

1951-52.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 77.

WEDNESDAY, 6TH AUGUST, 1952.

1. The House met, at half-past two o'clock p.m., according to the terms of the Resolution of the 6th June last.—Mr. Speaker (the Honorable A. G. Cameron) took the Chair, and read Prayers.
2. DEATH OF THE RIGHT HONORABLE SIR GEORGE PEARCE.—Mr. Menzies (Prime Minister) referred to the death, on the 24th June, of the Right Honorable Sir George Pearce, and moved, That this House expresses its deep regret at the death of the Right Honorable Sir George Pearce, K.C.V.O., an original member of the Senate of the Commonwealth Parliament, a member thereafter for 38 years and a former Minister of State, places on record its appreciation of his meritorious public service, and tenders its profound sympathy to his family in their bereavement.
And Mr. Evatt (Leader of the Opposition) having seconded the motion, and Mr. Hughes having addressed the House in support thereof, and all Members present having risen, in silence—
Question—passed.
3. MINISTERIAL ARRANGEMENTS.—Mr. Menzies (Prime Minister) informed the House that, during the absence abroad of Mr. Casey and Mr. Holt, he would act as Minister for External Affairs, Mr. McBride (Minister for Defence) would act as Minister for Labour and National Service and Mr. Beale (Minister for Supply) would act as Minister for Immigration.
4. MESSAGES FROM THE SENATE.—Mr. Speaker announced the receipt of the following Messages from the Senate :—

[*Snowy Mountains Hydro-electric Power Bill 1952*]—

MR. SPEAKER,

Message No. 113.

The Senate returns to the House of Representatives the Bill for “*An Act to amend the ‘Snowy Mountains Hydro-electric Power Act 1949-1951’*”, and acquaints the House that the Senate has agreed to the Bill without amendment.

EDWARD MATTNER,
President.

The Senate,
Canberra, 6th June, 1952, a.m.

[*Public Service Arbitration Bill 1952*]—

MR. SPEAKER,

Message No. 114.

The Senate returns to the House of Representatives the Bill for “*An Act to amend the ‘Public Service Arbitration Act 1920-1950’*”, and acquaints the House that the Senate has agreed to the Bill without amendment.

EDWARD MATTNER,
President.

The Senate,
Canberra, 6th June, 1952, a.m.

[*Coal Industry Bill 1952*]—

MR. SPEAKER,

Message No. 115.

The Senate returns to the House of Representatives the Bill for “*An Act to amend section thirty-four of the ‘Coal Industry Act 1946-1951’*”, and acquaints the House that the Senate has agreed to the Bill without amendment.

EDWARD MATTNER,
President.

The Senate,
Canberra, 6th June, 1952, a.m.

[*Defence (Special Undertakings) Bill 1952*]—

MR. SPEAKER,

Message No. 116.

The Senate returns to the House of Representatives the Bill for “*An Act to provide for the Protection of Special Defence Undertakings*”, and acquaints the House that the Senate has agreed to the Bill without amendment.

EDWARD MATTNER,
President.

The Senate,
Canberra, 6th June, 1952, a.m.

6th August, 1952.

[*Wool Tax Assessment Bill 1952*]—

MR. SPEAKER,

Message No. 117.

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Wool Tax Assessment Acts 1936', and for other purposes*", and acquaints the House that the Senate has agreed to the Bill without amendment.

The Senate,
Canberra, 6th June, 1952, a.m.

EDWARD MATTNER,
President.

[*Wool Tax Bill (No. 1) 1952*]—

MR. SPEAKER,

Message No. 118.

The Senate returns to the House of Representatives the Bill for "*An Act to impose a Tax upon certain Wool produced in Australia*", and acquaints the House that the Senate has agreed to the Bill without requests.

The Senate,
Canberra, 6th June, 1952, a.m.

EDWARD MATTNER,
President.

[*Wool Tax Bill (No. 2) 1952*]—

MR. SPEAKER,

Message No. 119.

The Senate returns to the House of Representatives the Bill for "*An Act to impose a Tax upon certain Wool produced in, and exported from, Australia*", and acquaints the House that the Senate has agreed to the Bill without requests.

The Senate,
Canberra, 6th June, 1952, a.m.

EDWARD MATTNER,
President.

[*New Guinea Timber Agreement Bill 1952*]—

MR. SPEAKER,

Message No. 120.

The Senate returns to the House of Representatives the Bill for "*An Act to approve the Agreement made between the Commonwealth and Bulolo Gold Dredging Limited with respect to the formation of a Company to be known as Commonwealth-New Guinea Timbers Limited, and for purposes connected therewith*", and acquaints the House that the Senate has agreed to the Bill without amendment.

The Senate,
Canberra, 6th June, 1952, a.m.

EDWARD MATTNER,
President.

5. 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:—

W. J. MCKELL,
Governor-General.

Message No. 67.

A Proposed Law intituled "*Supply Act (No. 1) 1952-53*" 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 Her Majesty, assented to the said Law.

Government House,
Canberra, 10th June, 1952.

W. J. MCKELL,
Governor-General.

Message No. 68.

A Proposed Law intituled "*Defence (Special Undertakings) Act 1952*" 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 Her Majesty, assented to the said Law.

Government House,
Canberra, 10th June, 1952.

W. J. MCKELL,
Governor-General.

Message No. 69.

A Proposed Law intituled "*States Grants (War Service Land Settlement) Act 1952*" 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 Her Majesty, assented to the said Law.

Government House,
Canberra, 12th June, 1952.

W. J. MCKELL,
Governor-General.

Message No. 70.

A Proposed Law intituled "*War Pensions Appropriation Act 1952*" 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 Her Majesty, assented to the said Law.

Government House,
Canberra, 12th June, 1952.

6th August, 1952.

W. J. McKELL,
Governor-General.

Message No. 71.

Proposed Laws intituled :—

“ *Wheat Industry Stabilization (Refund of Charge) Act 1952* ”“ *Land Tax Assessment Act 1952* ”“ *Land Tax Act 1952* ”

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 Her Majesty, assented to the said Laws.

Government House,
Canberra, 12th June, 1952.

W. J. McKELL,
Governor-General.

Message No. 72.

Proposed Laws intituled :—

“ *Appropriation Act (No. 2) 1951-52* ”“ *Appropriation (Works and Services) Act (No. 2) 1951-52* ”“ *Atomic Energy (Control of Materials) Act 1952* ”“ *Income Tax and Social Services Contribution Assessment Act (No. 2) 1952* ”“ *Immigration (Guardianship of Children) Act 1952* ”“ *Coal Industry Act 1952* ”

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 Her Majesty, assented to the said Laws.

Government House,
Canberra, 16th June, 1952.

W. J. McKELL,
Governor-General.

Message No. 73.

Proposed Laws intituled :—

“ *Supplementary Appropriation Act 1950-51* ”“ *Supplementary Appropriation (Works and Services) Act 1950-51* ”“ *Supply (Works and Services) Act (No. 1) 1952-53* ”“ *Conciliation and Arbitration Act 1952* ”“ *Snowy Mountains Hydro-electric Power Act 1952* ”“ *Public Service Arbitration Act 1952* ”“ *Wool Tax Assessment Act 1952* ”“ *Wool Tax Act (No. 1) 1952* ”“ *Wool Tax Act (No. 2) 1952* ”“ *New Guinea Timber Agreement Act 1952* ”

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 Her Majesty, assented to the said Laws.

Government House,
Canberra, 17th June, 1952.

6. PETITION.—Mr. Bryson presented a petition from certain citizens of the Commonwealth praying that action be taken by the Parliament to rectify an injustice which they consider exists under Section 8 of the Commonwealth Employees' Furlough Act.
Petition received and read.
7. NATIVE WELFARE IN NORTHERN TERRITORY—MINISTERIAL STATEMENT—MOTION FOR PRINTING PAPER.—Mr. Hasluck (Minister for Territories), by leave, made a Ministerial Statement informing the House of decisions affecting the administration of native welfare policy in the Northern Territory. Mr. Hasluck then, by command of His Excellency the Governor-General, laid upon the Table the following Paper:—
Native Welfare in Northern Territory—Ministerial Statement—
and moved, That the Paper be printed.
Mr. Calwell 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.
8. CONSCIENTIOUS OBJECTOR—ACTION UNDER NATIONAL SERVICE ACT—MINISTERIAL STATEMENT.—Mr. Francis (Minister for the Army), by leave, made a Ministerial Statement regarding action taken under the National Service Act in respect of a National Service trainee who claimed exemption on the ground of conscientious objection.
Mr. Chambers, Mr. A. D. Fraser and Mr. Gullett, by leave, also made Statements in connexion with the matter.
9. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
Nauru—
Administration Order—1952—No. 1 (Movement of Natives Ordinance).
Ordinances—1952—
No. 1—Dangerous Drugs.
No. 2—Post and Telegraph.

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- No. 3—Laws Repeal and Adopting.
- No. 4—Judiciary.
- Tariff Board—Reports—
 - Bifurcated Rivets.
 - Jute Carpet Binding.
 - Measuring Rules.

Severally ordered to lie on the Table.

The following Papers were presented, pursuant to Statute—

- Air Force Act—Regulations—Statutory Rules 1952, No. 49.
- Air Navigation Act—Regulations—Statutory Rules 1952, No. 46.
- Apple and Pear Export Charges Act—Regulations—Statutory Rules 1952, No. 44.
- Canned Fruits Export Charges Act—Regulations—Statutory Rules 1952, No. 40.
- Canned Fruits Export Control Act—Regulations—Statutory Rules 1952, No. 57.
- Commerce (Trade Descriptions) Act—Regulations—Statutory Rules 1952, No. 48.
- Commonwealth Bank Act—Appointment Certificate—A. Borland.
- Conciliation and Arbitration Act—Regulations—Statutory Rules 1952, No. 55.
- Cotton Bounty Act—Return for 1951.
- Dairy Produce Export Charges Act—Regulations—Statutory Rules 1952, No. 41.
- Defence (Special Undertakings) Act—Order—Restricted area (dated 11th June, 1952).
- Defence (Transitional Provisions) Act—
 - National Security (Industrial Property) Regulations—Orders—Inventions and designs (2).
 - Regulations—Statutory Rules 1952, No. 47.
- Dried Fruits Export Charges Act—Regulations—Statutory Rules 1952, No. 42.
- Flax Canvas Bounty Act—Return for year 1951–52.
- Immigration Act—Regulations—Statutory Rules 1952, No. 53.
- Lands Acquisition Act—Land, &c., acquired for—
 - Defence purposes—
 - East Hills, New South Wales.
 - Geraldton, Western Australia.
 - Lara, Victoria.
 - Mareeba, Queensland.
 - Puckapunyal, Victoria.
 - Department of Civil Aviation purposes—Mount Magnet, Western Australia.
 - Postal purposes—
 - Forrest, Western Australia.
 - Furracabad, New South Wales.
 - Grenfell, New South Wales.
 - Middle Park, Victoria.
 - Narromine, New South Wales.
 - Parawa, South Australia.
 - St. Mary's, Tasmania.
 - Sydney, New South Wales.
 - Trangie, New South Wales.
 - Wilcannia, New South Wales.
 - Yarranjerry, New South Wales.
 - Young, New South Wales.
- Meat Export Charges Act—Regulations—Statutory Rules 1952, No. 43.
- Meat Export Control Act—Regulations—Statutory Rules 1952, No. 45.
- Post and Telegraph Act and Wireless Telegraphy Act—Regulations—Statutory Rules 1952, No. 52.
- Public Service Act—
 - Appointments—Department—
 - Civil Aviation—H. G. Hampton, G. P. Whitfield, H. G. Williams.
 - Commerce and Agriculture—E. K. Simmons, W. B. Tudor.
 - Defence—W. C. Von Hammer.
 - Defence Production—F. N. Allchin, K. G. Coates, A. Crawford, I. Lang, J. A. Lister, L. J. McLean, N. C. Mills, W. R. Nicholson, F. V. Sprawson, G. S. Sutherland.
 - Health—E. M. Tom.
 - Interior—R. Gates, F. K. Keyte, E. C. McKinna, J. E. C. Miller, C. L. Pierrehumbert, P. J. R. Shaw, R. P. Sheard, K. W. Storey.
 - Repatriation—R. M. Brennan, R. W. Goggins, P. D. Tracey.
 - Shipping and Transport—R. A. Waters.
 - Social Services—M. E. Teltscher, E. M. Webb.
 - Supply—J. G. Brookman, G. T. Jansen.
 - Territories—A. D. Campbell.
 - Works—S. P. Burgin, P. J. Courtney, A. W. Hart, J. Johns, P. B. Jones, H. A. Kennerson, P. A. Lewis, N. R. Lonsdale, J. McNeil, S. R. Moulton, J. H. Rowland, D. W. Ryan, R. S. Sheldon, L. A. Smith, N. T. Stanton, A. G. Tessier.
 - Regulations—Statutory Rules 1952, Nos. 51, 54 (Parliamentary Officers).
- Public Service (Arbitration) Act—Determinations—1952—
 - No. 43—Amalgamated Engineering Union and others.
 - No. 44—Commonwealth Public Service Clerical Association.
 - No. 45—Association of Railway Professional Officers of Australia.
 - No. 46—Commonwealth Public Service Artisans' Association.
 - No. 47—Amalgamated Engineering Union and others.

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- No. 48—Australian Workers' Union.
 Nos. 49 and 50—Commonwealth Public Service Clerical Association.
 No. 51—Federated Clerks' Union of Australia.
 Seat of Government Acceptance Act and Seat of Government (Administration) Act—
 Ordinance—1952—No. 7—Canberra Community Hospital.
 Regulations—1952—No. 12 (Canberra Community Hospital Ordinance).
 Services Trust Funds Act—Regulations—Statutory Rules 1952, No. 50.
 Sulphur Bounty Act—Return for year 1951–52.
 Tractor Bounty Act—Return for year 1951–52.
 Wine Overseas Marketing Act—Regulations—Statutory Rules 1952, No. 56.
10. DEPUTY CHAIRMAN OF COMMITTEES.—Mr. Eric J. Harrison (Vice-President of the Executive Council) moved, by leave, That, during the absence of the Chairman of Committees, the honorable Member for Gippsland (Mr. Bowden) be appointed Deputy Chairman of Committees of this House.
 Debate ensued.
 Question—put and passed.
11. ALTERATION OF HOUR OF NEXT MEETING.—Mr. Eric J. Harrison (Vice-President of the Executive Council) moved, That the House, at its rising, adjourn until to-morrow at half-past two o'clock p.m.
 Question—put and passed.
12. PATENTS BILL 1952.—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 and passed.—Bill read a second time.
 Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Bill, by leave, taken as a whole.

On the motion of Mr. Beale (Minister for Supply), the following amendments were made :—

Clause 34, page 9, at the end of the clause add the following sub-clause :—

“(3.) An assignee of a part interest in an invention may make a joint application for a patent with any of the persons referred to in sub-section (1.) of this section and a patent may be granted to them jointly.”

Clause 45, page 10, lines 43 to 45, omit all the words from and including “ of lodgment ” to the end of the clause, insert “ which would have been the priority date of that claim if that claim had been included in the complete specification lodged in respect of the original application ”.

Clause 76, page 20, lines 28 to 42, omit paragraphs (a) and (b), insert “, is obvious and does not involve an inventive step, having regard to—

(a) the publication of the main invention before the priority date of that claim but after the priority date of the claim of the specification of the main invention defining the invention the improvement in which, or the modification of which, is the subject of the first-mentioned claim, or, if there are two or more claims defining that invention, after the priority date of whichever of those claims has the earlier or earliest priority date ; or

(b) the use of the main invention during that period.”

Clause 120, page 35, line 24, omit “ making or refusal to make ”, insert “ making of, or refusal to make,”.

Clause 139, page 43, line 11, omit “ during the hours when that office or place is open for business ”.

Clause 154, page 47, lines 26 to 29, omit—

“(4.) A direction shall not be given under this section so as to affect the rights or obligations of a trustee or of the—

(a) legal representative of a deceased person or rights or obligations arising out of either of those relationships ; or ”,

insert—

“(4.) A direction shall not be given under this section—

(a) so as to affect the rights or obligations of a trustee or of the legal representative of a deceased person or rights or obligations arising out of either of those relationships ; or ”.

Clause 158, page 49, lines 38 and 39, omit “ in the prescribed form accompanied by the prescribed fee ”.

Clause 159, page 49, last line, after “ Act ” insert “, not being proceedings in a court ”.

Clause 160, page 50, lines 28 and 29, omit “ a proceeding under this Act ”, insert “ in proceedings under this Act (not being proceedings in a court) ”.

Clause 164, page 51, line 11, after “ application ” insert “, notice or request ”.

Clause 171, page 53, lines 3 and 4, omit “, the costs of a party in whose favour an order for costs is made ”, insert “ and an order is made for payment of the costs of that party, those costs ”.

Bill, as amended, agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Bowden reported accordingly.

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

6th August, 1952.

13. MIDDLE EAST—R.A.A.F. FIGHTER WING—MINISTERIAL STATEMENT—MOTION FOR PRINTING PAPER.—
The Order of the Day having been read for the resumption of the debate on the following motion of Mr. Menzies (Prime Minister), That the Paper [*presented on the 5th March, 1952*], viz. :—

Middle East—R.A.A.F. Fighter Wing—Ministerial Statement—
be printed—
Debate resumed.
Question—put and negatived.

14. MESSAGES FROM THE GOVERNOR-GENERAL.—ESTIMATES 1952-53.—The following Messages from His Excellency the Governor-General were presented, and were read by Mr. Speaker :—

W. J. McKELL,
Governor-General.

Message No. 74.

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Governor-General transmits to the House of Representatives Estimates of Revenue and Expenditure for the year ending the thirtieth day of June, One thousand nine hundred and fifty-three, and recommends an appropriation of the Consolidated Revenue Fund accordingly.

Canberra, 6th August, 1952.

W. J. McKELL,
Governor-General.

Message No. 75.

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Governor-General transmits to the House of Representatives Estimates of Expenditure for Additions, New Works and Other Services involving Capital Expenditure for the year ending the thirtieth day of June, One thousand nine hundred and fifty-three, and recommends an appropriation of the Consolidated Revenue Fund accordingly.

Canberra, 6th August, 1952.

Ordered—That the foregoing Messages, together with the accompanying Estimates, be printed and referred to the Committee of Supply forthwith.

15. SUPPLY—BUDGET STATEMENT.—The House, according to Order, resolved itself into the Committee of Supply.

(*In the Committee.*)

Sir Arthur Fadden (Treasurer) delivered the Budget Speech and then moved, That the first item in the Estimates, under Division No. 1.—Senate—namely—

Salaries and allowances	£13,500
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be agreed to.

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

The House resumed ; Mr. Bowden reported accordingly.

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

16. PAPER.—The following Paper was presented, by command of His Excellency the Governor-General—
National Income and Expenditure 1951-52.
Ordered to lie on the Table, and to be printed.

17. SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) BILL 1952.—Sir Arthur Fadden (Treasurer) moved, by leave, That he have leave to bring in a Bill for an Act to amend the *Sales Tax (Exemptions and Classifications) Act 1935-1951*.

Question—put and passed.

Sir Arthur Fadden 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.

Sir Arthur Fadden moved, by leave, That the Bill be now read a second time.

Mr. Evatt (Leader of the Opposition) 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.

18. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the intervening Orders of the Day be postponed until after Order of the Day No. 6, Government Business.

19. WAYS AND MEANS—SALES TAX.—The House, according to Order, resolved itself into the Committee of Ways and Means.

(*In the Committee.*)

Sir Arthur Fadden (Treasurer) moved—

1. That, on and after the seventh day of August, One thousand nine hundred and fifty-two, in lieu of the sales tax imposed by the *Sales Tax Act (No. 1) 1930-1951*, the *Sales Tax Act (No. 2) 1930-1951*, the *Sales Tax Act (No. 3) 1930-1951*, the *Sales Tax Act (No. 4) 1930-1951*, the *Sales Tax Act (No. 5) 1930-1951*, the *Sales Tax Act (No. 6) 1930-1951*, the *Sales Tax Act (No. 7) 1930-1951*, the *Sales Tax Act (No. 8) 1930-1951* and the *Sales Tax Act (No. 9) 1930-1951*, sales tax be imposed at the following rates, but otherwise in accordance with the provisions of those Acts :—

(a) in respect of goods covered by the Second Schedule to the *Sales Tax (Exemptions and Classifications) Act—20 per centum ;*

6th August, 1952.

- (b) in respect of goods covered by the Third Schedule to the Sales Tax (Exemptions and Classifications) Act—33½ per centum ;
- (c) in respect of goods covered by the Fourth Schedule to the Sales Tax (Exemptions and Classifications) Act—50 per centum ; and
- (d) in respect of goods not covered by the Second, Third or Fourth Schedule to the Sales Tax (Exemptions and Classifications) Act, but subject to the exemptions provided by that Act—12½ per centum.

2. That, for the purposes of this resolution, " the Sales Tax (Exemptions and Classifications) Act " mean the *Sales Tax (Exemptions and Classifications) Act 1935-1951* as proposed to be amended by the *Sales Tax (Exemptions and Classifications) Bill 1952*.

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

The House resumed ; Mr. Bowden reported accordingly.

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

20. ADJOURNMENT.—Mr. Eric J. Harrison (Vice-President of the Executive Council) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at twenty-two minutes to eleven 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. Adermann, Mr. Beazley, Mr. Casey, Mr. Drummond, Mr. Duthie, Mr. Holt, Mr. Howse, Mr. Lazzarini, Mr. McDonald, Mr. Nelson, Mr. O'Connor, Mr. Pollard, Mr. Rosevear and Mr. Treloar.

F. C. GREEN,

Clerk of the House of Representatives.