

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,  
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 174.

FRIDAY, 17TH JULY, 1931.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable Norman J. O. Makin) took the Chair, and offered Prayers.
2. PAPER.—The following Paper was presented, pursuant to Statute—  
Post and Telegraph Act—Regulations Amended—Statutory Rules 1931, No. 86.
3. MESSAGE FROM THE SENATE.—FINANCIAL EMERGENCY BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

Message No. 125.

MR. SPEAKER,

The Senate returns to the House of Representatives the Bill for "*An Act to make necessary Provision for carrying out a Plan agreed on by the Commonwealth and the States for meeting the grave Financial Emergency existing in Australia, re-establishing Financial Stability, and restoring Industrial and General Prosperity,*" and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

WALTER KINGSMILL,  
President.

The Senate,  
Canberra, 16th July, 1931.

Ordered—That the foregoing Message be taken into consideration, in Committee of the whole House, forthwith.

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

(In the Committee.)

The Committee proceeded to consider the Amendments made by the Senate, which are as follows :—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 2, clause 2, line 6, after "Act" insert ", other than Part I. and the sections contained therein,".
- No. 2.—Page 2, clause 2, line 7, after "Proclamation" insert "and Part I. and the sections contained therein shall commence on the date on which this Act receives the Royal assent".
- No. 3.—Page 4, clause 10, line 22, leave out "Twenty-two pounds ten shillings", insert "Twenty-eight pounds".
- No. 4.—Page 5, clause 12, line 22, before "Naval" insert "permanent".
- No. 5.—Page 5, clause 12, line 42, leave out "and", insert—  
"Provided that the salary of an adult male employee, or of a married male employee who is not an adult, shall not be reduced under this sub-paragraph below the equivalent of One hundred and eighty-two pounds per annum unless the Minister so directs; and".
- No. 6.—Page 7, after clause 14 insert the following new clause :—

"14A. Where the annual salary remaining, after making reductions and deductions in pursuance of this Part, includes a fraction of One pound that fraction, if it is less than Ten shillings, shall be disregarded, and if it is Ten shillings or over, shall be treated as being One pound."

Calculations  
resulting in  
fractions of a  
pound.

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No. 7.—Page 7, clause 16, after sub-clause (2.) insert the following new sub-clause :—

“(2A.) Where the total amount received by any person in any year by way of payments, fees or allowances to which either of the last two preceding sub-sections applies exceeds One thousand pounds, that amount shall be reduced by such percentage, additional to any percentage by which it is reduced under either of those sub-sections, as the Minister directs, but so that the total reduction under this section shall not in any case exceed twenty-five per centum.”

No. 8.—Page 8, clause 16, at end of clause insert the following new sub-clause :—

“(5.) The preceding provisions of this section shall not apply to—

- (a) the pay and allowances of members of that part of the Defence Force of the Commonwealth which is known as the Citizen Forces ; or
- (b) allowances (not being allowances in the nature of salary) payable to members of the permanent Naval, Military or Air Forces,

and that pay and those allowances shall be reduced by such amounts (if any), and from such dates, as the Minister directs.”

No. 9.—Page 9, after clause 19 insert the following new clause in Part II. :—

“19A. Notwithstanding anything contained in the *Income Tax Collection Act 1923-1924*, or in any agreement made in pursuance of that Act, any officer or employee transferred to the service of a State in pursuance of that Act or of any such agreement shall be subject, under the law of the State to the service of which he is transferred, to such reduction in salary as other officers of the State with corresponding salaries are subject.”

Officers transferred under *Income Tax Collection Act 1923-1924*.

No. 10.—Page 10, clause 20, line 1, after “pensions” insert “or retiring allowances”.

No. 11.—Page 10, clause 20, line 5, after “pension” insert “or retiring allowance”.

No. 12.—Page 11, clause 26, line 4, after “made” insert “in respect of any birth occurring”.

No. 13.—Pages 13-14, clause 40, leave out sub-clause (3.), insert the following new sub-clause :—

“(3.) Notwithstanding anything contained in the Principal Act, the Governor-General may take such action as is necessary to give effect to any recommendation made by the committee constituted in pursuance of section forty-one of this Act, in relation to the cancellation or reduction of the pensions payable under the Principal Act to any class of persons whose pensions are reduced in accordance with the provisions of sub-section (1.) of this section.”

No. 14.—Page 14, clause 41, line 9, after “pensions” insert “and as to the cancellation of the pensions of any such class”.

No. 15.—Page 15, clause 47, line 20, leave out “, cancel”.

No. 16.—Page 17, clause 52, line 14, leave out “or III.”.

No. 17.—Page 17, clause 52, line 18, after “shall” insert “, in so far as it relates to services performed on or after that date,”.

No. 18.—Page 18, the First Schedule, leave out “Deductions of salary ascertained in accordance with this Schedule shall be calculated to the nearest pound sterling. Where the deduction results in a fraction of one-half of a pound sterling that fraction shall be disregarded.”.

Amendments Nos. 1 and 2 agreed to.

Amendment No. 3 debated and agreed to.

Amendment No. 4 agreed to.

Amendment No. 5 debated and agreed to.

Amendment No. 6 debated and agreed to.

Amendments Nos. 7 to 18 agreed to.

Resolution to be reported.

The House resumed ; Mr. McGrath reported accordingly.

On the motion of Mr. Scullin (Prime Minister), the House adopted the Report.

4. DOMINION LEGISLATION—RATIFICATION OF REPORT OF CONFERENCE ON OPERATION OF DOMINION LEGISLATION.—The Order of the Day having been read for the resumption of the debate on the motion of Mr. Brennan (Attorney-General), viz. :—

That—

Whereas the Imperial Conference held at London in the year 1930 by Resolution approved the Report of the Conference on the Operation of Dominion Legislation (which is to be regarded as forming part of the Report of the said Imperial Conference) subject to the conclusions hereinafter recited :

And whereas the said Imperial Conference by resolution recommended—

- (a) that the Statute proposed to be passed by the Parliament at Westminster should contain the provisions set out in the Schedule annexed to the said resolution ;
- (b) that the 1st December, 1931, should be the date as from which the proposed Statute should become operative ;

17th July, 1931.

- (c) that with a view to the realization of this arrangement, Resolutions passed by both Houses of the Dominion Parliaments should be forwarded to the United Kingdom, if possible by 1st July, 1931, and, in any case, not later than the 1st August, 1931, with a view to the enactment by the Parliament of the United Kingdom of legislation on the lines set out in the Schedule annexed ;
- (d) that the Statute should contain such further provisions as to its application to any particular Dominion as are requested by that Dominion :

Now therefore this House resolves that the Government of the Commonwealth be authorized to request and consent to the submission by the Government of the United Kingdom to the Parliament at Westminster of a Bill for a Statute containing the provisions set out in the following Schedule, and the enactment of the said Statute :—

## SCHEDULE.

## CLAUSES IN PROPOSED LEGISLATION.

1. In accordance with the recommendation in paragraph 43 of the Report of the Conference on the Operation of Dominion Legislation, a clause as follows :—

“ It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.”

2. In accordance with the recommendation in paragraph 53, a clause as follows :—

“ (1) The *Colonial Laws Validity Act*, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

“ (2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation, in so far as the same is part of the law of the Dominion.”

3. In accordance with the recommendation in paragraph 55, a clause as follows :—

“ No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend to a Dominion as part of the law of that Dominion unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.”

4. In accordance with the recommendations in paragraph 66, clauses as follows :—

“ Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia otherwise than in accordance with the law existing before the commencement of this Act.

“ Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.”

5. In accordance with the recommendation in paragraph 81, a clause as follows :—

“ Notwithstanding anything in the *Interpretation Act*, 1889, the expression “ Colony ” shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.”

6. In accordance with the recommendations in paragraph 123, clauses as follows :—

“ Without prejudice to the generality of the foregoing provisions of this Act sections seven hundred and thirty-five and seven hundred and thirty-six of the *Merchant Shipping Act*, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

“ Without prejudice to the generality of the foregoing provisions of this Act section four of the *Colonial Courts of Admiralty Act*, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.”

## CERTAIN RECITALS IN PROPOSED LEGISLATION.

1. In accordance with the recommendation of paragraph 54, a recital as follows :—

“ And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion.”

17th July, 1931.

2. In accordance with the recommendation in paragraph 60, a recital as follows :—

“ And whereas it is meet and proper to set out by way of preamble to this Act, that inasmuch as the Crown is the symbol of the free association of the Members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the Members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom.”—

Debate resumed.

Ordered—That the motion be considered by divisions.

Motion, to end of clause 3 of proposed legislation, considered—

Mr. Latham addressing the House and not having concluded his speech at the termination of the time allowed by Standing Order No. 257B—

Ordered—That the honorable Member have leave to continue his speech.

Mr. Latham continuing to address the House and not having concluded his speech at the termination of the further time allowed—

Ordered—That the honorable Member have leave to continue his speech.

Mr. Latham continued and concluded his speech by moving, as an amendment, That the words “ that Dominion has requested ” be omitted from clause 3, with a view to the insertion of the words “ the Parliament and Government of that Dominion have requested ” in place thereof.

Debate continued.

Mr. Lazzarini 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.

5. MESSAGE FROM THE SENATE.—LOAN BILL (1931).—Mr. Speaker announced the receipt of the following Message from the Senate :—

*Message No. 126.*

MR. SPEAKER,

The Senate returns to the House of Representatives the Bill for “ *An Act to authorize the Raising and Expending of a certain Sum of Money,* ” and acquaints the House that the Senate has agreed to the Bill without amendment.

WALTER KINGSMILL,  
President.

The Senate,  
Canberra, 17th July, 1931.

6. PAPERS.—The following Paper was presented, by command of His Excellency the Governor-General—  
Wine Industry—Report by the Honorable John Gunn, Commonwealth Director of Development, and Mr. R. McK. Gollan, Department of Trade and Customs.

Ordered to lie on the Table.

The following Paper was presented, pursuant to Statute—

Export Guarantee Act—Return showing assistance granted to 30th June, 1931.

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

Debate ensued.

Question—put and passed.

And then the House, at twenty-two minutes past four o'clock p.m., adjourned until Tuesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Anstey, Mr. Beasley, Mr. Malcolm Cameron, Mr. Culley, Mr. Cunningham, Mr. Eldridge, Mr. Josiah Francis, Mr. Gullett, Mr. Hawker, Mr. Holloway, Mr. Jones, Mr. Killen, Mr. Lacey, Mr. Lyons, Mr. Marks, Mr. Martens, Mr. Mathews\*, Mr. Nelson, Mr. Earle Page\*, Mr. Price, Mr. Stewart, Mr. Theodore, and Mr. Ward\*.

\* On leave.

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