

1946-47.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 41.

WEDNESDAY, 23RD APRIL, 1947.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable J. S. Rosevear) took the Chair, and read Prayers.
2. ALTERATION OF HOUR OF NEXT MEETING.—Mr. Chifley (Prime Minister) moved, That the House, at its rising, adjourn until to-morrow at half-past ten o'clock a.m.
Debate ensued.
Question—put and passed.
3. ADJOURNMENT-MOTION FOR PURPOSE OF DISCUSSION.—Mr. Abbott 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 danger of Communist influence upon the Government and the Commonwealth Public Service, including the staff of the Council for Scientific and Industrial Research".
- 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. Abbott moved, That the House do now adjourn.
- Mr. McEwen moved, That Mr. Abbott be granted an extension of time.
Question—put.
The House divided (The Speaker, Mr. Rosevear, in the Chair)—

Ayes, 20.

Mr. Abbott	Mr. McEwen
Mr. Beale	Mr. Menzies
Mr. Cameron	Sir Earle Page
Mr. Fadden	Mr. Rankin
Mr. Falkinder	Mr. Ryan
Mr. Gullett	Mr. Turnbull
Mr. Hamilton	Mr. White
Mr. Harrison	
Mr. Holt	<i>Tellers:</i>
Mr. Howse	Mr. Corser
Mr. McBride	Mr. McDonald

Noes, 37.

Mr. Barnard	Mr. Lawson
Mr. Beazley	Mr. Lemmon
Mrs. Blackburn	Mr. McLeod
Mr. Burke	Mr. Mulcahy
Mr. Calwell	Mr. O'Connor
Mr. Chambers	Mr. Pollard
Mr. Chifley	Mr. Riordan
Mr. Clark	Mr. Russell
Mr. Conelan	Mr. Scullin
Mr. Dedman	Mr. Scully
Mr. Drakeford	Mr. Sheehy
Mr. Duthie	Mr. Thompson
Mr. Evatt	Mr. Ward
Mr. Falstein	Mr. Watkins
Mr. Fraser	Mr. Williams
Mr. Gaha	
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Johnson	Mr. Fuller
Mr. Langtry	Mr. Sheehan

And so it was negatived.
Debate ensued.

23rd April, 1947.

Closure.—Mr. Scully (Vice-President of the Executive Council) moved, That the question be now put.
Question—That the question be now put—put.
The House divided (The Speaker, Mr. Rosevear, in the Chair)—

Ayes, 36.

Mr. Barnard	Mr. Lawson
Mr. Beazley	Mr. Lemmon
Mrs. Blackburn	Mr. McLeod
Mr. Burke	Mr. Mulcahy
Mr. Calwell	Mr. O'Connor
Mr. Chambers	Mr. Pollard
Mr. Chifley	Mr. Riordan
Mr. Clark	Mr. Russell
Mr. Conelan	Mr. Scullin
Mr. Dedman	Mr. Scully
Mr. Drakeford	Mr. Sheehy
Mr. Duthie	Mr. Thompson
Mr. Evatt	Mr. Ward
Mr. Falstein	Mr. Watkins
Mr. Gaha	Mr. Williams
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Johnson	Mr. Fuller
Mr. Langtry	Mr. Sheehan

Noes, 20.

Mr. Abbott	Mr. McEwen
Mr. Beale	Mr. Menzies
Mr. Cameron	Sir Earle Page
Mr. Fadden	Mr. Rankin
Mr. Falkinder	Mr. Ryan
Mr. Gullett	Mr. Turnbull
Mr. Hamilton	Mr. White
Mr. Harrison	
Mr. Holt	<i>Tellers:</i>
Mr. Howse	Mr. Corser
Mr. McBride	Mr. McDonald

And so it was resolved in the affirmative.

And the question—That the House do now adjourn—was put accordingly, and negatived.

4. PAPER.—The following Paper was presented, pursuant to Statute—

Customs Act and Commerce (Trade Descriptions) Act—Regulations—Statutory Rules 1947,
No. 37.

5. COMMONWEALTH CONCILIATION AND ARBITRATION BILL 1947.—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.

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

Ayes, 35.

Mr. Barnard	Mr. Lemmon
Mr. Beazley	Mr. McLeod
Mrs. Blackburn	Mr. Mulcahy
Mr. Burke	Mr. O'Connor
Mr. Calwell	Mr. Pollard
Mr. Chifley	Mr. Riordan
Mr. Clark	Mr. Russell
Mr. Conelan	Mr. Scullin
Mr. Dedman	Mr. Scully
Mr. Drakeford	Mr. Sheehy
Mr. Evatt	Mr. Thompson
Mr. Falstein	Mr. Ward
Mr. Fraser	Mr. Watkins
Mr. Gaha	Mr. Williams
Mr. Holloway	
Mr. James	<i>Tellers:</i>
Mr. Johnson	Mr. Fuller
Mr. Langtry	Mr. Sheehan
Mr. Lawson	

Noes, 17.

Mr. Abbott	Mr. Menzies
Mr. Cameron	Mr. Rankin
Mr. Fadden	Mr. Ryan
Mr. Falkinder	Mr. Turnbull
Mr. Hamilton	Mr. White
Mr. Harrison	
Mr. Holt	<i>Tellers:</i>
Mr. Howse	Mr. Corser
Mr. McBride	Mr. McDonald
Mr. McEwen	

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—

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

The House resumed: Mr. Clark reported accordingly.

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

6. DECLARATION OF COMMONWEALTH CONCILIATION AND ARBITRATION BILL 1947 AS URGENT BILL—
LIMITATION OF DEBATE.—Mr. Evatt (Attorney-General) declared that the Commonwealth
Conciliation and Arbitration Bill 1947 was an Urgent Bill—
Question—That the Bill be considered an Urgent Bill—put.

23rd April, 1947.

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

Ayes, 35.		Noes, 17.	
Mr. Barnard	Mr. Lemmon	Mr. Abbott	Mr. Menzies
Mr. Beazley	Mr. McLeod	Mr. Cameron	Mr. Rankin
Mrs. Blackburn	Mr. Mulcahy	Mr. Fadden	Mr. Ryan
Mr. Burke	Mr. O'Connor	Mr. Falkinder	Mr. Turnbull
Mr. Calwell	Mr. Pollard	Mr. Hamilton	Mr. White
Mr. Chifley	Mr. Riordan	Mr. Harrison	
Mr. Clark	Mr. Russell	Mr. Holt	
Mr. Conelan	Mr. Scullin	Mr. Howse	<i>Tellers:</i>
Mr. Dedman	Mr. Scully	Mr. McBride	Mr. Corser
Mr. Drakeford	Mr. Sheehy	Mr. McEwen	Mr. McDonald
Mr. Evatt	Mr. Thompson		
Mr. Falstein	Mr. Ward		
Mr. Fraser	Mr. Watkins		
Mr. Gaha	Mr. Williams		
Mr. Holloway			
Mr. James			
Mr. Johnson	<i>Tellers:</i>		
Mr. Langtry	Mr. Fuller		
Mr. Lawson	Mr. Sheehan		

And so it was resolved in the affirmative.

Allotment of Time.—Mr. Evatt then moved, That the time allotted in connexion with the Bill be as follows:—

(a) For the Committee stage, until 10.45 p.m. on Wednesday, 30th April.

(b) For the remaining stages, until 11 p.m. on Wednesday, 30th April.

Debate ensued.

The time allowed by Standing Order No. 257B for the discussion of the motion having expired—

Question—put.

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

Ayes, 35.		Noes, 18.	
Mr. Barnard	Mr. Lemmon	Mr. Abbott	Mr. Menzies
Mr. Beazley	Mr. McLeod	Mr. Cameron	Mr. Rankin
Mrs. Blackburn	Mr. Mulcahy	Mr. Fadden	Mr. Ryan
Mr. Burke	Mr. O'Connor	Mr. Falkinder	Mr. Turnbull
Mr. Calwell	Mr. Pollard	Mr. Gullett	Mr. White
Mr. Chifley	Mr. Riordan	Mr. Hamilton	
Mr. Clark	Mr. Russell	Mr. Harrison	
Mr. Conelan	Mr. Scullin	Mr. Holt	
Mr. Dedman	Mr. Scully	Mr. Howse	<i>Tellers:</i>
Mr. Drakeford	Mr. Sheehy	Mr. McBride	Mr. Corser
Mr. Evatt	Mr. Thompson	Mr. McEwen	Mr. McDonald
Mr. Falstein	Mr. Ward		
Mr. Fraser	Mr. Watkins		
Mr. Gaha	Mr. Williams		
Mr. Holloway			
Mr. James			
Mr. Johnson	<i>Tellers:</i>		
Mr. Langtry	Mr. Fuller		
Mr. Lawson	Mr. Sheehan		

And so it was resolved in the affirmative.

7. MESSAGE FROM THE GOVERNOR-GENERAL.—COMMONWEALTH CONCILIATION AND ARBITRATION BILL 1947.—The following Message from His Excellency the Governor-General was presented and was read by Mr. Speaker:—

W. J. McKELL,
Governor-General.

Message No. 21.

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 amend the *Commonwealth Conciliation and Arbitration Act 1904-1946*, and for other purposes.

Canberra, 19th March, 1947.

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.

23rd April, 1947.

(In the Committee.)

Mr. Evatt (Attorney-General) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to amend the *Commonwealth Conciliation and Arbitration Act 1904-1946*, and for other purposes.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Clark reported accordingly.

The said Resolution was read, and, on the motion of Mr. Evatt, by leave, was adopted by the House.

8. COMMONWEALTH CONCILIATION AND ARBITRATION BILL 1947.—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 1 debated and agreed to.

Clauses 2 and 3 agreed to.

Clause 4—

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

Page 2, at the beginning of the clause insert the following sub-clause :—

“(1.) Notwithstanding the repeal by this Act of Part III. of the Principal Act, the Commonwealth Court of Conciliation and Arbitration existing immediately prior to the commencement of this Act shall not cease to exist but shall continue as the Commonwealth Court of Conciliation and Arbitration referred to in the Principal Act as amended by this Act.”

Page 2, line 20, omit “their tenor”, insert “the Principal Act as amended by this Act”.

Clause, as amended, agreed to.

Clause 5—

Mr. Menzies (Leader of the Opposition) moved, as an amendment, That the words “exclusive jurisdiction in matters of law arising under this Act and limited” (page 2, lines 42 and 43) be omitted.

Debate ensued.

Amendment negatived.

On the motion of Mr. Evatt, the following amendment was made, after debate :—

Page 2, line 42, after “exclusive” insert “appellate”.

Clause, as amended, agreed to.

Clause 6—

Mrs. Blackburn moved, as an amendment, That after “Commissioner” (page 3, line 22) the words “, male or female,” be inserted.

Debate ensued.

Amendment negatived.

Debate continued.

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

Page 4, line 36, after “otherwise” insert “, in relation to the employment of those members”.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8—

Ordered— That the clause be considered by proposed sections.

Clause to the end of proposed section 10—

On the motion of Mr. Evatt, the following amendment was made, after debate :—

Page 5, after sub-section (1.) of proposed section 10 insert the following sub-section :—

“(1A.) The Governor-General may appoint a Conciliation Commissioner to be the Chief Conciliation Commissioner.”

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

Page 5, after sub-section (2.) of proposed section 10 insert the following sub-section :—

“(2A.) Each Conciliation Commissioner shall give his whole time to the duties of his employment.”

Page 6, after sub-section (3.) of proposed section 10 add the following sub-sections :—

“(4.) An officer of the Public Service of a State who becomes a Conciliation Commissioner shall, subject to the next succeeding sub-section, retain all his existing and accruing rights.

“(5.) An officer of the Public Service of a State who, immediately prior to his appointment as a Conciliation Commissioner, was a contributor to the Superannuation Fund of that State, shall not be entitled to retain any existing or accruing rights in respect of superannuation unless he pays to the Commonwealth the contributions (if any) refunded to him from that Fund upon his resignation from the Public Service of that State.”

Question—That the clause to the end of proposed section 10, as amended, be aged to—put.

23rd April, 1947.

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

Ayes, 30.		Noes, 14.	
Mr. Barnard	Mr. McLeod	Mr. Cameron	Mr. Rankin
Mr. Beazley	Mr. Mulcahy	Mr. Falkinder	Mr. Ryan
Mrs. Blackburn	Mr. O'Connor	Mr. Hamilton	Mr. Turnbull
Mr. Burke	Mr. Pollard	Mr. Harrison	Mr. White
Mr. Calwell	Mr. Riordan	Mr. Holt	<i>Tellers:</i>
Mr. Chifley	Mr. Russell	Mr. McBride	Mr. Corser
Mr. Conelan	Mr. Scully	Mr. McEwen	Mr. McDonald
Mr. Dedman	Mr. Sheehy	Mr. Menzies	
Mr. Evatt	Mr. Thompson		
Mr. Falstein	Mr. Ward		
Mr. Gaha	Mr. Watkins		
Mr. Holloway	Mr. Williams		
Mr. James	<i>Tellers:</i>		
Mr. Johnson	Mr. Fuller		
Mr. Langtry	Mr. Sheehan		
Mr. Lemmon			

And so it was resolved in the affirmative.

Proposed section 11—

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

Page 6, line 11, after "attained" insert ", or is about to attain,".

Page 6, line 20, after "attained" insert ", or is about to attain,".

Proposed section, as amended, agreed to.

Proposed section 12—

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

Page 6, line 33, omit "for", insert "on the ground of".

Proposed section, as amended, agreed to.

Proposed sections 13 and 14 agreed to.

Proposed section 15—

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

Page 7, lines 29 and 30, omit "group of industries or individual dispute to which that industrial dispute relates", insert "or group of industries to which that industrial dispute relates or to that individual dispute".

Proposed section, as amended, debated and agreed to.

On the motion of Mr. Evatt, the following new section was agreed to :—

"15A.—(1.) Subject to the last preceding section, it shall be the duty of the Chief Conciliation Commissioner to organize and allocate the work of all the Conciliation Commissioners. Functions of the Chief Conciliation Commissioner.

"(2.) Each Conciliation Commissioner shall comply with any direction given for the purpose of the last preceding sub-section which is applicable to him."

Proposed section 16—

On the motion of Mr. Evatt, the following amendment was made, after debate :—

Page 7, line 33, omit "in relation to", insert "altering".

Proposed section, as amended, agreed to.

Proposed section 17—

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

Page 7, line 42, omit "If", insert "Subject to sections fifteen and fifteen A of this Act, if".

Page 8, line 15, after "shall" insert "subject to sections fifteen and fifteen A of this Act,".

On the motion of Mr. Evatt, the following further amendment was made, after debate :—

Page 8, lines 23 and 24, omit sub-section (7.).

Proposed section, as amended, agreed to.

Proposed section 18—

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

The House resumed ; Mr. Clark reported accordingly.

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

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

Question—put and passed.

And then the House, at twenty six minutes past eleven o'clock p.m., adjourned until to-morrow at half-past ten o'clock a.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Adermann, Mr. Anthony, Mr. Bowden, Mr. Brennan, Mr. Daly, Mr. Davidson, Mr. Edmonds, Mr. Francis, Mr. Hadley, Mr. Haylen, Mr. Hughes, Mr. Hutchinson, Mr. Lang, Mr. Lazzarini, Dame Enid Lyons and Mr. Spender.

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