

1929-30-31.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 178.

TUESDAY, 28TH JULY, 1931.

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—REQUEST BY STATE OF NEW SOUTH WALES FOR FINANCIAL ASSISTANCE.—Mr. Scullin (Prime Minister), by leave, made a Ministerial Statement with reference to an application by the Premier of New South Wales for financial assistance, and the reply thereto of the Loan Council.
3. MESSAGE FROM THE GOVERNOR-GENERAL.—ASSENT TO BILL.—The following Message from His Excellency the Governor-General was received, and the same was read:

ISAAC A. ISAACS,
Governor-General.

Message No. 84.

A Proposed Law intituled "*Customs Tariff (Canadian Preference) 1931*," 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 Law.

Governor-General,
Canberra, 25th July, 1931.

4. ADJOURNMENT-MOTION FOR PURPOSE OF DISCUSSION.—Mr. James 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 reduced payments to invalid and old-age pensioners and the rejection of numerous claims for pensions during the past twelve months".
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. James moved, That the House do now adjourn.
Debate ensued.
Member named.—Mr. Speaker named the honorable Member for Martin (Mr. Eldridge) for disregarding the authority of the Chair.
Mr. Brennan (Attorney-General) having addressed the House, and Mr. Eldridge having expressed his regret, the matter was not further proceeded with.
Debate continued.
- The debate having been continued for two hours, it was interrupted in accordance with Standing Order No. 257B, and the Orders of the Day were called on in accordance with Standing Order No. 119.
5. GOLD BOUNTY BILL (1931).—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. Crouch reported accordingly.
On the motion of Mr. Forde (Minister for Trade and Customs), the House adopted the Report, and, by leave, the Bill was read a third time.

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6. INCOME TAX ASSESSMENT BILL [No. 2] (1931).—The Order of the Day having been read for the second reading—Mr. Scullin (Prime Minister) moved, That the Bill be now read a second time.
Mr. Lyons 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.
7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 3 to 13 be postponed until after Order of the Day No. 14, Government Business.
8. 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 ;
- (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.”

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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.”

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.”—

*And on the Amendment moved thereto by Mr. Latham, viz. :—*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 resumed.

Amendment negatived.

Motion to end of clause 1 agreed to.

Clause 2—

Mr. Crouch moved, by leave, as an amendment, That sub-clause (1) be omitted.

Debate ensued.

Amendment negatived.

Clause agreed to.

Clause 3—

Mr. Nairn moved, as an amendment, That the following proviso be added :—

“ Provided that this section shall not prevent the Parliament of the United Kingdom from enacting, upon the request of the Parliament and of the Government of any of the States of the Commonwealth of Australia, an Act to enable the separation of any of the States from the Commonwealth of Australia, or the establishment of new States within the said Commonwealth.”

Debate ensued.

Amendment negatived.

On the motion of Mr. Lyons, the clause was amended by adding the following sub-clause :—

(2) In the case of the Commonwealth of Australia, the request and consent referred to in the last preceding sub-section shall be construed to mean the request and consent of the Parliament and the Government of the Commonwealth.

Clause, as amended, agreed to.

Clause 4—

On the motion of Mr. Lyons, the clause was amended, after debate, by adding the following words :—

“ or to authorize the Parliament or the Government of the Commonwealth without the concurrence of the Parliament and Government of the States concerned, to request or consent to the enactment of any Act by the Parliament of the United Kingdom on any matter which is within the authority of the States of Australia not being a matter within the authority of the Parliament or the Government of the Commonwealth of Australia ”.

Mr. Crouch moved, as a further amendment, That the clause, as amended, be omitted, with a view to the insertion of the following clause in place thereof :—

“ All laws or reputed laws enacted or purporting to be enacted by the Parliament of the Commonwealth of Australia which have received the assent of the Governor-General of the Commonwealth shall be and be deemed to have been valid and effectual from the date of such assent for all purposes whatever, notwithstanding anything otherwise contained in any other Statute.”

Debate continued.

Question—That the clause, as amended, proposed to be omitted, stand part of the motion—put.

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

Ayes, 41.

Mr. Bell	Mr. Long
Mr. Brennan	Mr. Lyons
Mr. Donald Cameron	Mr. Mackay
Mr. Malcolm Cameron	Mr. Marr
Mr. Chifley	Mr. Martens
Mr. Coleman	Mr. McGrath
Mr. Culley	Mr. Parker Moloney
Mr. Cunningham	Mr. Morgan
Mr. Cusack	Mr. Nairn
Mr. Fenton	Mr. Parkhill
Mr. Forde	Mr. Thomas Paterson
Mr. Josiah Francis	Mr. Price
Mr. Frost	Mr. Riordan
Mr. Gabb	Mr. Rowe
Mr. Gibbons	Mr. Scullin
Mr. Albert Green	Mr. Tully
Mr. Hawker	Mr. White
Mr. Hunter	
Mr. Jones	
Mr. Keane	<i>Tellers:</i>
Mr. Lacey	Mr. Bayley
Mr. Lewis	Mr. E. C. Riley

Noes, 5.

Mr. Beasley
Mr. James
Mr. Ward

Tellers:

Mr. Crouch
Mr. Lazzarini

And so it was resolved in the affirmative.

Clauses 5 and 6 agreed to.

On the motion of Mr. Lyons, the following was inserted, after debate:—

“7. A new clause as follows:—

‘(1) None of the following sections of this Act namely [*clauses 1, 2, 3 and 6 above*] shall extend to the Commonwealth of Australia as part of the law thereof unless that section is adopted by the Parliament of the Commonwealth and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

‘(2) The Parliament of the Commonwealth of Australia may at any time revoke the adoption of any section of this Act.’”.

Remainder of motion agreed to.

Motion, as amended, 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;
- (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.

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

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“(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.”

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"(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 :—

"(1) 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.

"(2) In the case of the Commonwealth of Australia, the request and consent referred to in the last preceding sub-section shall be construed to mean the request and consent of the Parliament and the Government of the Commonwealth."

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"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, or to authorize the Parliament or the Government of the Commonwealth without the concurrence of the Parliament and Government of the States concerned, to request or consent to the enactment of any Act by the Parliament of the United Kingdom on any matter which is within the authority of the States of Australia not being a matter within the authority of the Parliament or the Government of the Commonwealth of Australia."

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

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"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."

7. A new clause as follows :—

"(1) None of the following sections of this Act namely [clauses 1, 2, 3 and 6 above] shall extend to the Commonwealth of Australia as part of the law thereof unless that section is adopted by the Parliament of the Commonwealth and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

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agreed to.

28th and 29th July, 1931.

9. PAPERS.—The following Paper was presented, by command of His Excellency the Governor-General—High Commissioner of the Commonwealth in the United Kingdom—Report for 1930.

Ordered to lie on the Table.

The following Papers were presented, pursuant to Statute—

Cotton Bounty Act—Return for 1930-31.

Flax and Linseed Bounty Act—Return for 1930-31.

Iron and Steel Products Bounty Act—Return for 1930-31.

New Guinea Act—Ordinance of 1931—No. 20—Companies.

Papua Act—Ordinance of 1931—No. 1—Native Labour.

Papua and New Guinea Bounties Act—Return for 1930-31.

Power Alcohol Bounty Act—Return for 1930-31.

Public Service Act—Regulations Amended—Statutory Rules 1931, No. 89.

Sulphur Bounty Act—Return for 1930-31.

Wine Export Bounty Act—Return for 1930-31.

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

Debate ensued.

The House continuing to sit until after midnight—

WEDNESDAY, 29TH JULY, 1931.

Debate continued.

Question—put and passed.

And then the House, at twenty-seven minutes past twelve o'clock midnight, adjourned until this day at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Anstey, Mr. Gregory, Mr. Gullett, Mr. Guy, Mr. Hill, Mr. Holloway, Mr. Hughes, Mr. Killen, Mr. Latham, Mr. W. Maloney, Mr. Mathews, Mr. Earle Page, Mr. Prowse, and Mr. Theodore.

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