

1959.

## THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

## VOTES AND PROCEEDINGS

OF THE

## HOUSE OF REPRESENTATIVES.

No. 64.

TUESDAY, 17TH NOVEMBER, 1959.

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—
  - Dairy Produce Levy Act—Regulations—Statutory Rules 1959, No. 91.
  - Egg Export Control Act—Australian Egg Board—Twelfth Annual Report, for year 1958–59.
  - Meat Export Control Act—Australian Meat Board—Twenty-fourth Annual Report, for year 1958–59.
  - Migration Act—Regulations—Statutory Rules 1959, No. 89.
  - National Fitness Act—Report for 1958.
  - Naval Defence Act—Regulations—Statutory Rules 1959, No. 90.
  - Public Service Act—Appointments—Department—
    - Customs and Excise—H. Makby, B. V. O'Grady, O. J. Signoretti.
    - Primary Industry—H. M. Blomeley.
    - Territories—R. R. Edmonds, H. M. Stevens.
  - Trading with the Enemy Act—Regulations—Statutory Rules 1959, No. 88.
3. PUBLIC WORKS COMMITTEE—REPORT.—Mr. Fairhall (Chairman) brought up the following Report from the Parliamentary Standing Committee on Public Works:—
  - Report relating to the proposed construction of a Technical High School at Darwin, Northern Territory.
 Ordered to be printed.
4. MESSAGES FROM THE SENATE.—Messages from the Senate were reported returning the following Bills without amendment :—
  - 13th November, 1959—*Message*—
    - No. 77—Appropriation 1959–60 (*without requests*).
    - No. 78—Appropriation (Works and Services) 1959–60.
5. MESSAGES FROM THE GOVERNOR-GENERAL—ASSENT TO BILLS.—Messages from His Excellency the Governor-General were announced informing the House that His Excellency, in the name and on behalf of Her Majesty, had assented to the following Bills:—
  - 12th November, 1959—*Message No. 46*—
    - Loan (Short-term Borrowings) 1959.
    - Customs Tariff (No. 3) 1959.
    - Customs Tariff (No. 4) 1959.
    - Customs Tariff (No. 5) 1959.
    - Excise Tariff (No. 2) 1959.
    - Excise Tariff (No. 3) 1959.
  - 13th November, 1959—*Message No. 47*—Appropriation 1959–60.
  - 16th November, 1959—*Message No. 48*—Appropriation (Works and Services) 1959–60.

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6. INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT BILL (No. 3) 1959.—Mr. Holt (Treasurer) moved, by leave, That he have leave to bring in a Bill for an Act to amend the Law relating to Income Tax.  
Question—put and passed.  
Bill brought up, and read a first time.  
Mr. Holt moved, by leave, That the Bill be now read a second time.  
Debate adjourned (Mr. Crean), and the resumption of the debate made an Order of the Day for the next sitting.
7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 1 to 21 be postponed until after Order of the Day No. 22, Government Business.
8. WAYS AND MEANS—INCOME TAX AND SOCIAL SERVICES CONTRIBUTION (NON-RESIDENT DIVIDENDS).—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

Mr. Holt (Treasurer) moved—

*Definition.*

1. That, in this Resolution, “the Assessment Act” mean the *Income Tax and Social Services Contribution Assessment Act 1936–1959*, as proposed to be amended by the *Income Tax and Social Services Contribution Assessment Bill (No. 3) 1959*.

*Incorporation.*

2. That the Assessment Act be incorporated and read as one with the Act passed to give effect to this Resolution.

*Imposition of Income Tax and Social Services Contribution.*

3. That the tax known as income tax and social services contribution, to the extent that that tax is payable in accordance with section one hundred and twenty-eight B of the Assessment Act, be imposed, and be levied and paid, upon income to which that section applies.

*Rate of Tax.*

4. That the rate of income tax and social services contribution imposed by the Act passed to give effect to this Resolution be thirty per centum.

*Section 221YB of Assessment Act.*

5. That, for the purposes of sub-section (3.) of section two hundred and twenty-one YB of the Assessment Act, the Act passed to give effect to this Resolution be not deemed to be the Act declaring the rates of income tax and social services contribution payable for the financial year commencing on the first day of July, One thousand nine hundred and sixty, or for any subsequent financial year. Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Timson reported accordingly.

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

9. INCOME TAX AND SOCIAL SERVICES CONTRIBUTION BILL (No. 2) 1959.—Mr. Holt (Treasurer) moved, by leave, That he have leave to bring in a Bill for an Act to amend the *Income Tax and Social Services Contribution Act 1959*.  
Question—put and passed.  
Bill brought up, and read a first time.  
Mr. Holt moved, by leave, That the Bill be now read a second time.  
Debate adjourned (Mr. Crean), and the resumption of the debate made an Order of the Day for the next sitting.
10. INCOME TAX (INTERNATIONAL AGREEMENTS) BILL 1959.—Mr. Holt (Treasurer) moved, by leave, That he have leave to bring in a Bill for an Act to amend the *Income Tax (International Agreements) Act 1953–1958*.  
Question—put and passed.  
Bill brought up, and read a first time.  
Mr. Holt moved, by leave, That the Bill be now read a second time.  
Debate adjourned (Mr. Crean), and the resumption of the debate made an Order of the Day for the next sitting.
11. SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) BILL (No. 2) 1959.—Mr. Holt (Treasurer) moved, by leave, That he have leave to bring in a Bill for an Act relating to the Classification of certain Motor Vehicles for the purposes of Sales Tax.  
Question—put and passed.  
Bill brought up, and read a first time.  
Mr. Holt moved, by leave, That the Bill be now read a second time.  
Debate adjourned (Mr. Crean), and the resumption of the debate made an Order of the Day for the next sitting.

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12. MATRIMONIAL CAUSES BILL 1959.—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—*And on the Amendment moved thereto by Mr. Luchetti, viz.:*—That all words after “ That ” be omitted with a view to inserting the following words in place thereof:—“ the Bill be referred to a Select Committee of this House ”—

Debate resumed.

Ordered—That Sir Garfield Barwick (Attorney-General) be granted an extension of time.

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

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

AYES, 84.

Mr. Adermann	Mr. Cash	Mr. Eva*	Mr. Howson	Mr. Murray
Mr. Allan	Mr. Chaney	Mr. Fairbairn	Mr. Hulme	Mr. Osborne
Mr. Anderson	Mr. Chresby	Mr. Fairhall	Mr. Johnson	Mr. Pearce
Mr. Anthony	Mr. Clarey	Mr. Forbes	Mr. Jones	Mr. Pollard
Mr. Aston	Mr. Clay	Mr. Fox	Mr. Jones	Mr. Robertson
Mr. Barnes	Mr. Cleaver	Mr. A. D. Fraser	Mr. Joske	Mr. Russell
Sir G. Barwick	Mr. Costa	Mr. J. M. Fraser	Mr. Killen	Mr. Stokes
Mr. Bird	Mr. Courtney	Mr. Fulton	Mr. King	Mr. Timson
Mr. Bowden	Mr. Cramer	Mr. Griffiths	Mr. Lindsay	Mr. Turnbull
Mr. Brimblecombe	Mr. Crean	Mr. Halbert	Mr. Lucock	Mr. Turner
Mr. Browne	Mr. Curtin	Mr. Hamilton	Mr. Mackinnon	Mr. Uren
Mr. Bryant	Mr. Davidson	Mr. Harrison	Mr. Makin	Mr. Wentworth
Mr. Buchanan	Mr. Davies	Mr. Hasluck	Mr. McColm	Mr. Wight
Mr. Bury	Mr. Davis	Mr. Haworth	Mr. McEwen	Mr. Wilson
Mr. Cairns	Mr. Downer	Mr. Holt	Mr. McIvor	<i>Tellers:</i>
Mr. C. R. Cameron	Mr. Drummond	Mr. Holten	Mr. McMahan	Mr. Duthie
Mr. D. A. Cameron	Mr. Erwin	Mr. Howse	Mr. Menzies	Mr. Opperman

NOES, 16.

Mr. Barnard	Mr. Cope	Mr. Kearney	Mr. Reynolds	<i>Tellers:</i>
Mr. Beazley	Mr. Daly	Sir W. Kent Hughes	Mr. Ward	Mr. Luchetti
Mr. Calwell	Mr. Galvin	Mr. Minogue		Mr. Stewart
Mr. Clark	Mr. Haylen	Mr. O'Connor		

And so it was resolved in the affirmative.

Question—That the Bill be now read a second time—put and passed.—Bill read a second time.

The House resolved itself into a Committee of the Whole.

(In the Committee.)

Mr. Daly moved, That the Temporary Chairman do report progress and ask leave to sit again.

Question—put.

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

AYES, 15.

Mr. Barnard	Mr. Daly	Mr. Haylen	Mr. Minogue	<i>Tellers:</i>
Mr. Beazley	Mr. A. D. Fraser	Mr. Johnson	Mr. O'Connor	Mr. Luchetti
Mr. Clark	Mr. Fulton	Mr. Kearney	Mr. Ward	Mr. Stewart
Mr. Cope				

NOES, 84.

Mr. Adermann	Mr. D. A. Cameron	Mr. Erwin	Mr. Howson	Mr. Pearce
Mr. Allan	Mr. Cash	Mr. Evatt	Mr. Hulme	Mr. Pollard
Mr. Anderson	Mr. Chaney	Mr. Fairbairn	Mr. Jack	Mr. Reynolds
Mr. Anthony	Mr. Chresby	Mr. Fairhall	Mr. Jones	Mr. Robertson
Mr. Aston	Mr. Clarey	Mr. Falkinder	Mr. Joske	Mr. Russell
Mr. Barnes	Mr. Clay	Mr. Forbes	Sir W. Kent Hughes	Mr. Stokes
Sir G. Barwick	Mr. Cleaver	Mr. Fox	Mr. Killen	Mr. Timson
Mr. Bird	Mr. Costa	Mr. J. M. Fraser	Mr. King	Mr. Turnbull
Mr. Bowden	Mr. Courtney	Mr. Griffiths	Mr. Lindsay	Mr. Turner
Mr. Brimblecombe	Mr. Cramer	Mr. Halbert	Mr. Mackinnon	Mr. Uren
Mr. Browne	Mr. Crean	Mr. Hamilton	Mr. Makin	Mr. Wentworth
Mr. Bryant	Mr. Curtin	Mr. Harrison	Mr. McColm	Mr. Wheeler
Mr. Buchanan	Mr. Davidson	Mr. Hasluck	Mr. McEwen	Mr. Wight
Mr. Bury	Mr. Davies	Mr. Haworth	Mr. McIvor	Mr. Wilson
Mr. Cairns	Mr. Davis	Mr. Holt	Mr. McMahan	<i>Tellers:</i>
Mr. Calwell	Mr. Downer	Mr. Holten	Mr. Murray	Mr. Duthie
Mr. C. R. Cameron	Mr. Drummond	Mr. Howse	Mr. Osborne	Mr. Opperman

And so it was negatived.

Clause 1 debated and agreed to.

Clause 2—

On the motion of Sir Garfield Barwick, the following amendment was made, after debate:—

Page 1, lines 7 and 8, omit the clause, insert the following clause:—

“ 2. This Act shall come into operation on a date to be fixed by Proclamation.”.

*Commence-  
ment.*

Clause, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5—

On the motion of Sir Garfield Barwick, the following amendment was made, after debate:—

Page 3, after the definition of “ crime ” insert the following definition:—

“ ‘ cross-petition ’ includes an answer in which the respondent to a petition seeks a decree or declaration of a kind referred to in paragraph (a) or (b) of the definition of ‘ matrimonial cause ’ in this sub-section; ”.

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On the motion of Sir Garfield Barwick, the following further amendments were made:—

Page 3, lines 35—37, omit the definition of “decree”, insert the following definition:—

“ ‘decree’ means decree, judgment or order, and includes a decree *nisi* and an order dismissing a petition or application or refusing to make a decree or order; ”.

Page 4, lines 8—10, omit “ a decree of dissolution or nullity of marriage or of judicial separation ”, insert “ the dissolution or annulment of a marriage by decree or otherwise or of a decree of judicial separation ”.

Clause, as amended, agreed to.

Clause 6 debated and agreed to.

Clause 7 agreed to.

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

The House resumed; Mr. Lucock reported accordingly.

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

13. MESSAGES FROM THE SENATE.—Messages from the Senate were reported returning the following Bills without amendment:—

17th November, 1959—*Message*—

No. 79—Income Tax and Social Services Contribution Assessment (No. 2) 1959.

No. 80—Income Tax and Social Services Contribution 1959 (*without requests*).

No. 81—International Wheat Agreement 1959.

14. ADJOURNMENT.—Sir Garfield Barwick (Attorney-General) moved, That the House do now adjourn.  
Question—put and passed.

And then the House, at six minutes past 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. Bandidt, Mr. Bland, Mr. Casey, Mr. Dean, Mr. Drury, Mr. Failes, Mr. Freeth, Mr. Kelly, Mr. Lawson, Mr. Peters\*, Mr. Riordan, Mr. Sexton\*, Mr. Snedden and Mr. Swartz.

\* On leave.

A. G. TURNER,  
*Clerk of the House of Representatives.*