

1937-38-39.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 90.

THURSDAY, 1ST JUNE, 1939.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. J. Bell) took the Chair, and read Prayers.
2. RETURN TO WRIT (GRIFFITH DIVISION).—Mr. Speaker announced that he had received a Return to the Writ which he had issued on the 28th April last, for the election of a Member to serve for the Electoral Division of Griffith, in the State of Queensland, to fill the vacancy caused by the death of Mr. Francis Matthew John Baker, and that by the endorsement on the Writ, it was certified that William Patrick Conelan had been elected in pursuance of the said Writ.
3. MEMBER SWORN.—William Patrick Conelan, Esquire, was introduced, and made and subscribed the Oath required by law.
4. IMPORTATION OF NEW ZEALAND POTATOES—MINISTERIAL STATEMENT.—Mr. Menzies (Prime Minister), by leave, made a Ministerial Statement informing the House that the prohibition against the importation of potatoes from New Zealand would be continued pending an investigation of the Australian potato industry.
5. PAPER.—The following Paper was presented, pursuant to Statute—
Arbitration (Public Service) Act—Determination by the Arbitrator, &c.—No. 12 of 1939—
Commonwealth Public Service Artisans' Association.
6. SUPPLY AND DEVELOPMENT BILL 1939.—The Order of the Day having been read for the further consideration of this Bill in Committee of the whole House—
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 10—

On the motion of Mr. Casey (Minister for Supply and Development), the following amendment was made:—

Page 4, lines 7-8, omit "offices or positions wholly administrative or clerical in nature", insert "such administrative or clerical offices as the Governor-General directs".

Clause, as amended, agreed to.

Clause 11 agreed to.

Clause 12—

On the motion of Mr. Casey, the following amendment was made:—

Page 5, line 7, omit "under", insert "in pursuance of".

Clause, as amended, agreed to.

Clause 13—

On the motion of Mr. Casey, the following amendment was made:—

Page 5, omit sub-clause (2.), insert the following sub-clause:—

"(2.) The Boards established by, or appointed in pursuance of, the regulations made under the Defence Act which are specified in sub-section (1.) of this section, shall, as constituted immediately prior to the commencement of this Act, but subject to any regulation made under this Act, be deemed to be Boards established by or in pursuance of regulations deemed to be regulations made under this Act."

Clause, as amended, agreed to.

Clauses 14 and 15 agreed to.

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Clause 16—

Mr. Blackburn moved, as an amendment, That the following sub-clause be added :—

- “(2.) Nothing in this Act shall authorize the making of any regulation—
- (a) depriving any trade union or any member of a trade union of any right conferred by any law of the Commonwealth or of any State ;
 - (b) altering or affecting any provision of any agreement between an employer and a trade union to the detriment of such trade union or of any member thereof ;
 - (c) invalidating in whole or in part any rule of any trade union ;
 - (d) restricting the freedom of any employee to change his employment ; or
 - (e) altering to the detriment of any trade union or of any employee any rule practice or custom obtaining before the coming into operation of this Act in any industry or branch of an industry.

In this sub-section ‘employer’ includes the Commonwealth and every authority of the Commonwealth and ‘trade union’ includes any organization registered under the law of the Commonwealth or of any State and any branch of such an organization.”.

Debate ensued.

Limitation of Debate.—At five o'clock p.m., the Chairman having called the attention of the Committee to the fact that the time allotted for the consideration of the Committee stage of the Bill to the end of clause 17 had expired—

Question—That the sub-clause proposed to be added be so added—put.

The Committee divided (The Chairman, Mr. Prowse, in the Chair)—

Ayes, 26.		Noes, 35.	
Mr. Barnard	Mr. McHugh	Mr. Anthony	Mr. McCall
Mr. Beasley	Mr. Mulcahy	Mr. Badman	Mr. McEwen
Mr. Blackburn	Mr. Pollard	Mr. Cameron	Mr. Nairn
Mr. Brennan	Mr. Riordan	Mr. Casey	Sir Earle Page
Mr. Clark	Mr. Rosevear	Mr. Collins	Mr. Paterson
Mr. Conelan	Mr. Scullin	Mr. Corser	Mr. Perkins
Mr. Drakeford	Mr. Scully	Mr. Fairbairn	Mr. Price
Mr. Forde	Mr. Sheehan	Mr. Francis	Mr. Rankin
Mr. Frost	Mr. Ward	Mr. Gregory	Mr. Spender
Mr. Green	Mr. Watkins	Sir Henry Gullett	Sir Frederick Stewart
Mr. Holloway		Mr. Harrison	Mr. Street
Mr. James	<i>Tellers:</i>	Mr. Holt	Mr. Thompson
Mr. Lazzarini	Mr. Gander	Mr. Hughes	Mr. Thorby
Mr. Makin	Mr. George Lawson	Mr. Hutchinson	Mr. White
		Mr. Jennings	
		Mr. Jolly	
		Mr. Lane	<i>Tellers:</i>
		Mr. John Lawson	Mr. Gardner
		Sir Charles Marr	Mr. Nock

and so it was negatived.

Further question—That clauses 16 and 17 and the circulated amendment of the Government be agreed to—put and passed.

The circulated amendment of the Government was accordingly made in the Bill, and is as follows :—

Clause 16, page 6, add the following sub-clauses :—

- “(2.) This section shall not be construed to empower the making of regulations—
- (a) depriving a trade union or any member of a trade union of any right conferred by any law of the Commonwealth or of a State relating to rates of wages or conditions of employment ;
 - (b) altering or affecting, to the detriment of a trade union or any member of a trade union, any provision of an agreement between an employer and the trade union relating to rates of wages or conditions of employment ;
 - (c) restricting the freedom of any employee to change his employment ;
 - (d) altering to the detriment of any employees, or any trade union, any rule, practice, or custom in any industry ; or
 - (e) affecting the rules of any trade union.
- (3.) In this section—
- ‘employee’ means employee other than an employee in the Public Service within the meaning of the *Arbitration (Public Service) Act 1920-1934* ;
 - ‘member of a trade union’ does not include any member of a trade union who is not an employee ;
 - ‘trade union’ includes any organization registered under the law of the Commonwealth or of a State and a branch of any such organization, but does not include an association of employees in the Public Service.”.

Postponed clause 4—

On the motion of Mr. Casey, the following amendment was made, after debate :—

Page 2, at the end of the clause add the following definition :—

“‘war’ means any invasion or apprehended invasion of, or attack or apprehended attack on, the Commonwealth or any Territory of the Commonwealth by an enemy or armed force.”.

Clause, as amended, agreed to.

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New clauses—

Mr. Casey moved, That the following heading and new clause be inserted in the Bill :—

“ PART IIA.—AIRCRAFT ASSEMBLY.

14A.—(1.) The Governor-General may establish factories for the manufacture or assembly of such aircraft or parts of aircraft as are, in the opinion of the Governor-General, necessary in connexion with the defence of Australia. Establishment of aircraft factories.

(2.) Factories established in pursuance of this section shall be maintained and operated in accordance with the regulations.”

Debate ensued.

Limitation of Debate.—At six o'clock p.m., the Chairman having called the attention of the Committee to the fact that the time allotted for the consideration in Committee of the postponed clause and new clauses had expired—

Question—That the heading and new clause be inserted in the Bill—put and passed.

Further question—That the new clauses circulated by the Government be inserted in the Bill, that the remainder of the Bill be agreed to, and that the Bill be reported with amendments—put and passed.

The new clauses circulated by the Government were accordingly inserted in the Bill, and are as follows :—

“ 14B. The Governor-General may make regulations providing for the making of arrangements, agreements or contracts for the acquisition, manufacture or assembly of aircraft or parts of aircraft for the Commonwealth. Arrangements for acquisition, &c., of aircraft.

14C.—(1.) For the purposes of this Part, there shall be a Trust Account which shall be known as the Aircraft Trust Account. Trust Account.

(2.) An account established in pursuance of this section shall be a Trust Account for the purposes of section sixty-two A of the *Audit Act* 1901–1934.

14D. There shall be a General Manager of Aircraft Construction (in this Part referred to as ‘ the General Manager ’) who shall have such powers and perform such duties as are prescribed. General Manager of Aircraft Construction.

14E.—(1.) The General Manager shall be appointed for such term, not exceeding five years, as the Governor-General determines. Term of office.

(2.) If an officer of the Public Service of the Commonwealth is appointed General Manager, the *Officers' Rights Declaration Act* 1928–1933 shall apply as if this Act and section had been specified in the Schedule to that Act.

(3.) If an officer of the Public Service of a State is appointed General Manager, he shall have the same rights as if he had been an officer of a Department transferred to the Commonwealth and had been retained in the service of the Commonwealth.

(4.) The General Manager shall not, without the approval of the Governor-General, engage in any paid employment other than the duties of his office.

14F.—(1.) The General Manager shall receive such salary as the Governor-General determines. Salary of General Manager.

(2.) There shall be paid to the General Manager, on account of his expenses in travelling to discharge the duties of his office, such sums as are considered reasonable by the Governor-General.

14G.—(1.) On the happening of any vacancy in the office of General Manager, the Governor-General shall appoint a person to fill that office. Extraordinary vacancy.

(2.) Any such appointment shall be for the remainder of the term of office or for such shorter period as the Governor-General determines.

14H. In the case of the illness, suspension or absence of the General Manager, the Governor-General may appoint a deputy to act for the General Manager during his illness, suspension or absence, and every deputy so appointed shall, while so acting, have all the powers and authority of the General Manager. Temporary appointment.

14I.—(1.) The Minister may suspend the General Manager from office for inability, inefficiency or misbehaviour. Suspension of General Manager.

(2.) The Minister shall, within seven days after the suspension, if the Parliament is then sitting, or if the Parliament is not then sitting, within seven days after the next meeting of the Parliament, cause to be laid before both Houses of the Parliament a full statement of the grounds of suspension, and if within sixty days thereafter an address is presented to the Governor-General by the Senate and the House of Representatives praying for the restoration of the General Manager to office, he shall be restored accordingly; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of the General Manager to be vacant, and the office shall thereupon be and become vacant.

14J. The General Manager shall be deemed to have vacated his office if he— Vacation of office.

- (a) becomes bankrupt or insolvent, or applies to take the benefit of any Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his salary or remuneration for their benefit;
- (b) absents himself from duty for a period of fourteen consecutive days, or for twenty-eight days in any twelve months, without leave granted by the Governor-General;

(c) becomes permanently incapable of performing his duties; or

(d) resigns his office by writing under his hand addressed to the Governor-General.

15A. Nothing in this Act or the regulations shall be construed as being in derogation of any requirement of the *Tariff Board Act* 1921–1934.”

The House resumed; Mr. Prowse reported accordingly.

On the motion of Mr. Casey, the House adopted the Report.

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Mr. Casey moved, That the Bill be now read a third time.

Debate ensued.

Question—put.

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

Ayes, 36.		Noes, 26.	
Mr. Anthony	Mr. McCall	Mr. Barnard	Mr. McHugh
Mr. Badman	Mr. McEwen	Mr. Beasley	Mr. Mulcahy
Mr. Cameron	Mr. Nairn	Mr. Blackburn	Mr. Pollard
Mr. Casey	Sir Earle Page	Mr. Brennan	Mr. Riordan
Mr. Collins	Mr. Paterson	Mr. Clark	Mr. Rosevear
Mr. Corser	Mr. Perkins	Mr. Conelan	Mr. Scullin
Mr. Fairbairn	Mr. Price	Mr. Drakeford	Mr. Scully
Mr. Francis	Mr. Prowse	Mr. Forde	Mr. Sheehan
Mr. Gregory	Mr. Rankin	Mr. Frost	Mr. Ward
Sir Henry Gullett	Mr. Spender	Mr. Green	Mr. Watkins
Mr. Harrison	Sir Frederick Stewart	Mr. Holloway	<i>Tellers:</i>
Mr. Holt	Mr. Street	Mr. James	Mr. Gander
Mr. Hughes	Mr. Thompson	Mr. Lazzarini	Mr. George Lawson
Mr. Hutchinson	Mr. Thorby	Mr. Makin	
Mr. Jennings	Mr. White		
Mr. Jolly	<i>Tellers:</i>		
Mr. Lane			
Mr. John Lawson	Mr. Gardner		
Sir Charles Marr	Mr. Noek		

And so it was resolved in the affirmative.—Bill read a third time.

7. ADDITIONS TO GENERAL POST OFFICE, SYDNEY—ACCEPTANCE OF TENDER—MINISTERIAL STATEMENT—PRINTING OF PAPER.—Mr. Menzies (Prime Minister), by leave, made a Ministerial Statement regarding the acceptance of a tender and the signing of a contract for additions to the General Post Office, Sydney, and informed the House of the intention of the Government to have an investigation made into the matter, and, by command of His Excellency the Governor-General, laid upon the Table the following Paper:—
- Additions to General Post Office, Sydney—Acceptance of Tender and Signing of Contract—Ministerial Statement—
- and moved, That the Paper be printed.
- Debate ensued.
- Question—put and passed.
8. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That Order of the Day No. 2 be postponed until after Order of the Day No. 3, Government Business.
9. NATIONAL REGISTRATION BILL 1939.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
- Mr. Forde moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and passed.
- Ordered—That the resumption of the debate be made an Order of the Day for the next sitting.
10. INVALID AND OLD-AGE PENSIONS APPROPRIATION BILL 1939.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—
- Debate resumed.
- Speaker's Ruling.*—Mr. Speaker having ruled that it would not be in order to discuss matters dealt with in the *Invalid and Old-age Pensions Act*—
- Dissent from Speaker's Ruling.*—Mr. Pollard handed in, in writing, the following objection to the Ruling:—
- That the Ruling of the honorable the Speaker—that rates of pensions and other matters involved in the payment out of the Consolidated Revenue Fund of £15,000,000 for invalid and old-age pensions may not be discussed on the motion for the second reading of the Invalid and Old-age Pensions Appropriation Bill—be disagreed with.
- The debate thereon was forthwith adjourned to the next day of sitting.
- Debate on motion—That the Bill be now read a second time—continued.
- Question—put and passed.—Bill read a second time.
- Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 1 debated and agreed to.

Clause 2 debated.

Mr. Pollard addressing the Committee, and having been repeatedly called to order for irrelevance, the Chairman directed the honorable Member to discontinue his speech.

Mr. Gander moved, That the honorable Member be further heard.

Question—put.

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The Committee divided (The Chairman, Mr. Prowse, in the Chair)—

Ayes, 18.		Noes, 21.	
Mr. Brennan	Mr. Pollard	Mr. Cameron	Mr. McCall
Mr. Clark	Mr. Riordan	Mr. Collins	Mr. Menzies
Mr. Conelan	Mr. Scully	Mr. Corser	Mr. Nairn
Mr. Curtin	Mr. Sheehan	Mr. Francis	Mr. Perkins
Mr. Drakeford	Mr. Ward	Mr. Gregory	Mr. Spender
Mr. Forde	Mr. Wilson	Sir Henry Gullett	Sir Frederick Stewart
Mr. Frost		Mr. Harrison	Mr. Street
Mr. Holloway	<i>Tellers:</i>	Mr. Holt	
Mr. Lazzarini	Mr. Gander	Mr. Hutchinson	<i>Tellers:</i>
Mr. Mulcahy	Mr. George Lawson	Mr. Jennings	Mr. Gardner
		Mr. Jolly	Mr. Nock
		Mr. Lane	

And so it was negatived.

Debate continued.

Clause agreed to.

Clause 3 debated and agreed to.

Preamble agreed to.

Title agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Prowse reported accordingly.

On the motion of Mr. Spender (Minister assisting the Treasurer), the House adopted the Report, and (the Standing Orders having previously been suspended, *see* page 389), the Bill was read a third time.

11. ADJOURNMENT.—Mr. Menzies (Prime Minister) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at twelve minutes to twelve o'clock midnight, adjourned until to-morrow at half-past ten o'clock a.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Blain, Mr. Mahoney, Mr. Martens, and Mr. Scholfield.

F. C. GREEN,
Clerk of the House of Representatives.