

1950.

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

## VOTES AND PROCEEDINGS

OF THE

## HOUSE OF REPRESENTATIVES.

No. 33.

THURSDAY, 18TH MAY, 1950.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable A. G. Cameron) took the Chair, and read Prayers.
2. MINISTERIAL STATEMENT—LEAVE TO MAKE NOT GRANTED.—Mr. Beale (Minister for Supply) asked leave to make a Ministerial Statement.  
Objection being raised, leave not granted.
3. PAPERS.—The following Papers were presented, pursuant to Statute—  
Australian Soldiers' Repatriation Act—Repatriation Commission—Report for year 1948-49.  
Commonwealth Public Service Act—Appointments—Department of Works and Housing—  
D. F. Major, P. N. Self.
4. LEAVE OF ABSENCE TO MEMBER.—Mr. Menzies (Prime Minister) moved, That leave of absence for one month be given to the Minister for Defence (Mr. Eric J. Harrison), on the ground of urgent public business.  
Question—put and passed.
5. LEAVE OF ABSENCE TO MEMBER.—Mr. Chifley (Leader of the Opposition) moved, That leave of absence for one month be given to the honorable Member for Lang (Mr. Muleahy), owing to his absence from Australia.  
Question—put and passed.
6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That Order of the Day No. 1 be postponed until after Order of the Day No. 2, Government Business.
7. COMMUNIST PARTY DISSOLUTION BILL 1950.—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 5—

Sub-clause (4.)—

Debate resumed on the amendment moved by Mr. Evatt, viz.:—Omit the sub-clause, insert the following sub-clause:—

“(4.) If, upon the hearing, the Commonwealth satisfies the court—

(a) that the applicant is a body to which this section applies; and

(b) that the continued existence of the body would be prejudicial to the security and defence of the Commonwealth or to the execution or maintenance of the Constitution or of the laws of the Commonwealth,

the court shall dismiss the application, and the declaration shall, subject to this section, remain in force.”

Question—That the amendment be agreed to—put.

F.332.

18th May, 1950.

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

## AYES, 37.

Mr. G. Anderson	Mr. Chifley	Mr. Fitzgerald	Mr. Morgan
Mr. Andrews	Mr. Clarey	Mr. Fraser	Mr. O'Connor
Mr. Beazley	Mr. Clark	Mr. Griffiths	Mr. Peters
Mr. Bird	Mr. Costa	Mr. E. James	Mr. Pollard
Mr. W. M. Bourke	Mr. Cremean	Harrison	Mr. Riordan
Mr. Bryson	Mr. Curtin	Mr. Haylen	Mr. Rosevear
Mr. T. P. Burke	Mr. Davies	Mr. Holloway	Mr. Thompson
Mr. Calwell	Mr. Duthie	Mr. Keon	Mr. Ward
Mr. C. R. Cameron	Mr. Evatt	Mr. Minogue	Mr. Watkins

Tellers:

Mr. Daly  
Mr. Sheehan

## NOES, 64.

Mr. C. G. W. Anderson	Mr. Dean	Mr. Hasluck	Mr. McDonald	Mr. Townley
Mr. Anthony	Mr. Downer	Mr. Haworth	Mr. McEwen	Mr. Treloar
Mr. Bate	Mr. Drummond	Mr. Holt	Mr. McLeay	Mr. Turnbull
Mr. Beale	Mr. Drury	Mr. Howse	Mr. McMahan	Mr. Wentworth
Mr. Berry	Mr. Fadden	Mr. Hughes	Mr. Menzies	Mr. Wheeler
Mr. Bostock	Mr. Failes	Mr. Hulme	Mr. Opperman	Mr. B. M. Wight
Mr. Bowden	Mr. Fairhall	Mr. Jack	Mr. Osborne	Mr. Wilson
Mr. Brown	Mr. Falkinder	Mr. Kekwick	Sir E. Page	
Mr. D. A. Cameron	Mr. Francis	Mr. Kent Hughes	Mr. Pearce	Tellers:
Mr. Casey	Mr. Gilmore	Mr. Lawrence	Mr. Robertson	
Mr. Corser	Mr. Graham	Mr. Leslie	Mr. C. W. Russell	Mr. Davidson
Mr. Cramer	Mr. Grayden	Mr. Mackinnon	Mr. Ryan	Mr. Gullett
Mr. Davis	Mr. Hamilton	Mr. McBride	Mr. Swartz	
	Mr. Handby	Mr. McColm	Mr. Timson	

And so it was negatived.

Debate continued.

Mr. Menzies (Prime Minister) moved the following amendment:—Omit the sub-clause, insert the following sub-clause:—

“(4.) Upon the hearing of the application, the declaration made by the Governor-General under sub-section (2.) of this section shall, in so far as it declares that the applicant is a body of persons to which this section applies, be *prima facie* evidence that the applicant is such a body.”

Debate continued.

Question—That the amendment be agreed to—put.

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

## AYES, 60.

Mr. C. G. W. Anderson	Mr. Downer	Mr. Haworth	Mr. McDonald	Mr. Townley
Mr. Bate	Mr. Drummond	Mr. Holt	Mr. McEwen	Mr. Treloar
Mr. Berry	Mr. Drury	Mr. Howse	Mr. McMahan	Mr. Turnbull
Mr. Bostock	Mr. Fadden	Mr. Hughes	Mr. Menzies	Mr. Wentworth
Mr. Bowden	Mr. Failes	Mr. Hulme	Mr. Opperman	Mr. Wheeler
Mr. Brown	Mr. Fairhall	Mr. Jack	Mr. Osborne	Mr. B. M. Wight
Mr. D. A. Cameron	Mr. Falkinder	Mr. Kekwick	Sir E. Page	Mr. Wilson
Mr. Casey	Mr. Francis	Mr. Kent Hughes	Mr. Pearce	
Mr. Corser	Mr. Gilmore	Mr. Lawrence	Mr. Robertson	Tellers:
Mr. Cramer	Mr. Graham	Mr. Leslie	Mr. C. W. Russell	
Mr. Davis	Mr. Grayden	Mr. Mackinnon	Mr. Ryan	
Mr. Dean	Mr. Hamilton	Mr. McBride	Mr. Swartz	Mr. Davidson
	Mr. Handby	Mr. McColm	Mr. Timson	Mr. Gullett

## NOES, 36.

Mr. G. Anderson	Mr. C. R. Cameron	Mr. Duthie	Mr. Holloway	Mr. Rosevear
Mr. Andrews	Mr. Chifley	Mr. Evatt	Mr. Keon	Mr. Ward
Mr. Beazley	Mr. Clarey	Mr. Fitzgerald	Mr. Minogue	Mr. Watkins
Mr. Bird	Mr. Clark	Mr. Fraser	Mr. Morgan	
Mr. W. M. Bourke	Mr. Costa	Mr. Griffiths	Mr. O'Connor	Tellers:
Mr. Bryson	Mr. Cremean	Mr. E. James	Mr. Peters	
Mr. T. P. Burke	Mr. Curtin	Harrison	Mr. Pollard	Mr. Daly
Mr. Calwell	Mr. Davies	Mr. Haylen	Mr. Riordan	Mr. Sheehan

And so it was resolved in the affirmative.

Question—That the sub-clause, as amended, be agreed to—put.

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

## AYES, 53.

Mr. C. G. W. Anderson	Mr. Drury	Mr. Hughes	Mr. McLeay	Mr. Treloar
Mr. Beale	Mr. Fadden	Mr. Hulme	Mr. McMahan	Mr. Turnbull
Mr. Berry	Mr. Failes	Mr. Jack	Mr. Menzies	Mr. B. M. Wight
Mr. Bostock	Mr. Fairhall	Mr. Kekwick	Mr. Opperman	Mr. Wilson
Mr. Brown	Mr. Francis	Mr. Kent Hughes	Mr. Osborne	
Mr. D. A. Cameron	Mr. Gilmore	Mr. Lawrence	Mr. Pearce	Tellers:
Mr. Casey	Mr. Graham	Mr. Leslie	Mr. Robertson	
Mr. Corser	Mr. Grayden	Mr. Mackinnon	Mr. C. W. Russell	
Mr. Cramer	Mr. Hamilton	Mr. McBride	Mr. Ryan	Mr. Bowden
Mr. Davis	Mr. Handby	Mr. McColm	Mr. Swartz	Mr. Falkinder
Mr. Dean	Mr. Holt	Mr. McDonald	Mr. Timson	
	Mr. Howse	Mr. McEwen	Mr. Townley	

## NOES, 31.

Mr. G. Anderson	Mr. C. R. Cameron	Mr. Davies	Mr. Minogue	Mr. Ward
Mr. Andrews	Mr. Chifley	Mr. Evatt	Mr. Morgan	Mr. Watkins
Mr. Beazley	Mr. Clarey	Mr. Fitzgerald	Mr. Peters	
Mr. Bird	Mr. Clark	Mr. Griffiths	Mr. Pollard	Tellers:
Mr. Bryson	Mr. Costa	Mr. E. James	Mr. Riordan	
Mr. T. P. Burke	Mr. Cremean	Harrison	Mr. Rosevear	Mr. Daly
Mr. Calwell	Mr. Curtin	Mr. Holloway	Mr. Thompson	Mr. Sheehan

And so it was resolved in the affirmative.

18th May, 1950.

Sub-clause (5.)—

Mr. Menzies moved the following amendment :—Omit the sub-clause, insert the following sub-clauses :—

“(5.) If, upon the hearing, the court finds that the applicant is not a body to which this section applies, the court shall set aside the declaration.

“(6.) If the court does not so find, the court shall dismiss the application and the declaration shall remain in force.”.

Debate ensued.

Question—That the amendment be agreed to—put.

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

AYES, 62.

Mr. C. G. W. Anderson	Mr. Dean	Mr. Hasluck	Mr. McColm	Mr. Swartz
Mr. Anthony	Mr. Drummond	Mr. Haworth	Mr. McDonald	Mr. Timson
Mr. Beale	Mr. Drury	Mr. Holt	Mr. McEwen	Mr. Townley
Mr. Berry	Mr. Fadden	Mr. Howse	Mr. McLeay	Mr. Treloar
Mr. Bostock	Mr. Failes	Mr. Hughes	Mr. McMahon	Mr. Turnbull
Mr. Brown	Mr. Fairhall	Mr. Hulme	Mr. Menzies	Mr. Wentworth
Mr. D. A. Cameron	Mr. Falkinder	Mr. Jack	Mr. Opperman	Mr. Wheeler
Mr. Casey	Mr. Francis	Mr. Kekwick	Mr. Osborne	Mr. B. M. Wight
Mr. Corser	Mr. Gilmore	Mr. Kent Hughes	Sir E. Page	Mr. Wilson
Mr. Cramer	Mr. Graham	Mr. Lawrence	Mr. Pearce	
Mr. Davidson	Mr. Grayden	Mr. Leslie	Mr. Robertson	<i>Tellers:</i>
Mr. Davis	Mr. Hamilton	Mr. Mackinnon	Mr. C. W. Russell	Mr. Bowden
	Mr. Handby	Mr. McBride	Mr. Ryan	Mr. Gullett

NOES, 35.

Mr. G. Anderson	Mr. Chifley	Mr. Evatt	Mr. Minogue	Mr. Ward
Mr. Andrews	Mr. Clarey	Mr. Fitzgerald	Mr. Morgan	Mr. Watkins
Mr. Beazley	Mr. Clark	Mr. Griffiths	Mr. O'Connor	
Mr. Bird	Mr. Costa	Mr. E. James	Mr. Peters	
Mr. Bryson	Mr. Cremeau	Harrison	Mr. Pollard	<i>Tellers:</i>
Mr. T. P. Burke	Mr. Curtin	Mr. Haylen	Mr. Riordan	
Mr. Calwell	Mr. Davies	Mr. Holloway	Mr. Rosevear	Mr. Daly
Mr. C. R. Cameron	Mr. Duthie	Mr. Keon	Mr. Thompson	Mr. Sheehan

And so it was resolved in the affirmative.

Sub-clause, as amended, agreed to.

Mr. Evatt moved the following amendment :—Add the following sub-clause :—

“(7.) The applicant or the Commonwealth, as the case may be, may, within twenty-one days after the decision of a court under sub-section (4.) or (5.) of this section, appeal against the decision—

(a) where the application was made to the Supreme Court of a State—to the Full Court of that Supreme Court ; or

(b) where the application was made to the High Court or to the Supreme Court of a Territory of the Commonwealth—to the Full Court of the High Court,

and the decision of the court on the appeal shall be final and conclusive.”.

Debate ensued.

Question—That the sub-clause be added—put.

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

AYES, 36.

Mr. G. Anderson	Mr. Chifley	Mr. Evatt	Mr. Keon	Mr. Thompson
Mr. Andrews	Mr. Clarey	Mr. Fitzgerald	Mr. Minogue	Mr. Ward
Mr. Beazley	Mr. Clark	Mr. Fraser	Mr. Morgan	Mr. Watkins
Mr. Bird	Mr. Costa	Mr. Griffiths	Mr. O'Connor	
Mr. W. M. Bourke	Mr. Cremean	Mr. E. James	Mr. Peters	<i>Tellers:</i>
Mr. Bryson	Mr. Curtin	Harrison	Mr. Pollard	
Mr. T. P. Burke	Mr. Davies	Mr. Haylen	Mr. Riordan	Mr. C. R. Cameron
Mr. Calwell	Mr. Duthie	Mr. Holloway	Mr. Rosevear	Mr. Daly

NOES, 64.

Mr. C. G. W. Anderson	Mr. Dean	Mr. Hasluck	Mr. McDonald	Mr. Townley
Mr. Anthony	Mr. Downer	Mr. Haworth	Mr. McEwen	Mr. Treloar
Mr. Bate	Mr. Drummond	Mr. Holt	Mr. McLeay	Mr. Turnbull
Mr. Beale	Mr. Drury	Mr. Howse	Mr. McMahon	Mr. Wentworth
Mr. Berry	Mr. Fadden	Mr. Hughes	Mr. Menzies	Mr. Wheeler
Mr. Bostock	Mr. Failes	Mr. Hulme	Mr. Opperman	Mr. B. M. Wight
Mr. Bowden	Mr. Fairhall	Mr. Jack	Mr. Osborne	Mr. Wilson
Mr. Brown	Mr. Falkinder	Mr. Kekwick	Sir E. Page	
Mr. D. A. Cameron	Mr. Francis	Mr. Kent Hughes	Mr. Pearce	
Mr. Casey	Mr. Gilmore	Mr. Lawrence	Mr. Robertson	<i>Tellers:</i>
Mr. Corser	Mr. Graham	Mr. Leslie	Mr. C. W. Russell	
Mr. Cramer	Mr. Grayden	Mr. Mackinnon	Mr. Ryan	Mr. Davidson
Mr. Davis	Mr. Hamilton	Mr. McBride	Mr. Swartz	Mr. Gullett
	Mr. Handby	Mr. McColm	Mr. Timson	

And so it was negatived.

Question—That the clause as amended, be agreed to—put.

18th May, 1950.

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

## AYES, 63.

Mr. C. G. W. Anderson	Mr. Dean	Mr. Hasluck	Mr. McEwen	Mr. Treloar
Mr. Anthony	Mr. Downer	Mr. Haworth	Mr. McLeay	Mr. Turnbull
Mr. Bate	Mr. Drummond	Mr. Holt	Mr. McMahon	Mr. Wentworth
Mr. Beale	Mr. Drury	Mr. Howse	Mr. Menzies	Mr. Wheeler
Mr. Berry	Mr. Fadden	Mr. Hulme	Mr. Opperman	Mr. B. M. Wight
Mr. Bostock	Mr. Failes	Mr. Jack	Mr. Osborne	Mr. Wilson
Mr. Bowden	Mr. Fairhall	Mr. Kekwick	Sir E. Page	
Mr. Brown	Mr. Falkinder	Mr. Kent Hughes	Mr. Pearce	
Mr. D. A. Cameron	Mr. Francis	Mr. Lawrence	Mr. Robertson	<i>Tellers:</i>
Mr. Casey	Mr. Gilmore	Mr. Leslie	Mr. C. W. Russell	Mr. Davidson
Mr. Corser	Mr. Graham	Mr. Mackinnon	Mr. Ryan	Mr. Gullett
Mr. Cramer	Mr. Grayden	Mr. McBride	Mr. Swartz	
Mr. Davis	Mr. Hamilton	Mr. McColm	Mr. Timson	
	Mr. Handby	Mr. McDonald	Mr. Townley	

## NOES, 36.

Mr. G. Anderson	Mr. Chifley	Mr. Evatt	Mr. Keon	Mr. Thompson
Mr. Andrews	Mr. Clarey	Mr. Fitzgerald	Mr. Minogue	Mr. Ward
Mr. Beazley	Mr. Clark	Mr. Fraser	Mr. Morgan	Mr. Watkins
Mr. Bird	Mr. Costa	Mr. Griffiths	Mr. O'Connor	
Mr. W. M. Bourke	Mr. Cremean	Mr. E. James	Mr. Peters	<i>Tellers:</i>
Mr. Bryson	Mr. Curtin	Harrison	Mr. Pollard	Mr. C. R. Cameron
Mr. T. P. Burke	Mr. Davies	Mr. Haylen	Mr. Riordan	Mr. Daly
Mr. Calwell	Mr. Duthie	Mr. Holloway	Mr. Rosevear	

And so it was resolved in the affirmative.

Clause 6 debated—

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

Page 5, line 34, omit "High Court", insert "appropriate court".

Page 5, omit from sub-clause (2.), "High Court" (second and third occurring), insert "court".

Clause, as amended, agreed to.

Clause 7—

On the motion of Mr. Evatt, the following amendment was made, after debate:—Page 5, line 40, after "not" insert "knowingly".

Debate continued.

On the motion of Mr. Menzies, the following further amendment was made:—Page 6, line 13, omit "High Court", insert "appropriate court".

Clause, as amended, agreed to.

Clause 8 debated—

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

Page 6, line 20, omit "High Court", insert "appropriate court".

Page 6, line 25, omit "High Court", insert "court".

Clause, as amended, agreed to.

Clause 9—

Mr. Evatt moved the following amendment:—Omit sub-clauses (3.), (4.) and (5.), insert the following sub-clauses:—

"(3.) A person in respect of whom a declaration is made under the last preceding sub-section may, within twenty-eight days after the publication of the declaration in the *Gazette*, apply to—

(a) the Supreme Court (constituted by a single Judge) of the State or Territory of the Commonwealth in which the applicant resides; or

(b) the High Court (constituted by a single Justice)

to set aside the declaration.

"(4.) If, upon the hearing, the Commonwealth satisfies the court—

(a) that the applicant is a person to whom this section applies; and

(b) that the applicant is engaged, or is likely to engage, in activities prejudicial to the security and defence of the Commonwealth or to the execution or maintenance of the Constitution or of the laws of the Commonwealth,

the court shall dismiss the application and the declaration shall, subject to this section, remain in force.

"(5.) If the Commonwealth does not so satisfy the court, the court shall set aside the declaration.

"(5A.) The applicant or the Commonwealth, as the case may be, may, within twenty-one days after the decision of a court under sub-section (4.) or (5.) of this section, appeal against the decision—

(a) where the application was made to the Supreme Court of a State—to the Full Court of that Supreme Court; or

(b) where the application was made to the High Court or to the Supreme Court of a Territory of the Commonwealth—to the Full Court of the High Court,

and the decision of the court on the appeal shall be final and conclusive.

"(5B.) Where a declaration under this section is set aside by a court (including a Full Court upon appeal from a single Justice or Judge) or the setting aside of such a declaration is confirmed by a court, the court in its decision—

(a) shall order the Commonwealth to pay to the applicant the costs of the application and of any appeal; and

(b) may order the Commonwealth to pay to the declared person such sum by way of compensation as the court thinks just in all the circumstances,

18th May, 1950.

“(5c.) Where a declaration is in force under this section in respect of a person and the procedure provided by the preceding provisions of this section for the setting aside of the declaration is no longer available (whether or not that person made an application under those provisions) that person may, subject to this section, at any time apply to—

(a) the Full Court of the Supreme Court of the State or Territory of the Commonwealth in which the applicant resides ; or

(b) the Full Court of the High Court,  
for leave to apply to have the declaration revoked.

“(5d.) Where, upon such an application, the court grants leave, the court shall direct whether the application for revocation of the declaration is to be heard—

(a) by the court constituted by a single Justice or Judge ; or

(b) by the Full Court.

“(5e.) The court so constituted, or the Full Court, as the case may be, may hear and determine the application for revocation of the declaration and revoke the declaration or refuse the application, as it thinks just, and its decision shall not be subject to appeal.

“(5f.) A declaration which is revoked under the last preceding sub-section shall cease to have effect upon the day upon which the order of the Court revoking the declaration is made.”.

Debate ensued.

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

The House resumed ; Mr. Adermann reported accordingly.

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

8. PAPERS.—The following Papers were presented, pursuant to Statute—  
Arbitration (Public Service) Act—Determinations—1950—  
No. 24—Commonwealth Public Service Artisans' Association.  
No. 25—Commonwealth Medical Officers' Association.  
No. 26—Australian Workers' Union and others.

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

Debate ensued.

Question—put and passed.

And then the House, at fifteen minutes past eleven o'clock p.m., adjourned until Tuesday next at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Chambers, Mr. Drakeford, Mr. Eggins, Mr. Freeth, Mr. Eric J. Harrison\*, Mr. James\*, Mr. Johnson, Mr. Lawson, Mr. Lazzarini, Dame Enid Lyons, Mr. Mulcahy\*, Mr. Mullens, Mr. Pittard, Mr. E. H. D. Russell, Mr. Spender and Mr. T. W. White.

\* On leave.

F. C. GREEN,

*Clerk of the House of Representatives.*