

1929-30.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 66.

TUESDAY, 8TH JULY, 1930.

1. **The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable Norman J. O. Makin) took the Chair, and offered Prayers.**
2. **MINISTERIAL STATEMENT—RESIGNATION OF THE TREASURER (MR. THEODORE).—Mr. Scullin (Prime Minister), by leave, made a Ministerial Statement announcing the resignation, on the 5th instant, of the Treasurer (Mr. Theodore), and informed the House that he (Mr. Scullin) would to-morrow be sworn in as Treasurer.**
3. **ALLEGATIONS OF FRAUD AND DISHONESTY AGAINST MEMBER (MR. THEODORE)—STATEMENT.—Mr. Theodore, by leave, made a Statement regarding certain allegations of fraud and dishonesty against himself, contained in the report of a Royal Commission appointed by the Government of the State of Queensland.**
4. **PAPER.—The following Paper was presented, by command of His Excellency the Governor-General—Public Service—Statement showing alterations in salaries and conditions of employment of non-members of Public Service organizations resulting from the restriction of Arbitration benefits, and the application of Public Service Regulations to non-members from the 1st June, 1930.**
Ordered to lie on the Table.
5. **POSTPONEMENT OF BUSINESS.—Ordered—That Notice of Motion No. 1 and Orders of the Day Nos. 1 and 2, Government Business, be postponed until after the remaining Orders of the Day.**
6. **CONCILIATION AND ARBITRATION BILL (1930).—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.)

Further consideration of clause 8 postponed.

Ordered, by leave—That postponed clause 7 be further considered forthwith.

Postponed clause 7—

Proposed amendment previously moved by Mr. Latham, viz. :—That after "increasing" (page 2, line 11) the words "or reducing" be inserted—
by leave, withdrawn.

On the motion of Mr. Brennan (Attorney-General), the following amendments were made, after debate :—

Page 2, line 7, after "amended" insert "(a)".

Page 2, line 11, omit "increasing", insert "altering".

Page 2, line 13, omit "reducing", insert "altering".

Page 2, line 13, omit "altering".

Page 2, line 14, after "computed" insert "or".

Page 2, line 15, omit "or" (first occurring).

Page 2, line 17, omit "increase, reduction or".

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

" ; and—(b) by omitting from that sub-section the words 'increase or reduction', and inserting in their stead the words 'alteration, variation or interpretation'".

Clause, as amended, agreed to.

8th July, 1930.

Ordered, by leave—That postponed clause 8 be further considered forthwith.

Postponed clause 8—

Proposed amendment previously moved by Mr. Latham, viz. :—That before paragraph (b) the following paragraph be inserted :—

“(ba) by inserting in that sub-section after the words ‘ this Act ’ the words ‘ such powers to be exercised under the direction of the Chief Judge ’;”—

by leave, withdrawn.

Mr. Brennan moved, as an amendment, That all words from and including the word “ amended ” to the end of the clause (page 2, lines 19–43) be omitted, with a view to the insertion of the following in place thereof :—

“ repealed, and the following section inserted in its stead :—

‘ 18c.—(1.) The Governor-General may appoint Conciliation Commissioners of such number and upon such terms and conditions as to remuneration and otherwise as he thinks fit. Conciliation
Commissioners.

(2.) Each Conciliation Commissioner shall, subject to this Act, be appointed for a term of five years, and be eligible for reappointment.

(3.) A Conciliation Commissioner shall devote the whole of his time to the duties of his office except when he is absent on leave granted by the Attorney-General.

(4.) The Attorney-General may suspend a Conciliation Commissioner from office for misbehaviour or incapacity.

(5.) 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 the 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 Conciliation Commissioner to office, the Conciliation Commissioner shall be restored accordingly ; but if no such address is so presented the Governor-General may confirm the suspension and declare the office of that Conciliation Commissioner to be vacant and the office shall thereupon be and become vacant.

(6.) A Conciliation Commissioner shall be deemed to have vacated his office if—

- (a) he engages, during his term of office, in any employment (not being employment in the Public Service of the Commonwealth) outside the duties of his office ; or
- (b) he 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 for their benefit ; or
- (c) he is wilfully absent from duty for a period of fourteen consecutive days except on leave granted by the Attorney-General (which leave the Attorney-General is hereby authorized to grant), or becomes incapable of performing his duties.

(7.) A Conciliation Commissioner shall have the powers of a Judge under sections sixteen and sixteen A of this Act, but the appointment of a Conciliation Commissioner shall not affect the exercise by a Judge of his powers under those sections.

(8.) A Conciliation Commissioner shall also have all the powers which the Court or a Judge has under section thirty-eight of this Act, other than—

- (a) the powers contained in paragraphs (d) and (f) of that section, and
- (b) the power to give an interpretation of any term of an existing award, contained in paragraph (o) of that section :

Provided that a Conciliation Commissioner shall not have power, in pursuance of this section, either to make or vary an award, which, by reason of the provisions of section eighteen A or eighteen AA of this Act, cannot be made or varied by a single Judge.

(9.) Any award or order made by a Conciliation Commissioner pursuant to the power conferred by this section shall for all purposes be and be deemed to be an award or order of the Court.”

Debate ensued.

Mr. Latham moved, as an amendment to the proposed amendment, That in sub-section (7.) of the proposed new section 18c, after the word “ Act ” the words “ such powers to be exercised under the direction of the Chief Judge ” be inserted.

Debate continued.

Amendment to proposed amendment negatived.

Mr. Latham moved, as an amendment to the proposed amendment, That in sub-section (8.) of the proposed new section 18c, after the word “ Act ” (first occurring) the words “ in relation to any dispute assigned to him by the Chief Judge ” be inserted.

Debate continued.

Amendment to proposed amendment negatived.

Mr. Latham moved, as an amendment to the proposed amendment, That the following proviso be added to sub-section (9.) of the proposed new section 18c :—“ Provided that any such order or award may be reviewed, annulled, rescinded or varied by the Court in any manner which the Court thinks fit.”

Debate continued.

Amendment to proposed amendment negatived.

Original amendment agreed to.

8th July, 1930.

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

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

Ayes, 37.

Noes, 15.

Mr. Beasley	Mr. Lewis
Mr. Blakeley	Mr. Long
Mr. Brennan	Mr. W. Maloney
Mr. Chifley	Mr. Martens
Mr. Culley	Mr. McNeill
Mr. Cunningham	Mr. McTiernan
Mr. Curtin	Mr. Parker Moloney
Mr. Cusack	Mr. Edward Riley
Mr. Eldridge	Mr. Riordan
Mr. Fenton	Mr. Rowe
Mr. Forde	Mr. Scullin
Mr. Frost	Mr. Tully
Mr. Gabb	Mr. Watkins
Mr. Gibbons	Mr. West
Mr. Albert Green	Mr. Yates
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Jones	
Mr. Keane	Mr. Price
Mr. Lazzarini	Mr. E. C. Riley

Mr. Donald Cameron	Mr. Earle Page
Mr. Malcolm Cameron	Mr. Parkhill
Mr. Gardner	Mr. Prowse
Mr. Roland Green	Mr. White
Mr. Gregory	
Mr. Gullett	<i>Tellers:</i>
Mr. Latham	
Mr. Mackay	Mr. Josiah Francis
Mr. Nairn	Mr. Thompson

And so it was resolved in the affirmative.

Clause 9 agreed to.

Clause 10—

Mr. Mackay moved, as an amendment, That after paragraph (b) the following paragraph be inserted:—

(bb) by inserting before the words " may make such order " the words " with the sanction of a Judge ".

Debate ensued.

Amendment negatived.

Clause agreed to.

Clause 11—

On the motion of Mr. Brennan, the following amendments were made, after debate:—

Page 3, line 13, after " amended " insert the following paragraphs—

- (aa) by inserting in sub-section (1.), after the word " Court " (first occurring), the words " or a Conciliation Commissioner " ;
- (ab) by inserting in sub-section (1.), after the word " Court " (second occurring), the words " or Commissioner " .

Page 3, after paragraph (a) insert the following paragraph—

- (ac) by inserting in sub-section (1.), after the word " Court " (last occurring), the words " or a Conciliation Commissioner " .

Mr. Nairn moved, as a further amendment, That after paragraph (e) the following paragraph be inserted:—

- (ea) by omitting from sub-section (4.) the words " or be subject to prohibition mandamus or injunction " .

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Clause 12 agreed to.

Clause 13 debated.

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

The House resumed ; Mr. McGrath reported accordingly.

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

7. PAPERS.—The following Papers were presented, pursuant to Statute—

- Audit Act—Regulations Amended—Statutory Rules 1930, No. 74.
- Commonwealth Bank Act—Regulations Amended—Statutory Rules 1930, Nos. 72, 73.
- Lands Acquisition Act—Land acquired at Forrest, Western Australia—For Defence purposes.
- Seat of Government Acceptance Act and Seat of Government (Administration) Act—Ordinance of 1930—No. 8—Leases (Special Purposes).

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

Debate ensued.

Question—put and passed.

And then the House, at nine minutes to eleven o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Anstey, Mr. Bayley, Mr. Bell, Mr. Coleman*, Mr. Bernard Corser, Mr. Crouch, Mr. Hawker, Mr. Hill, Mr. Killen*, Mr. Lacey, Mr. Lyons, Mr. Mathews*, Mr. Maxwell, Mr. Morgan, and Mr. Thomas Paterson.

* On leave.

E. W. PARKES,
Clerk of the House of Representatives.