

1944

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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

HOUSE OF REPRESENTATIVES.

BILLS INTRODUCED,

TOGETHER WITH

PRINTED AMENDMENTS, ETC.

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1943-44.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1^o 10th February, 1944.*(Brought in by the Attorney-General, the Right Honorable H. V. Evatt.)*

A BILL

FOR

AN ACT

To alter the Constitution by vesting in the Parliament certain additional Powers until the Expiration of five Years after Australia ceases to be engaged in Hostilities in the present War.

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble. and the House of Representatives of the Commonwealth of Australia, with the approval of the electors, as required by the Constitution, as follows :—

5 1. This Act may be cited as *Constitution Alteration (Post-war Reconstruction) 1944.* Short title.

2. The Constitution is altered by inserting, after section fifty-one, the following section :—

10 "51A.—(1.) The Parliament shall, subject to this Constitution, have power to make laws for the peace; order and good government of the Commonwealth with respect to—

- 15 (i) the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during the present war, and the advancement of the dependants of those members who have died or been disabled as a consequence of the present war ;
- (ii) employment

Power to make laws, for a limited period, with respect to certain matters.

[23]—650/10.2.1944.—F.5972.

- (ii) employment and unemployment ;
 - (iii) organized marketing of commodities ;
 - (iv) companies, but so that any such law shall be uniform throughout the Commonwealth ;
 - (v) trusts, combines and monopolies ; 5
 - (vi) profiteering and prices (but not including prices or rates charged by State or semi-governmental or local governing bodies for goods or services) ;
 - (vii) the production and distribution of goods, but so that—
 - (a) no law made under this paragraph with respect to primary production shall have effect in a State until approved by the Governor in Council of that State ; and 10
 - (b) no law made under this paragraph shall discriminate between States or parts of States ; 15
 - (viii) the control of overseas exchange and overseas investment ; and the regulation of the raising of money in accordance with such plans as are approved by a majority of members of the Australian Loan Council ;
 - (ix) air transport ; 20
 - (x) uniformity of railway gauges ;
 - (xi) national works, but so that, before any such work is undertaken in a State, the consent of the Governor in Council of that State shall be obtained and so that any such work so undertaken shall be carried out in co-operation with the State ; 25
 - (xii) national health in co-operation with the States or any of them ;
 - (xiii) family allowances ; and
 - (xiv) the people of the aboriginal race. 30
- “(2.) This section shall continue in force until the expiration of a period of five years from the date upon which Australia ceases to be engaged in hostilities in the present war, and shall then cease to have effect, and no law made by the Parliament with respect to any matter specified in the last preceding sub-section shall continue to have any force or effect by virtue of this section after this section has ceased to have effect.” 35

Bill originated in the House of Representatives; and, having
 day passed by an absolute majority of the House, is now ready
 presentation to the Senate for its concurrence.

F. C. GREEN,

Clerk of the House of Representatives.

House of Representatives.

Canberra, 16th March, 1944, a.m.

A BILL

FOR

AN ACT

To alter the Constitution for a limited period
 by empowering the Parliament to make
 Laws in relation to Post-war Reconstruction,
 and by including Provisions to safeguard
 Freedom of Speech and Expression and
 Freedom of Religion.

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble.
 and the House of Representatives of the Commonwealth of
 Australia, with the approval of the electors, as required by the
 Constitution, as follows:—

5 1. This Act may be cited as *Constitution Alteration (Post-war Reconstruction and Democratic Rights) 1944.* Short title.

2. The Constitution is altered by inserting, after Chapter I, the
 following Chapter and section:—

“CHAPTER IA.—TEMPORARY PROVISIONS.

10 “60A.—(1) The Parliament shall, subject to this Constitution,
 have power to make laws for the peace, order and good government
 of the Commonwealth with respect to—

Power to
 make laws,
 for a limited
 period, with
 respect to
 certain
 matters.

(i) the reinstatement and advancement of those who have been
 members of the fighting services of the Commonwealth

during

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- during any war, and the advancement of the dependants of those members who have died or been disabled as a consequence of any war;
- (ii) employment and unemployment;
- (iii) organized marketing of commodities; 5
- (iv) companies, but so that any such law shall be uniform throughout the Commonwealth;
- (v) trusts, combines and monopolies;
- (vi) profiteering and prices (but not including prices or rates charged by State or semi-governmental or local governing bodies for goods or services); 10
- (vii) the production and distribution of goods, but so that—
- (a) no law made under this paragraph with respect to primary production shall have effect in a State until approved by the Governor in Council of that State; and 15
- (b) no law made under this paragraph shall discriminate between States or parts of States;
- (viii) the control of overseas exchange and overseas investment; and the regulation of the raising of money in accordance with such plans as are approved by a majority of members of the Australian Loan Council; 20
- (ix) air transport;
- (x) uniformity of railway gauges;
- (xi) national works, but so that, before any such work is undertaken in a State, the consent of the Governor in Council of that State shall be obtained and so that any such work so undertaken shall be carried out in co-operation with the State; 25
- (xii) national health in co-operation with the States or any of them; 30
- (xiii) family allowances; and
- (xiv) the people of the aboriginal race.
- “(2.) Neither the Commonwealth nor a State may make any law for abridging the freedom of speech or of expression. 35
- “(3.) Section one hundred and sixteen of this Constitution shall apply to and in relation to every State in like manner as it applies to and in relation to the Commonwealth.
- “(4.) A regulation of a legislative character under the authority of any law made by the Parliament in the exercise of any power conferred by sub-section (1.) of this section— 40
- (a) shall, subject to this section, take effect on the expiration of the fourteenth day after its contents have been notified in the manner provided by the Parliament to each senator and each member of the House of Representatives or on such later date as is specified in the regulation; 45
- (b) shall

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(b) shall not take effect if, within fourteen days after its contents have been so notified, either House of the Parliament passes a resolution disapproving of the regulation; and

5 (c) shall take effect on the date of its making or on such later date as is specified in the regulation, if the Governor-General in Council declares on specified grounds that the making of the regulation is urgently required.

10 “(5.) This section shall continue in force until the expiration of a period of five years from the date upon which Australia ceases to be engaged in hostilities in the present war, and shall then cease to have effect, and no law made by the Parliament with respect to any matter specified in sub-section (1.) of this section shall continue to have any force or effect by virtue of this section after this section has ceased to have effect.”

THIS Proposed Law originated in the House of Representatives, and on the twenty-third day of March, One thousand nine hundred and forty-four, finally passed both Houses of the Parliament. There was an absolute majority of each House to the passing of this Proposed Law. It now awaits a Referendum to the people.

F. C. GREEN,
Clerk of the House of Representatives.
23rd March, 1944.

J. S. ROSEVEAR,
Speaker.



A PROPOSED LAW

To alter the Constitution for a limited period by empowering the Parliament to make Laws in relation to Post-war Reconstruction, and by including Provisions to safeguard Freedom of Speech and Expression and Freedom of Religion.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, with the approval of the electors, as required by the Constitution, as follows :— Preamble.

1. This Act may be cited as *Constitution Alteration (Post-war Reconstruction and Democratic Rights) 1944.* Short title.

2. The Constitution is altered by inserting, after Chapter I, the following Chapter and section :—

“CHAPTER IA.—TEMPORARY PROVISIONS.

“60A.—(1.) The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to— Additional legislative powers and guarantees.

- (i) the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during

- during any war, and the advancement of the dependants of those members who have died or been disabled as a consequence of any war ;
- (ii) employment and unemployment ;
 - (iii) organized marketing of commodities ;
 - (iv) companies, but so that any such law shall be uniform throughout the Commonwealth ;
 - (v) trusts, combines and monopolies ;
 - (vi) profiteering and prices (but not including prices or rates charged by State or semi-governmental or local governing bodies for goods or services) ;
 - (vii) the production and distribution of goods, but so that—
 - (a) no law made under this paragraph with respect to primary production shall have effect in a State until approved by the Governor in Council of that State ; and
 - (b) no law made under this paragraph shall discriminate between States or parts of States ;
 - (viii) the control of overseas exchange and overseas investment ; and the regulation of the raising of money in accordance with such plans as are approved by a majority of members of the Australian Loan Council ;
 - (ix) air transport ;
 - (x) uniformity of railway gauges ;
 - (xi) national works, but so that, before any such work is undertaken in a State, the consent of the Governor in Council of that State shall be obtained and so that any such work so undertaken shall be carried out in co-operation with the State ;
 - (xii) national health in co-operation with the States or any of them ;
 - (xiii) family allowances ; and
 - (xiv) the people of the aboriginal race.

“(2.) Neither the Commonwealth nor a State may make any law for abridging the freedom of speech or of expression.

“(3.) Section one hundred and sixteen of this Constitution shall apply to and in relation to every State in like manner as it applies to and in relation to the Commonwealth.

“(4.) A regulation of a legislative character under the authority of any law made by the Parliament in the exercise of any power conferred by sub-section (1.) of this section—

- (a) shall, subject to this section, take effect on the expiration of the fourteenth day after its contents have been notified in the manner provided by the Parliament to each senator and each member of the House of Representatives or on such later date as is specified in the regulation ;

(b) shall

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(b) shall not take effect if, within fourteen days after its contents have been so notified, either House of the Parliament passes a resolution disapproving of the regulation; and

(c) shall take effect on the date of its making or on such later date as is specified in the regulation, if the Governor-General in Council declares on specified grounds that the making of the regulation is urgently required.

“(5.) This section shall continue in force until the expiration of a period of five years from the date upon which Australia ceases to be engaged in hostilities in the present war, and shall then cease to have effect, and no law made by the Parliament with respect to any matter specified in sub-section (1.) of this section shall continue to have any force or effect by virtue of this section after this section has ceased to have effect.”