

1940.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.
CANBERRA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 15.

TUESDAY, 21ST MAY, 1940.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. J. Bell) took the Chair, and read Prayers.

2. MESSAGES FROM THE GOVERNOR-GENERAL.—ASSENT TO BILLS.—The following Messages from His Excellency the Governor-General were received, and were read by Mr. Speaker :—

GOWRIE,

Governor-General.

Message No. 3.

Proposed Laws intituled :—

“ *War Pensions Appropriation Act 1940* ”

“ *Invalid and Old-age Pensions Appropriation Act 1940* ”

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 and on behalf of His Majesty, assented to the said Laws.

Government House,

Canberra, 17th May, 1940.

GOWRIE,

Governor-General.

Message No. 4.

Proposed Laws intituled :—

“ *Sales Tax Act (No. 1) 1940* ”

“ *Sales Tax Act (No. 2) 1940* ”

“ *Sales Tax Act (No. 3) 1940* ”

“ *Sales Tax Act (No. 4) 1940* ”

“ *Sales Tax Act (No. 5) 1940* ”

“ *Sales Tax Act (No. 6) 1940* ”

“ *Sales Tax Act (No. 7) 1940* ”

“ *Sales Tax Act (No. 8) 1940* ”

“ *Sales Tax Act (No. 9) 1940* ”

“ *Estate Duty Assessment Act 1940* ”

“ *Estate Duty Act 1940* ”

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 and on behalf of His Majesty, assented to the said Laws.

Government House,

Canberra, 20th May, 1940.

3. MESSAGE FROM THE SENATE.—IMMIGRATION BILL 1940.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 8.

The Senate has passed a Bill for “ *An Act to amend the ‘ Immigration Act 1901–1935 ’* ”, and transmits the same to the House of Representatives for its concurrence.

J. B. HAYES,
President.

The Senate,

Canberra 17th May 1940.

Mr. Nock (Minister representing the Minister for the Interior) moved, That the Bill transmitted by the foregoing Message be now read a first time.

Question—put and passed.—Bill read a first time.

Ordered—That the second reading be made an Order of the Day for the next sitting.

21st May, 1940.

4. MESSAGE FROM THE SENATE.—NORTHERN TERRITORY (ADMINISTRATION) BILL 1940.—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 9.

The Senate has passed a Bill for “ *An Act to amend the ‘ Northern Territory (Administration) Act 1910–1939’* ”, and transmits the same to the House of Representatives for its concurrence.

J. B. HAYES,
President.

The Senate,
Canberra, 17th May, 1940.

Mr. Nock (Minister representing the Minister for the Interior) moved, That the Bill transmitted by the foregoing Message be now read a first time.

Question—put and passed.—Bill read a first time.

Ordered—That the second reading be made an Order of the Day for the next sitting.

5. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—

Tariff Board—Reports and Recommendations—

Cotton piece goods—Meat wrapping and wraps : Cleaning cloths.

Glycerine.

Severally ordered to lie on the Table, and to be printed.

The following Papers were presented, pursuant to Statute—

Customs Act—Proclamation prohibiting the exportation (except under certain conditions) of Precious stones (dated 9th May, 1940).

Judiciary Act—Rule of Court, dated 6th May, 1940.

National Security Act—Regulations Amended, &c.—Statutory Rules 1940, Nos. 83, 84, 85.

Patents, Trade Marks, Designs and Copyright (War Powers) Act—Regulations Amended—Statutory Rules 1940, No. 82.

Seat of Government (Administration) Act—Notice of variation of plan of lay-out of City of Canberra and its environs, dated 9th April, 1940.

6. POST AND TELEGRAPH RATES BILL 1940.—Mr. Thorby (Postmaster-General) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Post and Telegraph Rates Act 1902–1931*.

Question—put and passed.

7. POSTAL RATES (DEFENCE FORCES) BILL 1940.—Mr. Thorby (Postmaster-General) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Postal Rates (Defence Forces) Act 1939*.

Question—put and passed.

8. COMMONWEALTH ELECTORAL 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 17 further considered—

Mr. Nock (Minister representing the Minister for the Interior) moved, as an amendment, That paragraph (c) be omitted and the following paragraph inserted in place thereof:—

“ (c) by omitting paragraphs (d), (e), (f) and (g) and inserting in their stead the following paragraphs:—

‘ (d) the order of the names of the candidates whose names are not included in any group shall be determined in the same manner, *mutatis mutandis*, as the order of the several groups in the ballot-papers ;

‘ (e) where similarity in two or more designations which are to appear in pursuance of section seventy-two c of this Act, or in the names of two or more candidates, is likely to cause confusion, those designations or those names may, as the case requires, appear or be arranged with such description or addition as will distinguish them from one another ; and ’.”

Debate continued.

Mr. Blackburn moved, as an amendment to the proposed amendment, That the words “ in two or more designations which are to appear in pursuance of section seventy-two c of this Act, or ” be omitted from the proposed amendment.

Debate continued.

Further consideration of clause postponed.

Clauses 18 to 25 agreed to.

Clause 26 debated—

Mr. Paterson moved, as an amendment, That the words “ respectively opposite the names of the ” be omitted with a view to inserting the words “ immediately to the left of the names of the respective ” in place thereof.

Debate continued.

Further consideration of clause postponed.

Clause 27 agreed to.

21st May, 1940.

New clause—

Mr. Nock moved, by leave, That the following new clause be inserted in the Bill :—

“ 21A. After section one hundred and eighty-one of the Principal Act the following section is inserted :—

‘ 181A.—(1.) If, in any matter announced or published by any person, or caused by him to be announced or published, on behalf of any association, league, organization or other body of persons, it is, without the written authority of the candidate (proof whereof shall lie upon that person),—

Publication of
matter
regarding
candidates.

(a) claimed or suggested that a candidate in an election is associated with, or supports the policy or activities of, that association, league, organization or other body of persons ; or

(b) expressly or impliedly advocated or suggested—

(i) in the case of an election of Senators for any State—that a voter should place in the square opposite the name of a candidate on a ballot-paper a number not greater than the number of Senators to be elected ; or

(ii) in the case of an election of a Member of the House of Representatives—that that candidate is the candidate for whom the first preference vote should be given,

that person shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

(2.) Where any matter, the announcement or publication of which by any person without the written authority of a candidate would be an offence against sub-section (1.) of this section on the part of that person, is announced or published by or on behalf of, or with the support of, any association, league, organization or other body of persons, every person who was an officer thereof at the time of that announcement or publication shall be deemed to be guilty of an offence against sub-section (1.) of this section.

(3.) For the purposes of this section, where any matter purports expressly or impliedly to be announced or published by or on behalf of, or in the interests or with the support of, any association, league, organization or other body of persons, the matter shall, in the absence of proof to the contrary, be deemed to be announced or published by or on behalf, or with the support of, the association, league, organization or other body of persons.

(4.) Nothing in the foregoing provisions of this section shall apply to or in relation to any announcement or publication made or authorized by any *bona fide* political party or by any *bona fide* branch thereof respecting a candidate who, by public announcement, has declared his candidature to be a candidature on behalf of or in the interests of that party.’ ”.

Debate ensued.

Question—That the clause proposed to be inserted be so inserted—put.

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

Ayes, 45.

Noes, 2.

Mr. Blackburn	Mr. McEwen
Mr. Brennan	Mr. McHugh
Mr. Cameron	Mr. Mulcahy
Mr. Clark	Mr. Nairn
Mr. Corser	Mr. Nock
Mr. Curtin	Mr. Paterson
Mr. Dedman	Mr. Perkins
Mr. Drakeford	Mr. Pollard
Mr. Fairbairn	Mr. Riordan
Mr. Forde	Mr. Scully
Mr. Gander	Mr. Sheehan
Mr. Green	Mr. Spender
Sir Henry Gullett	Mr. Spurr
Mr. Harrison	Mr. Stacey
Mr. Holloway	Sir Frederick Stewart
Mr. Hughes	Mr. Street
Mr. Jennings	Mr. Thompson
Mr. Jolly	Mr. Thorby
Mr. John Lawson	Mr. Watkins
Mr. Lazzarini	
Mr. Makin	
Sir Charles Marr	
Mr. Martens	Mr. Gardner
Mr. McCall	Mr. George Lawson

Tellers:

Mr. James
Mr. Lane

Tellers:

And so it was resolved in the affirmative.

Clause 7 reconsidered, by leave—

On the motion of Mr. Nock, the following further amendments were made :—

Page 2, line 17, omit “ sections are ”, insert “ section is ”.

Page 2, lines 30–42, omit proposed new section 72c.

Clause, as amended, agreed to.

21st May, 1940.

Postponed clause 17—

The amendment previously moved by Mr. Nock and the amendment to the proposed amendment moved by Mr. Blackburn were withdrawn, by leave.

Clause agreed to.

Postponed clause 26—

The amendment previously moved by Mr. Paterson was withdrawn, by leave.

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

Page 8, omit proposed new Form, insert the following :—

“ FORM E.

Ballot Paper.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].

Election of [*here insert number*] Senators.

Directions.—Mark your vote on this ballot-paper by placing the numbers [*here insert 1, 2, and so on, as the case requires*] in the squares immediately to the left of the names of the respective candidates so as to indicate the order of your preference for them.

CANDIDATES.

A	<input type="checkbox"/>	B	<input type="checkbox"/>	C	<input type="checkbox"/>	<input type="checkbox"/>
A	<input type="checkbox"/>	B	<input type="checkbox"/>	C	<input type="checkbox"/>	<input type="checkbox"/>
A	<input type="checkbox"/>	B	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

NOTE.—The letter ‘A’ or ‘B’ or ‘C’ &c., appearing before the square immediately to the left of a candidate’s surname indicates that that candidate and each other candidate who has the same letter appearing before the square immediately to the left of his surname have been grouped by mutual consent.

The fact that no letter appears before the square immediately to the left of a candidate’s surname indicates that the name of that candidate has not been included in any group.”

Question—That the clause, as amended, be agreed to—put.

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

Ayes, 28.

Mr. Cameron	Mr. Nock
Mr. Fairbairn	Mr. Paterson
Mr. Gregory	Mr. Perkins
Sir Henry Gullett	Mr. Rankin
Mr. Harrison	Mr. Scholfield
Mr. Hughes	Mr. Spender
Mr. Jennings	Mr. Stacey
Mr. Jolly	Sir Frederick Stewart
Mr. Lane	Mr. Street
Mr. John Lawson	Mr. Thompson
Sir Charles Marr	Mr. Thorby
Mr. McCall	<i>Tellers:</i>
Mr. McEwen	
Mr. Menzies	Mr. Corser
Mr. Nairn	Mr. Gardner

Noes, 24.

Mr. Beasley	Mr. Martens
Mr. Blackburn	Mr. McHugh
Mr. Brennan	Mr. Mulcahy
Mr. Clark	Mr. Pollard
Mr. Curtin	Mr. Riordan
Mr. Dedman	Mr. Scully
Mr. Drakeford	Mr. Sheehan
Mr. Forde	Mr. Spurr
Mr. Green	Mr. Watkins
Mr. Holloway	<i>Tellers:</i>
Mr. James	
Mr. Lazzarini	Mr. Gander
Mr. Makin	Mr. George Lawson

And so it was resolved in the affirmative.

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Prowse reported accordingly.

Mr. Nock moved, by leave, That the Report be adopted.

Mr. Thompson moved, That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clause 18.

Debate ensued.

Question—put.

21st May, 1940.

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

Ayes, 28.		Noes, 22.	
Mr. Beasley	Mr. Makin	Mr. Fairbairn	Mr. Prowse
Mr. Blackburn	Mr. Martens	Sir Henry Gullett	Mr. Rankin
Mr. Brennan	Mr. McHugh	Mr. Hughes	Mr. Scholfield
Mr. Clark	Mr. Mulcahy	Mr. Jolly	Mr. Spender
Mr. Dedman	Mr. Pollard	Mr. John Lawson	Mr. Stacey
Mr. Drakeford	Mr. Riordan	Sir Charles Marr	Sir Frederick Stewart
Mr. Forde	Mr. Scully	Mr. McCall	Mr. Street
Mr. Green	Mr. Sheehan	Mr. McEwen	Mr. Thorby
Mr. Gregory	Mr. Spurr	Mr. Nairn	
Mr. Harrison	Mr. Thompson	Mr. Nock	<i>Tellers:</i>
Mr. Holloway	Mr. Watkins	Mr. Paterson	Mr. Corser
Mr. James		Mr. Perkins	Mr. Gardner
Mr. Jennings	<i>Tellers:</i>		
Mr. Lane	Mr. Gander		
Mr. Lazzarini	Mr. George Lawson		

And so it was resolved in the affirmative.

Mr. Speaker left the Chair, and the House again resolved itself into a Committee of the Whole.

(In the Committee.)

On recommittal—

Clause 18 omitted, after debate.

Bill to be reported with a further amendment.

The House resumed; Mr. Prowse reported accordingly.

On the motion of Mr. Nock, by leave, the House adopted the Reports, and, by leave, the Bill was read a third time.

9. PETROLEUM OIL SEARCH BILL 1940.—The Order of the Day having been read for the second reading—
Mr. Nock (Minister representing the Minister for the Interior) moved, That the Bill be now read a second time.

Mr. Curtin (Leader of the Opposition) 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. SEAT OF GOVERNMENT (ADMINISTRATION) BILL 1940.—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.

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.)

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

Bill to be reported without amendment.

The House resumed; Mr. Prowse reported accordingly.

On the motion of Mr. Nock (Minister representing the Minister for the Interior), the House adopted the Report, and, by leave, the Bill was read a third time.

11. LAND TAX ASSESSMENT BILL 1940.—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.

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.)

Clauses 1 to 3 agreed to.

Clause 4—

On the motion of Mr. Spender (Treasurer), the following amendment was made:—

Page 2, lines 34–35, omit “and controlled by the owner of the land on which the building is erected,” insert “the owner of the land on which the building is erected, or with which that owner is affiliated, or which is controlled by or controls that owner,”.

Clause, as amended, agreed to.

Clauses 5 to 8 agreed to.

Title agreed to.

Bill to be reported with an amendment.

The House resumed; Mr. Prowse reported accordingly.

On the motion of Mr. Spender, by leave, the House adopted the Report, and by leave, the Bill was read a third time.

12. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That Order of the Day No. 5 be postponed until after order of the Day No. 6, Government Business.

21st May, 1940.

13. WAYS AND MEANS—LAND TAX.—The House, according to Order, resolved itself into the Committee of Ways and Means.

(*In the Committee.*)

Consideration resumed of the motion moved by Mr. Spender (Treasurer) on the 8th May, 1940 (*see page 30*).

Motion agreed to.

Resolution to be reported, and leave asked to sit again.

The House resumed; Mr. Prowse reported accordingly.

Resolved—That the House will, at the next sitting, again resolve itself into the said Committee.

Mr. Spender moved, pursuant to contingent notice, That so much of the Standing Orders be suspended as would prevent the remaining stages being passed without delay.

Question—put and passed.

The Resolution reported from the Committee was read, and, on the motion of Mr. Spender, was adopted by the House.

Ordered—That Mr. Spender and Sir Frederick Stewart do prepare and bring in a Bill to carry out the foregoing Resolution.

14. LAND TAX BILL 1940.—Mr. Spender (Treasurer) then brought up a Bill intituled "*A Bill for an Act to amend the 'Land Tax Act 1910-1938'*", and moved, That it be now read a first time.

Question—put and passed.—Bill read a first time.

Mr. Spender moved, That the Bill be now read a second time.

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.*)

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

Bill to be reported without amendment.

The House resumed; Mr. Prowse reported accordingly.

On the motion of Mr. Spender, the House adopted the Report, and the Bill was read a third time.

15. ADJOURNMENT.—Mr. Spender (Treasurer) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at twenty minutes to eleven o'clock p.m., adjourned until to-morrow at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Badman, Mr. Barnard, Mr. Collins, Mr. Conelan, Mr. Fadden, Mr. Francis, Mr. Frost, Mr. Holt, Mr. Hunter, Mr. Hutchinson, Sir Earle Page, Mr. Price, Mr. Rosevear, Mr. Ward, Mr. White*, and Mr. Wilson.

* On leave.

F. C. GREEN,

Clerk of the House of Representatives.