

1929-30.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 107.

TUESDAY, 9TH DECEMBER, 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. MESSAGE FROM THE SENATE.—SOUTH AUSTRALIA GRANT BILL (1930).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 85.

The Senate returns to the House of Representatives the Bill for " *An Act to grant and apply out of the Consolidated Revenue Fund a sum for the purposes of Financial Assistance to the State of South Australia,*" and acquaints the House that the Senate has agreed to the Bill without amendment.

WALTER KINGSMILL,
President.

The Senate,
Canberra, 5th December, 1930.

3. ADJOURNMENT-MOTION FOR PURPOSE OF DISCUSSION.—Mr. Latham (Leader of the Opposition) rose in his place, and said that he proposed to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "The present industrial, financial and economic position of Australia, and the desirability of taking special measures upon a non-party basis to meet the situation".

Mr. Speaker thereupon called upon those Members who approved of the proposed discussion to rise in their places, and more than the necessary number of Members having risen accordingly—

Mr. Latham moved, That the House do now adjourn.

Debate ensued.

Question—put and negatived.

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

Customs Act—Regulations Amended—Statutory Rules 1930, No. 140.

Defence Act—Regulations Amended—Statutory Rules 1930, No. 139.

Dried Fruits Export Control Act—Sixth Annual Report of the Dried Fruits Control Board, for year ended 30th June, 1930, together with a statement by the Minister regarding the operation of the Act.

Papua Act—Infirm and Destitute Natives Account—Statement of Transactions of Trustees, 1929-30.

5. GOLD BOUNTY BILL.—Mr. Forde (Honorary Minister) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to provide for the Payment of a Bounty on the Production of Gold, and for other purposes.

Question—put and passed.

6. PORT AUGUSTA TO RED HILL RAILWAY BILL (1930).—Mr. Forde (Acting Minister for Markets and for Transport) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to provide for the Extension of the Trans-Australian Railway by the Construction of a Railway from Port Augusta to Red Hill in the State of South Australia.

Question—put and passed.

F.3014.

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7. NORTHERN TERRITORY (ADMINISTRATION) BILL (1930).—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.)

Clause I agreed to.
Progress 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.

8. PORT AUGUSTA TO RED HILL RAILWAY BILL (1930).—Mr. Forde (Acting Minister for Markets and for Transport), pursuant to leave given this day, brought up a Bill intituled “*A Bill for an Act to provide for the Extension of the Trans-Australian Railway by the Construction of a Railway from Port Augusta to Red Hill in the State of South Australia*”, and moved, That it be now read a first time.
Question—put and passed.—Bill read a first time.
Mr. Forde moved, by leave, That the Bill be now read a second time.
Mr. Gullett 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.

9. MESSAGES FROM THE SENATE.—Mr. Speaker announced the receipt of the following Messages from the Senate :—

[Income Tax (Salaries) Assessment Bill]—

MR. SPEAKER,

Message No. 86.

The Senate returns to the House of Representatives the Bill for “*An Act relating to the Imposition, Assessment and Collection of a Tax upon certain Incomes being Salaries payable by the Commonwealth or by an Authority under the Commonwealth*,” and acquaints the House that the Senate has agreed to the Bill without amendment.

WALTER KINGSMILL,
President.

The Senate,
Canberra, 9th December, 1930.

[Income Tax (Salaries) Bill]—

MR. SPEAKER,

Message No. 87.

The Senate returns to the House of Representatives the Bill for “*An Act to impose a Tax upon certain Incomes being Salaries payable by the Commonwealth or by an Authority under the Commonwealth*,” and acquaints the House that the Senate has agreed to the Bill without requests.

WALTER KINGSMILL,
President.

The Senate,
Canberra, 9th December, 1930.

10. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That Order of the Day No. 2, Government Business, be postponed until after Order of the Day No. 3.
11. WAYS AND MEANS—INCOME TAX BILL (NO. 2) (1930).—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

The following motion of Mr. Lyons (Acting Treasurer) moved on the 4th instant, viz. :—

(1) That the further tax imposed by section seven of the *Income Tax Act 1930* on certain income derived from personal exertion, be increased from ten per centum of the amount of tax payable under the preceding provisions of that Act on the income so derived, to fifteen per centum of that amount.

(2) That in addition to any tax (including additional tax, super-tax and further tax) payable under sections three to seven (inclusive) of the *Income Tax Act 1930*, there shall be payable upon the taxable income derived by any person—

(a) from property;

(b) by way of interest, dividends, rents or royalties, whether derived from personal exertion or from property; and

(c) in the course of carrying on a business, where the income is of such a class that, if derived otherwise than in the course of carrying on a business, it would be income from property,

a further tax of seven and one-half per centum of the amount of that taxable income.

(3) That the tax provided for in the last preceding clause of this resolution shall not—

(a) apply to income which is assessable to a member or shareholder of a company under sub-paragraph (i) or (ii) of paragraph (b) of section sixteen of the *Income Tax Assessment Act 1922–1930* and which is credited, paid or distributed by that company out of income upon which tax is payable by that company under this resolution; and(b) if payable by a company—be included in the calculation, for the purposes of the provisions following sub-paragraph (iii) of paragraph (b) of section sixteen of the *Income Tax Assessment Act 1922–1930*, of the rate of tax paid or payable by that company.

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(4) That sub-sections (2.) to (13.) inclusive of section thirteen of the *Income Tax Assessment Act* 1922-1930 shall not apply to tax provided for in clause (2) of this resolution.

(5) That the tax provided for in the foregoing provisions of this resolution shall be levied and paid for the financial year beginning on the first day of July One thousand nine hundred and thirty.

(6) That the foregoing provisions of this resolution shall also apply to all assessments for financial years subsequent to that beginning on the first day of July One thousand nine hundred and thirty made prior to the passing of the Act for the levying and payment of the income tax for the financial year beginning on the first day of July One thousand nine hundred and thirty-one—further considered—

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

By inserting the following new paragraph after paragraph (2) :—

“(2A.) That where tax is payable by a company under the last preceding clause of this resolution tax under that clause shall not be payable upon any taxable income derived by any person in consequence of the distribution by that company to its members or shareholders of the income upon which tax is so payable by that company or in consequence of a succession of such distribution through another company or through other companies of that income or any part thereof.”

By omitting from paragraph (3.) the words “the last preceding clause” and inserting in their stead the word and figure “clause (2.)”.

By omitting sub-paragraph (a) from paragraph (3.).

By omitting from paragraph (3.) the letter “(b)” preceding sub-paragraph (b) of that paragraph.

Motion, as amended, agreed to.

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.

Mr. Lyons 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.

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

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

Mr. Lyons then brought up a Bill intituled “*A Bill for an Act to amend the ‘Income Tax Act 1930’*”, and moved, That it be now read a first time.

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

Mr. Lyons 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. McGrath reported accordingly.

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

12. NORTHERN TERRITORY (ADMINISTRATION) 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 again resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 2 debated and agreed to.

Clause 3 agreed to.

Clause 4—

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

At the end of the clause insert the following definition :—

“the Council” means the Advisory Council constituted under this Act.

Clause, as amended, agreed to.

Clause 5—

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

Page 2, line 6, omit “section is”, insert “sections are”.

Page 2, before line 7 insert the following heading :—

“Administration”.

Page 2, after section 4 proposed to be inserted in the Principal Act, insert the following sections :—

“4A.—(1.) There shall be an Advisory Council for the Territory.

(2.) The Council shall consist of a Chairman and four other members elected in the manner provided in this Act.

Advisory
Council.

(3.) The Administrator shall be *ex officio* chairman of the Council.

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" 4B.—(1.) For the purposes of the election of members of the Council, the Territory shall be divided into four districts having such boundaries as are from time to time specified by the Minister by notice in the *Gazette*. Election of members.

(2.) A member of the Council shall be elected for each district by persons entitled to vote in respect of that district.

" 4C. Subject to this Act, the provisions of the *Commonwealth Electoral Act* 1918–1929 shall apply, with such exceptions and subject to such modifications and adaptations as are prescribed, to the election of members of the Council in like manner as if— Application of Commonwealth Electoral Act 1918–1929.

(a) each district into which the Territory is divided under this Act were an electoral division ;

(b) the election of a member of the Council were the election of a member to represent, in the House of Representatives, an electoral division of a State ; and

(c) the Supreme Court of the Northern Territory were the Supreme Court of a State.

" 4D. Each elected member of the Council shall hold office for a period of three years but shall be entitled to resign during that period. Term of office.

" 4E. The Minister shall, by notice in the *Gazette*, fix a date for the holding of elections of members of the Council. Dates of elections.

" 4F. In the event of the happening of a vacancy in the office of an elected member of the Council before the expiration of the period for which that member was elected, the Governor-General may, on the recommendation of the Administrator, appoint a person to hold the vacant office until the expiration of that period. Casual vacancies.

" 4G. The qualifications of a member of the Council shall be as follows :— Qualifications of member of Council.

(a) he must be of the full age of twenty-one years and must be an elector entitled to vote at an election of a member of the Council, or a person qualified to become such elector, and must have been for three years at least a resident within the Territory ; and

(b) he must be a subject of the King, either natural born or for at least five years naturalized under a law of the United Kingdom, or of a colony which has become a State, or of the Commonwealth, or of a State.

" 4H. An elected member of the Council shall be deemed to have vacated his office if— Office of member—how vacated.

(a) he becomes bankrupt or insolvent or applies to take the benefit of any Act or Ordinance for the relief of bankrupt or insolvent debtors ; or

(b) he is convicted of any offence punishable under the law of the Commonwealth or of a State or of the Territory by imprisonment for one year or longer ; or

(c) he is absent from three consecutive meetings of the Council except on leave granted by the Administrator (which leave the Administrator is hereby authorized to grant) ; or

(d) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—

(i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commonwealth ; or

(ii) participates, or claims to be entitled to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom ; or

(e) directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Territory or for services rendered in the Council to any person.

" 4J. An elected member of the Council shall not receive any remuneration in respect of his services as member but shall be entitled to receive travelling expenses in such circumstances and at such rates as are prescribed. Travelling expenses.

" 4K.—(1.) Meetings of the Council shall be held at least twice in each year at such times and places as the Administrator appoints. Meetings of the Council.

(2.) The Administrator shall call a meeting of the Council upon application in writing by not less than two members of the Council.

(3.) At any meeting of the Council three members shall form a quorum.

(4.) The Administrator shall notify in writing each member of the Council of the time and place of each meeting and of the subjects which will be considered at each such meeting.

(5.) Any elected member of the Council shall give at least seven days' notice in writing to the Administrator of any matter which he desires to be considered at the next meeting of the Council.

(6.) The Chairman shall preside at all meetings of the Council at which he is present and in his absence the members present shall elect a member to preside at that meeting.

(7.) Questions arising in the Council shall be determined by a majority of votes.

(8.) The Chairman or member presiding shall in all cases be entitled to vote, and shall also, if the numbers are equal, have a casting vote.

(9.) Minutes of the proceedings of all meetings of the Council shall be kept, and copies of the Minutes shall be transmitted to the Minister.

" 4L.—(1.) The Council shall advise the Administrator in respect of any matter arising at any meeting of the Council or submitted by the Administrator to such meeting. Powers of Council.

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(2.) The Council may report upon—

- (a) the necessity for undertaking any public work in the Territory or concerning the continuance of any public work already undertaken; and
 (b) upon the rates charged for fares or freights in respect of the carriage of passengers or goods upon any railway within the Territory.

(3.) Any report made under this section shall be transmitted to the Administrator who shall forthwith forward it to the Minister.

(4.) In any case any member of the Council may require that the grounds of advice or opinion which he gives upon any question be recorded at length.”.

Clause, as amended, agreed to.

Clause 6—

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

Page 5, line 10, omit “Governor-General may”, insert “Council may, subject to this section,”.

Page 5, after sub-section (1.) of new section twenty-one, insert the following sub-sections:—

“(1A.) An Ordinance, the object or effect of which is to dispose of, or create any charge upon, the Consolidated Revenue Fund or upon any revenue of the Territory, shall not be proposed in or made by the Council.

“(1B.) Every Ordinance made under this section shall be inoperative until it has been approved by the Governor-General.”.

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr. McGrath reported accordingly.

On the motion of Mr. Blakeley (Minister for Home Affairs), the House, by leave, adopted the Report, and, by leave, the Bill was read a third time.

13. GOLD BOUNTY BILL.—Mr. Forde (Honorary Minister), pursuant to leave given this day, brought up a Bill intituled “*A Bill for an Act to provide for the Payment of a Bounty on the Production of Gold, and for other purposes,*” and moved, That it 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.

14. ADJOURNMENT.—Mr. Fenton (Acting Prime Minister) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at ten minutes past 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. Brennan*, Mr. Donald Cameron, Mr. Malcolm Cameron, Mr. Coleman*, Mr. Crouch, Mr. Josiah Francis, Mr. Frost, Mr. Roland Green, Mr. Guy, Mr. Hill, Mr. Holloway, Mr. Hughes, Mr. James*, Mr. Lacey, Mr. Lewis, Mr. W. Maloney, Mr. Marks, Mr. Mathews, Mr. Parker Moloney*, Mr. Earle Page, Mr. Thomas Paterson, Mr. Scullin*, Mr. Theodore, and Mr. West*.

* On leave.

E. W. PARKES,

Clerk of the House of Representatives.