

1932-33.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 129.

THURSDAY, 16TH NOVEMBER, 1933.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable G. H. Mackay) took the Chair, and read Prayers.

2. PRIVILEGE—NEWSPAPER MISREPRESENTATION OF MEMBERS OF THE HOUSE.—The Order of the Day having been read for the resumption of the debate upon the following motion of Mr. Ward:—That the Printer and Publishers of *The Sunday Sun* newspaper having been adjudged guilty of contempt, they now be called to the Bar of this House forthwith in order that the House may demand from them an explanation of their conduct, and, if necessary, deal with them as it thinks fit—
Debate resumed.

Mr. MARR (Minister for Health) moved, as an amendment, That all the words after "That" (first occurring) be omitted, and the following words be inserted in place thereof:—"the withdrawal contained in the letter dated 15th November, 1933, from the Chairman of Directors of Associated Newspapers Limited to the Prime Minister, be accepted, and that no further action be taken with respect to the matter".

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

Question proposed—That the words proposed to be inserted be so inserted.

Debate continued.

Question—put.

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

Ayes, 41.

Noes, 23.

Mr. Bell	Mr. John Lawson	Mr. Aubrey Abbott	Mr. Martens
Mr. Blacklow	Mr. Marr	Mr. Baker	Mr. McClelland
Mr. Malcolm Cameron	Mr. Maxwell	Mr. Beasley	Mr. Riordan
Mr. Casey	Mr. McBride	Mr. Blakeley	Mr. Rosevear
Mr. Dein	Mr. McGrath	Mr. Bernard Corser	Mr. Scullin
Mr. Dennis	Mr. Nairn	Mr. Forde	Mr. Thorby
Mr. Fenton	Mr. Nock	Mr. Albert Green	Mr. Ward
Mr. Josiah Francis	Mr. Earle Page	Mr. Hill	Mr. Watkins
Mr. Gabb	Mr. Thomas Paterson	Mr. Holloway	
Mr. Gibson	Mr. Perkins	Mr. Hunter	
Mr. Gregory	Mr. Price	Mr. George Lawson	<i>Tellers:</i>
Sir Littleton Groom	Mr. Scholfield	Mr. Makin	Mr. Gander
Mr. Guy	Mr. Stacey	Mr. W. Maloney	Mr. E. C. Riley
Mr. E. F. Harrison	Mr. Frederick Stewart		
Mr. E. J. Harrison	Mr. Thompson		
Mr. Hawker	Mr. William Watson		
Mr. Holman	Mr. White		
Mr. Hughes			
Mr. Hutchinson	<i>Tellers:</i>		
Mr. Jennings			
Mr. Lane	Mr. Gardner		
Mr. Latham	Mr. Prowse		

And so it was resolved in the affirmative.

Question accordingly proposed—That the withdrawal contained in the letter dated 15th November, 1933, from the Chairman of Directors of Associated Newspapers Limited to the Prime Minister, be accepted, and that no further action be taken with respect to the matter.

Debate continued.

16th November, 1933.

Question—put.

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

Ayes, 35.		Noes, 30.	
Mr. Bell	Mr. Lane	Mr. Aubrey Abbott	Mr. Martens
Mr. Blacklow	Mr. Latham	Mr. Baker	Mr. McClelland
Mr. Malcolm Cameron	Mr. Marr	Mr. Beasley	Mr. Earle Page
Mr. Casey	Mr. Maxwell	Mr. Blakeley	Mr. Thomas Paterson
Mr. Dein	Mr. McBride	Mr. Bernard Corser	Mr. Prowse
Mr. Dennis	Mr. McGrath	Mr. Forde	Mr. Riordan
Mr. Fenton	Mr. Nock	Mr. Albert Green	Mr. Rosevear
Mr. Josiah Francis	Mr. Perkins	Mr. Roland Green	Mr. Scullin
Mr. Gabb	Mr. Price	Mr. Hill	Mr. Thompson
Mr. Gibson	Mr. Scholfield	Mr. Holloway	Mr. Thorby
Mr. Gregory	Mr. Stacey	Mr. Hughes	Mr. Ward
Sir Littleton Groom	Mr. Frederick Stewart	Mr. Hunter	Mr. Watkins
Mr. Guy	Mr. William Watson	Mr. George Lawson	
Mr. E. F. Harrison	Mr. White	Mr. John Lawson	<i>Tellers:</i>
Mr. E. J. Harrison		Mr. Makin	Mr. Gander
Mr. Hawker	<i>Tellers:</i>	Mr. W. Maloney	Mr. E. C. Riley
Mr. Holman			
Mr. Hutchinson	Mr. Gardner		
Mr. Jennings	Mr. Nairn		

And so it was resolved in the affirmative.

3. MESSAGES FROM THE SENATE.—Mr. Speaker announced the receipt of the following Messages from the Senate:—

[*Customs Tariff (Exchange Adjustment) Bill*]

MR. SPEAKER,

Message No. 101.

The Senate returns to the House of Representatives the Bill for "*An Act to provide for Adjustments in Duties of Customs consequent upon depreciation in the value of Australian currency in relation to the currencies of countries to goods of which the British Preferential Tariff applies,*" and acquaints the House that the Senate has agreed to the Bill without amendment.

The Senate,
Canberra, 16th November, 1933.

P. J. LYNCH,
President.

[*Customs Tariff (Industries Preservation) Bill (1933)*]

MR. SPEAKER,

Message No. 102.

The Senate returns to the House of Representatives the Bill for "*An Act to amend the Customs Tariff (Industries Preservation) Act 1921-1922,*" and acquaints the House that the Senate has agreed to the Bill without amendment.

The Senate,
Canberra, 16th November, 1933.

P. J. LYNCH,
President.

4. PAPER.—The following Paper was presented, by command of His Excellency the Governor-General—
Monetary and Economic Conference, London, 1933—Report covering period 12th June-26th July, 1933, by the Australian Minister in London.

Ordered to lie on the Table, and to be printed.

5. SUSPENSION OF STANDING ORDER NO. 70—LEAVE TO MOVE NOT GRANTED.—Mr. Latham (Attorney-General) asked leave to move, That Standing Order No. 70 (eleven o'clock rule) be suspended until the end of the year.

Objection being raised, leave not granted.

6. TOBACCO INQUIRY COMMITTEE—REPORT—MOTION FOR PRINTING PAPER.—Mr. White (Minister for Trade and Customs) presented the following Paper, by command of His Excellency the Governor-General—

Tobacco Inquiry Committee, 1933—Report of Committee appointed by the Commonwealth Government to investigate certain aspects of the Tobacco Industry in North Queensland.

Mr. Riordan moved, That the Paper be printed.

Debate ensued.

Mr. Thompson asked leave to continue his speech when the debate is resumed.

Objection being raised, leave not granted.

Mr. Earle Page moved, That the debate be now adjourned.

16th and 17th November, 1933.

Question That the debate be now adjourned—put.
The House divided (The Speaker, Mr. Mackay, in the Chair)—

Ayes, 49.

Mr. Aubrey Abbott	Mr. Latham
Mr. Bell	Mr. John Lawson
Mr. Blacklow	Mr. Marr
Mr. Malcolm Cameron	Mr. Maxwell
Mr. Casey	Mr. McBride
Mr. Thomas Collins	Mr. McClelland
Mr. Bernard Corser	Mr. McGrath
Mr. Dein	Mr. McNicoll
Mr. Dennis	Mr. Nairn
Mr. Fenton	Mr. Noek
Mr. Josiah Francis	Mr. Earle Page
Mr. Gabb	Mr. Thomas Paterson
Mr. Gibson	Mr. Perkins
Mr. Roland Green	Mr. Price
Mr. Gregory	Mr. Scholfield
Sir Littleton Groom	Mr. Stacey
Mr. Guy	Mr. Frederick Stewart
Mr. E. F. Harrison	Mr. Thompson
Mr. E. J. Harrison	Mr. Thorby
Mr. Hawker	Mr. William Watson
Mr. Hill	Mr. White
Mr. Holman	
Mr. Hughes	
Mr. Hutchinson	
Mr. Jennings	
Mr. Lane	

Tellers:

Mr. Gardner
Mr. Prowse

Noes, 18.

Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Makin
Mr. W. Maloney
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward
Mr. Watkins

Tellers:

Mr. Gander
Mr. R. C. Riley

And so it was resolved in the affirmative.

Ordered— That the resumption of the debate be made an Order of the Day for the next sitting.

7. ADJOURNMENT-MOTION FOR PURPOSE OF DISCUSSION.—Mr. Earle Page rose in his place, and said that he proposed to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, “The necessity for immediate legislation to improve the marketing of Australian dairy produce”.

Mr. Speaker thereupon called upon those Members who approved of the proposed discussion to rise in their places, and more than the necessary number of Members having risen accordingly—

Mr. Earle Page moved, That the House do now adjourn.

Mr. Earle Page not having concluded his speech at the termination of the time allowed by Standing Order No. 257B—

Ordered— That the Right Honorable Member have leave to continue his speech.

Debate ensued.

Mr. Forde addressing the House, and not having concluded his speech at the termination of the time allowed by Standing Order No. 257B—

Ordered— That the honorable Member have leave to continue his speech.

Debate continued.

The debate having been continued for two hours, it was terminated in accordance with Standing Order No. 257B.

8. PAPER.—The following Paper was presented, pursuant to Statute—

Science and Industry Research Act—Seventh Annual Report of the Council for Scientific and Industrial Research, for year ended 30th June, 1933.

9. SUPPLY—ESTIMATES, 1933-34.—The House, according to Order, resolved itself into the Committee of Supply.

(In the Committee.)

Vote—“The Attorney-General’s Department, £157,500”—further debated—

Member named.—The Chairman (Mr. Bell) named the honorable Member for Hindmarsh (Mr. Makin) for making offensive remarks to the Chair.

Mr. Latham (Attorney-General) having addressed the Committee, and Mr. Makin having expressed his regret, the matter was not further proceeded with.

Debate continued.

The Committee continuing to sit until after midnight—

FRIDAY, 17TH NOVEMBER, 1933.

Debate continued.

Vote agreed to.

Vote—“The Department of the Interior, £338,370”—debated and agreed to.

Vote—“The Department of Defence, £3,522,820”—debated—

Mr. Ward moved, as an amendment, That the amount be reduced by £1.

Closure.—Mr. Latham moved, That the question be now put.

Question—That the question be now put—put.

16th and 17th November, 1933.

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

Ayes, 40.	
Mr. Aubrey Abbott	Mr. Lane
Mr. Blacklow	Mr. Latham
Mr. Malcolm Cameron	Mr. John Lawson
Mr. Casey	Mr. Marr
Mr. Bernard Corser	Mr. McBride
Mr. Dein	Mr. McNicoll
Mr. Dennis	Mr. Nairn
Mr. Josiah Francis	Mr. Nock
Mr. Roland Green	Mr. Perkins
Mr. Gregory	Mr. Price
Sir Littleton Groom	Mr. Prowse
Sir Henry Gullett	Mr. Scholfield
Mr. Guy	Mr. Stacey
Mr. E. F. Harrison	Mr. Thompson
Mr. E. J. Harrison	Mr. Thorby
Mr. Hawker	Mr. William Watson
Mr. Holman	Mr. White
Mr. Hughes	
Mr. Hutchin	<i>Tellers:</i>
Mr. Hutchinson	Mr. Gardner
Mr. Jennings	Mr. Hunter

Noes, 17.
Mr. Baker
Mr. Beasley
Mr. Blakeley
Mr. Forde
Mr. Albert Green
Mr. Holloway
Mr. James
Mr. George Lawson
Mr. Makin
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Scullin
Mr. Ward
Mr. Watkins

Tellers:

Mr. Gander
Mr. E. C. Riley

And so it was resolved in the affirmative.

And the question—That the amount proposed to be reduced be so reduced—being accordingly put—
The Committee divided (The Chairman, Mr. Bell, in the Chair)—

Ayes, 12.
Mr. Beasley
Mr. Blakeley
Mr. Holloway
Mr. James
Mr. Makin
Mr. Martens
Mr. Riordan
Mr. Rosevear
Mr. Ward
Mr. Watkins

Tellers:

Mr. Gander
Mr. E. C. Riley

Noes, 44.	
Mr. Aubrey Abbott	Mr. Lane
Mr. Baker	Mr. Latham
Mr. Blacklow	Mr. George Lawson
Mr. Malcolm Cameron	Mr. John Lawson
Mr. Casey	Mr. Marr
Mr. Bernard Corser	Mr. McBride
Mr. Dein	Mr. McNicoll
Mr. Dennis	Mr. Nairn
Mr. Forde	Mr. Nock
Mr. Josiah Francis	Mr. Perkins
Mr. Albert Green	Mr. Price
Mr. Roland Green	Mr. Prowse
Mr. Gregory	Mr. Scholfield
Sir Littleton Groom	Mr. Scullin
Sir Henry Gullett	Mr. Stacey
Mr. Guy	Mr. Thompson
Mr. E. F. Harrison	Mr. Thorby
Mr. E. J. Harrison	Mr. William Watson
Mr. Hawker	Mr. White
Mr. Holman	
Mr. Hughes	<i>Tellers:</i>
Mr. Hutchinson	Mr. Gardner
Mr. Jennings	Mr. Hunter

And so it was negatived.

Debate on vote continued.

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

The House resumed ; Mr. Bell reported accordingly.

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

10. MESSAGE FROM THE SENATE.—CUSTOMS TARIFF BILL (1933).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 103.

The Senate returns to the House of Representatives the Bill for “ *An Act relating to Duties of Customs* ”, and acquaints the House of Representatives that the Senate has considered Message No. 103 of that House, dated 9th November, 1933, in reference to such Bill.

The Senate does not again request the House of Representatives to make the amendments indicated in Requests Nos. 13, 14 (and agrees to the alteration made by the House in the date of the deferred duty), 15 and 25.

The Senate has agreed to the modifications made by the House of Representatives in Requests for amendments Nos. 2, 9, 27, 41, 42, 44 and 45.

The Senate has resolved to press its Requests for amendments Nos. 4, 16 and 28, and again requests the House of Representatives to make such amendments, as shown in the annexed Schedule.

The Senate,
Canberra, 16th November, 1933.

P. J. LYNCH,
President.

16th and 17th November, 1933.

Statement by the Speaker—Privileges of the House.—Mr. Speaker said :—

I feel I should direct the attention of the House to the constitutional question this Message involves.

Honorable Members are probably aware that there is a difference of opinion prevailing as to the correct interpretation of section 53 of the Constitution, and that, so far, this House has not directly refused to consider Requests which have been pressed by the Senate for the amendment of Tariff measures.

The right of the Senate to press a Request for amendment in connexion with the Tariff has never been admitted by the House of Representatives, nor has the House determined its constitutional rights and obligations.

The following are three sub-sections of section 53 of the Constitution which deal with this matter :—

“ The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government ”.

“ The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people ”.

“ The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications ”.

The words “ may at any stage return ” appear to me to be somewhat indefinite, and it is not prescribed that the right of a request by the Senate can be used only on one occasion. However, without further consideration and consultation I should hesitate to lay down a definite ruling affecting the interpretation of section 53 of the Constitution.

Like previous Speakers who have had occasion to deal with this position, I am of opinion that the question of the receiving and consideration of the Message is one to be determined by the House.

This question of the Senate pressing a Request for amendment has generally been regarded of great importance as affecting the constitutional rights of the House.

Precisely the same point arose on the consideration of the first Commonwealth Tariff in the 1901-2 session and on two similar occasions in the 1907-8 and 1920-21 sessions.

It was agreed in each instance that the question of receiving the Message should be determined by the House itself. There is no joint Standing Order dealing with the matter, and there are no precedents outside this Parliament. No other constitution, that I am aware of, so distributes the financial power between the respective Houses as does ours, therefore we need to be guided wholly by our own Constitution and the practice we have followed on three previous occasions.

The House may proceed to deal with the Message with the qualification formerly expressed, to the effect that the public welfare demands the early enactment of this legislation, and, pending the adoption of a joint Standing Order, refrain from the determination of its constitutional rights or obligations, or it may refuse to consider the Message.

Ordered—That the consideration of the foregoing Message be made an Order of the Day for the next sitting.

11. MESSAGE FROM THE SENATE—EXCISE TARIFF BILL (1933).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 104.

The Senate returns to the House of Representatives the Bill for “ *An Act relating to Duties of Excise* ”, and acquaints the House that the Senate has agreed to the modifications made by the House in connexion with Requested Amendments Nos. 1 and 2 of the Senate.

The Senate has agreed to the Bill returned herewith, as amended by the House of Representatives at the request of the Senate.

The Senate,
Canberra, 17th November, 1933.

P. J. LYNCH,
President.

12. PAPER.—The following Paper was presented, pursuant to Statute—

War Service Homes Act—Regulations Amended—Statutory Rules 1933, No. 124.

13. ADJOURNMENT.—Mr. Latham (Attorney-General) moved, That the House do now adjourn.

Question—put and passed.

And then the House, at fifteen minutes to four o'clock on Friday afternoon, adjourned until Tuesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Lyons and Mr. Parkhill.

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