub-clause (2), line 20, leave out “at any time”, insert “within 6 years”.

No. 18—Page 38, clause 85, sub-clause (1), line 20, leave out “all” wherever occurring.

No. 19—Page 39, clause 85, at end of clause, add the following new sub-clause:

“(6) Where, in any proceedings against a person other than a body corporate under this Part, it appears to the Court that the person has or may have done an act in contravention of a provision of Part IV or an act referred to in paragraph 76 (b), (c), (d) or (e) but that the person acted honestly and reasonably and, having regard to all the circumstances of the case, ought fairly to be excused, the Court may relieve the person either wholly or partly from liability to any penalty or damages on such terms as the Court thinks fit.”.

No. 20—Page 43, clause 90, line 14, leave out “specific and”.

No. 21—Page 46, clause 92, sub-clause (2), lines 23 and 24, leave out “has or would have such a slight effect on competition as to be insignificant”, insert “does not have and is not likely to have, or would not have and would not be likely to have, a significant effect on competition”.

No. 22—Page 72, clause 149, sub-clause (2), lines 34 to 36, leave out “, except when it is necessary to do so for the purposes of, or of a proceeding under or arising out of, this Act”.

No. 23—Page 76, after clause 156, insert the following new clause:

“156A. (1) Where a corporation makes an application to the Commission for an authorization, the Commission gives a notice under section 91 (4) to a corporation to which an authorization has been given or proceedings have been instituted against a corporation under section 77, the Commission shall, at the request of the corporation, furnish to the corporation—

Disclosure
of docu-
ments by
Commission.

(a) a copy of every document that has been furnished to, or obtained by, the Commission in connexion with the matter to which the application, notice or proceedings relates and tends to establish the case of the corporation; and

(b) a copy of any other document in the possession of the Commission that comes to the attention of the Commission in connexion with the matter to which the application, notice or proceedings relates and tends to establish the case of the corporation,

not being a document obtained from the corporation or prepared by an officer or professional adviser of the Commission.

“(2) If the Commission does not comply with a request under sub-section (1), the Court shall, subject to sub-section (3), upon application by the corporation which made the request, make an order directing the Commission to comply with the request.

“(3) The Court may refuse to make an order under sub-section (2) in respect of a document or part of a document if the Court considers it inappropriate to make the order by reason that the disclosure of the contents of the document or part of the document would prejudice any person, or for any other reason.

“(4) Before the Court gives a decision on an application under sub-section (2), the Court may require any documents to be produced to it for inspection.

“(5) An order under this section may be expressed to be subject to conditions specified in the order.”.

No. 24—Page 79, clause 168, lines 17 to 27, leave out all words to and including “Court;”, insert:

“168. (1) Jurisdiction expressed to be conferred on the Superior Court of Australia by this Act shall not be deemed to be so conferred before a court of that name is authorised under another Act to exercise jurisdiction.

“(2) If, at the commencing date, jurisdiction under this Act cannot be exercised by the Superior Court of Australia, then—

(a) until jurisdiction can be so exercised, any action, prosecution or other proceeding under this Act may be instituted in the Australian Industrial Court as if references in this Act to the Superior Court of Australia were references to the Australian Industrial Court;”.

No. 25—Page 79, clause 168, at end of clause, add the following new sub-clause:

“(3) The jurisdiction of the Australian Industrial Court by virtue of this section is exclusive of the jurisdiction of other courts to the extent to which the jurisdiction of the Superior Court of Australia under this Act is expressed to be so exclusive.”.

On the motion of Mr Enderby, the amendments were agreed to, after debate. Resolution to be reported.

The House resumed; Mr Scholes reported accordingly.

On the motion of Mr Enderby, the House adopted the report.

15 MESSAGE FROM THE SENATE—NATIONAL ROADS BILL 1974: The following message from the Senate was reported:

MR SPEAKER,

Message No. 29

The Senate returns to the House of Representatives the Bill for "*An Act to grant Financial Assistance to the States in relation to the Construction and Maintenance of National Roads*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,
Canberra, 16 August 1974

JUSTIN O'BYRNE,
President

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 3, clause 4, sub-clause (3), line 38, after "may", insert "enter into an agreement with a State to".
 No. 2—Page 4, clause 4, sub-clause (4), line 1, after "may", insert "enter into an agreement with a State to".
 No. 3—Page 5, clause 6, sub-clause (6), lines 36 to 38, leave out paragraph (b).
 No. 4—Page 5, clause 6, sub-clause (6), lines 39 and 40, leave out "or an officer authorized by that Minister".

Amendments Nos. 1 and 2—

On the motion of Mr Jones (Minister for Transport), the amendments were together disagreed to, after debate.

Amendments Nos. 3 and 4—

On the motion of Mr Jones, the amendments were together agreed to, after debate. Resolutions to be reported.

The House resumed; Mr Scholes reported accordingly.

On the motion of Mr Jones, the House adopted the report.

Mr Jones moved—That Mr Daly (Minister for Services and Property), Mr Uren (Minister for Urban and Regional Development), and the mover be appointed a committee to draw up reasons for the House of Representatives disagreeing to amendments Nos. 1 and 2 of the Senate.

Question—put and passed.

Mr Jones, on behalf of the committee, brought up such reasons, which were read, and are as follows:

Reasons of the House of Representatives for disagreeing to Amendments Nos. 1 and 2 of the Senate.

Because:

1. The declaration of a road as an "export" road or a "major commercial" road is no different to declarations of National Highways, of the various categories of roads under the Roads Grants Bill 1974 and of the various categories of roads under the previous 1969 Commonwealth Aid Roads Act where the Minister had or is proposed to have the sole right of declaration.
2. "Export" and "major commercial" roads being roads which facilitate or would, if built, facilitate trade and commerce, or the development of trade and commerce, with other countries and among the States come within the constitutional power of Australia.

Mr Jones moved—That the committee's reasons be adopted.

Question—put and passed.

16 MESSAGE FROM THE SENATE—ROADS GRANTS BILL 1974: The following message from the Senate was reported:

MR SPEAKER,

Message No. 28

The Senate returns to the House of Representatives the Bill for "*An Act to grant Financial Assistance to the States in relation to Roads other than National Roads*", and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

The Senate,
Canberra, 16 August 1974

JUSTIN O'BYRNE,
President

Ordered—That the amendments be taken into consideration, in committee of the whole House, forthwith.

In the committee

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE

- No. 1—Page 4, clause 4, leave out sub-clause (1).
 No. 2—Page 5, clause 4, sub-clause (3), lines 1 and 2, leave out "with the concurrence of the Minister of State for Urban and Regional Development and".
 No. 3—Page 5, clause 4, sub-clause (4) lines 9 to 11, leave out "The Minister of State for Urban and Regional Development, with the concurrence of the Minister and after consultation with the appropriate Minister of a State", insert "The Minister, after consultation with the appropriate Minister of a State".
 No. 4—Page 5, clause 4, sub-clause (7), lines 30 and 31, leave out ", with the concurrence of the Minister of State for Urban and Regional Development,".
 No. 5—Page 6, clause 4, sub-clause (9), line 11, after "(c)", insert "with the agreement of the State,".
 No. 6—Page 6, clause 5, sub-clause (2), lines 24 and 25, leave out "only to the extent that the Treasurer is satisfied that they are required by the State".
 No. 7—Page 11, clause 10, sub-clause (1), lines 5 to 10, leave out paragraph (c).
 No. 8—Page 11, clause 11, leave out the clause.

Amendment No. 1—

Mr Jones (Minister for Transport) moved—That the Senate's amendment be disagreed to, but that, in place thereof, the following amendment be made:

Clause 4, page 4, line 27, after "may," insert "if the notice relates to a program of projects by way of the construction of urban arterial roads,".

Debate ensued.

Privilege: Mr D. M. Cameron rising on a matter of privilege—

Mr Snedden (Leader of the Opposition) moved—That the Chairman do report progress and ask leave to sit again.

Question—put.

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

AYES, 44

Mr Adermann	Mr Fairbairn	Mr King	Mr Ruddock
Mr Anthony	Mr Garland	Mr Lloyd	Mr Snedden
Mr Bouchier	Mr Graham	Mr Lucock	Mr Street
Mr Bungey	Mr Hewson	Mr Lusher	Mr Sullivan
Mr Cadman	Mr Hodges	Mr Lynch	Mr Wentworth
Mr K. M. Cairns	Mr Holten	Mr MacKellar	Mr Wilson
Mr Calder	Mr Howard	Mr McVeigh	
Mr Connolly	Mr Hunt	Mr Millar	
Mr Drummond	Mr Hyde	Mr Nixon	
Mr Drury	Mr Katter	Mr O'Keefe	
Dr Edwards	Mr Kelly	Mr Peacock	<i>Tellers:</i>
Mr Ellicott	Mr Killen	Mr E. L. Robinson	Mr D. M. Cameron
			Mr I. L. Robinson

NOES, 54

Mr Armitage	Mr Crean	Mr Innes	Mr Oldmeadow
Mr Barnard	Mr Cross	Mr L. K. Johnson	Dr Patterson
Mr Beazley	Mr Daly	Mr L. R. Johnson	Mr Reynolds
Mr Bennett	Mr Davies	Mr Jones	Mr Riordan
Mr Berinson	Mr Dawkins	Mr Kerin	Mr Sherry
Mr Bowen	Mr Duthie	Dr Klugman	Mr Stewart
Mr Bryant	Mr Enderby	Mr Lamb	Mr Uren
Dr J. F. Cairns	Dr Everingham	Mr Luchetti	Mr Whitlam
Dr Cass	Mr FitzPatrick	Mr McKenzie	Mr Willis
Mrs Child	Mr Fry	Mr Martin	Mr Young
Mr Clayton	Mr Fulton	Mr Mathews	
Mr Coates	Mr Garrick	Mr Morris	<i>Tellers:</i>
Mr Collard	Dr Gun	Mr Morrison	Mr James
Mr Connor	Mr Hayden	Mr Mulder	Mr Nicholls

And so it was negatived.

Debate continued.

Mr Ruddock rising to address the committee—

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 (moved by Mr Jones) be agreed to—was put accordingly, and passed.

Amendments Nos. 2 to 7—

Mr Jones moved—That the amendments be agreed to.

Debate ensued.

Mr Ruddock rising to address the committee—

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 amendments be agreed to—was put accordingly, and passed.

Amendment No. 8—

Mr Jones moved—That the Senate's amendment be disagreed to, but that, in place thereof, the following amendments be made:

- (a) Clause 11, page 11, line 20, omit "of a particular kind if a Minister", substitute "by way of the construction of urban arterial roads if the Minister".
- (b) Clause 11, page 11, line 26, omit "of a particular kind", substitute "by way of the construction of urban arterial roads".

Debate ensued.

Question—put and passed.

On the motion of Mr Nixon, the following amendment, relevant to the Senate's amendments, was made, after debate: Clause 3, page 3, line 42, at the end of the definition of "urban arterial road" add the words " , being a road that is, or a proposed road that, if constructed, would be, a Class 6 road or a Class 7 road according to the Functional Classification of Roads included in the Report on Roads in Australia 1973 prepared by the Commonwealth Bureau of Roads".

Resolutions to be reported.

The House resumed; Mr Scholes reported accordingly.

On the motion of Mr Jones, the House adopted the report.

17 SPECIAL ADJOURNMENT: Mr Daly (Leader of the House) moved—That the House, at its rising, adjourn until Tuesday, 17 September at fifteen minutes past two o'clock p.m., unless Mr Speaker shall, by telegram addressed to each Member of the House, fix an earlier day of meeting.

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.

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

AYES, 56

Mr Armitage	Mr Connor	Mr L. K. Johnson	Mr Sherry
Mr Barnard	Mr Crean	Mr L. R. Johnson	Mr Stewart
Mr Beazley	Mr Cross	Mr Jones	Mr Thorburn
Mr Bennett	Mr Daly	Mr Keogh	Mr Uren
Mr Berinson	Mr Davies	Dr Klugman	Mr Wallis
Mr Bowen	Mr Dawkins	Mr Luchetti	Mr Whan
Mr Bryant	Mr Duthie	Mr McKenzie	Mr Whitlam
Dr J. F. Cairns	Mr Enderby	Mr Martin	Mr Willis
Mr C. R. Cameron	Dr Everingham	Mr Morris	Mr Young
Dr Cass	Mr FitzPatrick	Mr Morrison	
Mrs Child	Mr Fry	Mr Mulder	
Mr Clayton	Dr Gun	Dr Patterson	
Mr Coates	Mr Hayden	Mr Reynolds	<i>Tellers:</i>
Mr Cohen	Mr Innes	Mr Riordan	Mr James
Mr Collard	Mr Jacobi	Mr Scholes	Mr Nicholls

NOES, 45

Mr Adermann	Mr Ellicott	Mr Killen	Mr E. L. Robinson
Mr Anthony	Mr Fairbairn	Mr King	Mr Ruddock
Mr Bonnett	Mr Garland	Mr Lloyd	Mr Snedden
Mr Bourchier	Mr Graham	Mr Lucock	Mr Street
Mr Bungey	Mr Hewson	Mr Lusher	Mr Sullivan
Mr Cadman	Mr Hodges	Mr Lynch	Mr Wentworth
Mr K. M. Cairns	Mr Holten	Mr MacKellar	Mr Wilson
Mr Calder	Mr Howard	Mr McVeigh	
Mr Connolly	Mr Hunt	Mr Millar	
Mr Drummond	Mr Hyde	Mr Nixon	<i>Tellers:</i>
Mr Drury	Mr Katter	Mr O'Keefe	Mr D. M. Cameron
Dr Edwards	Mr Kelly	Mr Peacock	Mr I. L. Robinson

And so it was resolved in the affirmative.

And the question—That the motion be agreed to—was put accordingly, and passed.

- 18 LEAVE OF ABSENCE TO ALL MEMBERS: Mr Daly (Leader of the House) moved—That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

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—was put accordingly, and passed.

- 19 PRIVILEGE: Mr D. M. Cameron raised a matter of privilege with respect to the inadequacy of transport facilities provided for himself and certain other Members to come to Canberra to attend the present sitting of the House.

Mr Speaker stated that, in his opinion, a *prima facie* case of breach of privilege had not been made out, nor had the matter been raised at the earliest opportunity.

- 20 ADJOURNMENT: Mr Daly (Leader of the House) moved—That the House do now adjourn.
Question—put and passed.

And then the House, at twenty-five minutes past four o'clock p.m., adjourned until Tuesday, 17 September at fifteen minutes past two o'clock p.m., unless Mr Speaker shall, by telegram addressed to each Member of the House, fix an earlier day of meeting.

PAPERS: The following papers were deemed to have been presented on 23 August 1974, pursuant to statute:

Christmas Island Act—Ordinances—1974—

No. 1—Importation of Dogs and Cats.

No. 2—Minor Offences.

- Commerce (Trade Descriptions) Act—Regulations—Statutory Rules 1974, No. 136.
Commonwealth Banks Act—Appointment certificates—E. R. Higgs, R. C. Lightfoot, B. E. Risby.
Copyright Act—Regulations—Statutory Rules 1974, No. 137.
Customs Act—Regulations—Statutory Rules 1974, No. 139.
Defence Act—Regulations—Statutory Rules 1974, No. 140.
Excise Act—Regulations—Statutory Rules 1974, No. 138.
Extradition (Foreign States) Act—Regulations—Statutory Rules 1974, No. 130.
Insurance Acts—Regulations—Statutory Rules 1974, No. 141.
Insurance (Deposits) Act—Regulations—Statutory Rules 1974, No. 142.
Lands Acquisition Act—Statements (2) of lands, etc., acquired by agreement authorised under section 7 (1) of the Act.
National Health Act—Regulations—Statutory Rules 1974, No. 126.
Naval Defence Act—Regulation—Statutory Rules 1974, No. 131.
Public Service Act—
 Appointment—Department of Labor and Immigration—A. H. Sams.
 Regulations—Statutory Rules 1974, Nos. 134, 135, 143, 144.
Seat of Government (Administration) Act—
 Ordinances—1974—
 No. 26—Scaffolding and Lifts.
 No. 27—Administration and Probate.
 Regulations—1974—
 No. 11 (Motor Traffic Ordinance).
 No. 12 (Court of Petty Sessions Ordinance).
Trade Commissioners Act—Regulations—Statutory Rules 1974, Nos. 132, 133.

MEMBERS PRESENT: All Members were present (at some time during the sitting) except Mr Chipp, Mr Corbett, Mr England, Mr Erwin, Dr Forbes, Mr Fraser, Mr Giles, Mr Hurford, Mr Jarman, Mr Keating, Mr McLeay, Mr McMahon, Mr Macphee, Mr Sinclair, Mr Staley and Mr Viner.

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