

1929-30.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 81.

WEDNESDAY, 30TH JULY, 1930.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable Norman J. O. Makin) took the Chair, and offered Prayers.
2. PAPERS.—The following Papers were presented, pursuant to Statute—
Excise Act—Regulations Amended—Statutory Rules 1930, No. 71.
Navigation Act—Regulations Amended—Statutory Rules 1930, No. 83.
3. ALTERATION OF HOUR OF NEXT MEETING.—Mr. Scullin (Prime Minister) moved, That the House, at its rising, adjourn until eleven o'clock a.m. to-morrow.
Question—put and passed.
4. MINISTERIAL STATEMENT—SUGAR AGREEMENT.—Mr. Scullin (Prime Minister), by leave, made a Ministerial Statement announcing the intention of the Government to appoint a Committee of Inquiry to report on the question of the renewal of the Sugar Agreement.
5. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—ASSENT TO BILL.—The following Message from His Excellency the Governor-General's Deputy was received, and the same was read by Mr. Speaker :—
SOMERS,
Deputy of the Governor-General. *Message No. 42.*
A Proposed Law intituled "*Commonwealth Public Service Act 1930*", as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Deputy of the Governor-General for the Royal Assent, His Excellency has, in the name and on behalf of His Majesty, assented to the said Law.
State Government House,
Melbourne, 28th July, 1930.
6. SALES TAX ASSESSMENT BILL (No. 1).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Goods manufactured in Australia and sold by the Manufacturer, or applied to his own use, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
7. SALES TAX ASSESSMENT BILL (No. 2).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Goods manufactured in Australia and sold by a Purchaser from the Manufacturer, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.

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8. SALES TAX ASSESSMENT BILL (No. 3).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Goods manufactured in Australia and sold by a Person not being either the Manufacturer or a Purchaser from the Manufacturer, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
9. SALES TAX ASSESSMENT BILL (No. 4).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of certain Goods manufactured in Australia and applied by the Purchaser to his own use; and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
10. SALES TAX ASSESSMENT BILL (No. 5).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Goods imported into Australia, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
11. SALES TAX ASSESSMENT BILL (No. 6).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Goods imported into Australia and sold by the Importer, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
12. SALES TAX ASSESSMENT BILL (No. 7).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Goods Imported into Australia and sold by a Person other than the Importer, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
13. SALES TAX ASSESSMENT BILL (No. 8).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of Certain Goods imported into Australia, purchased by a Taxpayer, and applied to his own use, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
14. SALES TAX ASSESSMENT BILL (No. 9).—Mr. Scullin (Treasurer) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Sale Value of certain Goods in Australia, dealt with by lease, and for other purposes.
Question—put and passed.
Mr. Scullin then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
15. LONDON NAVAL TREATY BILL.—Mr. Fenton (Minister for Trade and Customs) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to enable effect to be given to a Treaty signed at London on behalf of His Majesty and certain other Powers and to repeal Section seven of the *Treaties of Washington Act 1922*.
Question—put and passed.
Mr. Fenton then brought up the Bill accordingly, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered, by leave—That the second reading be made an Order of the Day for a later hour this day.
16. SALES TAX ASSESSMENT BILL (No. 1).—The Order of the Day having been read for the second reading—Mr. Scullin (Treasurer) moved, That the Bill be now read a second time.
Mr. Latham 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.

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17. PAPER.—The following Paper was presented, by command of His Excellency the Governor-General—
Naval Armament—Conference on the Limitation of Naval Armament, London, January to April, 1930—Report of the Australian Delegate (the Honorable J. E. Fenton, Minister of State for Trade and Customs).
Ordered to lie on the Table, and to be printed.
18. NAVAL ARMAMENTS—APPROVAL OF LONDON NAVAL TREATY.—Mr. Fenton (Minister for Trade and Customs) moved, by leave, That this House approves the Treaty between His Majesty the King and the President of the United States of America, the President of the French Republic, His Majesty the King of Italy and His Majesty the Emperor of Japan, for the limitation and reduction of naval armaments, signed at London on 22nd April, 1930.
Mr. Latham 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.
19. INCOME TAX ASSESSMENT 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.)

Postponed clause 6—

On the motion of Mr. Scullin (Prime Minister), the following amendment was made :—

Page 6, line 28, after " exempt " insert " or would, if it were a resident, be exempt ".

Want of Quorum—Member directed to return to Chamber.—Mr. Gabb having called the attention of the Chairman to the fact that a quorum of Members was not present, and the Right Honorable Member for North Sydney (Mr. Hughes) having left the Chamber while the Bells were ringing—The Chairman, in accordance with the provisions of Standing Order No. 34, instructed the Serjeant-at-Arms to direct the Right Honorable Member to return to the Chamber, and the Right Honorable Member returned to the Chamber, as directed.

A quorum having been formed—

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

Page 6, line 31, after " Act " insert " or any income derived from sources outside Australia prior to the first day of July One thousand nine hundred and twenty-nine ".

Mr. Earle Page moved, as a further amendment, That after " purchase " (page 8, line 15) the words " or for grazing or agricultural purposes " be inserted.

Debate ensued.

Amendment negatived.

Mr. Earle Page moved, as a further amendment, That after paragraph (h) the following new paragraph be inserted :—

" (ha) by inserting in the first proviso to paragraph (h) after the word ' land, ' (second occurring) the words ' or by reason of drought, fire, flood or other adverse conditions over which he had no control, ' ".

Debate continued.

Amendment negatived.

Clause, as amended, agreed to.

Postponed clause 11—

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

Page 11, after line 42 insert the following paragraph :—

" (aa) by adding at the end of paragraph (a) of sub-section (1.) the following proviso :—
: Provided further that, where any person would, but for this proviso, be entitled to a deduction in respect of any premium paid under a contract of insurance or guarantee against loss, damage or risk of any kind whatever (not being a contract of life insurance) with an absentee (herein referred to as " the insurer ") who is not carrying on in Australia an insurance business either in a principal office or by means of a branch or through any other representative empowered to receive and deal with premiums under such contracts on behalf of the insurer, that person shall not be entitled to any deduction in his assessment in respect of that premium. " "

Mr. Parkhill moved, as a further amendment, That after " State " (page 11, line 45) the words " taxes on " be inserted.

Debate continued.

Amendment negatived.

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

Page 12, line 20, omit " and ", insert " as if ".

Page 12, lines 40-43, omit paragraphs (g) and (h), insert the following paragraphs :—

" (g) by omitting from paragraph (j) of sub-section (1.) the word ' as ' (first occurring) and inserting in its stead the word ' which ' ;

(h) by inserting in paragraph (j) of sub-section (1.) after the word ' employees ' (first occurring) the words ' as is sufficient under the terms of the constitution of the fund to provide those benefits, pensions or allowances for employees who are residents ' ;

(ha) by inserting in the second proviso to paragraph (j) of sub-section (1.) after the word ' employees ' the words ' (who are residents) ' ; ".

Clause, as amended, agreed to.

Postponed clause 12 debated and agreed to.

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Postponed clause 14—

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

Page 18, line 28, after "insurer" insert the following proviso :—

" : Provided that, where the actual profit or loss derived or made by the insurer in respect of those premiums is established to the satisfaction of the Commissioner, the taxable income of the insurer or the amount of the loss so made by him shall, subject to the other provisions of this Act, be calculated by reference to receipts and expenditure which were taken into account in calculating that profit or loss."

Clause, as amended, debated and agreed to.

Postponed clause 22 debated and agreed to.

Postponed clause 23—

Mr. Scullin moved, as an amendment, That after "company" (page 22, line 4) the words "and that director, secretary, officer, attorney or agent shall have the same liability in respect of that notice, process or proceeding as the company or public officer would have had if it had been given to, served upon, or taken against the company or public officer" be inserted.

Debate ensued.

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

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

Ayes, 40.

Noes, 25.

Mr. Anstey	Mr. Lacey	Mr. Bell	Mr. Maxwell
Mr. Beasley	Mr. Lazzarini	Mr. Donald Cameron	Mr. Morgan
Mr. Blakeley	Mr. Lewis	Mr. Malcolm Cameron	Mr. Nairn
Mr. Chifley	Mr. Long	Mr. Bernard Corser	Mr. Earle Page
Mr. Crouch	Mr. Lyons	Mr. Josiah Francis	Mr. Thomas Paterson
Mr. Culley	Mr. W. Maloney	Mr. Gardner	Mr. Prowse
Mr. Cunningham	Mr. Martens	Mr. Gregory	Mr. Stewart
Mr. Curtin	Mr. McNeill	Mr. Gullett	Mr. Thompson
Mr. Cusack	Mr. McTiernan	Mr. Hawker	Mr. White
Mr. Eldridge	Mr. Parker Moloney	Mr. Hill	
Mr. Fenton	Mr. Edward Riley	Mr. Hughes	Tellers:
Mr. Forde	Mr. Riordan	Mr. Latham	
Mr. Frost	Mr. Rowe	Mr. Mackay	Mr. Bayley
Mr. Gabb	Mr. Scullin	Mr. Marks	Mr. Hunter
Mr. Gibbons	Mr. Tully		
Mr. Albert Green	Mr. West		
Mr. Guy	Mr. Yates		
Mr. Holloway			
Mr. James	Tellers:		
Mr. Jones	Mr. Price		
Mr. Keane	Mr. E. C. Riley		

And so it was resolved in the affirmative.

Clause, as amended, agreed to.

Postponed clause 24—

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

Page 22, after sub-clause (2.) insert the following new sub-clauses :—

"(2A.) The second proviso inserted by paragraph (c) of section eight of this Act in sub-section (1A.) of section twenty of the Principal Act shall apply to assessments for the financial year beginning on the first day of July One thousand nine hundred and twenty-five and all subsequent years.

"(2B.) The amendment effected by paragraph (n) of section eleven of this Act shall be deemed to have commenced on the date of the commencement of the *Income Tax Assessment Act 1928*."

Clause, as amended, agreed to.

New Clauses—

On the motion of Mr. Scullin, the following new clauses were inserted in the Bill :—

12A. Section twenty-five A of the Principal Act is repealed and the following section inserted in its stead :—

"25A. Where, in respect of property of any person from the use or ownership of which assessable income may be derived, any expenditure is incurred by that person in connexion with the acquisition or use of that property and a deduction in respect of that expenditure has been allowed or is allowable under any other provision of this Act, and the whole or any part of the proceeds of the sale of that property is assessable as income of that person, no deduction shall be allowed from the proceeds so assessable in respect of the expenditure so allowed or allowable."

22A. Section eighty-three of the Principal Act is repealed and the following section inserted in its stead :—

"83.—(1.) In any taxation prosecution the averment of the prosecutor or plaintiff contained in the information, complaint, declaration or claim shall be *prima facie* evidence of the matter or matters averred. Averment of prosecutor sufficient.

"(2.) This section shall apply to any matter so averred although—

(a) evidence in support or rebuttal of the matter averred or of any other matter is given by witnesses ; or

(b) the matter averred is a mixed question of law and fact, but in that case the averment shall be *prima facie* evidence of the fact only.

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“(3.) Any evidence given by witnesses in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of such evidence shall be neither increased nor diminished by reason of this section.

“(4.) The foregoing provisions of this section shall not apply to—

(a) an averment of the intent of the defendant; or

(b) proceedings for an indictable offence or an offence directly punishable by imprisonment.

“(5.) This section shall not lessen or affect any onus of proof otherwise falling on the defendant.”

22B. Section eighty-five of the Principal Act is amended by omitting from paragraph (c) the word “justice” and inserting in its stead the word “distress”. Treatment of convicted offenders.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr. McGrath reported accordingly.

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

20. SUPPLY [ESTIMATES—ADDITIONS, NEW WORKS, BUILDINGS, ETC., 1930-31].—The House, according to order, resolved itself into the Committee of Supply.

(In the Committee.)

ADDITIONS, NEW WORKS, BUILDINGS, ETC., 1930-31.

Vote—“The Department of Defence, £18,050”—agreed to.

Vote—“The Department of Trade and Customs, £9,715”—agreed to.

Vote—“The Department of Health, £10,000”—agreed to.

Vote—“Territories of the Commonwealth, £92,805”—agreed to.

Mr. Scullin (Treasurer) moved, That there be granted to His Majesty to the service of the year 1930-31, for the purposes of Additions, New Works, Buildings, &c., a sum not exceeding £130,570.

Question—put and passed.

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

The House resumed; Mr. McGrath reported accordingly.

Resolved—That the House will, at a later hour this day, again resolve itself into the said Committee.

21. SUSPENSION OF STANDING ORDERS.—Mr. Scullin (Treasurer) moved, pursuant to contingent notice, That the Standing Orders be suspended, to enable the remaining stages to be passed without delay. Question—put and passed.
22. SUPPLY RESOLUTION.—The Resolution reported from the Committee of Supply was read, and, on the motion of Mr. Scullin (Treasurer), was adopted by the House.
23. WAYS AND MEANS RESOLUTION [ESTIMATES—ADDITIONS, NEW WORKS, BUILDINGS, ETC., 1930-31].—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

ADDITIONS, NEW WORKS, BUILDINGS, ETC., 1930-31.

Mr. Scullin (Treasurer) moved, That, towards making good the Supply granted to His Majesty for Additions, New Works, Buildings, &c., for the year 1930-31, there be granted out of the Consolidated Revenue Fund a sum not exceeding £130,570.

Question—put and passed.

Resolution 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.

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

Ordered—That Mr. Scullin and Mr. Fenton do prepare and bring in a Bill to carry out the foregoing Resolution.

24. APPROPRIATION (WORKS AND BUILDINGS) BILL 1930-31.—Mr. Scullin (Treasurer) then brought up a Bill intituled “A Bill for an Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June One thousand nine hundred and thirty-one for the purposes of Additions, New Works, Buildings, &c., and to appropriate such sum,” and moved, That it be now read a first time.
- Question—put and passed.—Bill read a first time.
- Mr. Scullin 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.

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(In the Committee.)

Bill, by leave, taken as a whole, and agreed to.
 Bill to be reported without amendment.

The House resumed ; Mr. McGrath reported accordingly.

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

25. SUPPLY [ESTIMATES, 1930-31].—The House, according to Order, again resolved itself into the Committee of Supply.

(In the Committee.)

Vote—"The Parliament, £77,620"—postponed.

Vote—"The Prime Minister's Department, £314,500"—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.

26. ADJOURNMENT.—Mr. Scullin (Prime Minister) moved, That the House do now adjourn.
 Question—put and passed.

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

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Brennan, Mr. Coleman*, Mr. Mathews*, and Mr. Theodore.

* On leave.

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