

1929-30-31.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 167.

FRIDAY, 3RD JULY, 1931.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable Norman J. O. Makin) took the Chair, and offered Prayers.

2. PAPERS.—The following Paper was presented, by command of His Excellency the Governor-General—War Pensions—Special Committee appointed to consider questions relating to Reduction—Second Interim Report.

Ordered to lie on the Table.

The following Papers were presented, pursuant to Statute—

Arbitration (Public Service) Act—Determinations by the Arbitrator, &c.—1931—

Nos. 13 and 14—Amalgamated Postal Workers' Union of Australia.

No. 15—Australian Postal Electricians' Union; Australian Third Division Telegraphists and Postal Clerks' Union; Commonwealth Postmasters' Association; Commonwealth Public Service Artisans' Association; Commonwealth Public Service Clerical Association; Federated Public Service Assistants' Association of Australia; Fourth Division Postmasters, Postal Clerks and Telegraphists' Union; Line Inspectors' Association, Commonwealth of Australia; Meat Inspectors' Association, Commonwealth Public Service; Postal Overseers' Union of Australia; Professional Officers' Association, Commonwealth Public Service.

Seat of Government Acceptance Act and Seat of Government (Administration) Act—Pharmacy Ordinance—Regulations.

3. FINANCIAL EMERGENCY BILL.—Mr. Theodore (Treasurer), pursuant to leave given on the 19th June last, brought up a Bill intituled "*A Bill for an Act to make necessary Provision for carrying out a Plan agreed on by the Commonwealth and the States for meeting the grave Financial Emergency existing in Australia, re-establishing Financial Stability, and restoring Industrial and General Prosperity*", and moved, That it be now read a first time.

Question—put and passed.—Bill read a first time.

Mr. Theodore moved, by leave, That the Bill be now read a second time.

Mr. Latham 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.

4. IMPERIAL CONFERENCE, 1930—SUMMARY OF PROCEEDINGS—MOTION FOR PRINTING PAPER.—Mr. Scullin (Prime Minister) laid upon the Table, by command of His Excellency the Governor-General, the following Paper:—

Imperial Conference, 1930—Summary of Proceedings, with Appendices—
and moved, That the Summary of Proceedings be printed.

Mr. Parker Moloney (Minister for Markets) 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.

5. DOMINION LEGISLATION—RATIFICATION OF REPORT OF CONFERENCE ON OPERATION OF DOMINION LEGISLATION.—Mr. Brennan (Attorney-General) moved, by leave, That—

Whereas the Imperial Conference held at London in the year 1930 by Resolution approved the Report of the Conference on the Operation of Dominion Legislation (which is to be regarded as forming part of the Report of the said Imperial Conference) subject to the conclusions hereinafter recited:

And whereas the said Imperial Conference by resolution recommended—

(a) that the Statute proposed to be passed by the Parliament at Westminster should contain the provisions set out in the Schedule annexed to the said resolution;

3rd July, 1931.

- (b) that the 1st December, 1931, should be the date as from which the proposed Statute should become operative ;
- (c) that with a view to the realization of this arrangement, Resolutions passed by both Houses of the Dominion Parliaments should be forwarded to the United Kingdom, if possible by 1st July, 1931, and, in any case, not later than the 1st August, 1931, with a view to the enactment by the Parliament of the United Kingdom of legislation on the lines set out in the Schedule annexed ;
- (d) that the Statute should contain such further provisions as to its application to any particular Dominion as are requested by that Dominion :

Now therefore this House resolves that the Government of the Commonwealth be authorized to request and consent to the submission by the Government of the United Kingdom to the Parliament at Westminster of a Bill for a Statute containing the provisions set out in the following Schedule, and the enactment of the said Statute :—

SCHEDULE.

CLAUSES IN PROPOSED LEGISLATION.

1. In accordance with the recommendation in paragraph 43 of the Report of the Conference on the Operation of Dominion Legislation, a clause as follows :—

“ It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.”

2. In accordance with the recommendation in paragraph 53, a clause as follows :—

“ (1) The *Colonial Laws Validity Act*, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

“ (2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation, in so far as the same is part of the law of the Dominion.”

3. In accordance with the recommendation in paragraph 55, a clause as follows :—

“ No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend to a Dominion as part of the law of that Dominion unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.”

4. In accordance with the recommendations in paragraph 66, clauses as follows :—

“ Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia otherwise than in accordance with the law existing before the commencement of this Act.

“ Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.”

5. In accordance with the recommendation in paragraph 81, a clause as follows :—

“ Notwithstanding anything in the *Interpretation Act*, 1889, the expression “ Colony ” shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.”

6. In accordance with the recommendations in paragraph 123, clauses as follows :—

“ Without prejudice to the generality of the foregoing provisions of this Act sections seven hundred and thirty-five and seven hundred and thirty-six of the *Merchant Shipping Act*, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

“ Without prejudice to the generality of the foregoing provisions of this Act section four of the *Colonial Courts of Admiralty Act*, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.”

CERTAIN RECITALS IN PROPOSED LEGISLATION.

1. In accordance with the recommendation of paragraph 54, a recital as follows :—

“ And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion.”

3rd July, 1931.

2. In accordance with the recommendation in paragraph 60, a recital as follows :—

“ And whereas it is meet and proper to set out by way of preamble to this Act, that inasmuch as the Crown is the symbol of the free association of the Members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the Members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom.”

Mr. Latham 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.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 1 to 9 be postponed until after Order of the Day No. 10, Government Business.

7. HIGH COMMISSIONER'S OFFICE, LONDON—ORGANIZATION AND ACTIVITIES—REPORT BY MR. P. E. COLEMAN, M.P.—MOTION FOR PRINTING PAPER.—The Order of the Day having been read for the resumption of the debate on the following motion of Mr. Coleman, That the Paper [*presented on the 17th April, last*], viz. :—

Organization of the High Commissioner's Office, London, and the Activities associated therewith—Report, with Appendices, by Mr. P. E. Coleman, M.P., Chairman, Commonwealth Parliamentary Joint Committee of Public Accounts—London, 14th August, 1930—

be printed—

Debate resumed.

Mr. Hughes 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. ADJOURNMENT—COUNT-OUT.—Mr. Scullin (Prime Minister) moved, That the House do now adjourn. Debate ensued.

Mr. Thompson called the attention of Mr. Speaker to the fact that a quorum of Members was not present.

The Bells having been rung, and a quorum not having been obtained within the prescribed time,

Mr. Speaker thereupon, at sixteen minutes past three o'clock p.m., adjourned the House until Tuesday next, at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Coleman, Mr. Curtin, Mr. Gullett, Mr. Guy, Mr. Holloway, Mr. Lyons, Mr. Mathews*, Mr. McNeill, Mr. Nelson, Mr. Earle Page*, Mr. Price, Mr. Ward*, and Mr. Yates.

* On leave.

E. W. PARKES,
Clerk of the House of Representatives.