

1940-41.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 19.

WEDNESDAY, 26TH MARCH, 1941.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable W. M. Nairn) took the Chair, and read Prayers.
2. **ABBCO BREAD COMPANY—ROYAL COMMISSION—MINISTERIAL STATEMENT.**—Mr. Spender (Minister for the Army), by leave, made a Ministerial Statement informing the House that Mr. Justice Maxwell would be appointed a Royal Commissioner to conduct an inquiry, in accordance with stated terms of reference, into the question of bread supplies to the Army, the operations of the Abbco Bread Company and other matters.
Mr. Rosevear, by leave, also made a Statement with reference to the matter.
Mr. Spender, by leave, made a further Statement on the subject.
3. **UNSUITABLE TIMBER IN CULVERTS—MINISTERIAL STATEMENT.**—Mr. Collins (Assistant Minister), by leave, made a Ministerial Statement with reference to the alleged use of unsuitable timber in culverts on the road between Richmond and Singleton, New South Wales.
4. **ALTERATION OF HOUR OF NEXT MEETING.**—Mr. Fadden (Acting Prime Minister) moved, That the House, at its rising, adjourn until half-past ten o'clock a.m. to-morrow.
Question—put and passed.
5. **PAPERS.**—The following Paper was presented, by command of His Excellency the Governor-General—
Postmaster-General's Department—Thirtieth Report, for year 1939-40.
Ordered to lie on the Table.
The following Papers were presented, pursuant to Statute—
Bankruptcy Act—Rules—Statutory Rules 1941, No. 55.
Defence Act—Regulations—Statutory Rules 1941, No. 50.
National Security Act—Regulations—Statutory Rules 1941, Nos. 51, 52, 53, 54, 59, 60, 61.
Naval Defence Act—Regulations—Statutory Rules 1941, Nos. 57, 58.
6. **PATENTS BILL 1941.**—Mr. Hughes (Attorney-General) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to consolidate and amend the Law relating to Patents of Inventions and for other purposes.
Question—put and passed.
7. **TRADE MARKS BILL 1941.**—Mr. Hughes (Attorney-General) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to consolidate and amend the Law relating to Trade Marks and for other purposes.
Debate ensued.
Question—put and passed.
8. **EXTRADITION BILL 1941.**—Mr. Hughes (Attorney-General) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend the *Extradition Act* 1903-1934.
Question—put and passed.
9. **AIR FORCE BILL 1941.**—Mr. McEwen (Minister for Air) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to amend section eight of the *Air Force Act* 1923-1939.
Question—put and passed.
Mr. McEwen 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 the next sitting.
10. **EMPIRE AIR SERVICE (ENGLAND TO AUSTRALIA) BILL 1941.**—Mr. McEwen (Minister for Civil Aviation) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to authorize the execution of an Agreement relating to the Empire Air Service between England and Australia.
Question—put and passed.
Mr. McEwen 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 the next sitting.
11. **PAY-ROLL TAX ASSESSMENT BILL 1941.**—Mr. Anthony (Assistant Minister) for Mr. Holt (Minister for Labour and National Service) moved, pursuant to notice, That he have leave to bring in a Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Payment of Wages.
Question—put and passed.
12. **TRADE AGREEMENT (SOUTHERN RHODESIA) BILL 1941.**—Mr. Harrison (Minister for Trade and Customs) moved, pursuant to notice, That he have leave to bring in a Bill for an Act to approve an Agreement between the Government of the Commonwealth of Australia and the Government of Southern Rhodesia.

26th March, 1941.

Question—put and passed.

Mr. Harrison 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.

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

Mr. Curtin (Leader of the Opposition) 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.

13. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That Orders of the Day Nos. 1 to 4 be postponed until after Order of the Day No. 5, Government Business.

14. WAYS AND MEANS—CUSTOMS TARIFF (SOUTHERN RHODESIAN PREFERENCE).—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

Mr. Harrison (Minister for Trade and Customs) moved—

(1) That, on and after a time and date to be fixed by Proclamation, duties of Customs be imposed on the goods specified in the Schedule hereto which—

(a) are the produce of Southern Rhodesia; and

(b) are imported into Australia direct from Southern Rhodesia,

at the rates specified in the column headed "Rate of duty" in that Schedule.

(2) That the duties of Customs imposed on any goods by the Act passed to give effect to this Resolution be in lieu of the duties imposed on those goods under the Customs Tariff.

(3) That the duties of Customs imposed by the Act passed to give effect to this Resolution be charged, collected and paid to the use of the King for the purposes of the Commonwealth of Australia on all goods subject to those duties which are imported into Australia after the commencement of that Act, or are imported into Australia before, and are not entered for home consumption until after, the commencement of that Act.

(4) That, in this Resolution, unless the contrary intention appears—

"British Preferential Tariff", in respect of any goods in relation to which the expression is used, mean the rate of duty for the time being set out opposite the tariff item or portion of a tariff item covering those goods in the Schedule to the Customs Tariff and, where that rate is proposed to be varied by any tariff proposal introduced into the House of Representatives, mean that rate as so proposed to be varied;

"Customs Tariff" mean the *Customs Tariff 1933-1939*, and include that Act as amended from time to time and any Act passed in substitution for that Act, or for that Act as so amended;

"Proclamation" mean a Proclamation by the Governor-General, or by the person for the time being administering the government of the Commonwealth, acting with the advice of the Federal Executive Council, and published in the *Commonwealth of Australia Gazette*.

THE SCHEDULE.

Tariff Item.	Rate of Duty.
DIVISION II.—TOBACCO AND MANUFACTURES THEREOF.	
19. (A) Tobacco, unmanufactured, entered to be locally manufactured into tobacco other than fine cut tobacco suitable for the manufacture of cigarettes—to be paid at the time of removal to the factory—	
(1) For the manufacture of tobacco in which only imported tobacco leaf is used; for the manufacture of tobacco containing less than 15 per cent. by weight of stemmed Australian-grown tobacco leaf (or its equivalent in terms of unstemmed tobacco leaf) to the total stemmed tobacco leaf (or its equivalent in terms of unstemmed tobacco leaf) used—	
(a) Unstemmed	per lb.
(b) Stemmed, or partly stemmed, or in strips	per lb.
(2) Otherwise—	
(a) Unstemmed	per lb.
(b) Stemmed, or partly stemmed, or in strips	per lb.
(B) Tobacco, unmanufactured, entered to be locally manufactured into cigarettes or into fine cut tobacco suitable for the manufacture of cigarettes—to be paid at the time of removal to the factory—	
(1) For the manufacture of cigarettes in which only imported tobacco leaf is used; for the manufacture of cigarettes containing less than 3 per cent. by weight of stemmed Australian-grown tobacco leaf (or its equivalent in terms of unstemmed tobacco leaf) to the total stemmed tobacco leaf (or its equivalent in terms of unstemmed tobacco leaf) used—	
(a) Unstemmed	per lb.
(b) Stemmed, or partly stemmed, or in strips	per lb.
(2) Otherwise—	
(a) Unstemmed	per lb.
(b) Stemmed, or partly stemmed, or in strips	per lb.
	} British Preferential Tariff less 9d. per lb.

26th March, 1941.

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

The House resumed; Mr. Guy reported accordingly.

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

15. DEFENCE BILL 1941.—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—

Debate resumed.

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

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 1—

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

The House resumed; Mr. Prowse reported accordingly.

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

16. CRIMES BILL 1941.—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—

Debate resumed.

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

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clauses 1 to 3 agreed to.

Title agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Guy reported accordingly.

On the motion of Mr. Spender (Minister for the Army), the House adopted the Report, and, by leave, the Bill was read a third time.

17. DEFENCE BILL 1941.—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 1 agreed to.

Clause 2 debated and agreed to.

Clause 3—

Mr. Evatt moved, as an amendment, That after "that" (page 1, line 17) the words "except in cases where the supply has taken place prior to the commencement of the *Defence Act 1941*," be inserted. Debate ensued.

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

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

Ayes, 30.

Noes, 30.

Mr. Baker	Mr. Johnson	Mr. Abbott	Mr. McCall
Mr. Barnard	Mr. Langtry	Mr. Anthony	Mr. McEwen
Mr. Beasley	Mr. Lazzarini	Mr. Badman	Mr. Nairn
Mr. Blackburn	Mr. Makin	Mr. Beck	Sir Earle Page
Mr. Breen	Mr. Martens	Mr. Bell	Mr. Paterson
Mr. Brennan	Mr. McLeod	Mr. Cameron	Mr. Perkins
Mr. Calwell	Mr. Mulcahy	Mr. Collins	Mr. Prowse
Mr. Chifley	Mr. Pollard	Mr. Duncan-Hughes	Mr. Ryan
Mr. Couclan	Mr. Rosevear	Mr. Fadden	Mr. Spender
Mr. Dedman	Mr. Scullin	Mr. Francis	Mr. Spooner
Mr. Drakeford	Mr. Scully	Mr. Harrison	Mr. Stacey
Mr. Evatt	Mr. Watkins	Mr. Holt	Sir Frederick Stewart
Mr. Falstein		Mr. Hughes	
Mr. Frost	<i>Tellers:</i>	Mr. Hutchinson	<i>Tellers:</i>
Mr. Holloway	Mr. Lawson	Mr. Jolly	Mr. Corser
Mr. James	Mr. Sheehan	Mr. Marwick	Mr. Price

The number for the "Ayes" and the "Noes" being equal, the Temporary Chairman gave his casting vote with the "Noes".

And so it was negatived.

Mr. Spender (Minister for the Army) moved the following amendments:—

Page 1, line 18, omit "the means", insert "reasonable means".

Page 2, line 4, omit "the means", insert "reasonable means".

Debate ensued.

Mr. Spender asked leave to withdraw his amendments.

Objection being raised, leave not granted.

Amendments agreed to.

Clause, as amended, agreed to.

26th March, 1941.

Clause 4—

On the motion of Mr. Spender, the following amendments were made, after debate :—

Page 2, line 17, after " been " insert " inspected by or on behalf of the Commonwealth or have been ".

Page 2, line 25, after " had been so " insert " inspected or ".

Page 3, lines 1-9, omit proposed new section 73E, insert the following proposed new section :—

" 73E. Where a person to whom section seventy-three C or section seventy-three D of this Act applies is a body corporate, the body and every person being a director or a person concerned in the management of the body shall, in respect of any act or fact specified in either of those sections, be guilty of an offence unless—

(a) in the case of the body, it proves—

(i) that the act or fact took place or existed without the knowledge of any director, or of any person concerned in the management, of the body ; and

(ii) that no such director or person concerned had reasonable means of preventing the act or fact taking place or coming into existence ; or

(b) in the case of a person being a director or person concerned in the management of the body, he proves—

(i) that the act or fact took place or existed without his knowledge ; and

(ii) that he did not have reasonable means of preventing the act or fact taking place or coming into existence.' "

Page 3, line 10, omit " five ", insert " six ".

Page 3, line 14, omit " five ", insert " six ".

Page 3, line 18, after " body corporate," insert " a fine not exceeding ".

Page 3, lines 22-31, omit proposed new section 73G.

Clause, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Guy reported accordingly.

On the motion of Mr. Spender, by leave, the House adopted the Report, and, by leave, the Bill was read a third time.

18. ACTS INTERPRETATION BILL 1941.—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—
Debate resumed.

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

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Bill, by leave, taken as a whole, and agreed to.

Bill to be reported without amendment.

The House resumed ; Mr. Prowse reported accordingly.

On the motion of Mr. Hughes (Attorney-General), the House adopted the Report, and, by leave, the Bill was read a third time.

19. MESSAGE FROM THE GOVERNOR-GENERAL.—RAW COTTON BOUNTY BILL 1941.—The following Message from His Excellency the Governor-General was presented, and was read by Mr. Speaker :—

GOWRIE,

*Governor-General.**Message No. 21.*

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Governor-General recommends to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to amend the *Raw Cotton Bounty Act 1940*.

Canberra, 14th March, 1941.

Ordered—That the foregoing Message be taken into consideration, in Committee of the whole House, forthwith.

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

*(In the Committee.)*Mr. Harrison (Minister for Trade and Customs) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to amend the *Raw Cotton Bounty Act 1940*.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Prowse reported accordingly.

Mr. Harrison moved, pursuant to contingent notice, That so much of the Standing Orders be suspended as would prevent the remaining stages being passed without delay.

Question—put and passed.

The Resolution reported from the Committee was read, and, on the motion of Mr. Harrison, was adopted by the House.

26th March, 1941.

Ordered—That Mr. Harrison and Mr. Collins do prepare and bring in a Bill to carry out the foregoing Resolution.

Mr. Harrison 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.

Mr. Harrison moved, That the Bill be now read a second time.

Mr. Evatt 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.

20. PAY-ROLL TAX ASSESSMENT BILL 1941.—Mr. Anthony (Assistant Minister), pursuant to leave given this day, brought up a Bill intituled “*A Bill for an Act relating to the Imposition, Assessment and Collection of a Tax upon the Payment of Wages*”, and moved, That it be now read a first time.

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

Mr. Anthony moved, That the second reading be made an Order of the Day for the next sitting.

Debate ensued.

Question—put and passed.

21. ADJOURNMENT.—Mr. Harrison (Minister for Trade and Customs) moved, That the House do now adjourn.

Debate ensued.

Ordered—That Mr. Calwell be granted an extension of time.

Debate continued.

Question—put and passed.

And then the House, at twenty-nine 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. Blain, Mr. Coles*, Mr. Forde, Mr. McDonald, Mr. Menzies, Mr. Rankin, Mr. Riordan, Mr. White, and Mr. Wilson.

* On leave.

F. C. GREEN,
Clerk of the House of Representatives.