

1910.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 51.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

THURSDAY, 29TH SEPTEMBER, 1910.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PAPER.—Mr. O'Malley presented, by command of His Excellency the Governor-General—
Kalgoorlie to Port Augusta Railway—Artesian Water on Route—Communication from
Jas. Thompson, Engineer-in-Chief, Perth (dated 15th September, 1910).
Ordered to lie on the Table.
3. MEMBERS' ALLOWANCE—REFERENDUM RE AMOUNT.—The Order of the Day having been read for the resumption of the debate on the following motion of Mr. G. B. Edwards :—
That, in the opinion of this House, the electors of the Commonwealth should be consulted by referendum to fix the amount of allowance to be paid to Members of the Senate and House of Representatives, and that such referendum should provide for a vote to be taken by a system of preferential or contingent voting on the amounts £400, or £500, or £600, or £700, or £800 per annum—
Debate resumed.
Mr. Higgs moved an amendment, That after the words "referendum" in line 2 of the motion, the following words be inserted, viz. :—"on all occasions when five per cent. of the electors of the Commonwealth on petition express their desire that the people should be consulted on the matter set forth in the petition, and urges the Government to bring forward an Initiative and Referendum Bill at its earliest convenience."
Point of Order.—A Point of Order having been raised that the proposed amendment was irrelevant to the motion, Mr. Speaker upheld the objection, and ruled that the amendment was out of order.
Debate continued.
Mr. Bamford 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 Thursday, 20th October next.
4. DISCHARGE OF ORDER OF THE DAY.—The following Order of the Day was, on the motion of Mr. Atkinson, read and discharged :—
Produce—Commonwealth Control of Inter-State—Resumption of debate.
5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the remaining Orders of the Day, General Business, be postponed as follows :—
No. 3 to 20th October next, No. 4 to 6th October next, and No. 5 to 13th October next.
6. MUNICIPAL RATES—PAYMENT OF, BY COMMONWEALTH.—Mr. Kelly moved, pursuant to notice, That this House, following the practice of the House of Commons, is of opinion, in view of the unequal distribution of Federal properties in the various municipalities of Australia, that the Commonwealth should grant yearly to each municipality, as an act of grace, an amount equal to the municipal rates and taxes which it would have to pay were it not exempt from taxation under the Constitution.
Debate ensued.
Mr. Fenton 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 Thursday, 27th October next.

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7. CONSTITUTION ALTERATION (LEGISLATIVE POWERS) BILL.—Mr. Hughes moved, pursuant to notice, That he have leave to bring in a Bill for an Act to alter Section Fifty-one of the Constitution.
Debate ensued.
Question—put and passed.
Mr. Hughes 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.
Ordered—That the second reading be made an Order of the Day for to-morrow.
8. LAND TAX ASSESSMENT BILL.—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 24 again read, and agreed to.

Clause 25 read.

Mr. Hughes moved the following amendment:—

Omit all words of the clause after “case of” in line 26 and insert in place thereof—

“the owner of a leasehold estate in land, under a lease made after the commencement of this Act, shall be deemed (though not to the exclusion of the liability of any other person) to be the owner of the fee-simple.

- (2) He shall be entitled to deduct, from the tax payable by him in respect of the land, an amount equal to the sum of the amounts payable in respect of the land by the owners of any freehold estate and of any precedent leasehold estate in the land.”

Omission of words agreed to.

Words proposed to be inserted—debated, and agreed to.

Clause, as amended, agreed to.

Clause 26 read.

Mr. Hughes moved the following amendment:—

Omit all words of the clause after “case of” in line 38 and insert in place thereof—

“the owner of a freehold estate in land who has before the commencement of this Act granted a lease of the land shall, for the purpose of his assessment under this Act, be entitled, during the currency of the lease, to have the unimproved value (if any) of the lease deducted from the unimproved value of the land.

- (2) The owner of a leasehold estate in land, under a lease made before the commencement of this Act, shall be deemed to be, in respect of the land, the owner of land of an unimproved value equal to the unimproved value (if any) of his estate; but if he has, before the commencement of this Act, granted a lease of the land, he shall be entitled, during the currency of that lease, to have the unimproved value (if any) of that lease deducted from the unimproved value of his estate:

Provided that where the owner of the leasehold estate has, within three years before the commencement of this Act, been the owner of a freehold estate in the land, he shall be assessed and liable to land tax as if his leasehold estate had been under a lease made after the commencement of this Act.

- (3) For the purposes of this section—

(a) the unimproved value of a lease or leasehold estate of land means the amount by which the part of the unimproved value of the land corresponding to the unexpired term of the lease exceeds the value of the rent reserved by the lease, according to calculations based on the prescribed tables for the calculation of values;

(b) rent, in the case of a lease of improved land, means so much of the whole rent as bears to the whole rent the proportion which the unimproved value of the land at the date of the lease bore to the improved value:

Provided that, where onerous conditions for constructing buildings, works, or other improvements upon the land, or expending money thereon, are imposed upon the lessee, the Commissioner may assess the amount (if any) which ought, for the purposes of this section, to be added to the value of the rent in respect thereof, and the value of the rent shall be deemed to be increased by that amount accordingly.”

Omission of words agreed to.

Words proposed to be inserted—debated, and agreed to.

Clause, as amended, agreed to.

Clause 27 read.

Mr. W. H. Irvine moved the following amendment:—

Line 13, after “mortgage” insert “entered into after the coming into operation of this Act’

Debate ensued.

Amendment negatived.

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Mr. Greene moved the following amendment :—

At end of clause add—

“ Provided that until the 30th June, 1915, from the taxable value of land subject to mortgage in respect of moneys owing on 30th September, 1910, there shall be deducted an amount bearing the same proportion to the taxable value that the amount of moneys for the time being secured by mortgage bears to the improved value of the land.”

Question—That the words proposed to be added be so added—put.

The Committee divided—

Ayes, 18.		Noes, 24.	
Mr. Cook	Mr. Palmer	Mr. Anstey	Mr. Parker Moloney
Mr. Deakin	Sir John Quick	Mr. Archibald	Mr. O'Malley
Mr. G. B. Edwards	Mr. Sinclair	Mr. Batchelor	Mr. Ozanne
Sir John Forrest	Mr. Thomson	Mr. Beard	Mr. Riley
Mr. R. W. Foster	Mr. Wise	Mr. Cann	Mr. Scullin
Mr. Fowler	Mr. Wynne	Mr. Carr	Mr. Spence
Mr. Fuller		Mr. Fisher	Mr. Thomas
Mr. Glynn	<i>Tellers.</i>	Mr. Frank J. Foster	Mr. Tudor
Mr. Groom	Mr. Greene	Mr. Frazer	Mr. West
Sir William Lyne	Mr. Kelly	Mr. Hughes	
		Mr. Mahon	<i>Tellers.</i>
		Mr. Mathews	Mr. Fenton
		Mr. McDougall	Mr. Finlayson

And so it was negatived.

Clause agreed to.

Clause 28 read.

Mr. Hughes moved the following amendment :—

Add at end of clause—

“ Provided further that the last preceding proviso shall not apply—

(a) to any mortgagee or person in possession whose possession began before the first day of July One thousand nine hundred and ten ; nor

(b) to any mortgagee or person in possession until a period of three years after he has entered into possession ;

but any such mortgagee or person in possession shall, if the mortgagor makes default in the payment of land tax in respect of the land, be responsible for the payment of the tax due by the mortgagor, which payment shall be deemed to be made by him on behalf of the mortgagor.”

Debate ensued.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 29 read.

Mr. Hughes moved the following amendment :—

Add the following to the clause—

“ Provided further that, in the case of land vested in a trustee, under a settlement made before the first day of July, One thousand nine hundred and ten, or under the will of a testator who died before that day, upon trust to stand possessed thereof for the benefit of a number of persons who are relatives of the settlor or testator, then, for the purpose of ascertaining the taxable value of the land owned by him as such trustee, there may be deducted from the unimproved value of the land, instead of the sum of Five thousand pounds as provided by paragraph (b) of sub-section (2.) of section ten of this Act, the aggregate of the following sums, namely :—

Amount of exemption in case of wills and settlements before 1st July, 1910.

In respect of each share into which the land is in the first instance divided under the settlement or will amongst such beneficiaries, the sum of Five thousand pounds, or the unimproved value of the share, whichever is the less.

Provided further that a trustee shall be assessed as an absentee if more than two-fifths of the beneficial interest in the land is owned by absentees, and not otherwise ; and in that case, if any of the beneficiaries is not an absentee, there shall be deducted from the tax payable by the trustee in respect of the land, and from the contribution of that beneficiary to that tax, an amount equal to the difference between—

Absentees.

(a) the amount which would be contributed by that beneficiary to the tax which would be payable by the trustee at the rate applicable to absentees ; and

(b) the amount which would be contributed by that beneficiary to the tax which would be payable by the trustee at the rate applicable to residents.”

Debate ensued.

Amendment agreed to.

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Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31 debated and agreed to.

Clause 32 read.

Mr. Sinclair moved the following amendment:—

Line 17, omit "fifteen" and insert "ten".

Amendment debated and negatived.

Clause agreed to.

Clause 33 read.

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

The House resumed; Mr. Poynton reported accordingly.

Resolved—That the House will, to-morrow, again resolve itself into the said Committee.

9. ADJOURNMENT.—Mr. Fisher moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at eight 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. Brown, Mr. Catts, Mr. Chanter, Mr. Chapman, Mr. Charlton, Mr. Hall, Mr. Howe, Mr. Hans Irvine, and Mr. Webster.

C. GAVAN DUFFY,

Clerk of the House of Representatives.