

1934-35-36.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,  
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 134.

FRIDAY, 13TH NOVEMBER, 1936.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. J. Bell) took the Chair, and read Prayers.
2. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
  - Nauru Ordinances of 1936—
    - No. 1—Customs Regulations Amendment.
    - No. 2—Customs Tariff Amendment.
    - No. 3—Laws Repeal and Adopting.
    - No. 4—Appropriation 1936.
    - No. 5—Nauruan Royalty Trust Fund Appropriation 1936.
    - No. 6—Appropriation (Supplemental) 1935.
    - No. 7—Nauruan Royalty Trust Fund Appropriation (Supplemental) 1935.
    - No. 8—Public Health.
    - No. 9—Laws Repeal and Adopting (No. 2).
    - No. 10—Arms Liquor and Opium Prohibition.
    - No. 11—Census Repeal.
 Severally ordered to lie on the Table.
3. LANDS ACQUISITION BILL (1936).—Mr. Thomas Paterson (Minister for the Interior) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Lands Acquisition Act 1906-1934*.  
Question—put and passed.  
Mr. Thomas Paterson 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. Thomas Paterson moved, by leave, That the second reading be made an Order of the Day for a later hour this day.  
Question—put and passed.
4. TRADE COMMISSIONERS BILL (1936).—Mr. Thorby (Assistant Minister for Commerce) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Trade Commissioners Act 1933*.  
Question—put and passed.  
Mr. Thorby 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.  
Ordered—That the second reading be made an Order of the Day for the next sitting.
5. CONSTITUTION ALTERATION (AVIATION) BILL.—The Order of the Day having been read for the second reading—Mr. Menzies (Attorney-General) moved, That the Bill be now read a second time.  
Mr. Brennan 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.
6. REFERENDUM (CONSTITUTION ALTERATION) BILL (1936).—The Order of the Day having been read for the second reading—Mr. Menzies (Attorney-General) moved, That the Bill be now read a second time.  
Mr. Brennan 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.

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## 7. WAYS AND MEANS—INCOME TAX.—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

Mr. Casey (Treasurer) moved—

1. That a tax be imposed upon incomes at the following rates:—

*Division A.—Rate of Tax in Respect of Taxable Income Derived from Personal Exertion.*

For the purposes of this Division— T = taxable income in pounds.

If the taxable income does not exceed £6,900, the rate of tax for every pound of taxable income shall be ..  $\frac{76.5}{100} \left\{ 3 + \frac{T}{160} \right\}$  pence.

If the taxable income exceeds £6,900, the rate of tax for every pound of taxable income up to and including £6,900 shall be ..  $\frac{76.5}{100} \left\{ 3 + \frac{6,900}{160} \right\}$  pence.  
and

the rate of tax for every pound of taxable income in excess of £6,900 shall be .. .. . 68.85 pence.

*Division B.—Rate of Tax in Respect of Taxable Income Derived from Property.*

For the purposes of this Division— T = taxable income in pounds.

If the taxable income does not exceed £500, the rate of tax for every pound of taxable income shall be ..  $\frac{90}{100} \left\{ 3 + \frac{T}{100} \right\}$  pence.

If the taxable income exceeds £500 but does not exceed £1,500, the rate of tax for every pound of taxable income shall be ..  $\frac{90}{100} \left\{ 1 + \frac{T \times 14}{1,000} \right\}$  pence.

If the taxable income exceeds £1,500 but does not exceed £3,700, the rate of tax for every pound of taxable income shall be ..  $\frac{90}{100} \left\{ 4\frac{3}{4} + \frac{T \times 23}{2,000} \right\}$  pence.

If the taxable income exceeds £3,700, the rate of tax for every pound of taxable income up to and including £3,700 shall be ..  $\frac{90}{100} \left\{ 4\frac{3}{4} + \frac{3,700 \times 23}{2,000} \right\}$  pence.  
and

the rate of tax for every pound of taxable income in excess of £3,700 shall be .. .. . 81 pence.

*Division C.—Rates of Tax in Respect of Taxable Income Derived Partly from Personal Exertion and Partly from Property.*

(a) For every pound of taxable income derived from personal exertion, the rate of tax shall be ascertained by dividing the total amount of the tax that would be payable under Division A if the total taxable income of the taxpayer were derived exclusively from personal exertion, by the amount of the total taxable income.

(b) For every pound of taxable income derived from property, the rate of tax shall be ascertained by dividing the total amount of the tax that would be payable under Division B if the total taxable income of the taxpayer were derived exclusively from property, by the amount of the total taxable income.

*Division D.—Rates of Tax by reference to an Average Income.*

(a) For every pound of the taxable income derived from personal exertion by a taxpayer to whose income Division 16 of Part III. of the *Income Tax Assessment Act 1936* is applied, the rate of tax shall be ascertained by dividing the tax that would be payable under Division A upon a taxable income from personal exertion equal to his average income, by that average income.

(b) For every pound of taxable income derived by him from property the rate of tax shall be ascertained by dividing the tax that would be payable under Division B upon a taxable income from property equal to his average income, by that average income.

*Division E.—Rate of Tax by reference to a Notional Income.*

(a) For every pound of the actual taxable income from personal exertion of a taxpayer deriving a notional income, as specified by sub-section (1.) of section eighty-six of the *Income Tax Assessment Act 1936*, the rate of tax shall be the amount obtained by dividing the tax that would be payable under Division A upon a taxable income from personal exertion equal to his notional income, by that notional income.

(b) For every pound of the actual taxable income from property of a taxpayer deriving a notional income, as specified by sub-section (1.) of section eighty-six of the *Income Tax Assessment Act 1936*, the rate of tax shall be the amount obtained by dividing the tax that would be payable under Division B upon a taxable income from property equal to his notional income, by that notional income.

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*Division F. -Tax payable where amount would otherwise be less than Ten Shillings.*

Notwithstanding anything contained in the last five preceding Divisions, where the amount of income tax which a person would, apart from this Division, be liable to pay is less than Ten shillings, the income tax payable by that person shall be Ten shillings.

*Division G. -Rates of Tax Payable by a Trustee.*

For every pound of the taxable income in respect of which a trustee is liable, pursuant to either section ninety-eight or section ninety-nine of the *Income Tax Assessment Act* 1936, to be assessed and to pay tax the rate of tax shall be the rate which would be payable under Division A, B, C, D or E, as the case requires, if one individual were liable to be assessed and to pay tax on that taxable income.

*Division H.—Rates of Tax Payable by a Company.*

(a) Subject to the last preceding Division, for every pound of the taxable income of a company the rate of tax shall be One shilling.

(b) For every pound of interest in respect of which a company is liable, pursuant to sub-section (1.) of section one hundred and twenty-five of the *Income Tax Assessment Act* 1936 to pay income tax, the rate of tax shall be One shilling.

2. That tax in accordance with 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-six.

3. 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-six made prior to the passing of the Act for the levying and payment of income tax for the financial year beginning on the first day of July, One thousand nine hundred and thirty-seven.

Question—put and passed.

Resolution to be reported, and leave asked to sit again.

The House resumed ; Mr. Prowse reported accordingly.

Resolved—That the House will, at the next sitting, again resolve itself into the said Committee.

Mr. Casey 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. Casey, was adopted by the House.

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

8. INCOME TAX BILL (1936).—Mr. Casey (Treasurer) then brought up a Bill intituled "*A Bill for an Act to impose a Tax upon Incomes*", and moved, That it be now read a first time.

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

Mr. Casey moved, That the Bill be now read a second time.

Mr. Curtin (Leader of the Opposition) 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. STATES' GRANTS BILL (1936).—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. Nairn reported accordingly.

On the motion of Mr. Casey (Treasurer), the House adopted the Report, and (the Standing Orders having previously been suspended, *see* page 655) the Bill was read a third time.

10. DEFENCE EQUIPMENT BILL (1936).—The Order of the Day having been read for the second reading—

Mr. Casey (Treasurer) moved, 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. Prowse reported accordingly.

On the motion of Mr. Casey, the House adopted the Report, and (the Standing Orders having previously been suspended, *see* page 656) the Bill was read a third time.

11. LANDS ACQUISITION BILL (1936).—The Order of the Day having been read for the second reading—

Mr. Menzies (Attorney-General) moved, That the Bill be now read a second time.

Mr. Curtin (Leader of the Opposition) 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.

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12. NATIONALITY BILL (1934).—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 1—

On the motion of Mr. Thomas Paterson (Minister for the Interior), the following amendments were made:—

Page 1, line 4, omit "1934", insert "1936".

Page 1, line 8, omit "1934", insert "1936".

Clause, as amended, agreed to.

Clauses 2 and 3 agreed to.

Clause 4—

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

Page 2, line 17, omit "Governor-General", insert "Minister".

Page 2, line 21, omit "thirty-five", insert "thirty-seven".

Page 2, line 25, omit "Governor-General", insert "Minister".

Page 2, line 30, omit "Governor-General", insert "Minister".

Clause, as amended, agreed to.

New clauses—

On the motion of Mr. Thomas Paterson, the following new clauses were inserted:—

2A. The Principal Act is amended as set out in the Schedule to this Act. Amendment of sections specified in Schedule.

3A. Section seventeen of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words "Any power which, under" and inserting in their stead the words "The power which, under sub-section (4.) of section seven of"; and Adoption of Part II. of British Act.

(b) by adding at the end thereof the following sub-section:—

"(3.) Any other power which, under Part II. of the British Act, is exercisable by the Secretary of State, shall be vested in and exercisable by the Minister."

On the motion of Mr. Nairn (for Sir Donald Cameron), the following new clause was inserted, after debate:—

5. After section eighteen of the Principal Act the following section is inserted:—

"18A.—(1.) This section shall apply to every woman who at the time of her marriage to an alien, whether before or after the commencement of this section, was a British subject and who, by reason of her marriage, has acquired the nationality of her husband. Special provisions as to married women who by reason of their marriage to aliens have acquired the nationality of their husbands.

(2.) Any woman to whom this section applies, whether her marriage is still continuing or not, may—

(a) in the case of a woman married to an alien before the commencement of this section, at any time within twelve months after the commencement of this section,

(b) in the case of a woman married to an alien after the commencement of this section, within twelve months after the date of her marriage, or

(c) in either case, at such later time as the Minister in special circumstances allows, make a declaration in the prescribed form and manner that she desires to retain while in Australia or any Territory the rights of a British subject, and thereupon she shall, within Australia or any Territory, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject."

On the motion of Mr. Thomas Paterson, the following new clause was inserted:—

6. Section thirty-four of the Principal Act is amended by inserting in sub-section Amendment of certificates.

(1.) after the word "issued" the words "under this Act or".

New Schedule—

On the motion of Mr. Thomas Paterson, the following new schedule was inserted:—

THE SCHEDULE.

AMENDMENTS TO THE PRINCIPAL ACT.

Section.	Amendment.
7	Omit "Governor-General" (wherever occurring), insert "Minister".
8	Omit "Governor-General" (wherever occurring), insert "Minister".
9	Omit "Governor-General", insert "Minister".
10	Omit "Governor-General" (wherever occurring), insert "Minister".
11	Omit "Governor-General", insert "Minister".
12	Omit "Governor-General" (wherever occurring in sub-sections (1.), (2.), (3.), (4.), (7.) and (8.)), insert "Minister".
13	Omit "Governor-General" (wherever occurring), insert "Minister".
18	Omit "Governor-General", insert "Minister".
27	Omit "Governor-General", insert "Minister".
28	Omit "Governor-General", insert "Minister".
29	Omit "Governor-General" (first occurring), insert "Minister".
34	Omit "Governor-General", insert "Minister".

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Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Prowse reported accordingly.

On the motion of Mr. Thomas Paterson, by leave, the House adopted the Report, and, by leave, the Bill was read a third time.

13. POSTPONEMENT OF ORDERS OF THE DAY. —Ordered—That Orders of the Day Nos. 7 to 13 be postponed until after Order of the Day No. 14, Government Business.
14. PUBLIC SERVICE BILL [No. 2] (1936).—The Order of the Day having been read for the second reading—  
Mr. Hunter (Assistant Minister) moved, That the Bill be now read a second time.  
Mr. Rosevear 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.
15. ADJOURNMENT. —Mr. Menzies (Attorney-General) moved, That the House do now adjourn.  
Question—put and passed.

And then the House, at fifteen minutes to one 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. Barnard, Mr. Bensley, Sir Donald Cameron, Mr. Clark, Mr. J. V. Fairbairn, Mr. Fiskin, Mr. Josiah Francis, Mr. Hughes, Mr. W. Maloney, Mr. McBride, Mr. Earle Page, Mr. Perkins, Mr. Thompson, Mr. D. O. Watkins, and Mr. White.

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