

1937-38.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,  
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 61.

THURSDAY, 17TH NOVEMBER, 1938.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. J. Bell) took the Chair, and read Prayers.
2. PUBLIC WORKS COMMITTEE—REPORT.—Mr. Francis, Chairman of the Parliamentary Standing Committee on Public Works, brought up the following Report from the Committee :—  
Report relating to the proposed erection of a Gaol at Darwin, Northern Territory.  
Ordered to be printed.
3. ADJOURNMENT—MOTION FOR PURPOSE OF DISCUSSION.—Mr. Drakeford 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 standardization of railway gauges".  
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. Drakeford moved, That the House do now adjourn.  
Mr. Drakeford not having concluded his speech at the termination of the time allowed by Standing Order No. 257B—  
Ordered—That the honorable Member have leave to continue his speech.  
Mr. McEwen (Minister for the Interior) addressing the House and not having concluded his speech at the termination of the time allowed by Standing Order No. 257B—  
Ordered—That the honorable Member have leave to continue his speech.  
Debate continued.  
The debate having been continued for two hours—  
*Time for debate extended.*—  
Mr. Forde moved, That so much of the Standing Orders be suspended as would prevent the debate being continued until a quarter-past six o'clock p.m.  
Debate ensued.  
Question—put and passed, with the concurrence of an absolute majority of the Members of the House.  
Debate continued.  
Mr. Holloway addressing the House and not having concluded his speech at the termination of the time allowed by Standing Order No. 257B—  
Ordered—That the honorable Member have leave to continue his speech.  
Debate continued.  
At a quarter-past six o'clock p.m., the time allotted having expired, the debate was terminated, and the Business of the Day was called on.
4. MESSAGE FROM THE SENATE.—STATES GRANTS BILL 1938.—Mr. Speaker announced the receipt of the following Message from the Senate :—  
MR. SPEAKER, *Message No. 47.*  
The Senate returns to the House of Representatives the Bill for "*An Act to grant and apply out of the Consolidated Revenue Fund sums for the purposes of Financial Assistance to the States of South Australia, Western Australia and Tasmania*", and acquaints the House that the Senate has agreed to the Bill without amendment.  
J. B. HAYES,  
President.  
The Senate,  
Canberra, 17th November, 1938.
5. PAPERS.—The following Papers were presented, pursuant to Statute—  
Arbitration (Public Service) Act—Determination by the Arbitrator, &c.—No. 24 of 1938—  
Commonwealth Public Service Clerical Association.  
Australian Soldiers' Repatriation Act—Repatriation Commission—Report for year 1937-38.  
Customs Act and Commerce (Trade Descriptions) Act—Regulations Amended—Statutory Rules 1938, No. 108.

17th November, 1938.

Lands Acquisition Act—Land acquired on Rottnest Island, Western Australia—For Defence purposes.

Seat of Government Acceptance Act and Seat of Government (Administration) Act—Ordinances of 1938—

No. 26—Canberra Community Hospital (No. 2).

No. 27—Liquor (No. 2).

6. MESSAGE FROM THE GOVERNOR-GENERAL.—NEWSPRINTING PAPER BOUNTY BILL 1938.—The following Message from His Excellency the Governor-General was presented, and was read by Mr. Speaker :—

GOWRIE,

*Governor-General.*

*Message No. 49.*

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, 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 provide for the Payment of a Bounty on the Production of Newsprinting Paper.

Canberra, 19th October, 1938.

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. Perkins (Minister for Trade and Customs) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to provide for the Payment of a Bounty on the Production of Newsprinting Paper.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Prowse reported accordingly.

Mr. Perkins moved, pursuant to contingent notice, That so much of the Standing Orders be suspended as would prevent the remaining stages being passed without delay.

Question—put and passed.

The Resolution reported from the Committee was read, and, on the motion of Mr. Perkins, was adopted by the House.

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

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

Mr. Forde 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. WAYS AND MEANS [“ GRIEVANCE DAY ” AND CUSTOMS TARIFF AMENDMENT (No. 4) ].—Pursuant to the provisions of Standing Order No. 241, the Order of the Day having been read for going into the Committee of Ways and Means—

Question—That Mr. Speaker do now leave the Chair—put and passed.

Whereupon Mr. Speaker left the Chair, and the House resolved itself into the Committee of Ways and Means.

*(In the Committee.)*

Mr. Perkins (Minister for Trade and Customs) moved—

CUSTOMS TARIFF AMENDMENT (No. 4).

That the Schedule to the *Customs Tariff 1933-1938* as proposed to be amended by Customs Tariff Proposals be further amended as hereunder set out, and that on and after the eighteenth day of November, One thousand nine hundred and thirty-eight, at nine o'clock in the forenoon, reckoned according to standard time in the Australian Capital Territory, Duties of Customs be collected in pursuance of the *Customs Tariff 1933-1938* as so amended.



17th November, 1938.

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

Ayes, 35.		Noes, 28.	
Mr. Anthony	Mr. Nairn	Mr. Baker	Mr. Makin
Mr. Badman	Sir Earle Page	Mr. Barnard	Mr. Martens
Mr. Cameron	Mr. Paterson	Mr. Beasley	Mr. Mulcahy
Mr. Casey	Mr. Perkins	Mr. Blackburn	Mr. Pollard
Mr. Collins	Mr. Price	Mr. Brennan	Mr. Riordan
Mr. Corser	Mr. Prowse	Mr. Clark	Mr. Rosevear
Mr. Fadden	Mr. Rankin	Mr. Drakeford	Mr. Scullin
Mr. Fairbairn	Mr. Spender	Mr. Forde	Mr. Scully
Mr. Francis	Mr. Stacey	Mr. Frost	Mr. Sheehan
Sir Henry Gullett	Sir Frederick Stewart	Mr. Green	Mr. Ward
Mr. Harrison	Mr. Street	Mr. Holloway	Mr. Watkins
Mr. Holt	Mr. Thompson	Mr. James	<i>Tellers:</i>
Mr. Hunter	Mr. Thorby	Mr. Lane	
Mr. Hutchinson	Mr. Wilson	Mr. Lazzarini	Mr. Gander
Mr. Jennings		Mr. Mahoney	Mr. George Lawson
Mr. Jolly	<i>Tellers:</i>		
Mr. McCall			
Mr. McEwen	Mr. Gardner		
Mr. Menzies	Mr. Nock		

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—

Mr. Brennan moved, as an amendment, That the words "the seventh day of November, One thousand nine hundred and thirty-eight" (lines 12-14) be omitted with a view to the insertion of the words "a date to be fixed by Proclamation not earlier than two years after the seventeenth day of November, One thousand nine hundred and thirty-eight" in place thereof.

Debate ensued.

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

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

Ayes, 35.		Noes, 27.	
Mr. Anthony	Mr. Menzies	Mr. Baker	Mr. Martens
Mr. Badman	Mr. Nairn	Mr. Barnard	Mr. Mulcahy
Mr. Cameron	Sir Earle Page	Mr. Beasley	Mr. Pollard
Mr. Casey	Mr. Paterson	Mr. Blackburn	Mr. Riordan
Mr. Collins	Mr. Perkins	Mr. Brennan	Mr. Rosevear
Mr. Corser	Mr. Price	Mr. Clark	Mr. Scullin
Mr. Fadden	Mr. Rankin	Mr. Drakeford	Mr. Scully
Mr. Fairbairn	Mr. Spender	Mr. Forde	Mr. Sheehan
Mr. Francis	Mr. Stacey	Mr. Frost	Mr. Ward
Mr. Gregory	Sir Frederick Stewart	Mr. Green	Mr. Watkins
Mr. Harrison	Mr. Street	Mr. Holloway	
Mr. Holt	Mr. Thompson	Mr. James	<i>Tellers:</i>
Mr. Hunter	Mr. Thorby	Mr. Lazzarini	
Mr. Hutchinson	Mr. Wilson	Mr. Mahoney	Mr. Gander
Mr. Jennings		Mr. Makin	Mr. George Lawson
Mr. Jolly	<i>Tellers:</i>		
Mr. Lane			
Mr. McCall	Mr. Gardner		
Mr. McEwen	Mr. Nock		

And so it was resolved in the affirmative.

Clause agreed to.

Clause 3 agreed to.

Clause 4 debated.

*Member named.*—The Chairman (Mr. Prowse) named the honorable Member for Denison (Mr. Mahoney) for disregarding the authority of the Chair.

Mr. Mahoney having expressed his regret, the matter was not further proceeded with.

Debate continued.

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

The House resumed; Mr. Prowse reported accordingly.

Resolved—That the House will, at a later hour this day, again resolve itself into the said Committee.

11. SUSPENSION OF STANDING ORDER NO. 70.—Mr. Lyons (Prime Minister) moved, by leave, That Standing Order No. 70 (eleven o'clock rule) be suspended for this sitting.

Question—put and passed.

17th November, 1938.

12. **MINISTERS OF STATE 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 again resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 4 further debated.

Question—That the clause be agreed to—put.

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

Ayes, 32.

Mr. Anthony	Mr. Menzies
Mr. Cameron	Mr. Nairn
Mr. Casey	Sir Earle Page
Mr. Collins	Mr. Paterson
Mr. Corser	Mr. Perkins
Mr. Fadden	Mr. Price
Mr. Fairbairn	Mr. Rankin
Mr. Francis	Mr. Spender
Mr. Harrison	Mr. Stacey
Mr. Holt	Sir Frederick Stewart
Mr. Hunter	Mr. Street
Mr. Hutchinson	Mr. Thompson
Mr. Jennings	Mr. Thorby
Mr. Jolly	
Mr. Lane	<i>Tellers:</i>
Mr. McCall	Mr. Gardner
Mr. McEwen	Mr. Nock

Noes, 26.

Mr. Baker	Mr. Makin
Mr. Barnard	Mr. Martens
Mr. Beasley	Mr. Mulcahy
Mr. Blackburn	Mr. Pollard
Mr. Brennan	Mr. Riordan
Mr. Clark	Mr. Rosevear
Mr. Drakeford	Mr. Scully
Mr. Forde	Mr. Sheehan
Mr. Frost	Mr. Ward
Mr. Green	Mr. Watkins
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Lazzarini	Mr. Gander
Mr. Mahoney	Mr. George Lawson

And so it was resolved in the affirmative.

Title agreed to.

Bill to be reported without amendment.

The House resumed ; Mr. Prowse reported accordingly.

On the motion of Mr. Casey (Treasurer), the House adopted the Report.

Mr. Casey moved (the Standing Orders having previously been suspended, *see* page 253), That the Bill be now read a third time.

Question—put.

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

Ayes, 33.

Mr. Anthony	Mr. Nairn
Mr. Cameron	Sir Earle Page
Mr. Casey	Mr. Paterson
Mr. Collins	Mr. Perkins
Mr. Corser	Mr. Price
Mr. Fadden	Mr. Prowse
Mr. Fairbairn	Mr. Rankin
Mr. Francis	Mr. Spender
Mr. Harrison	Mr. Stacey
Mr. Holt	Sir Frederick Stewart
Mr. Hunter	Mr. Street
Mr. Hutchinson	Mr. Thompson
Mr. Jennings	Mr. Thorby
Mr. Jolly	
Mr. Lane	<i>Tellers:</i>
Mr. McCall	Mr. Gardner
Mr. McEwen	Mr. Nock
Mr. Menzies	

Noes, 26.

Mr. Baker	Mr. Martens
Mr. Barnard	Mr. Mulcahy
Mr. Beasley	Mr. Pollard
Mr. Blackburn	Mr. Riordan
Mr. Brennan	Mr. Rosevear
Mr. Clark	Mr. Scully
Mr. Drakeford	Mr. Sheehan
Mr. Forde	Mr. Ward
Mr. Frost	Mr. Watkins
Mr. Green	
Mr. Holloway	<i>Tellers:</i>
Mr. James	Mr. Gander
Mr. Lazzarini	Mr. George Lawson
Mr. Mahoney	
Mr. Makin	

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

13. **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.

(In the Committee.)

Clause 15—

Debate resumed on the amendment moved by Mr. Holt, viz. :—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 ”.

Amendment withdrawn, by leave.

17th and 18th November, 1938.

Mr. Ward moved, as an amendment, That after sub-clause (1.) the following sub-clause be inserted :—  
 “(1A.) After such date as is notified in the *Gazette* by the Minister on the recommendation of the Board, a contract for the insurance against loss or deterioration of any apples or pears while awaiting transport by sea to any place beyond the Commonwealth or while in course of, or awaiting disposal after, such transport, shall not be made except with the Board acting as the insurer.”

Debate ensued.

Question—That the sub-clause proposed to be inserted be so inserted—put.

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

Ayes, 26.

Mr. Baker	Mr. Makin
Mr. Barnard	Mr. Martens
Mr. Beasley	Mr. Mulcahy
Mr. Blackburn	Mr. Pollard
Mr. Brennan	Mr. Riordan
Mr. Clark	Mr. Rosevear
Mr. Drakeford	Mr. Scully
Mr. Forde	Mr. Sheehan
Mr. Frost	Mr. Ward
Mr. Green	Mr. Watkins
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Lazzarini	Mr. Gander
Mr. Mahoney	Mr. George Lawson

Noes, 31.

Mr. Anthony	Mr. Nairn
Mr. Cameron	Sir Earle Page
Mr. Casey	Mr. Paterson
Mr. Collins	Mr. Perkins
Mr. Corser	Mr. Price
Mr. Fadden	Mr. Rankin
Mr. Fairbairn	Mr. Spender
Mr. Francis	Mr. Stacey
Mr. Harrison	Sir Frederick Stewart
Mr. Holt	Mr. Street
Mr. Hutchinsor	Mr. Thompson
Mr. Jennings	Mr. Thorby
Mr. Jolly	
Mr. Lane	<i>Tellers:</i>
Mr. McCall	Mr. Gardner
Mr. McEwen	Mr. Nock
Mr. Menzies	

And so it was negatived.

The Committee continuing to sit until after midnight—

### FRIDAY, 18TH NOVEMBER, 1938.

Clause agreed to.

Clauses 16 to 24 agreed to.

Clause 25—

Mr. Frost moved, as an amendment, That the words “ Committee consisting of representatives of approved growers’ organizations shall review the operations of the Board and report to the Minister ” (page 10, lines 16–18) be omitted with a view to the insertion of the words “ plebiscite shall be taken of all growers in each State exporting apples and pears to overseas markets ” in place thereof.

Debate ensued.

Amendment withdrawn, by leave.

On the motion of Mr. Cameron (Postmaster-General), the clause was omitted and the following clause inserted in place thereof, after debate :—

“ 25.—(1.) If at any time within six months after the expiration of three years from the commencement of this Act, or within six months after the expiration of any subsequent period of three years, a request in writing signed by not less than five hundred growers is forwarded to the Minister asking that the question of the continued operation of this Act be submitted to a poll of growers, a poll of growers on that question shall be taken in the prescribed manner within six months of the date upon which the request is received by the Minister.

(2.) If at a poll taken in pursuance of this section a majority of the growers entitled to vote at the poll vote in favour of the discontinuance of the operation of this Act, this Act shall cease to have effect upon a date to be fixed by Proclamation not being later than the expiration of six months from the date of the taking of the poll.”

Clause 26 agreed to.

*New clauses—*

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

“ 15A. Upon the constitution, under this Act, of the Australian Apple and Pear Board, any reference, in any contract for the carriage of apples or pears to any place beyond the Commonwealth existing at the date of the constitution of the Board, to the Australian Apple and Pear Council shall be read as a reference to the Australian Apple and Pear Board.”

Mr. Pollard moved, That the following further new clause be inserted in the Bill :—

“ 15B.—(1.) Notwithstanding anything contained in this Act, the Board, with the consent of the Minister, may, if it thinks fit, undertake the business of the insurance of apples and pears against the risks specified in paragraph (b) of sub-section (1.) of section fifteen.

(2.) On and after a date to be fixed by Proclamation and until the date of revocation of such Proclamation no contract for insurance against such risks shall be made except with the Board, but this sub-section shall not affect the operation of any contract made before the date fixed by Proclamation pursuant to this sub-section nor any contract obligation arising at any time under such contract.

(3.) Any Proclamation made pursuant to the last preceding sub-section may be revoked by Proclamation as from the date fixed by such Proclamation.

17th and 18th November, 1938.

(4.) No Proclamation may be made under either of the two preceding sub-sections except upon the recommendation of the Board.”

Debate ensued.

Question—That the new clause proposed to be inserted be so inserted—put.

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

Ayes, 23.

Mr. Anthony	Mr. Martens
Mr. Barnard	Mr. Mulcahy
Mr. Blackburn	Mr. Pollard
Mr. Brennan	Mr. Riordan
Mr. Clark	Mr. Rosevear
Mr. Drakeford	Mr. Scully
Mr. Forde	Mr. Sheehan
Mr. Frost	Mr. Ward
Mr. Green	
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Lazzarini	Mr. Gander
Mr. Makin	Mr. George Lawson

Noes, 27.

Mr. Cameron	Sir Earle Page
Mr. Collins	Mr. Paterson
Mr. Corser	Mr. Perkins
Mr. Fadden	Mr. Price
Mr. Fairbairn	Mr. Spender
Mr. Francis	Mr. Stacey
Mr. Harrison	Sir Frederick Stewart
Mr. Holt	Mr. Street
Mr. Hutchinson	Mr. Thompson
Mr. Jennings	Mr. Thorby
Mr. Jolly	
Mr. McCall	<i>Tellers:</i>
Mr. McEwen	Mr. Gardner
Mr. Menzies	Mr. Nock
Mr. Nairn	

And so it was negatived.

Preamble agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Prowse reported accordingly.

Mr. Cameron moved, by leave, That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clauses 3 and 4.

Question—put and passed.

Mr. Speaker left the Chair, and the House again resolved itself into a Committee of the Whole.

(In the Committee.)

On recommitment—

Clause 3—

On the motion of Mr. Cameron, the following amendment was made, after debate :—Page 1, after the definition of “ approved growers’ organizations ” insert the following definition :—

“ ‘ grower ’ in relation to a poll of growers taken for the purpose of this Act, means the occupier of an orchard from which at least two hundred and fifty bushels of apples or pears were exported in each of at least two of the three years preceding the taking of the poll in relation to which the expression is used ; ”

Clause, as amended, agreed to.

Clause 4—

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

Page 3, after “ eligible for ” (lines 5–6) insert “ re-appointment or for ”.

Page 3, sub-clause (10A.), omit “ the members of the Board other than the Government representative ”, insert “ each member of the Board (other than the Government representative and the representative of exporters of apples and pears) representing the growers in any State ”.

Page 3, sub-clause (10A.), after “ manner ” insert “ in that State ”.

Clause, as amended, agreed to.

Bill to be reported with further amendments.

The House resumed ; Mr. Prowse reported accordingly.

On the motion of Mr. Cameron, by leave, the House adopted the Reports, and, by leave, the Bill was read a third time.

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

Question—put and passed.

And then the House, at seven minutes to one o'clock in the morning, adjourned until this day at half-past ten o'clock a.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Curtin, Mr. John Lawson, Sir Charles Marr, and Mr. Scholfield.

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