

1940-41-42-43.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA,
CANBERRA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 138.

WEDNESDAY, 31ST MARCH, 1943.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable W. M. Nairn) took the Chair, and read Prayers.
2. MESSAGE FROM THE GOVERNOR-GENERAL.—ASSENT TO BILLS.—The following Message from His Excellency the Governor-General was received, and was read by Mr. Speaker :—

GOWRIE,

*Governor-General.**Message No. 105.*

Proposed Laws intituled :—

- “ *Invalid and Old-age Pensions Act 1943* ”
 “ *Widows' Pensions Act 1943* ”
 “ *Maternity Allowance Act 1943* ”
 “ *Invalid and Old-age Pensions Appropriation Act 1943* ”
 “ *Superannuation Act 1943* ”
 “ *Commonwealth Employees' Furlough Act 1943* ”
 “ *Primary Producers Relief (Superphosphate) Act 1943* ”

as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name and on behalf of His Majesty, assented to the said Laws.

Government House,
Canberra, 29th March, 1943.

3. PAPERS.—The following Papers were presented, pursuant to Statute—
 Air Force Act—Regulations—Statutory Rules 1943, No. 69.
 Control of Naval Waters Act—Regulations—Statutory Rules 1943, No. 71.
 Defence Act—Regulations—Statutory Rules 1943, Nos. 68, 70, 72.
 Lands Acquisition Act—Land acquired for Commonwealth purposes—Tottenham, Victoria.
 National Security Act—
 National Security (General) Regulations—Orders—
 Control of overseas postal communications.
 Evacuation of area.
 Prohibited places (2).
 Prohibiting work on land (2).
 Taking possession of land, &c. (85).
 Traffic on roads.
 Use of land (9).
 National Security (Internment Camp) Regulations—Rules—Camp (4).
 National Security (Medical Co-ordination and Equipment) Regulations—Orders—Control of medical equipment (2).
 National Security (Prisoners of War) Regulations—Order—Prisoners of war camp.
 Regulations—Statutory Rules 1943, Nos. 62, 63, 64, 65, 66.
 Naval Defence Act—Regulations—Statutory Rules 1943, No. 67.
4. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That Order of the Day No. 1 be postponed until after Orders of the Day Nos. 2 and 3, Government Business.
5. AUSTRALIAN SOLDIERS' REPATRIATION BILL 1943.—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendments made by the Senate in this Bill—
 Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to consider the Amendments, which are as follows :—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

No. 1.—Page 2, clause 4, lines 13–15, leave out paragraph (b).

31st March, 1943.

No. 2.—Page 10, after clause 30, insert the following new clause :—

“ 30A. Section forty-five A of the Principal Act is amended by adding at the end thereof the following paragraph :—

(d) Notwithstanding anything contained in this Act, where any applicant for a service pension or a service pensioner, or the husband or wife of an applicant or a service pensioner, possesses property which is subject to any encumbrances and which in the opinion of the Commission cannot be realized except at a considerable loss, the Commission may, in assessing the net capital value of his accumulated property, disregard the value of the interest of that person in the property.’ ”

No. 3.—Page 18, after clause 42, insert the following new clause :—

“ 42A. After section fifty-five of the Principal Act the following section is inserted in Part IV. :—

‘ 55A.—(1.) Notwithstanding anything contained in any law of the Commonwealth or of any State or Territory of the Commonwealth or in any award, order or determination of any industrial tribunal or of any industrial agreement, preference shall, in the appointment of persons to the Public Service of the Commonwealth or to the service of an authority of the Commonwealth, be given to persons who have been members of the Forces and have served outside Australia or in any area prescribed as a combat area for the purposes of this Act and who are competent for the work required.

(2.) All contracts entered into with the Commonwealth for the performance of works or services shall be deemed to contain a clause whereby the contractor with the Commonwealth binds himself, under a penalty of Fifty pounds in respect of each breach of the clause, to grant, in engaging employees for the purpose of executing the contract, preference to persons specified in sub-section (1.) of this section.

(3.) For the purposes of this section, “ authority of the Commonwealth ” includes any commission, board or other body created by or under any law of the Commonwealth or Territory of the Commonwealth or which is declared by the Governor-General by Proclamation to be an authority for the purposes of this section.’ ”

No. 4.—Pages 18–20, clause 43, leave out the clause.

No. 5.—Page 24, clause 49, leave out the clause.

Amendment No. 1 agreed to.

Amendment No. 2 agreed to.

Amendment No. 3—

Mr. Curtin (Prime Minister) moved, as an amendment to the Senate's Amendment, That the following words be added to sub-section (1.) of proposed new section 55A :—“ and to persons who are so competent and who have, during prescribed periods and under prescribed conditions, served, in a ship or as members of the crew of a civil aircraft, in any zone which, in relation to ships or aircraft, as the case may be, is prescribed as a combat zone for the purposes of this section ”.

Debate ensued.

Point of Order.—Mr. Hughes raised a Point of Order that the proposed amendment to the Senate's Amendment was not within the scope of the Bill.

Chairman's Ruling.—The Chairman (Mr. Prowse) said that the title of the Bill was “ a Bill for an Act to amend the *Australian Soldiers' Repatriation Act 1920–1941*, and for other purposes ”, and that, in his opinion, the words “ and for other purposes ” made the proposed amendment relevant to the Bill. Therefore, he ruled that the proposed amendment was in order.

Debate continued.

Member named.—The Chairman (Mr. Prowse) named the honorable Member for Hunter (Mr. James) for disregarding the authority of the Chair.

Mr. James having expressed his regret, the matter was not further proceeded with.

Debate continued.

Question—That the amendment to the Senate's Amendment be agreed to—put.

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

Ayes, 29.

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|---------------|-----------------|
| Mr. Baker | Mr. Lazzarini |
| Mr. Barnard | Mr. Makin |
| Mr. Beasley | Mr. McLeod |
| Mr. Blackburn | Mr. Morgan |
| Mr. Calwell | Mr. Mulcahy |
| Mr. Chifley | Mr. Pollard |
| Mr. Curtin | Mr. Riordan |
| Mr. Dedman | Mr. Rosevear |
| Mr. Drakeford | Mr. Scully |
| Mr. Evatt | Mr. Sheehan |
| Mr. Frost | Mr. Ward |
| Mr. Holloway | |
| Mr. James | <i>Tellers:</i> |
| Mr. Johnson | |
| Mr. Langtry | Mr. Conelan |
| Mr. Lawson | Mr. Martens |

Noes, 28.

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|-------------------|-----------------------|
| Mr. Abbott | Mr. McDonald |
| Sir George Bell | Mr. McEwen |
| Mr. Cameron | Mr. Menzies |
| Mr. Coles | Mr. Nairn |
| Mr. Collins | Mr. Paterson |
| Mr. Duncan-Hughes | Mr. Perkins |
| Mr. Fadden | Mr. Rankin |
| Mr. Francis | Mr. Ryan |
| Mr. Harrison | Mr. Spender |
| Mr. Holt | Mr. Spooner |
| Mr. Hughes | Sir Frederick Stewart |
| Mr. Hutchinson | <i>Tellers:</i> |
| Mr. Jolly | |
| Sir Charles Marr | Mr. Anthony |
| Mr. McCall | Mr. Beck |

And so it was resolved in the affirmative.

31st March and 1st April, 1943.

Amendment, as amended, debated and agreed to.
 Amendment No. 4 debated and agreed to.
 Amendment No. 5 agreed to.
 Resolutions to be reported.

The House resumed ; Mr. Prowse reported accordingly.
 On the motion of Mr. Curtin, the House adopted the Report.

6. WAR-TIME (COMPANY) TAX ASSESSMENT BILL 1943.—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendments made by the Senate in this Bill—
 Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to consider the Amendments, which are as follows :—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

No. 1.—Page 1, after clause 1, insert the following new clause :—

“ 1A. This Act shall come into operation on the day on which it receives Commencement, the Royal Assent.”

No. 2.—Page 1, after clause 2, insert the following new clause :—

“ 2A. After section eighteen of the *War-time (Company) Tax Assessment Act 1940-1942*, the following section is inserted in Part III. :—

“ 18A. Notwithstanding anything contained in paragraph (f) of the definition of “ taxable profit ” in section three of this Act, or in paragraph (v) of sub-section (1.) of section twenty-four of this Act, a company shall not be liable to pay any greater amount of war-time (company) tax than the amount which it would have been liable to pay if—

- (a) the interest specified in paragraph (f) of that definition were not deducted but were treated as income other than interest as specified in that paragraph ; and
 (b) the capital specified in paragraph (v) of sub-section (1.) of section twenty-four were not deducted in accordance with that section.”

On the motion of Mr. Lazzarini (Minister assisting the Treasurer), the Amendments were agreed to. Resolution to be reported.

The House resumed ; Mr. Prowse reported accordingly.
 On the motion of Mr. Lazzarini, the House adopted the Report.

7. ADJOURNMENT.—Mr. Curtin (Prime Minister) moved, That the House do now adjourn.
 Debate ensued.

The House continuing to sit until after midnight—

THURSDAY, 1ST APRIL, 1943.

Debate continued.

Question—put and passed.

And then the House, at nineteen minutes past twelve o'clock midnight, adjourned until this day at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Badman, Mr. Blain*, Mr. Breen, Mr. Corser, Mr. Falstein, Mr. Forde, Mr. Guy, Mr. Marwick, Mr. Price, Mr. Scullin*, Mr. Stacey, Mr. Watkins, Mr. White*, and Mr. Wilson.

* On leave.

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