

1937-38.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 57.

TUESDAY, 8TH NOVEMBER, 1938.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. J. Bell) took the Chair, and read Prayers.
2. RESIGNATION OF MINISTRY AND FORMATION OF NEW GOVERNMENT—MINISTERIAL STATEMENT.—Mr. Lyons (Prime Minister) informed the House that yesterday he handed to His Excellency the Governor-General his resignation as Prime Minister of the Commonwealth. His Excellency accepted the resignation.

Mr. Lyons also stated that, at the request of His Excellency, he had formed a new Government of which the members were as follows :—

Prime Minister	Mr. Lyons
Minister for Commerce	Sir Earle Page
Attorney-General and Minister for Industry ..	Mr. R. G. Menzies
Minister for External Affairs	Mr. Hughes
Treasurer	Mr. Casey
Minister for Trade and Customs	Mr. White
Minister for Defence (Naval, Military and Air Defence)	Mr. Street
Minister for the Interior	Mr. McEwen
Vice-President of the Executive Council ..	Senator McLeay
Minister for Repatriation and Health ..	Senator Foll
Postmaster-General	Mr. Cameron
Minister without portfolio assisting the Prime Minister and administering External Terri- tories	Mr. Perkins
Minister without portfolio assisting the Minister for Commerce	Mr. Thompson
Minister without portfolio assisting the Treasurer	Senator MacDonald

Mr. Lyons also announced that it was proposed to create a new Department—the Department of Civil Aviation, Defence and Other Works—and that Mr. Thorby would be appointed as its Minister.

Mr. Lyons also informed the House that the Minister for Repatriation and Health would be represented in the House of Representatives by the Postmaster-General.

3. STATEMENT BY MEMBER.—Mr. White, by leave, made a Statement informing the House that he had tendered his resignation as Minister for Trade and Customs.
Mr. Lyons (Prime Minister), by leave, also made a Statement on the matter.
4. STATEMENT BY MEMBER—LEAVE TO MAKE NOT GRANTED.—Mr. Forde asked leave to make a Statement.
Objection being raised, leave not granted.
5. SUSPENSION OF STANDING ORDERS MOVED.—Mr. Forde moved, That so much of the Standing Orders be suspended as would prevent him from making a Statement to the House.

Debate ensued.

Question—put.

F.6356/37.

8th November, 1938.

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

Ayes, 28.		Noes, 33.	
Mr. Baker	Mr. Maloney	Mr. Anthony	Mr. Nairn
Mr. Barnard	Mr. Martens	Mr. Cameron	Sir Earle Page
Mr. Beasley	Mr. Mulcahy	Mr. Casey	Mr. Paterson
Mr. Blackburn	Mr. Pollard	Mr. Collins	Mr. Perkins
Mr. Brennan	Mr. Rosevear	Mr. Corser	Mr. Price
Mr. Clark	Mr. Scullin	Mr. Fadden	Mr. Prowse
Mr. Drakeford	Mr. Scully	Mr. Fairbairn	Mr. Rankin
Mr. Forde	Mr. Sheehan	Mr. Francis	Mr. Scholfield
Mr. Frost	Mr. Ward	Mr. Gregory	Mr. Stacey
Mr. Green	Mr. Watkins	Mr. Harrison	Mr. Street
Sir Henry Gullett	Mr. White	Mr. Holt	Mr. Thompson
Mr. Holloway		Mr. Hughes	Mr. Thorby
Mr. James	<i>Tellers:</i>	Mr. Jennings	Mr. Wilson
Mr. Mahoney	Mr. Gander	Mr. Jolly	
Mr. Makin	Mr. George Lawson	Mr. Lane	<i>Tellers:</i>
		Mr. John Lawson	Mr. Gardner
		Mr. McEwen	Mr. Nock
		Mr. Menzies	

And so it was negatived.

6. MESSAGES FROM THE GOVERNOR-GENERAL.—ASSENT TO BILLS.—The following Messages from His Excellency the Governor-General were received, and were read by Mr. Speaker :—

GOWRIE,

*Governor-General.**Message No. 43.*

A Proposed Law intituled "*Appropriation (Works and Buildings) Act 1938-39*" 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, 20th October, 1938.

GOWRIE,

*Governor-General.**Message No. 44.*

A Proposed Law intituled "*Therapeutic Substances Act 1938*" 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, 21st October, 1938.

7. MESSAGE FROM THE SENATE.—CUSTOMS TARIFF VALIDATION BILL 1938.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 46.

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, 4th November, 1938.

J. B. HAYES,
President.

8. MESSAGE FROM THE GOVERNOR-GENERAL.—ASSENT TO BILL.—The following Message from His Excellency the Governor-General was received, and was read by Mr. Speaker :—

GOWRIE,

*Governor-General.**Message No. 45.*

A Proposed Law intituled "*Customs Tariff Validation Act 1938*" 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, 5th November, 1938.

9. PAPERS.—The following Papers were presented, pursuant to Statute—

Commonwealth Public Service Act—Regulations Amended—Statutory Rules 1938, No. 105.
Post and Telegraph Act—Regulations Amended—Statutory Rules 1938, No. 100.

10. APPLE AND PEAR ORGANIZATION BILL 1938.—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.

8th November, 1938.

(In the Committee.)

Clause 14—

Debate resumed on the amendment moved by Mr. Frost, viz. :—That the words “ applied uniformly throughout the Commonwealth ” (page 7, lines 5–6) be omitted with a view to the insertion of the words “ of immediate previous three years average shipments to United Kingdom markets or continental markets, or both ” in place thereof.

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

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

Ayes, 38.		Noes, 22.	
Mr. Anthony	Mr. Menzies	Mr. Barnard	Mr. Martens
Mr. Baker	Mr. Nairn	Mr. Beasley	Mr. Mulcahy
Mr. Cameron	Sir Earle Page	Mr. Blackburn	Mr. Rosevear
Mr. Casey	Mr. Paterson	Mr. Brennan	Mr. Scullin
Mr. Collins	Mr. Perkins	Mr. Clark	Mr. Scully
Mr. Corser	Mr. Pollard	Mr. Drakeford	Mr. Sheehan
Mr. Fadden	Mr. Price	Mr. Forde	Mr. Ward
Mr. Fairbairn	Mr. Prowse	Mr. Frost	Mr. Watkins
Mr. Francis	Mr. Rankin	Mr. Holloway	
Mr. Green	Mr. Scholfield	Mr. James	<i>Tellers:</i>
Mr. Gregory	Mr. Stacey	Mr. Lazzarini	Mr. Gander
Sir Henry Gullett	Sir Frederick Stewart	Mr. Mahoney	Mr. George Lawson
Mr. Harrison	Mr. Street		
Mr. Holt	Mr. Thompson		
Mr. Jennings	Mr. Thorby		
Mr. Jolly	Mr. Wilson		
Mr. Lane			
Mr. John Lawson	<i>Tellers:</i>		
Mr. Maloney	Mr. Gardner		
Mr. McEwen	Mr. Nock		

And so it was resolved in the affirmative.

On the motion of Mr. Cameron (Postmaster-General), the following amendments were made :—

Page 7, after sub-clause (1.) insert the following sub-clause :—

“(1A.) In adopting a basis to be applied by the Board in accordance with paragraph (b) of the last preceding sub-section the Board shall take into consideration the average yearly exports overseas of apples and pears from each State during the period of three years immediately preceding the year in which the basis is adopted and such other factors relating to the production of apples or pears in each State and the available markets therefor as the Board thinks necessary.”

Page 7, line 43, omit “ may ”, insert “ shall ”.

Page 7, line 46, before “ Any ” insert “ For the purpose of arriving at a decision upon ”.

Page 7, line 47, omit “ for decision shall be decided by him ”, insert “ the arbitrator shall take into consideration the average yearly exports overseas of apples or pears from each State during the period of three years immediately preceding the year in which the matter is so referred, and such other factors relating to the production of apples or pears in each State and the available markets therefor as he thinks necessary and shall decide the matter ”.

Mr. Frost moved, as a further amendment, That at the end of the clause the following sub-clause be added :—

“(8.) Any person who has applied for a licence under this section may, in the prescribed manner and subject to the conditions prescribed, appeal to a Police, Stipendiary or Special Magistrate from the refusal or failure of the Board to recommend that a licence be issued to him. Upon such appeal the Police, Stipendiary or Special Magistrate shall rehear the application and decide upon the matter and the Board shall give effect to any decision made by him in accordance with this sub-section.”

Debate ensued.

Amendment withdrawn, by leave.

Clause, as amended, agreed to.

Clause 15—

Mr. Holt moved, as an amendment, That at the end of sub-clause (1.) the following words be added :—

“ but no such contract for insurance shall be made by the Board without the approval of the Minister with a person or company not carrying on the business of insurance in the Commonwealth on its own account or with a person or company which in the Commonwealth merely grants cover or receives premiums, proposals or requests for insurance business on behalf of or for transmission to any company person or association of persons outside the Commonwealth ”.

Debate ensued.

Progress 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.

8th November, 1938.

11. ADJOURNMENT.—Sir Earle Page (Minister for Commerce) moved, That the House do now adjourn.

Ministerial Changes.—Sir Earle Page informed the House that, consequent on the resignation of Mr. White from the Ministry, Mr. Perkins had been appointed as Minister for Trade and Customs and that Mr. Harrison had been appointed Minister without portfolio and would assist the Prime Minister and administer External Territories.

Question—put and passed.

And then the House, at eighteen minutes past ten o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Badman*, Mr. Curtin, Mr. Hunter, Mr. Hutchinson, Sir Charles Marr, Mr. McCall, and Mr. Riordan.

* On leave.

F. C. GREEN,
Clerk of the House of Representatives.