

1940-41-42-43.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,  
CANBERRA.

VOTES AND PROCEEDINGS  
OF THE  
HOUSE OF REPRESENTATIVES.

No. 131.

TUESDAY, 16TH MARCH, 1943.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable W. M. Nairn) took the Chair, and read Prayers.
2. DEATH OF MR. J. F. HANNAN.—Mr. Curtin (Prime Minister) referred to the death, on the 14th instant, of Mr. J. F. Hannan, and moved, That this House expresses its deep regret at the death of Mr. Joseph Francis Hannan, a former Member for the Division of Fawkner and of the Senate for the State of Victoria, places on record its appreciation of his meritorious public service and tenders its profound sympathy to his relatives in their bereavement.  
And Mr. Hughes (Deputy Leader of the Opposition) having seconded the motion, and all Members present having risen, in silence—  
Question—passed.

3. MESSAGE FROM THE SENATE.—INCOME TAX BILL 1943.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 171.

The Senate returns to the House of Representatives the Bill for "An Act to impose a Tax upon Incomes", and acquaints the House of Representatives that the Senate has considered Message No. 188 of that House in reference to such Bill.

The Senate has resolved to press its Request for amendment No. 1, and again requests the House of Representatives to make such amendment, as shown in the annexed Schedule.

The Senate,  
Canberra, 12th March, 1943.

JAS. CUNNINGHAM,  
President.

*Statement by the Speaker—Privileges of the House.*—Mr. Speaker said :—

I feel that I should direct the attention of the House to the constitutional question this Message involves. The right of the Senate to press a request for amendment has never been admitted by the House of Representatives, though on previous occasions this House, having regard to the fact that public welfare demanded the passing of certain legislation, has refrained from a determination of its constitutional rights and obligations. It rests with the House to determine whether it will receive and consider the Message.

Ordered—That the consideration of the Message by the House be made an Order of the Day for a later hour this day.

4. PAPERS.—The following Papers were presented, pursuant to Statute—  
Commonwealth Railways Act—By-law No. 83.  
National Security Act—  
National Security (General) Regulations—Orders—  
Control of rubber.  
Taking possession of land, &c. (105).  
National Security (War Damage to Property) Regulations—Order—Declaration of  
indestructible goods.  
Regulations—Statutory Rules 1943, Nos. 54, 55, 56.  
Naval Defence Act—Regulations—Statutory Rules 1943, No. 42.
5. SUSPENSION OF STANDING ORDER NO. 70.—Mr. Curtin (Prime Minister) moved, pursuant to notice, That Standing Order No. 70 (eleven o'clock rule) be suspended for the remainder of this week.  
Debate ensued.  
Question—put and passed.
6. AUSTRALIAN SOLDIERS' REPATRIATION BILL 1943.—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.  
Sir Charles Marr was granted leave to continue his speech when the debate is resumed.  
Ordered—That the debate be now adjourned, and that the resumption of the debate be made an Order of the Day for a later hour this day.

F.6316.

16th March, 1943.

7. INCOME TAX BILL 1943.—SENATE'S MESSAGE NO. 171.—The Order of the Day having been read for the consideration of Message No. 171 from the Senate—
- Mr. Curtin (Prime Minister) moved, That this House takes note of the statement of Mr. Speaker in relation to the constitutional questions raised by Message No. 171, received from the Senate in reference to the Income Tax Bill 1943, but refrains from the determination of its constitutional rights in respect of such Message and resolves to consider it forthwith.
- Debate ensued.
- Question—put and passed.
- Mr. Curtin moved, That the foregoing Resolution be incorporated in the Message when the Bill is returned to the Senate.
- Question—put and passed.
- Mr. Curtin moved, That the Senate's Message No. 171 be taken into consideration, in Committee of the whole House, forthwith.
- Question—put and passed.
- Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

*(In the Committee.)*

The Committee proceeded to consider the Requested Amendment pressed by the Senate, which is as follows :—

SCHEDULE SHOWING THE ORIGINAL REQUESTED AMENDMENT OF THE SENATE WHICH THE HOUSE OF REPRESENTATIVES HAS NOT MADE, AND WHICH THE SENATE AGAIN REQUESTS THE HOUSE TO MAKE.

No. 1—Page 1, clause 2, lines 6 and 7, leave out all words after "Proclamation".

On the motion of Mr. Curtin, the Requested Amendment was made.  
Resolution to be reported.

The House resumed ; Mr. Prowse reported accordingly.

On the motion of Mr. Curtin, the House adopted the Report.

Ordered—That the Bill, amended accordingly, be returned to the Senate.

8. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
- Constitutional Opinions—
- On whether Clause 2 of the Income Tax Bill 1943 contravenes section 55 of the Constitution—
- By Sir Robert Garran, K.C., Sir George Knowles, Professor K. H. Bailey and Mr. G. B. Castieau.
- By Sir George Knowles and Mr. G. B. Castieau.
- By Mr. David Maughan, K.C.
- On whether the Senate has a right to press a request for the amendment of a Money Bill—
- By Sir Robert Garran, K.C., Sir George Knowles, Professor K. H. Bailey and Mr. G. B. Castieau.

Severally ordered to lie on the Table.

9. AUSTRALIAN SOLDIERS' REPATRIATION BILL 1943.—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.
- Mr. Abbott 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.
10. ADJOURNMENT.—Mr. Chifley (Treasurer) moved, That the House do now adjourn.
- Debate ensued.
- Question—put and passed.
- And then the House, at ten minutes to twelve o'clock midnight, 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. Beck, Mr. Blain\*, Mr. Corser, Mr. Falstein, Mr. Guy, Mr. Scullin\*, Mr. Scully, Mr. White\*, and Mr. Wilson.

\* On leave.

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