

1932.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 8.

THURSDAY, 3RD MARCH, 1932.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. H. Mackay) took the Chair, and read Prayers.
2. MESSAGE FROM THE SENATE.—INSURANCE BILL (1932).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 1.

The Senate has passed a Bill for "*An Act relating to Insurance,*" and transmits the same to the House of Representatives for its concurrence.

WALTER KINGSMILL,
President.

The Senate,
Canberra, 2nd March, 1932.

Mr. Bruce (Assistant Treasurer) moved, That the Bill transmitted by the foregoing Message 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.

3. PAPERS.—The following Paper was presented, by command of His Excellency the Governor-General—Commonwealth and State Ministers—Conference held at Melbourne, January–February, 1932—Record of Proceedings.

Ordered to lie on the Table, and to be printed.

The following Paper was presented, pursuant to Statute—

Science and Industry Research Act—Fifth Annual Report of the Council for Scientific and Industrial Research, for year ended 30th June, 1931.

4. FINANCIAL AGREEMENTS (COMMONWEALTH LIABILITY) BILL.—The Order of the Day having been read for the second reading—Mr. Lyons (Prime Minister) moved, That the Bill be now read a second time. Debate ensued.
Question—put.

3rd March, 1932.

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

Ayes, 59.		Noes, 5.
Mr. Aubrey Abbott	Mr. John Lawson	Mr. Beasley
Mr. Baker	Mr. Lyons	Mr. James
Mr. Bell	Mr. W. Maloney	Mr. Rosevear
Mr. Blacklow	Mr. Marr	
Mr. Blakeley	Mr. Martens	<i>Tellers:</i>
Mr. Bruce	Mr. Maxwell	Mr. Gander
Mr. Malcolm Cameron	Mr. McBride	Mr. Ward
Mr. Casey	Mr. McClelland	
Mr. Bernard Corser	Mr. McGrath	
Mr. Dein	Mr. McNicoll	
Mr. Dennis	Mr. Nock	
Mr. Fenton	Mr. Earle Page	
Mr. Forde	Mr. Parkhill	
Mr. Josiah Francis	Mr. Thomas Paterson	
Mr. Gabb	Mr. Price	
Mr. Gibson	Mr. Prowse	
Mr. Albert Green	Mr. E. C. Riley	
Mr. Roland Green	Mr. Riordan	
Mr. Gregory	Mr. Scholfield	
Sir Littleton Groom	Mr. Scullin	
Mr. Gullett	Mr. Stacey	
Mr. E. F. Harrison	Mr. Frederick Stewart	
Mr. E. J. Harrison	Mr. Thompson	
Mr. Hawker	Mr. Thorby	
Mr. Holloway	Mr. William Watson	
Mr. Hughes	Mr. White	
Mr. Hutchin		
Mr. Hutchinson	<i>Tellers:</i>	
Mr. Jennings	Mr. Gardner	
Mr. Lane	Mr. Hunter	
Mr. George Lawson		

And so it was resolved in the affirmative.—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 1 agreed to.

Clause 2—

Question—That the clause be agreed to—put.

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

Ayes, 49.		Noes, 5.
Mr. Baker	Mr. Marr	Mr. Beasley
Mr. Blacklow	Mr. Maxwell	Mr. James
Mr. Blakeley	Mr. McBride	Mr. Rosevear
Mr. Bruce	Mr. McClelland	
Mr. Malcolm Cameron	Mr. McGrath	<i>Tellers:</i>
Mr. Casey	Mr. McNicoll	Mr. Gander
Mr. Dein	Mr. Nock	Mr. Ward
Mr. Dennis	Mr. Earle Page	
Mr. Fenton	Mr. Parkhill	
Mr. Forde	Mr. Thomas Paterson	
Mr. Josiah Francis	Mr. Price	
Mr. Gabb	Mr. Prowse	
Mr. Gibson	Mr. E. C. Riley	
Mr. Albert Green	Mr. Scholfield	
Mr. Roland Green	Mr. Scullin	
Mr. Gregory	Mr. Stacey	
Sir Littleton Groom	Mr. Frederick Stewart	
Mr. E. F. Harrison	Mr. Thompson	
Mr. E. J. Harrison	Mr. Thorby	
Mr. Hawker	Mr. William Watson	
Mr. Hutchin	Mr. White	
Mr. Hutchinson		
Mr. Jennings	<i>Tellers:</i>	
Mr. Lane	Mr. Gardner	
Mr. John Lawson	Mr. Hunter	
Mr. Lyons		

And so it was resolved in the affirmative.

Clause 3 agreed to.

Clause 4 debated—

Question—That the clause be agreed to—put.

3rd March, 1932.

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

Ayes, 53.		Noes, 5.
Mr. Aubrey Abbott	Mr. Martens	Mr. Beasley
Mr. Blacklow	Mr. Maxwell	Mr. James
Mr. Blakeley	Mr. McBride	Mr. Rosevear
Mr. Bruce	Mr. McClelland	
Mr. Malcolm Cameron	Mr. McGrath	<i>Tellers:</i>
Mr. Casey	Mr. McNicoll	Mr. Gander
Mr. Bernard Corser	Mr. Nairn	Mr. Ward
Mr. Dein	Mr. Nock	
Mr. Dennis	Mr. Earle Page	
Mr. Fenton	Mr. Parkhill	
Mr. Forde	Mr. Thomas Paterson	
Mr. Josiah Francis	Mr. Price	
Mr. Gabb	Mr. E. C. Riley	
Mr. Gibson	Mr. Riordan	
Mr. Albert Green	Mr. Scholfield	
Mr. Roland Green	Mr. Scullin	
Sir Littleton Groom	Mr. Stacey	
Mr. E. F. Harrison	Mr. Frederick Stewart	
Mr. E. J. Harrison	Mr. Thompson	
Mr. Hawker	Mr. Thorby	
Mr. Hutchin	Mr. Watkins	
Mr. Hutchinson	Mr. William Watson	
Mr. Jennings	Mr. White	
Mr. Lane		
Mr. George Lawson	<i>Tellers:</i>	
Mr. John Lawson	Mr. Gardner	
Mr. Lyons	Mr. Hunter	
Mr. Marr		

And so it was resolved in the affirmative.

Clause 5—

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

Page 3, lines 17-19, omit “; and any other powers which in the opinion of the Governor-General are necessary or desirable to be conferred for the purpose of carrying out this Act”.

On the motion of Mr. Beasley, the following further amendment was made, after debate:—Page 3, lines 20-21, omit—

“(b) for imposing for the purposes of this Act duties on officers and persons employed by a State;”.

Mr. Beasley moved, as a further amendment, That the following paragraph be omitted:—

“(c) for prescribing penalties, not exceeding in any case One hundred pounds or imprisonment for six months, for any contravention of the regulations.”.

Debate ensued.

Question—That the paragraph proposed to be omitted stand part of the clause—put.

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

Ayes, 50.		Noes, 5.
Mr. Aubrey Abbott	Mr. John Lawson	Mr. Beasley
Mr. Baker	Mr. Lyons	Mr. James
Mr. Blacklow	Mr. W. Maloney	Mr. Rosevear
Mr. Blakeley	Mr. Marr	
Mr. Bruce	Mr. Maxwell	<i>Tellers:</i>
Mr. Malcolm Cameron	Mr. McBride	Mr. Gander
Mr. Casey	Mr. McClelland	Mr. Ward
Mr. Dein	Mr. McGrath	
Mr. Dennis	Mr. McNicoll	
Mr. Fenton	Mr. Nairn	
Mr. Forde	Mr. Nock	
Mr. Josiah Francis	Mr. Earle Page	
Mr. Gabb	Mr. Thomas Paterson	
Mr. Gibson	Mr. Price	
Mr. Albert Green	Mr. E. C. Riley	
Sir Littleton Groom	Mr. Scholfield	
Mr. E. F. Harrison	Mr. Scullin	
Mr. E. J. Harrison	Mr. Stacey	
Mr. Hawker	Mr. Frederick Stewart	
Mr. Holloway	Mr. Thompson	
Mr. Hughes	Mr. Thorby	
Mr. Hutchin	Mr. White	
Mr. Hutchinson		
Mr. Jennings	<i>Tellers:</i>	
Mr. Lane	Mr. Gardner	
Mr. George Lawson	Mr. Hunter	

And so it was resolved in the affirmative.

3rd March, 1932.

Clause, as amended, agreed to.
 Preamble agreed to.
 Title agreed to.
 Bill to be reported with amendments.

The House resumed ; Mr. Bell reported accordingly.
 On the motion of Mr. Lyons, by leave, the House adopted the Report.
 Ordered, by leave—That the third reading be made an Order of the Day for a later hour this day.

5. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—FINANCIAL AGREEMENTS (COMMONWEALTH LIABILITY) BILL.—The following Message from His Excellency the Governor-General's Deputy was presented, and the same was read by Mr. Speaker :—

PHILIP GAME,
Deputy of the Governor-General.

Message No. 1.

In accordance with the requirements of section 56 of the Constitution of the Commonwealth of Australia, the Deputy of the Governor-General recommends to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to resolve doubts which have arisen as to the liability of the Commonwealth to bondholders in certain debts of the States taken over by the Commonwealth, and for other purposes.

2nd March, 1932.

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.)

Mr. Lyons (Prime Minister) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to resolve doubts which have arisen as to the liability of the Commonwealth to bondholders in certain debts of the States taken over by the Commonwealth, and for other purposes.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Bell reported accordingly.
 The said Resolution was read, and, on the motion of Mr. Lyons, by leave, was adopted by the House.

6. FINANCIAL AGREEMENTS (COMMONWEALTH LIABILITY) BILL.—The Order of the Day having been read for the third reading—Mr. Lyons (Prime Minister) moved, That the Bill be now read a third time.

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

7. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—FINANCIAL AGREEMENT ENFORCEMENT BILL.—The following Message from His Excellency the Governor-General's Deputy was presented, and the same was read by Mr. Speaker :—

PHILIP GAME,
Deputy of the Governor-General.

Message No. 2.

In accordance with the requirements of section 56 of the Constitution of the Commonwealth of Australia, the Deputy of the Governor-General recommends to the House of Representatives that an appropriation of revenue be made for the purposes of amendments to be moved by the Prime Minister to a Bill for an Act to provide for the carrying out of the Financial Agreements between the Commonwealth and the States by the parties thereto, and for other purposes.

2nd March, 1932.

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.)

Mr. Lyons (Prime Minister) moved, That it is expedient that an appropriation of revenue be made for the purposes of amendments to be moved by the Prime Minister to a Bill for an Act to provide for the carrying out of the Financial Agreements between the Commonwealth and the States by the parties thereto, and for other purposes.

Debate ensued.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Bell reported accordingly.
 The said Resolution was read, and, on the motion of Mr. Lyons, by leave, was adopted by the House.

3rd March, 1932.

8. FINANCIAL AGREEMENTS ENFORCEMENT BILL.—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 1—

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

Page 2, line 29, omit “ Agreement ”, insert “ Agreements ”.

Clause, as amended, agreed to.

Postponed clause 2—

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

Page 2, lines 33-34, omit “ Part II.—Acceptance by Commonwealth of liability to Bondholders.”.

Clause, as amended, agreed to.

Postponed clause 3—

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

Page 2, line 41, omit “ or corporation ”.

Page 3, lines 1-18, omit definition of “ Bondholder ”.

Page 3, after the definition of “ Liability ” insert the following definitions :—

“ ‘ Loan Council ’ means the Australian Loan Council established in pursuance of the Agreement, between the Commonwealth and the States, which is contained in the Schedule to the *Financial Agreement Validation Act 1929* ;

“ ‘ Person ’ includes a body corporate or unincorporate, and a partnership ; ”.

Page 3, lines 20-21, omit “ owing by any person to a State and becoming payable ”, insert “ due and payable by any person to a State ”.

Clause, as amended, agreed to.

Clause 5 debated—

Mr. Bruce (Assistant Treasurer) moved, as an amendment, That after “ that ” (page 4, line 44) the words “ the whole or part of ” be inserted.

Question—That the amendment be agreed to—put.

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

Ayes, 41.

Noes, 16.

Mr. Aubrey Abbott	Mr. John Lawson
Mr. Blacklow	Mr. Lyons
Mr. Bruce	Mr. Marr
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Casey	Mr. McBride
Mr. Bernard Corser	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Nock
Mr. Gabb	Mr. Thomas Paterson
Mr. Gibson	Mr. Price
Mr. Gregory	Mr. Prowse
Sir Littleton Groom	Mr. Scholfield
Mr. Gullett	Mr. Stacey
Mr. E. F. Harrison	Mr. Frederick Stewart
Mr. E. J. Harrison	Mr. Thompson
Mr. Hawker	Mr. White
Mr. Hughes	
Mr. Hutchin	
Mr. Hutchinson	<i>Tellers:</i>
Mr. Jennings	Mr. Gardner
Mr. Lane	Mr. Hunter

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. W. Maloney
Mr. Martens
Mr. E. C. Riley
Mr. Riordan
Mr. Rosevear
Mr. Scullin

Tellers:

Mr. Gander
Mr. Ward

And so it was resolved in the affirmative.

On the motion of Mr. Bruce, the following further amendments were made, after debate :—

Page 4, line 45, after “ or ” (first occurring) insert “ of ”.

Page 4, line 46, omit “ or are ”.

Page 5, line 1, omit “ may ”, insert “ shall ”.

Page 5, lines 5-12, omit all words from and including the words “, and upon the hearing ” to and including the words “ in the certificate ”.

Question—That the clause, as amended, be agreed to—put.

3rd and 4th March, 1932.

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

Ayes, 40.		Noes, 16.
Mr. Blacklow	Mr. Marr	Mr. Baker
Mr. Bruce	Mr. Maxwell	Mr. Beasley
Mr. Malcolm Cameron	Mr. McBride	Mr. Blakeley
Mr. Casey	Mr. McClelland	Mr. Forde
Mr. Dein	Mr. McNicoll	Mr. Gander
Mr. Fenton	Mr. Nairn	Mr. Albert Green
Mr. Josiah Francis	Mr. Nock	Mr. Holloway
Mr. Gabb	Mr. Earle Page	Mr. James
Mr. Gibson	Mr. Parkhill	Mr. George Lawson
Mr. Gregory	Mr. Thomas Paterson	Mr. W. Maloney
Sir Littleton Groom	Mr. Price	Mr. Martens
Mr. Gullett	Mr. Prowse	Mr. Riordan
Mr. E. F. Harrison	Mr. Scholfield	Mr. Rosevear
Mr. E. J. Harrison	Mr. Stacey	Mr. Scullin
Mr. Hawker	Mr. Frederick Stewart	<i>Tellers:</i>
Mr. Hughes	Mr. Thompson	Mr. E. C. Riley
Mr. Hutchin	Mr. White	Mr. Ward
Mr. Hutchinson	<i>Tellers:</i>	
Mr. Jennings	Mr. Gardner	
Mr. Lane	Mr. Hunter	
Mr. John Lawson		

And so it was resolved in the affirmative.
 Clause 6 debated—

The Committee continuing to sit until after midnight—

FRIDAY, 4TH MARCH, 1932.

Debate continued.

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

Page 5, line 45, after " and " insert " , in order to protect the interests of the Commonwealth until the question of the liability of the State has been determined by the High Court pursuant to an application under this section,".

Page 6, omit sub-clause (3.), insert the following sub-clauses :—

"(3.) As soon as practicable after such a resolution has been passed by both Houses of the Parliament, and in any event within two months thereafter, the Attorney-General shall apply to the High Court for a declaration that the amount stated in the resolution, or any part thereof, is due and payable and unpaid by the State to the Commonwealth.

(4.) At any time after such a resolution has been passed by both Houses of the Parliament, the Attorney-General of the State may apply to the High Court for a declaration that no part of the amount stated in the resolution or a smaller amount than that stated in the resolution is due and payable and unpaid by the State to the Commonwealth.

(5.) Any application under either of the last two preceding sub-sections shall be made by motion, of which not less than three days' notice shall be given to the Attorney-General of the State concerned, or to the Attorney-General, as the case may be.

(6.) The application shall be heard by a Full Court consisting of not less than three Justices.

(7.) The application in relation to a State of the provisions of sections seven to thirteen (inclusive) of this Part shall not cease or be suspended upon an application to the High Court, or during the pendency of any proceedings thereon in the said Court.

(8.) On the making of a declaration by the High Court that any amount, or part thereof, stated in the resolution is due and payable and unpaid by the State to the Commonwealth—

(a) the declaration—

(i) shall be a judgment of the High Court in favor of the Commonwealth against the State ;

(ii) shall be enforceable as a judgment ; and

(iii) shall, in addition to any other remedies for enforcing such judgment by law provided, operate as a charge upon all the revenues of the State ; and

(b) the provisions of sections seven to thirteen (inclusive) shall continue to apply in relation to that State—

(i) notwithstanding that a resolution of each House of the Parliament has not been passed in pursuance of sub-section (7.) of the last preceding section ; and

(ii) notwithstanding that there may be pending any action, suit, proceeding or matter in which there is in issue a question as to the amount or amounts due and payable and unpaid by the State to the Commonwealth under or by virtue of the Financial Agreements.

(9.) In the event of the High Court making a declaration that no part of the amount stated in the resolution is due and payable and unpaid by the State to the Commonwealth, the provisions of sections seven to thirteen (inclusive) of this Part shall cease to apply in relation to the State."

3rd and 4th March, 1932.

Question—That the clause, as amended, be agreed to—put.
The Committee divided (The Chairman, Mr. Bell, in the Chair)—

Ayes, 37.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Scholfield
Mr. E. F. Harrison	Mr. Stacey
Mr. E. J. Harrison	Mr. Frederick Stewart
Mr. Hawker	Mr. White
Mr. Hutchin	
Mr. Hutchinson	<i>Tellers:</i>
Mr. Jennings	
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 13.

Mr. Baker
Mr. Beasley
Mr. Forde
Mr. Gander
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin

Tellers:

Mr. E. C. Riley
Mr. Ward

And so it was resolved in the affirmative.

Clauses 7 and 8 agreed to.

Clause 9.—

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

Page 7, line 3, omit "owing by any person to that State, and becoming payable", insert "due and payable by any person to the State".

Clause, as amended, agreed to.

Clause 10 agreed to.

Clauses 11 and 12 considered together, by leave—

Question—That the clauses be agreed to—put.

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

Ayes, 39.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Mr. Gregory	Mr. Price
Sir Littleton Groom	Mr. Prowse
Mr. Gullett	Mr. Scholfield
Mr. E. F. Harrison	Mr. Stacey
Mr. E. J. Harrison	Mr. Frederick Stewart
Mr. Hawker	Mr. White
Mr. Hutchin	
Mr. Hutchinson	<i>Tellers:</i>
Mr. Jennings	
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 15.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Gander
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin

Tellers:

Mr. E. C. Riley
Mr. Ward

And so it was resolved in the affirmative.

Clause 13—

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

Page 7, line 39, after "pursuance of" insert "an application under sub-section (3.) of".

Page 7, line 40, after "certificate" insert "or any part thereof".

Page 8, lines 5-6, omit "approving and adopting a certificate given by the Auditor-General".

Page 8, line 10, after "if" insert "—(a)".

Page 8, line 14, omit "a resolution approving and adopting the further certificate", insert "(b) a resolution".

Page 8, at the end of the clause add the following proviso:—

"Provided that, if at any time after any such further certificate is given, the High Court makes a further declaration in pursuance of sub-section (3.) of section six of this Act, this Act shall have effect as if the amount specified in the further declaration of the High Court had been set forth in the prior declaration of the Court in addition to the amount stated in that prior declaration."

3rd and 4th March, 1932.

Question—That the clause, as amended, be agreed to—put.

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

Ayes, 38.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Prowse
Mr. E. F. Harrison	Mr. Scholfield
Mr. E. J. Harrison	Mr. Stacey
Mr. Hawker	Mr. Frederick Stewart
Mr. Hutchin	Mr. White
Mr. Hutchinson	
Mr. Jennings	<i>Tellers:</i>
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 15.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Gander
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin

Tellers:

Mr. E. C. Riley
Mr. Ward

And so it was resolved in the affirmative.

Clause 14 debated—

Mr. Lyons moved, as an amendment, That the words "any moneys come into the possession or control of the Commonwealth in pursuance or by virtue of the Financial Agreements, or of any decision of the Loan Council, for and on behalf of that State, or for the purpose of payment to that State, or to which that State has any claim under those Agreements," (page 8, lines 220-4) be omitted and the following words inserted in lieu thereof:—"the Commonwealth has, whether in pursuance or by virtue of the Financial Agreements, or of any decision of the Loan Council, or otherwise, possession or control of any moneys—

(a) for and on behalf of that State ;

(b) for the purpose of payment to that State ; or

(c) to which that State has any claim whether under those Agreements or otherwise,".

Debate continued.

Question—That the amendment be agreed to—put.

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

Ayes, 38.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Prowse
Mr. E. F. Harrison	Mr. Scholfield
Mr. E. J. Harrison	Mr. Stacey
Mr. Hawker	Mr. Frederick Stewart
Mr. Hutchin	Mr. White
Mr. Hutchinson	
Mr. Jennings	<i>Tellers:</i>
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 10.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Holloway
Mr. James
Mr. Martens
Mr. Rosevear
Mr. Ward

Tellers:

Mr. Gander
Mr. E. C. Riley

And so it was resolved in the affirmative.

Question—That the clause, as amended, be agreed to—put.

3rd and 4th March, 1932.

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

Ayes, 38.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Prowse
Mr. E. F. Harrison	Mr. Scholfield
Mr. E. J. Harrison	Mr. Stacey
Mr. Hawker	Mr. Frederick Stewart
Mr. Hutchin	Mr. White
Mr. Hutchinson	
Mr. Jennings	<i>Tellers:</i>
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 15.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward

Tellers:

Mr. Gander
Mr. E. C. Riley

And so it was resolved in the affirmative.

Clause 15 debated—

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

Page 8, line 39, after "officer" insert "in Australia".

Page 8, lines 39-40, omit "or of any branch of any such corporation."

Page 8, lines 45-46, omit "or branch, as the case may be".

Page 9, lines 9-12, omit sub-clause (2.).

Page 9, lines 22-23, omit "in the event of proof to the satisfaction of the High Court being given", insert "if in any proceedings whatsoever it is proved to the satisfaction of the High Court".

Page 9, lines 25-28, omit "proving the amount of money (being an amount less than the amount or amounts set forth in a certificate or certificates given by the Auditor-General in pursuance of section four or sections five and thirteen of this Act) which", insert "that an amount of money less than the amount or amounts set forth in a certificate given by the Auditor-General in pursuance of section five or six of this Act, or certificates given by him in pursuance of either of those sections and section thirteen".

Page 9, after sub-clause (5.) insert the following sub-clause:—

"(5A.) Notwithstanding the foregoing provisions of this section, if the Treasurer is satisfied—

(a) that any moneys paid to him or to an authorized person in pursuance of this section include moneys deposited by any person as security for the supply of goods, the performance of services or the carrying out of any work; and

(b) that the conditions on which the moneys were deposited have been fulfilled, the Treasurer may refund those moneys, and any refund so made shall, as between the person making the deposit and the State, be deemed to have been made by the State."

Page 9, line 40, omit "or branch".

Question—That the clause, as amended, be agreed to—put.

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

Ayes, 38.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Prowse
Mr. E. F. Harrison	Mr. Scholfield
Mr. E. J. Harrison	Mr. Stacey
Mr. Hawker	Mr. Frederick Stewart
Mr. Hutchin	Mr. White
Mr. Hutchinson	
Mr. Jennings	<i>Tellers:</i>
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 15.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward

Tellers:

Mr. Gander
Mr. E. C. Riley

And so it was resolved in the affirmative.

Clauses 16 and 17 agreed to.

3rd and 4th March, 1932.

Clause 18—

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

Page 10, line 19, omit " in the final judgment of the High Court in any proceedings ", insert " in any proceedings in the High Court ".

Page 10, line 23, after " declared " insert " in the final judgment of the High Court ".

Page 10, line 24, omit " was ", insert " is ".

Page 10, line 25, omit " at the date of the certificate of the Auditor-General ".

Page 10, line 26, omit " was then ", insert " is ".

Page 10, line 29, after " State," insert " or to the persons from whom such moneys were received, as may be directed by the Court, to the intent that a State shall not, in respect of any money received by the Commonwealth, recover an amount both from the Commonwealth and from the person who paid the money to the Commonwealth under the provisions contained in this Act.

(2.) Any payment by the Commonwealth under this section shall be "

Clause, as amended, agreed to.

Clause 19 agreed to.

Clause 20 debated and postponed.

Clause 21 debated—

Question—That the clause be agreed to—put.

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

Ayes, 38.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Prowse
Mr. E. F. Harrison	Mr. Scholfield
Mr. E. J. Harrison	Mr. Stacey
Mr. Hawker	Mr. Frederick Stewart
Mr. Hutchin	Mr. White
Mr. Hutchinson	
Mr. Jennings	<i>Tellers:</i>
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 15.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward

Tellers:

Mr. Gander
Mr. E. C. Riley

And so it was resolved in the affirmative.

New Clauses—

On the motion of Mr. Bruce, the following new clause was inserted in the Bill, after debate :—

1A. This Act shall continue in operation for a period of two years, and no longer. Duration of Act.

Mr. Bruce moved, That the following further new clauses be inserted in the Bill :—

20A. In any proceedings whatsoever, a certificate of the Auditor-General, given in pursuance of sub-section (1.) of section five of this Act, shall be *prima facie* evidence that the amount certified to be due and payable and unpaid by a State to the Commonwealth under or by virtue of the Financial Agreements is so due and payable and unpaid, and that the sums comprised in that amount are due and payable and unpaid in respect of the items set forth in the certificate. Certificate of Auditor-General prima facie evidence.20B. The mere production of the *Gazette* containing what purports to be a copy of a certificate given by the Auditor-General in pursuance of this Act shall in all Courts be evidence that a certificate in the terms appearing in the *Gazette* was given by the Auditor-General in pursuance of this Act. Proof of certificate of Auditor-General.

Ordered—That the proposed new clauses be considered together.

Debate ensued.

Question—That the proposed new clauses be inserted in the Bill—put.

3rd and 4th March, 1932.

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

Ayes, 38.

Mr. Aubrey Abbott	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Nairn
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Parkhill
Mr. Gibson	Mr. Thomas Paterson
Sir Littleton Groom	Mr. Price
Mr. Gullett	Mr. Prowse
Mr. E. F. Harrison	Mr. Scholfield
Mr. E. J. Harrison	Mr. Stacey
Mr. Hawker	Mr. Frederick Stewart
Mr. Hutchin	Mr. White
Mr. Hutchinson	
Mr. Jennings	<i>Tellers:</i>
Mr. Lane	Mr. Gardner
Mr. John Lawson	Mr. Thompson

Noes, 15.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward

Tellers:

Mr. Gander
Mr. E. C. Riley

And so it was resolved in the affirmative.

On the motion of Mr. Bruce, the following further new clause was inserted in the Bill:—

20c. The Consolidated Revenue Fund is to the necessary extent hereby appropriated for the purpose of any payment for which the Commonwealth is liable under or in pursuance of this Act.

Appropriation
of Consolidated
Revenue Fund.

Postponed clause 20—

On the motion of Mr. Bruce, the following amendment was agreed to, after debate:—

Page 11, at the end of the clause add the following sub-clause:—

“(4.) An offence against section ten of this Act shall not be prosecuted without the written consent of the Treasurer.”.

Clause, as amended, agreed to.

Preamble—

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

Page 2, lines 1–24, omit all words from and including the words “And whereas by clause one” to and including the words “of such liability.”.

Preamble, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr. Bell reported accordingly.

On the motion of Mr. Lyons, by leave, the House adopted the Report.

Mr. Lyons moved, by leave, That the Bill be now read a third time.

Question—put.

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

Ayes, 37.

Mr. Aubrey Abbott	Mr. John Lawson
Mr. Bell	Mr. Lyons
Mr. Blacklow	Mr. Marr
Mr. Bruce	Mr. Maxwell
Mr. Malcolm Cameron	Mr. McBride
Mr. Casey	Mr. McClelland
Mr. Dein	Mr. McNicoll
Mr. Fenton	Mr. Earle Page
Mr. Josiah Francis	Mr. Parkhill
Mr. Gabb	Mr. Thomas Paterson
Mr. Gibson	Mr. Price
Sir Littleton Groom	Mr. Scholfield
Mr. Gullett	Mr. Stacey
Mr. E. F. Harrison	Mr. Frederick Stewart
Mr. E. J. Harrison	Mr. White
Mr. Hawker	
Mr. Hutchin	<i>Tellers:</i>
Mr. Hutchinson	
Mr. Jennings	Mr. Gardner
Mr. Lane	Mr. Thompson

Noes, 14.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Gander
Mr. Holloway
Mr. George Lawson
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward

Tellers:

Mr. James
Mr. E. C. Riley

And so it was resolved in the affirmative.—Bill read a third time.

3rd and 4th March, 1932.

9. ALTERATION OF HOUR OF NEXT MEETING.—Mr. Lyons (Prime Minister) moved, That the House, at its rising, adjourn until half-past two o'clock p.m. this day.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

And then the House, at five minutes past three o'clock in the morning, 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. Thomas Collins, Mr. Guy, Mr. Hill, Mr. Holman, Mr. Latham, Mr. Makin, and Mr. Perkins.

E. W. PARKES,

Clerk of the House of Representatives.