

1929-30-31.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,  
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 206.

THURSDAY, 26TH NOVEMBER, 1931.

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. MINISTERIAL STATEMENT—DEFEAT OF GOVERNMENT.—Mr. Scullin (Prime Minister), by leave, made a Ministerial Statement informing the House that consequent upon a Division taken in the House yesterday, he had tendered certain advice to His Excellency the Governor-General, from whom he was now awaiting a reply.
3. MINISTERIAL STATEMENT—STATUTE OF WESTMINSTER.—Mr. Scullin (Prime Minister), by leave made a Ministerial Statement concerning the proposed Statute of Westminster.
4. PAPER.—The following Paper was presented, by command of His Excellency the Governor-General—Statute of Westminster—Copy of Bill as introduced into the House of Commons.  
Ordered to lie on the Table.
5. PAPERS.—The following Papers were presented, pursuant to Statute—
  - Arbitration (Public Service) Act—
    - Determinations by the Arbitrator, &c.—
      - No. 27 of 1931—Australian Postal Electricians' Union.
      - No. 28 of 1931—Fourth Division Officers' Association of the Trade and Customs Department.
      - No. 29 of 1931—Public Service Clerical Association.
      - No. 30 of 1931—Third Division Telegraphists and Postal Clerks' Union.
    - Regulations Amended—Statutory Rules 1931, No. 133.
  - Audit Act—Transfers approved by the Governor-General in Council—Financial Year 1930-31—Order regarding Salaries—Dated 30th October, 1931.
  - Transfers—
    - Dated 30th October, 1931.
    - Dated 18th November, 1931.
  - Commonwealth Employees' Compensation Act—Regulations Amended—Statutory Rules 1931, No. 134.
  - Financial Emergency Acts—Regulations—Statutory Rules 1931, No. 138.
  - Inscribed Stock Act—Regulations Amended—Statutory Rules 1931, No. 129.
  - Nationality Act—Regulations Amended—Statutory Rules 1931, No. 124.
  - Naval Defence Act—Regulations Amended—Statutory Rules 1931, No. 139.
  - New Guinea Act—Ordinance of 1931—No. 32—Supply (No. 3) 1931-32.
  - Norfolk Island Act—Ordinance of 1931—No. 10—Liquor.
  - Northern Territory Acceptance Act and Northern Territory (Administration) Act—Mortgagors' Interest Reduction Ordinance—Regulations.
  - Post and Telegraph Act—Regulations Amended—Statutory Rules 1931, Nos. 128, 132.
  - Public Service Act—Eighth Report on the Commonwealth Public Service by the Board of Commissioners, dated 17th November, 1931.
  - Seat of Government Acceptance Act and Seat of Government (Administration) Act—Ordinances of 1931—
    - No. 20—Mining.
    - No. 21—Seat of Government (Administration).
    - No. 22—Workmen's Compensation.
  - Public Health Ordinance—Regulations Amended (Meat).
  - Transport Workers Act—Regulations Amended—Statutory Rules 1931, Nos. 126, 127, 140, 141.

26th November, 1931.

6. MINISTERIAL STATEMENT—DISSOLUTION OF THE HOUSE.—Mr. Scullin (Prime Minister), by leave, made a Ministerial Statement informing the House that the advice tendered by him to His Excellency the Governor-General was contained in the following letter :—

Canberra,  
26th November, 1931.

Your Excellency,

I beg to inform you that yesterday a motion for the adjournment of the House was carried against the Government, by a majority of 5, by a combination of the Nationalist Party, the Country Party, and the group led by Mr. Beasley.

I formally advise Your Excellency to grant a dissolution of the House of Representatives.

I may add that, the Appropriation Bill having been passed, financial provision has been made for carrying on the public services for the financial year.

I have the honor to be,  
Your Excellency's most obedient servant,

His Excellency  
the Governor-General.

J. H. SCULLIN,  
Prime Minister.

to which His Excellency had made the following reply :—

Government House,  
Canberra,  
26th November, 1931.

My dear Prime Minister,

In acknowledging receipt of your letter of the 26th November, 1931, I have to say that, in view of the present constitutional position of the Governor-General of a Dominion, as determined by the Imperial Conference of 1926, confirmed by that of 1930, I am of opinion, after careful consideration, that it is my duty in existing circumstances to accept the advice tendered by you and accordingly to grant the dissolution asked for. I note that Parliamentary provision has already been made for carrying on the necessary public services.

For the principles upon which I act I make reference to various works by Professor Berriedale Keith in which passages occur relating to the duty of a Governor-General in such a case as the present. In his "Responsible Government in the Dominions" (1928) at pages 147 and 148 there is a passage beginning—"Mr. King then very properly advised Lord Byng . . .", and ending with the words "political realities". In his work "The Sovereignty of the British Dominions" (August, 1929) I refer to pages 244-246, and especially to the passage on page 245 beginning "There is, in fact, no Dominion tradition comparable . . .", and ending "conform to British practice". Lastly in, I believe, his latest work "Dominion Autonomy in Practice" (September, 1929) there is a passage at page 5 where, after quoting the Resolution of the Imperial Conference of 1926, the learned author says—

"The essential result of this pronouncement, which is inapplicable to the States or Provinces, is to require the Governor-General to assimilate his official action to that of the King in the United Kingdom. It does not mean that he is deprived of all authority to refuse to act on ministerial advice, for, if for instance after one unsuccessful dissolution ministers asked him to grant another, he would clearly be bound to refuse thus to violate the constitution. But it means that he should, save in extreme crises, accept the advice of ministers, as readily as did the King in 1924, when he dissolved Parliament at the request of Mr. Ramsay MacDonald without trying to find an alternative government."

Even apart from the practice recognized by the Imperial Conference of 1926 there are considerations in the known circumstances which tend to support the acceptance of the advice tendered to me. They are such as the strength and relation of various parties in the House of Representatives and the probability in any case of an early election being necessary.

Yours faithfully,

ISAAC A. ISAACS,  
Governor-General.

The Right Hon. J. H. Scullin, P.C., M.P.,  
Prime Minister.

7. CUSTOMS TARIFF VALIDATION BILL (1931).—Mr. Forde (Minister for Trade and Customs) moved, by leave, That he have leave to bring in a Bill for an Act to provide for the Validation of Collections of Duties of Customs under Customs Tariff Proposals.

Question—put and passed.

Mr. Forde 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.

Mr. Forde moved, by leave, That the Bill be now read a second time.

Debate ensued.

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. Forde, the House adopted the Report, and, by leave, the Bill was read a third time.

26th November, 1931.

8. **EXCISE TARIFF VALIDATION BILL (1931).**—Mr. Forde (Minister for Trade and Customs) moved, by leave, That he have leave to bring in a Bill for an Act to provide for the Validation of Collections of Duties of Excise under Excise Tariff Proposals.

Question—put and passed.

Mr. Forde 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.

Mr. Forde moved, by leave, 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. Forde, the House adopted the Report, and, by leave, the Bill was read a third time.

9. **CUSTOMS TARIFF (PRIMAGE DUTIES) VALIDATION BILL.**—Mr. Forde (Minister for Trade and Customs) moved, by leave, That he have leave to bring in a Bill for an Act to provide for the Validation of Collections of Primage Duties of Customs under Customs Tariff Proposals.

Question—put and passed.

Mr. Forde 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.

Mr. Forde moved, by leave, 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. Forde, the House adopted the Report, and, by leave, the Bill was read a third time.

10. **CUSTOMS TARIFF (SPECIAL DUTIES) VALIDATION BILL.**—Mr. Forde (Minister for Trade and Customs) moved, by leave, That he have leave to bring in a Bill for an Act to provide for the Validation of Collections of Special Duties of Customs under Customs Tariff Proposals.

Question—put and passed.

Mr. Forde 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.

Mr. Forde moved, by leave, 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. Forde, the House adopted the Report, and, by leave, the Bill was read a third time.

*Suspension of Sitting.*—At five minutes to three o'clock p.m., Mr. Speaker left the Chair.

*Resumption of Sitting.*—At fifteen minutes past five o'clock p.m., Mr. Speaker resumed the Chair.

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

[*Customs Tariff Validation Bill (1931)*]—

MR. SPEAKER,

Message No. 173.

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the Validation of Collections of Duties of Customs under Customs Tariff Proposals,*" and acquaints the House that the Senate has agreed to the Bill without requests.

The Senate,

Canberra, 26th November, 1931.

WALTER KINGSMILL,

President.

26th November, 1931.

[*Excise Tariff Validation Bill (1931)*]—

MR. SPEAKER,

Message No. 174.

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the Validation of Collections of Duties of Excise under Excise Tariff Proposals,*" and acquaints the House that the Senate has agreed to the Bill without requests.

The Senate,  
Canberra, 26th November, 1931.

WALTER KINGSMILL,  
President.

[*Customs Tariff (Primage Duties) Validation Bill*]—

MR. SPEAKER,

Message No. 175.

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the Validation of Collections of Primage Duties of Customs under Customs Tariff Proposals,*" and acquaints the House that the Senate has agreed to the Bill without requests.

The Senate,  
Canberra, 26th November, 1931.

WALTER KINGSMILL,  
President.

[*Customs Tariff (Special Duties) Validation Bill*]—

MR. SPEAKER,

Message No. 176.

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the Validation of Collections of Special Duties of Customs under Customs Tariff Proposals,*" and acquaints the House that the Senate has agreed to the Bill without requests.

The Senate,  
Canberra, 26th November, 1931.

WALTER KINGSMILL,  
President.

12. ALTERATION OF DAY OF NEXT MEETING.—Mr. Scullin (Prime Minister) moved, That the House, at its rising, adjourn until Wednesday next at three o'clock p.m.  
Question—put and passed.
13. WIMMERA BY-ELECTION—WITHDRAWAL OF WRIT.—Mr. Speaker announced that, consequent upon the approaching Dissolution of the House of Representatives, he had withdrawn the Writ issued by him, on the 29th October last, for the Election of a Member to serve for the Electoral Division of Wimmera.
14. ADJOURNMENT.—Mr. Scullin (Prime Minister) moved, That the House do now adjourn.  
Debate ensued.  
Question—put and passed.
- And then the House, at eleven minutes past six o'clock p.m., adjourned until Wednesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Killen, Mr. Mathews, Mr. McNeill, and Mr. Parkhill.

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

1929-30-31.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR-  
GENERAL.

ASSENT TO BILLS.

The following Messages from His Excellency the Governor-General were received after the adjournment of the House on the 26th November, 1931:—

ISAAC A. ISAACS,  
*Governor-General.*

*Message No. 107.*

Proposed Laws intituled :—

*Customs Tariff Validation Act 1931,*  
*Excise Tariff Validation Act 1931,*  
*Customs Tariff (Primage Duties) Validation Act 1931,*  
*Customs Tariff (Special Duties) Validation Act 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 laws.

Government House,  
Canberra, 26th November, 1931.

ISAAC A. ISAACS,  
*Governor-General.*

*Message No. 108.*

A Proposed law intituled *Commonwealth Debt Conversion Act (No. 2) 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.

Government House,  
Canberra, 15th January, 1932.