THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 41.

WEDNESDAY, 9TH OCTOBER, 1957.

- 1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable J. McLeay) took the Chair, and read Prayers.
- 2. PAPERS.—The following Papers were presented, pursuant to Statute—

Fishing Industry Act—First Annual Report, for year 1956-57.

Overseas Telecommunications Act—Overseas Telecommunications Commission (Australia)— Eleventh Annual Report, for year ended 31st March, 1957, together with financial accounts.

3. Message from the Governor-General.—Assent to Bill.—A Message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name and on behalf of Her Majesty, had assented to the following Bill:—

5th October, 1957—Message No. 35—Commonwealth Grants Commission 1957.

4. Public Accounts Committee—Report.—Mr. Bland (Chairman) brought up the following Report from the Joint Committee of Public Accounts—

Thirty-third Report—Expenditure from Advance to the Treasurer and Variations under Section 37 of the Audit Act 1901-1957 for the year 1956-57.

Ordered to be printed.

- 5. ADVANCE TO THE TREASURER—STATEMENT BY MEMBER.—Mr. Bland, by leave, made a Statement regarding the Parliamentary procedure recommended by the Joint Committee of Public Accounts in its Thirty-first Report for considering expenditure from the Advance to the Treasurer.
- 6. ADVANCE TO THE TREASURER—EXPENDITURE—New PROCEDURE—MOTION TO APPROVE.—Mr. Menzies (Acting Treasurer) moved, by leave, That the House approves that, in lieu of the presentation of Supplementary Estimates and the introduction of Supplementary Appropriation Bills, the following procedure be adopted:—
 - (1) That there be presented to the House after the end of each financial year a Statement prepared by the Treasurer showing the Heads of Expenditure and the Amounts charged thereto pursuant to Section 36A of the Audit Act 1901-1957.
 - (2) That the Statement be referred for the consideration of the Committee of the whole House.

(3) That a Resolution of the Committee be reported to the House for its adoption.

- Debate adjourned (Mr. Evatt—Leader of the Opposition), and the resumption of the debate made an Order of the Day for the next sitting.
- 7. ADVANCE TO THE TREASURER 1956-57—STATEMENT OF EXPENDITURE.—Mr. Menzies (Acting Treasurer), by command of His Excellency the Governor-General, laid upon the Table the following Paper:—

Statement for the year 1956-57 of Heads of Expenditure and the Amounts charged thereto pursuant to Section 36A of the *Audit Act* 1901-1957 (Advance to the Treasurer).

- Ordered—That the Statement be taken into consideration in Committee of the whole House at the next sitting.
- PRECEDENCE TO GOVERNMENT BUSINESS.—Mr. H. E. Holt (Minister for Labour and National Service)
 moved, pursuant to notice. That Government Business shall take precedence over General Business
 to-morrow.

Question-put and passed.

9th October, 1957.

9. Repatriation Bill 1957.—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—

Mr. Chaney rising to address the House-

Closure.—Mr. H. E. Holt (Minister for Labour and National Service) moved, That the question be now put.

Question—That the question be now put—put.

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

		Ayes, 52.		
Mr. Adermann	Mr. Cleaver	Mr. Fox	Mr. Lawrence	Mr. Snedden
Mr. Anderson	Mr. Cramer	Mr. J. M. Fraser	Mr. Lindsay	Mr. Stokes
Mr. J. D. Anthony	Mr. Davidson	Mr. Freeth	Mr. Luck	Mr. Swartz
Mr. Aston	Mr. Davis	Mr. Graham	Mr. Mackinnon	Mr. Timson
Mr. Beale	Mr. Dean	Mr. Hamilton	Sir P. McBride	Mr. Wentworth
Mr. Bland	Mr. Downer	Mr. Hasluck	Mr. McColm	Mr. Wilson
Mr. Bostock	Mr. Erwin	Mr. Haworth	Mr. McEwen	11111 11 110011
Mr. Brimblecombe	Mr. Failes	Mr. H. E. Holt	Mr. McMahon	Tellers:
Mr. Buchanan	Mr. Fairbairn	Mr. Howson	Mr. Osborne	2 0.107 5.
Mr. Bury	Mr. Fairhall	Mr. Joske	Mr. Pearce	Mr. Opperman
Mr. Chaney	Mr. Forbes	Mr. Killen	Mr. Roberton	Mr. Turnbull
		Noes, 35.		
Mr. Barnard	Mr. Chambers	Mr. Galvin	Mr. McIvor	Mr. Webb
Mr. Beazley	Mr. Clarey	Mr. Griffiths	Mr. Minogue	Mr. Whitlam
Mr. Bird	Mr. Clark	Mr. Haylen	Mr. O'Connor	Will. William
Mr. Bruce	Mr. Cope	Mr. R. W. Holt	Mr. Riordan	Tellers:
Mr. Bryant	Mr. Coutts	Mr. H. V. Johnson	Mr. Russell	2 0
Mr. Cairns	Mr. Crean	Mr. L. R. Johnson	Mr. Stewart	Mr. Luchetti
Mr. Calwell	Mr. Curtin	Mr. Kearney	Mr. Ward	Mr. Thompson
Mr. C. R. Cameron	Mr. Edmonds	Mr. Makin	,,	znompson

And so it was resolved in the affirmative.

And the question—That the Bill be now read a second time—was put accordingly, 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.)

Clause 1—

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

The House resumed; Mr. Adermann reported accordingly.

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

10. SEAMEN'S WAR PENSIONS AND ALLOWANCES BILL 1957.—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.)

Clause 1 agreed to.

Clause 2-

Mr. Clarey moved the following amendment:—Page 1, lines 10 and 11, omit "come into operation on the day on which it receives the Royal Assent", insert "be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-seven".

Debate ensued.

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

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

		Ayes, 52.		,
Mr. Anderson Mr. J. D. Anthony Mr. Aston Mr. Beale Mr. Bland Mr. Bostock Mr. Brimblecombe Mr. Buchanan Mr. Bury Mr. Chaney Mr. Cleaver	Mr. Cramer Mr. Davidson Mr. Davis Mr. Dean Mr. Downer Mr. Erwin Mr. Failes Mr. Fairbairn Mr. Fairhall Mr. Forbes Mr. Fox	Mr. J. M. Fraser Mr. Freeth Mr. Graham Mr. Hamilton Mr. Hasluck Mr. Haworth Mr. H. E. Holt Mr. Howson Mr. Joske Sir W. Kent Hughes Mr. Killen	Mr. Lawrence Mr. Lindsay Mr. Luck Mr. Mackinnon Sir P. McBride Mr. McColm Mr. McEwen Mr. McMahon Mr. Osborne Mr. Pearce Mr. Roberton	Mr. Snedden Mr. Stokes Mr. Swartz Mr. Timson Mr. Wentworth Mr. Wilson Tellers: Mr. Opperman Mr. Turnbull
Mr. Barnard Mr. Beazley Mr. Bird Mr. Bruce Mr. Bryant Mr. Cairns Mr. Calwell	Mr. C. R. Cameron Mr. Chambers Mr. Clarey Mr. Clark Mr. Cope Mr. Crean Mr. Curtin	Noes, 33. Mr. Edmonds Mr. Galvin Mr. Griffiths Mr. Haylen Mr. R. W. Holt Mr. H. V. Johnson Mr. L. R. Johnson	Mr. Kearney Mr. Makin Mr. McIvor Mr. Riordan Mr. Russell Mr. Stewart Mr. Thompson	Mr. Ward Mr. Webb Mr. Whitlam Tellers: Mr. Coutts Mr. Luchetti

And so it was resolved in the affirmative.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Adermann reported accordingly.

On the motion of Mr. Davidson (Postmaster-General), the House adopted the Report, and, by leave, the Bill was read a third time.

11. REPATRIATION BILL 1957.—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 agreed to.

Clause 2—

Mr. Barnard moved the following amendment:—Page 2, lines 1 and 2, omit "come into operation on the day on which it receives the Royal Assent", insert "be deemed to have come into operation on the first day of July, One thousand nine hundred and fifty-seven".

Debate ensued.

Mr. Stewart rising to address the Committee-

Closure.—Mr. Davidson (Postmaster-General) moved, That the question be now put.

Question—That the question be now put—put.

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

		Ayes, 50.		
Mr. Anderson	Mr. Davidson	Mr. Graham	Mr. Luck	Mr. Swartz
Mr. Aston	Mr. Davis	Mr. Hamilton	Mr. Mackinnon	Mr. Timson
Mr. Beale	Mr. Dean	Mr. Hasluck	Sir P. McBride	Mr. Wentworth
Mr. Bland	Mr. Downer	Mr. Haworth	Mr. McColm	Mr. Wilson
Mr. Bostock	Mr. Erwin	Mr. H. E. Holt	Mr. McEwen	
Mr. Brimblecombe	Mr. Failes	Mr. Howson	Mr. McMahon	Tellers:
Mr. Buchanan	Mr. Fairbairn	Mr. Joske	Mr. Osborne	
Mr. Bury	Mr. Fairhall	Sir W. Kent Hughes	Mr. Pearce	Mr. Opperman
Mr. Chaney	Mr. Fox	Mr. Killen	Mr. Roberton	Mr. Turnbull
Mr. Cleaver	Mr. J. M. Fraser	Mr. Lawrence	Mr. Snedden	
Mr. Cramer	Mr. Freeth	Mr. Lindsay	Mr. Stokes	
		Noes, 34.		
Mr. Barnard	Mr. C. R. Cameron	Mr. Edmonds	Mr. Makin	Mr. Thompson
Mr. Beazley	Mr. Chambers	Mr. Galvin	Mr. McIvor	Mr. Ward
Mr. Bird	Mr. Clarey	Mr. Griffiths	Mr. Minogue	Mr. Webb
Mr. Bruce	Mr. Clark	Mr. R. W. Holt	Mr. O'Connor	Mr. Whitlam
Mr. Bryant	Mr. Cope	Mr. H. V. Johnson	Mr. Riordan	Tellers:
Mr. Cairns	Mr. Crean	Mr. L. R. Johnson	Mr. Russell	Mr. Coutts
Mr. Calwell	Mr. Curtin	Mr. Kearney	Mr. Stewart	Mr. Luchetti

And so it was resolved in the affirmative.

And the question—That the words proposed to be omitted stand part of the clause—was put accordingly, and passed.

Clause agreed to.

Clauses 3 to 7, by leave, taken together, and agreed to, after debate.

Proposed new clauses-

Mr. Barnard moved, that the following new clause be inserted in the Bill:-

- "2A. After section forty-seven of the Principal Act the following section is inserted:—
- '47A.—(1.) Where a claimant, applicant or appellant under this Act considers-
 - (a) that, in hearing, determining or deciding his claim, application or appeal, the Commission, a Board, an Appeal Tribunal or an Assessment Appeal Tribunal did not give to him the benefit of any doubt in respect of a matter or question referred to, in paragraph (a) or (b) of sub-section (1.) of the last preceding section; or
 - (b) a person or authority who contended that his claim, application or appeal should not be granted or allowed to the full extent claimed did not discharge the onus of proof placed on that person or authority by sub-section (2.) of that section,

the claimant, applicant or appellant may appeal to the High Court, or to the Supreme Court of the State or Territory of the Commonwealth in which he resides, against the determination or decision of the Commission, Board, Appeal Tribunal or Assessment Appeal Tribunal, as the case may be, on the ground that he was not so given the benefit of a doubt or that the person or authority did not so discharge the onus of proof.

'(2.) Jurisdiction is conferred on the High Court, the several Supreme Courts of the States are invested with federal jurisdiction, and jurisdiction is conferred on the several Supreme Courts of the Territories of the Commonwealth, to hear and determine an appeal under this section.

'(3.) The jurisdiction conferrred on, or invested in, the High Court or a Supreme Court by this section shall be exercised by a single Justice or Judge, as the case may be, of the Court.

'(4.) The Court hearing an appeal under this section may make such order with respect to the appeal as it thinks fit and that order shall be final and conclusive.

(5.) An order as to the costs of an appeal under this section shall not be made.

'(6.) The regulations may make provision for the furnishing to a Court to which an appeal is made under this section of any records in the possession of the Commission which relate to the appellant.'."

Debate ensued.

Several Members rising to address the Committee-

Closure.--Mr. H. E. Holt (Minister for Labour and National Service) moved, That the question be now put.

Question—That the question be now put—put.

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

		Ayes, 51.		
Mr. Anderson Mr. Aston Mr. Beale Mr. Bland Mr. Bostock Mr. Brimblecombe Mr. Buchanan Mr. Bury Mr. Chaney Mr. Cleaver Mr. Cramer	Mr. Davidson Mr. Davis Mr. Dean Mr. Downer Mr. Erwin Mr. Failes Mr. Fairbairn Mr. Fairhall Mr. Forbes Mr. Fox Mr. J. M. Fraser	Mr. Freeth Mr. Graham Mr. Hamilton Mr. Hasluck Mr. Haworth Mr. H. E. Holt Mr. Howson Mr. Joske Sir W. Kent Hughes Mr. Killen Mr. Lawrence	Mr. Lindsay Mr. Luck Mr. Mackinnon Sir P. McBride Mr. McColm Mr. McEwen Mr. McMahon Mr. Osborne Mr. Pearce Mr. Roberton Mr. Snedden	Mr. Stokes Mr. Swartz Mr. Timson Mr. Wentworth Mr. Wilson Tellers: Mr. Opperman Mr. Turnbull
Mr. Barnard Mr. Beazley Mr. Bird Mr. Bruce Mr. Bryant Mr. Cairns Mr. Calwell	Mr. C. R. Cameron Mr. Chambers Mr. Clarey Mr. Clark Mr. Cope Mr. Crean Mr. Curtin	Noes, 34. Mr. Edmonds Mr. Galvin Mr. Griffiths Mr. R. W. Holt Mr. L. R. Johnson Mr. Kearney Mr. Lawson	Mr. Makin Mr. McIvor Mr. Minogue Mr. Morgan Mr. O'Connor Mr. Riordan Mr. Stewart	Mr. Thompson Mr. Ward Mr. Webb Mr. Whitlam Tellers: Mr. Coutts Mr. Luchetti

And so it was resolved in the affirmative.

And the question—That the clause proposed to be inserted be so inserted—being accordingly put— The Committee divided (The Chairman, Mr. Adermann, in the Chair)-

		Ayes, 33.		
Mr. Barnard Mr. Beazley Mr. Bird Mr. Bruce Mr. Bryant Mr. Cairns Mr. Calwell	Mr. Chambers Mr. Clarey Mr. Clark Mr. Cope Mr. Crean Mr. Curtin Mr. Edmonds	Mr. Galvin Mr. Griffiths Mr. R. W. Holt Mr. L. R. Johnson Mr. Kearney Mr. Lawson Mr. Makin	Mr. McIvor Mr. Minogue Mr. Morgan Mr. O'Connor Mr. Riordan Mr. Stewart Mr. Thompson	Mr. Ward Mr. Webb Mr. Whitlam Tellers: Mr. Coutts Mr. Luchetti
		Noes, 50.		
Mr. Anderson Mr. Aston Mr. Beale Mr. Bland Mr. Bostock Mr. Brimblecombe Mr. Buchanan	Mr. Davidson Mr. Davis Mr. Dean Mr. Downer Mr. Erwin Mr. Failes Mr. Fairbairn	Mr. Freeth Mr. Graham Mr. Hamilton Mr. Hasluck Mr. Haworth Mr. H. E. Holt Mr. Howson	Mr. Lindsay Mr. Luck Mr. Mackinnon Sir P. McBride Mr. McColm Mr. McMahon Mr. Osborne Mr. Pearce	Mr. Swartz Mr. Timson Mr. Wentworth Mr. Wilson Tellers: Mr. Opperman
Mr. Bury Mr. Chaney Mr. Cleaver Mr. Cramer	Mr. Fairhall Mr. Forbes Mr. Fox Mr. J. M. Fraser	Mr. Joske Sir W. Kent Hughes Mr. Killen Mr. Lawrence	Mr. Rearce Mr. Roberton Mr. Snedden Mr. Stokes	Mr. Turnbull

And so it was negatived.

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

"3A. Section eighty-seven of the Principal Act is amended by adding at the end thereof the following sub-section:-

'(4.) In this section, "income", in relation to a person who is in receipt of a pension or allowance under the Second Schedule to this Act, does not include the amount of that pension or allowance."..

Debate ensued.

Several Members rising to address the Committee—

Closure.—Mr. Hasluck (Minister for Territories) moved, That the question be now put.

Question—That the question be now put—put.

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

		Ayes, 51.		
Mr. Anderson	Mr. Davidson	Mr. Freeth	Mr. Lindsay	Mr. Stokes
Mr. Aston	Mr. Davis	Mr. Graham	Mr. Luck	Mr. Swartz
Mr. Beale	Mr. Dean	Mr. Hamilton	Mr. Mackinnon	Mr. Timson
Mr. Bland	Mr. Downer	Mr. Hasluck	Sir P. McBride	Mr. Wentworth
Mr. Bostock	Mr. Erwin	Mr. Haworth	Mr. McColm	Mr. Wilson
Mr. Brimblecombe	Mr. Failes	Mr. H. E. Holt	Mr. McEwen	
Mr. Buchanan	Mr. Fairbairn	Mr. Howson	Mr. McMahon	Tellers:
Mr. Bury	Mr. Fairhall	Mr. Joske	Mr. Osborne	
Mr. Chaney	Mr. Forbes	Sir W. Kent Hughes	Mr. Pearce	Mr. Opperman
Mr. Cleaver	Mr. Fox	Mr. Killen	Mr. Roberton	Mr. Turnbull
Mr. Cramer	Mr. J. M. Fraser	Mr. Lawrence	Mr. Snedden	
		Noes, 32.		
Mr. Barnard	Mr. Chambers	Mr. R. W. Holt	Mr. Morgan	Mr. Webb
Mr. Beazley	Mr. Clark	Mr. H. V. Johnson	Mr. O'Connor	Mr. Whitlam
Mr. Bird	Mr. Cope	Mr. Kearney	Mr. Riordan	
Mr. Bruce	Mr. Crean	Mr. Lawson	Mr. Russell	Tellers:
Mr. Bryant	Mr. Edmonds	Mr. Makin	Mr. Stewart	
Mr. Cairns	Mr. Galvin	Mr. McIvor	Mr. Thompson	Mr. Coutts
Mr. Calwell	Mr. Griffiths	Mr. Minogue	Mr. Ward	Mr. Luchetti

And so it was resolved in the affirmative,

9th October, 1957.

And the question—That the clause proposed to be inserted be so inserted—being accordingly put—The Committee divided (The Chairman, Mr. Adermann, in the Chair)—

		Ayes, 35.		
Mr. Barnard	Mr. Chambers	Mr. R. W. Holt	Mr. Morgan	Mr. Webb
Mr. Beazley	Mr. Clark	Mr. H. V. Johnson	Mr. O'Connor	Mr. Whitlam
Mr. Bird	Mr. Cope	Mr. L. R. Johnson	Mr. Riordan	
Mr. Bruce	Mr. Crean	Mr. Kearney	Mr. Russell	Tellers:
Mr. Bryant	Mr. Curtin	Mr. Lawson	Mr. Stewart	
Mr. Cairns	Mr. Edmonds	Mr. Makin	Mr. Thompson	Mr. Coutts
Mr. Calwell	Mr. Galvin	Mr. McIvor	Mr. Ward	Mr. Luchetti
Mr. C. R. Cameron	Mr. Griffiths	Mr. Minogue		
		Noes, 51.		
Mr. Anderson	Mr. Davidson	Mr. Freeth	Mr. Lindsay	Mr. Stokes
Mr. Aston	Mr. Davis	Mr. Graham	Mr. Luck	Mr. Swartz
Mr. Beale	Mr. Dean	Mr. Hamilton	Mr. Mackinnon	Mr. Timson
Mr. Bland	Mr. Downer	Mr. Hasluck	Sir P. McBride	Mr. Wentworth
Mr. Bostock	Mr. Erwin	Mr. Haworth	Mr. McColm	Mr. Wilson
Mr. Brimblecombe	Mr. Failes	Mr. H. E. Holt	Mr. McEwen	
Mr. Buchanan	Mr. Fairbairn	Mr. Howson	Mr. McMahon	Tellers:
Mr. Bury	Mr. Fairhall	Mr. Joske	Mr. Osborne	
Mr. Chaney	Mr. Forbes	Sir W. Kent Hughes	Mr. Pearce	Mr. Opperman
Mr. Cleaver	Mr. Fox	Mr. Killen	Mr. Roberton	Mr. Turnbull
Mr. Cramer	Mr. J. M. Fraser	Mr. Lawrence	Mr. Snedden	

And so it was negatived.

Title agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Adermann reported accordingly.

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

12. AGED PERSONS HOMES BILL 1957.—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, and agreed to, after debate.

Bill to be reported without amendment.

The House resumed; Mr. Adermann reported accordingly.

On the motion of Mr. Roberton (Minister for Social Services), the House adopted the Report, and, by leave, the Bill was read a third time.

13. ADJOURNMENT.—Mr. Roberton (Minister for Social Services) moved, That the House do now adjourn. Debate ensued.

Question—put and passed.

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

Members Present.—All Members were present (at some time during the sitting) except Mr. Allan, Mr. Bowden*, Mr. Brand, Mr. D. A. Cameron, Mr. Casey*, Mr. Costa*, Mr. Daly, Mr. Drummond, Mr. Drury, Mr. Duthie, Sir Arthur Fadden, Mr. Falkinder, Mr. Harrison*, Mr. Howse, Mr. Hulme, Mr. Jack*, Mr. James, Mr. Leslie, Mr. Lucock, Sir Earle Page, Mr. Peters, Mr. Pollard*, Mr. Townley, Mr. Turner*, Mr. Watkins*, Mr. Wheeler* and Mr. Wight.

On leave.

A. A. TREGEAR.

Clerk of the House of Representatives.