

1951-52.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS
OF THE
HOUSE OF REPRESENTATIVES.

No. 123.

WEDNESDAY, 5TH NOVEMBER, 1952.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Honorable A. G. Cameron) took the Chair, and read Prayers.
2. STATEMENT BY PRIME MINISTER—LEAVE TO INCORPORATE IN *Hansard* NOT GRANTED.—Mr. Menzies (Prime Minister) asked leave to have a Statement incorporated in the Report of Parliamentary Debates without reading the matter to the House.
Objection being raised, leave not granted.
3. AUDIT OF PARLIAMENTARY ACCOUNTS—STATEMENT BY PRIME MINISTER—MOTION FOR PRINTING PAPER.—Mr. Menzies (Prime Minister) laid upon the Table, by command of His Excellency the Governor-General, the following Paper :—
Audit of Parliamentary Accounts—Statement by Prime Minister—
and moved, That the Paper be printed.
Mr. Evatt (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.
4. PAPERS.—The following Papers were presented, pursuant to Statute—
Conciliation and Arbitration Act—
Annual Report by the Chief Judge of the Commonwealth Court of Conciliation and Arbitration, for year ended 30th September, 1952.
Annual Report by Chief Conciliation Commissioner, for year ended 7th October, 1952.
Defence (Transitional Provisions) Act—National Security (Industrial Property) Regulations—
Order—Inventions and designs.
Public Service Act—Appointments—Department of National Development—E. M. Bennett, J. B. Pirman, R. A. Searl.
Science and Industry Research Act—Fourth Annual Report of the Commonwealth Scientific and Industrial Research Organization, for year 1951-52.
Tariff Board Act—Tariff Board—Annual Report for year 1951-52, together with Summary of Recommendations.
5. PRINTING COMMITTEE—FIFTH REPORT.—Mr. Wilson (Chairman) brought up the Fifth Report from the Printing Committee (sitting in conference with the Printing Committee of the Senate).
The Report was read by the Clerk, as follows :—

REPORT.

The Printing Committee has the honour to report that it has met in Conference with the Printing Committee of the Senate.

The Joint Committee, having considered the Petitions and Papers presented to Parliament since the last meeting of the Committee, recommends that the following be printed :—

Aluminium Industry Act—Australian Aluminium Production Commission—Seventh Annual Report, for year 1951-52.

Commonwealth Committee on Taxation—Reports—

Assessability of amounts received in relation to employment and to retirement from employment.

Assessment or exemption of incomes derived from primary production.

Contributions to pension funds.

Deductions in respect of retiring allowances and pensions paid to employees, former employees and their dependants.

Exemption of income of certain bodies and funds.

Leases—Reports dated—

16th January, 1952.

22nd July, 1952.

Self-Assessment.

Simplification of Income Tax return forms.

Taxation of income of companies—private and non-private and of shareholders ; together with supplement—private companies.

5th November, 1952.

- Taxation of income of Friendly Society Dispensaries.
 Trading Stock (provisions other than those relating to live-stock); together with supplementary report.
 International Monetary Agreements Act—Annual Report on operations of the Act, and in so far as they relate to Australia, of the International Monetary Fund Agreement and the International Bank Agreement, for year 1951–52.
 Papua—Report for year 1950–51.
 Tariff Board—Reports—
 Aluminium Foil and Aluminium Foil Paper.
 Canned Fish.
 War Service Homes Act—Annual Report for year 1951–52.

5th November, 1952.

K. CAMERON WILSON,
Chairman.

Mr. Wilson moved, by leave, That the Report be agreed to.
 Question—put and passed.

6. DEFENCE TRANSITION (RESIDUAL PROVISIONS) BILL 1952.—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, after debate.
 Bill to be reported without amendment.

The House resumed; Mr. Adermann reported accordingly.
 On the motion of Mr. McBride (Minister for Defence), the House adopted the Report, and, by leave, the Bill was read a third time.

7. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That Order of the Day No. 2 be postponed until after Order of the Day No. 3, Government Business.
 8. WAYS AND MEANS—STEVEDORING INDUSTRY CHARGE.—The House, according to Order, resolved itself into the Committee of Ways and Means.

(In the Committee.)

Consideration resumed of the motion moved by Mr. Holt (Minister for Labour and National Service) on the 23rd October, 1952 (*see page 514*).

Motion agreed to.

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

The House resumed; Mr. Adermann reported accordingly.
 Resolved—That the House will, at a later hour this day, again resolve itself into the said Committee.
 Mr. McBride 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.
 On the motion of Mr. McBride, the Resolution reported from the Committee was adopted by the House.
 Ordered—That Mr. McBride and Mr. Holt do prepare and bring in a Bill to carry out the foregoing Resolution.

9. STEVEDORING INDUSTRY CHARGE BILL 1952.—Mr. McBride (Minister for Defence) then brought up a Bill intituled "*A Bill for an Act to amend the 'Stevedoring Industry Charge Act 1947–1951'*", and moved, That it be now read a first time.

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

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

Debate ensued.

Mr. Evatt (Leader of the Opposition) proposing to move, as an amendment, That all words after "That" be omitted with a view to inserting the following words in place thereof:—"the Bill be withdrawn in order to determine whether the increase in charge from Four pence to Eleven pence per man-hour is warranted by the facts and circumstances"—

Speaker's Ruling.—Mr. Speaker ruled that the proposed amendment was not in order as the Bill was founded on a resolution of the Committee of Ways and Means which had been adopted by the House, the purpose of which could not now be varied.

Debate continued.

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. Adermann reported accordingly.
 On the motion of Mr. Eric J. Harrison (Vice-President of the Executive Council), the House adopted the Report, and the Bill was read a third time.

5th November, 1952.

10. NAVIGATION BILL 1952.—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.)

Clauses 1 to 3 agreed to.

Clause 4 debated.

Question—That the clause be agreed to—put.

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

| | | | | |
|-------------------|----------------------|-----------------|---------------|-----------------|
| Ayes, 56. | | | | |
| Mr. Bate | Mr. Downer | Mr. Haworth | Mr. McDonald | Mr. Wentworth |
| Mr. Beale | Mr. Drury | Mr. Holt | Mr. McEwen | Mr. Wheeler |
| Mr. Berry | Sir A. Fadden | Mr. Howse | Mr. McLeay | Mr. Wilson |
| Mr. Bland | Mr. Failes | Mr. Hulme | Mr. McMahon | |
| Mr. Bostock | Mr. Fairbairn | Mr. Jack | Mr. Osborne | |
| Mr. Bowden | Mr. Fairhall | Mr. Joske | Sir E. Page | |
| Mr. Brimblecombe | Mr. Francis | Mr. Kekwick | Mr. Pearce | Tellers: |
| Mr. Brown | Mr. Freeth | Mr. Kent Hughes | Mr. Robertson | |
| Mr. D. A. Cameron | Mr. Graham | Mr. Lawrence | Mr. Swartz | Mr. Hamilton |
| Mr. Corser | Mr. Grayden | Mr. Leslie | Mr. Timson | Mr. Opperman |
| Mr. Cramer | Mr. Eric J. Harrison | Mr. Luck | Mr. Townley | |
| Mr. Davis | | Mr. McBride | Mr. Treloar | |
| Mr. Dean | Mr. Hasluck | Mr. McColm | Mr. Turnbull | |

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|------------------|----------------|---------------|--------------|-----------------|
| Noes, 33. | | | | |
| Mr. Anderson | Mr. Costa | Mr. Fuller | Mr. McLeod | |
| Mr. Andrews | Mr. Crean | Mr. Griffiths | Mr. Minogue | |
| Mr. Beazley | Mr. Curtin | Mr. E. James | Mr. Morgan | |
| Mr. Bird | Mr. Davies | Harrison | Mr. O'Connor | Tellers: |
| Mr. Bruce | Mr. Drakeford | Mr. Haylen | Mr. Rosevear | |
| Mr. Bryson | Mr. Duthie | Mr. Johnson | Mr. Russell | Mr. Daly |
| Mr. T. P. Burke | Mr. Ewert | Mr. Keon | Mr. Thompson | Mr. Sheehan |
| Mr. Calwell | Mr. Fitzgerald | Mr. Luchetti | Mr. Ward | |

And so it was resolved in the affirmative.

Clauses 5 and 6 agreed to.

Clause 7—

On the motion, by leave, of Mr. Holt (Minister for Labour and National Service), the following amendments were made, after debate :—

Page 4, lines 23 to 35, omit sub-section (8.) of proposed section fourteen, insert the following sub-section :—

“(8.) Where the number of officers included in a class of officers specified in the prescribed complement of officers for a ship has not been obtained and the master or owner of the ship satisfies a Deputy Director that the master or owner has made all reasonable efforts to obtain that number of officers (including the seeking of the assistance of the organization of which officers included in that class are members), the Deputy Director may, by writing under his hand, authorize the master to take the ship to sea with not less than the complement of officers specified in the authority.”.

Page 4, lines 38 and 39, omit “the Deputy Director shall not approve, and the superintendent shall not authorize,”, insert “a Deputy Director shall not authorize”.

Page 4, line 45, omit “prescribed”.

Question—That the clause, as amended, be agreed to—put.

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

| | | | | |
|-------------------|---------------|----------------------|--------------|-----------------|
| Ayes, 56. | | | | |
| Mr. Bate | Mr. Dean | Mr. Eric J. Harrison | Mr. Leslie | Mr. Townley |
| Mr. Beale | Mr. Downer | Mr. Hasluck | Mr. Luck | Mr. Treloar |
| Mr. Berry | Mr. Drury | Mr. Haworth | Mr. McBride | Mr. Turnbull |
| Mr. Bland | Sir A. Fadden | Mr. Holt | Mr. McColm | Mr. Wentworth |
| Mr. Bostock | Mr. Failes | Mr. Howse | Mr. McDonald | Mr. Wheeler |
| Mr. Bowden | Mr. Fairbairn | Mr. Hulme | Mr. McEwen | Mr. Wight |
| Mr. Brimblecombe | Mr. Fairhall | Mr. Jack | Mr. McLeay | Mr. Wilson |
| Mr. Brown | Mr. Francis | Mr. Joske | Mr. McMahon | |
| Mr. D. A. Cameron | Mr. Freeth | Mr. Kekwick | Mr. Osborne | Tellers: |
| Mr. Corser | Mr. Graham | Mr. Kent Hughes | Sir E. Page | |
| Mr. Cramer | Mr. Grayden | Mr. Lawrence | Mr. Pearce | Mr. Davidson |
| Mr. Davis | Mr. Hamilton | | Mr. Timson | Mr. Opperman |

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| Noes 30. | | | | |
| Mr. Anderson | Mr. T. P. Burke | Mr. Fitzgerald | Mr. Keon | Mr. Ward |
| Mr. Andrews | Mr. Calwell | Mr. A. D. Fraser | Mr. Luchetti | |
| Mr. Beazley | Mr. Costa | Mr. Fuller | Mr. Minogue | |
| Mr. Bird | Mr. Curtin | Mr. Griffiths | Mr. Morgan | Tellers: |
| Mr. W. M. Bourke | Mr. Davies | Mr. E. James | Mr. O'Connor | |
| Mr. Bruce | Mr. Drakeford | Harrison | Mr. Russell | Mr. Dalv |
| Mr. Bryson | Mr. Ewert | Mr. Johnson | Mr. Thompson | Mr. Sheehan |

And so it was resolved in the affirmative.

5th November, 1952.

Clause 8 omitted, after debate.

Clause 9 agreed to.

Clause 10—

On the motion, by leave, of Mr. Holt, the following amendments were made, after debate :—

Page 5, line 25, omit " section is ", insert " sections ".

Page 6, lines 23 to 31, omit sub-section (8.) of proposed section forty-three, insert the following sub-section :—

" (8.) Where the prescribed crew for a ship has not been obtained and the master or owner of the ship satisfies a Deputy Director that the master or owner has made all reasonable efforts to obtain the prescribed crew for the ship (including the seeking of the assistance of the organization of which seamen of the description of seamen who have not been obtained are members), the Deputy Director may, by writing under his hand, authorize the master to take the ship to sea with such crew as is specified in the authority, being a crew of not less than four-fifths of the engine room staff, and four-fifths of the deck complement, of the ship."

Page 7, at the end of the clause, add the following section :—

" 44. Where—

(a) a ship registered in Australia or engaged in the coasting trade ordinarily carries a number of seamen of any description greater than the number of seamen of that description specified in the prescribed crew for that ship; and

Authority to take ship to sea where ordinary complement of seamen has not been obtained.

(b) the master or owner has not obtained the number of seamen of that description ordinarily carried on that ship, but has obtained not less than four-fifths of that number of seamen,

the master shall not command the officers and crew to take the ship to sea unless—

(c) the master or owner satisfies a Deputy Director that the master or owner has made all reasonable efforts to obtain that number of seamen (including the seeking of the assistance of the organization of which seamen of that description are members); and

(d) the Deputy Director authorizes the master to take the ship to sea.'"

Clause, as amended, agreed to.

Clause 11—

On the motion, by leave, of Mr. Holt, the following amendments were made, after debate :—

Page 7, line 24, omit " shall ", insert " may ".

Page 7, lines 31 to 37, omit sub-section (4.) of proposed section forty-five A, insert the following sub-sections :—

" (4.) Where a seaman deserts a ship, or, while he is bound by an agreement to serve in a ship, refuses or fails, without reasonable cause, to join that ship, to go to sea in that ship or to take that ship to sea, the master shall report the fact to a superintendent.

' (4A.) Such a report shall, for the purposes of this section, be deemed to be a report under section sixty-seven of this Act showing the conduct or character of the seaman as " bad ".

' (4B.) Where a seaman refuses or fails as specified in sub-section (4.) of this section, and, before the ship is taken to sea after that refusal or failure, again so refuses or fails (whether once or more than once), that sub-section operates as if the last report delivered by the master under that sub-section in respect of any of those refusals or failures were the only report so delivered by him in respect of those refusals or failures."

Page 7, line 38, omit " shall ", insert " may ".

Page 8, lines 6 to 18, omit sub-section (6.) of proposed section forty-five A.

Page 8, lines 24 to 27, omit sub-section (8.) of proposed section forty-five A, insert the following sub-sections :—

" (8.) Where the Marine Council or a Committee appointed under section four hundred and twenty-four of this Act (or a majority of the members of that Council or of such a Committee) has advised the Minister that the character of a person is such, or the conduct of a person has been such, that that person is, during a period specified in the advice, unsuitable for engagement as a seaman, a superintendent shall, during that period, refuse to approve the engagement of that person as a seaman.

' (8A.) Where the character of a seaman is such, or the conduct of a seaman has been such, that the seaman is, in the opinion of a master, unsuitable for engagement as a seaman, the master shall report the circumstances to a superintendent."

Page 8, line 37, after " section ", insert " (otherwise than under sub-section (8.)) "

Page 9, lines 25 to 31, omit paragraph (c).

Question—That the clause, as amended, be agreed to—put.

5th November, 1952.

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

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|-------------------|---------------|-----------------|--------------|-----------------|
| AYES, 55. | | | | |
| Mr. Bale | Mr. Downer | Mr. Hasluck | Mr. McBride | Mr. Treloar |
| Mr. Beale | Mr. Drury | Mr. Haworth | Mr. McColm | Mr. Turnbull |
| Mr. Berry | Sir A. Fadden | Mr. Holt | Mr. McDonald | Mr. Wentworth |
| Mr. Bland | Mr. Failes | Mr. Howse | Mr. McEwen | Mr. Wheeler |
| Mr. Bostock | Mr. Fairbairn | Mr. Hulme | Mr. McLeay | Mr. Wight |
| Mr. Bowden | Mr. Fairhall | Mr. Jack | Mr. McMahon | Mr. Wilson |
| Mr. Brimblecombe | Mr. Francis | Mr. Joske | Mr. Osborne | |
| Mr. Brown | Mr. Freeth | Mr. Kekwick | Sir E. Page | |
| Mr. D. A. Cameron | Mr. Graham | Mr. Kent Hughes | Mr. Pearce | <i>Tellers:</i> |
| Mr. Cramer | Mr. Hamilton | Mr. Lawrence | Mr. Swartz | |
| Mr. Davis | Mr. Eric J. | Mr. Leslie | Mr. Timson | Mr. Davidson |
| Mr. Dean | Harrison | Mr. Luck | Mr. Townley | Mr. Opperman |

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| NOES, 32. | | | | |
| Mr. Anderson | Mr. T. P. Burke | Mr. Ewert | Mr. Haylen | Mr. Rosevear |
| Mr. Andrews | Mr. Calwell | Mr. Fitzgerald | Mr. Luchetti | Mr. Thompson |
| Mr. Beazley | Mr. Costa | Mr. A. D. Fraser | Mr. McLeod | Mr. Ward |
| Mr. Bird | Mr. Crean | Mr. Fuller | Mr. Minogue | |
| Mr. W. M. Bourke | Mr. Curtin | Mr. Griffiths | Mr. Morgan | <i>Tellers:</i> |
| Mr. Bruce | Mr. Drakeford | Mr. E. James | Mr. O'Connor | Mr. Daly |
| Mr. Bryson | Mr. Duthie | Harrison | Mr. Pollard | Mr. Sheehan |

And so it was resolved in the affirmative.

Clauses 12 and 13 agreed to.

Clause 14 omitted, after debate.

Clauses 15 to 20 agreed to.

Clause 21 debated and agreed to.

Clause 22 debated.

Question—That the clause be agreed to—put.

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

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|-------------------|---------------|-----------------|--------------|-----------------|
| AYES, 46. | | | | |
| Mr. Bate | Mr. Dean | Mr. Haworth | Mr. McDonald | Mr. Wilson |
| Mr. Beale | Mr. Downer | Mr. Holt | Mr. McEwen | |
| Mr. Bland | Mr. Drury | Mr. Howse | Mr. McLeay | <i>Tellers:</i> |
| Mr. Bostock | Mr. Failes | Mr. Hulme | Mr. McMahon | |
| Mr. Bowden | Mr. Fairbairn | Mr. Jack | Mr. Osborne | |
| Mr. Brimblecombe | Mr. Fairhall | Mr. Joske | Sir E. Page | Mr. Davidson |
| Mr. Brown | Mr. Freeth | Mr. Kent Hughes | Mr. Pearce | Mr. Opperman |
| Mr. D. A. Cameron | Mr. Hamilton | Mr. Lawrence | Mr. Timson | |
| Mr. Corser | Mr. Eric J. | Mr. Leslie | Mr. Treloar | |
| Mr. Cramer | Harrison | Mr. McBride | Mr. Turnbull | |
| Mr. Davis | Mr. Hasluck | Mr. McColm | Mr. Wheeler | |

| | | | | |
|------------------|---------------|------------------|--------------|-----------------|
| NOES 33. | | | | |
| Mr. Anderson | Mr. Calwell | Mr. A. D. Fraser | Mr. Minogue | |
| Mr. Andrews | Mr. Costa | Mr. Fuller | Mr. Morgan | |
| Mr. Beazley | Mr. Crean | Mr. Griffiths | Mr. O'Connor | |
| Mr. Bird | Mr. Curtin | Mr. E. James | Mr. Pollard | |
| Mr. W. M. Bourke | Mr. Davies | Harrison | Mr. Rosevear | <i>Tellers:</i> |
| Mr. Bruce | Mr. Drakeford | Mr. Haylen | Mr. Russell | |
| Mr. Bryson | Mr. Duthie | Mr. Luchetti | Mr. Thompson | Mr. Daly |
| Mr. T. P. Burke | Mr. Ewert | Mr. McLeod | Mr. Ward | Mr. Sheehan |

And so it was resolved in the affirmative.

Clause 23 debated.

Question—That the clause be agreed to—put.

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

| | | | | |
|-------------------|---------------|-----------------|---------------|-----------------|
| AYES 55. | | | | |
| Mr. Bate | Mr. Dean | Mr. Hasluck | Mr. McBride | Mr. Treloar |
| Mr. Beale | Mr. Downer | Mr. Haworth | Mr. McColm | Mr. Turnbull |
| Mr. Berry | Mr. Drury | Mr. Holt | Mr. McDonald | Mr. Wentworth |
| Mr. Bland | Sir A. Fadden | Mr. Howse | Mr. McEwen | Mr. Wheeler |
| Mr. Bostock | Mr. Failes | Mr. Hulme | Mr. McLeay | Mr. Wight |
| Mr. Bowden | Mr. Fairbairn | Mr. Jack | Mr. McMahon | Mr. Wilson |
| Mr. Brimblecombe | Mr. Fairhall | Mr. Joske | Mr. Osborne | |
| Mr. Brown | Mr. Freeth | Mr. Kekwick | Mr. Pearce | |
| Mr. D. A. Cameron | Mr. Grayden | Mr. Kent Hughes | Mr. Robertson | <i>Tellers:</i> |
| Mr. Corser | Mr. Hamilton | Mr. Lawrence | Mr. Swartz | |
| Mr. Cramer | Mr. Eric J. | Mr. Leslie | Mr. Timson | Mr. Davidson |
| Mr. Davis | Harrison | Mr. Luck | Mr. Townley | Mr. Opperman |

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|------------------|-----------------|------------------|--------------|-----------------|
| NOES 32. | | | | |
| Mr. Anderson | Mr. T. P. Burke | Mr. Ewert | Mr. Keon | Mr. Russell |
| Mr. Andrews | Mr. Calwell | Mr. Fitzgerald | Mr. Luchetti | Mr. Thompson |
| Mr. Beazley | Mr. Costa | Mr. A. D. Fraser | Mr. McLeod | Mr. Ward |
| Mr. Bird | Mr. Crean | Mr. Fuller | Mr. Minogue | |
| Mr. W. M. Bourke | Mr. Curtin | Mr. Griffiths | Mr. O'Connor | <i>Tellers:</i> |
| Mr. Bruce | Mr. Drakeford | Mr. E. James | Mr. Pollard | Mr. Daly |
| Mr. Bryson | Mr. Duthie | Harrison | Mr. Rosevear | Mr. Sheehan |

And so it was resolved in the affirmative.

5th November, 1952.

Clauses 24 to 26 agreed to.

Clause 27 debated and agreed to.

Clause 28 agreed to.

Clause 29 debated and agreed to.

Clause 30—

Mr. Holt moved the following amendment :—

Page 14, after sub-section (1.) of proposed section one hundred and thirty-eight, insert the following sub-sections :—

“(1A.) The Committee shall consist of a Chairman and such other members as the Minister determines.

“(1B.) The Chairman and the members shall be appointed by the Minister.

“(1C.) The Minister shall, in appointing the members of the Committee other than the Chairman, appoint not less than two members to represent the owners of ships and the same number of members to represent masters, officers and seamen.”.

Debate ensued.

Amendment amended by Mr. Holt, by leave, by adding the following words to proposed sub-section (1C.) :—“, of whom not less than one shall represent seamen”.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 31 debated and agreed to.

Clauses 32 to 34 agreed to.

Clause 35—

Mr. Holt moved the following amendment :—

Page 16, lines 8 to 29, omit the clause, insert the following clause :—

“35. Section three hundred and eighty-seven of the Principal Act is repealed and the following sections are inserted in its stead :—

‘387. A person who—

(a) by violence, threat or intimidation, hinders or interferes with the master or an officer of a ship in the performance of his duty in relation to the maintenance of discipline on board the ship ; or

(b) resists or wilfully obstructs, assaults, molests or endeavours to intimidate a person performing a duty or function imposed on him, or exercising a right or power conferred on him, by this Act,

is guilty of an indictable offence.

‘387A. A person shall not persuade or incite a master, seaman or apprentice to commit a breach of his agreement.

Penalty : One hundred pounds.

‘387B. A person shall not wilfully harbour or secrete a seaman or apprentice—

(a) who has deserted his ship ;

(b) who has failed to join his ship ; or

(c) who has absented himself from his ship in wilful disobedience of a lawful command of the master or of an officer of the ship.

Penalty : ‘Twenty pounds.’”.

Obstructing
or interfering
with officials
or officers.

Persuading or
inciting breach
of agreement.

Harbouring
or secreting
deserting
seamen or
apprentices.

Debate ensued.

Amendment amended by Mr. Holt, by leave, by inserting “wilfully” after “has” in paragraph (b) of proposed section 387B.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 36 debated and agreed to.

Clause 37—

On the motion, by leave, of Mr. Holt, the following amendments were made, after debate :—

Page 17, line 13, after “of”, insert “masters, pilots or”.

Page 18, line 13, after “to”, insert “masters, pilots or”.

Page 20, lines 12 to 20, omit proposed section four hundred and five M, insert the following section :—

“405M. The Court has, in relation to industrial disputes and other proceedings before it under this Part, the same powers, duties and functions as the Court or a Conciliation Commissioner has under the *Conciliation and Arbitration Act 1904-1952* in relation to industrial disputes and other proceedings before it or him under that Act.”.

Powers of
Court.

5th and 6th November, 1952.

The Committee continuing to sit until after midnight—

THURSDAY, 6TH NOVEMBER, 1952.

Clause, as amended, agreed to.

Clause 38 agreed to.

New clauses—

On the motion of Mr. Holt, the following new clauses were inserted in the Bill :—

“ 7A. After section fourteen of the Principal Act the following section is inserted :—

‘ 14A. Where—

- (a) a ship registered in Australia or engaged in the coasting trade ordinarily carries a number of officers of any class greater than the number of officers specified in that class of officers included in the prescribed complement of officers for that ship ; and
- (b) the master or owner has not obtained the number of officers included in that class ordinarily carried on that ship,

Authority to take ship to sea where ordinary complement of officers has not been obtained.

the master shall not command the officers and crew to take the ship to sea unless—

- (c) the master or owner satisfies a Deputy Director that the master or owner has made all reasonable efforts to obtain that number of officers (including the seeking of the assistance of the organization of which officers included in that class are members) ; and
- (d) the Deputy Director authorizes the master to take the ship to sea.’ ”

“ 8A. Section thirty-nine of the Principal Act is amended by omitting the proviso to sub-section (1.) and inserting in its stead the following sub-section :—

Rating of A.B.

‘ (1A.) Notwithstanding anything contained in the last preceding sub-section, a seaman who has been rated as A.B. before the commencement of this sub-section shall continue to be entitled to be so rated.’ ”

“ 39.—(1.) Where, immediately before the commencement of this section, an industrial dispute was pending, under the *Conciliation and Arbitration Act* 1904-1952, before a Conciliation Commissioner, that industrial dispute shall, subject to this section, be heard and determined in accordance with Part XA. of the Principal Act as amended by this Act, and the Judge exercising the powers of the Court under that Part in relation to that industrial dispute shall have regard to the evidence given and arguments adduced before the Conciliation Commissioner.

Pending proceedings.

“ (2.) The Chief Judge may, if he is of opinion that it is desirable to do so, direct that an industrial dispute the hearing of which has been commenced before a Conciliation Commissioner before the date of commencement of this section shall be continued as if this Act had not been passed and, where such a direction has been given, the *Conciliation and Arbitration Act* 1904-1952 applies in relation to that industrial dispute as if the Principal Act had not been amended by this Act.

“ (3.) Where, before the date of commencement of this section, an order or award has been made by a Conciliation Commissioner and the time within which an application for leave to appeal against the order or award under section thirty-one A of the *Conciliation and Arbitration Act* 1904-1952 has not expired, that section continues to apply to that order or award as if the Principal Act had not been amended by this Act.

“ (4.) Expressions used in this section have the same respective meanings as they have in Part XA. of the Principal Act as amended by this Act.”

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Adermann reported accordingly.

On the motion of Mr. Holt, by leave, the House adopted the Report.

Mr. Holt moved, by leave, That the Bill be now read a third time.

Debate ensued.

Question—put.

The House divided (The Speaker, Mr. A. G. Cameron, in the Chair)—

AYES 56.

| | | | | |
|-------------------|---------------|-----------------|---------------|------------------|
| Mr. Adermann | Mr. Dean | Mr. Haworth | Mr. McDonald | Mr. Wheeler |
| Mr. Bate | Mr. Downer | Mr. Holt | Mr. McLeay | Mr. Wight |
| Mr. Beale | Mr. Drury | Mr. Howse | Mr. McMahon | Mr. Wilson |
| Mr. Berry | Mr. Failes | Mr. Hulme | Mr. Menzies | |
| Mr. Bland | Mr. Fairbairn | Mr. Jack | Mr. Osborne | |
| Mr. Bostock | Mr. Fairhall | Mr. Joske | Mr. Pearce | |
| Mr. Bowden | Mr. Freeth | Mr. Kekwick | Mr. Robertson | <i>Tellers :</i> |
| Mr. Brimblecombe | Mr. Grayden | Mr. Kent Hughes | Mr. Swartz | |
| Mr. Brown | Mr. Gullett | Mr. Lawrence | Mr. Timson | Mr. Davidson |
| Mr. D. A. Cameron | Mr. Hamilton | Mr. Leslie | Mr. Townley | Mr. Opperman |
| Mr. Corser | Mr. Eric J. | Mr. Luck | Mr. Treloar | |
| Mr. Cramer | Harrison | Mr. McBride | Mr. Turnbull | |
| Mr. Davis | Mr. Hasluck | Mr. McColm | Mr. Wentworth | |

NOES 27.

| | | | | |
|------------------|-----------------|------------------|--------------|------------------|
| Mr. Anderson | Mr. T. P. Burke | Mr. Duthie | Mr. E. James | Mr. Pollard |
| Mr. Andrews | Mr. Calwell | Mr. Evatt | Harrison | Mr. Ward |
| Mr. Beazley | Mr. Co-ta | Mr. Fwert | Mr. Keon | |
| Mr. Bird | Mr. Crean | Mr. A. D. Fraser | Mr. Luchetti | <i>Tellers :</i> |
| Mr. W. M. Bourke | Mr. Curtin | Mr. Fuller | Mr. McLeod | Mr. Daly |
| Mr. Bryson | Mr. Drakeford | Mr. Griffiths | Mr. Minogue | Mr. Sheehan |

And so it was resolved in the affirmative.—Bill read a third time.

5th and 6th November, 1952.

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

[*Defence Bill 1952*]—

MR. SPEAKER,

Message No. 174.

The Senate returns to the House of Representatives the Bill for “ *An Act to amend the ‘ Defence Act 1903–1951 ’, and for other purposes* ”, and acquaints the House that the Senate has agreed to the Bill without amendment.

EDWARD MATTNER,
President.

The Senate,
Canberra, 5th November, 1952.

[*Superannuation 1952*]—

MR. SPEAKER,

Message No. 175.

The Senate returns to the House of Representatives the Bill for “ *An Act to amend the ‘ Superannuation Act 1922–1951 ’* ” and acquaints the House that the Senate has agreed to the Bill without amendment.

EDWARD MATTNER,
President.

The Senate,
Canberra, 5th November, 1952.

12. MESSAGE FROM THE SENATE.—EXPLOSIVES BILL 1952.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 176.

The Senate returns to the House of Representatives the Bill for “ *An Act relating to Explosives* ”, and acquaints the House that the Senate has agreed to the Bill with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

EDWARD MATTNER,
President.

The Senate,
Canberra, 5th November, 1952.

Ordered—That the Amendments 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.*)

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

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 2, clause 5, lines 28 to 45, leave out sub-clause (2.), insert the following sub-clauses :—

“ (2.) Without limiting the generality of the power to make regulations conferred by the last preceding sub-section, the regulations which may be made under that sub-section include regulations for or in relation to—

(a) safety measures to be observed at, in or upon a place, vehicle, aircraft or vessel at, in, upon or in the vicinity of which there are Commonwealth explosives ; and

(b) the establishment, and the functions and powers, of committees to advise the Minister on such matters as are prescribed.

“ (3.) Before making regulations for or in relation to the handling of Commonwealth explosives in a port, the Governor-General shall take into consideration any recommendations with respect to the proposed regulations made to the Minister by the committee known as the Permanent Committee of the Australian Port Authorities Association.”.

- No. 2.—Page 2, clause 6, lines 46 and 47, leave out sub-clause (1.), insert the following sub-clause :—

“ (1.) The regulations may empower a person—

(a) to provide, by order, for any matter which may be provided for by the regulations ; and

(b) to direct, by order, that a vessel in which Commonwealth explosives are, or to be, loaded may be moored or berthed in a port specified in the order.”.

On the motion of Mr. Hasluck (Minister representing the Minister for Shipping and Transport), the Amendments were agreed to, after debate.

Resolution to be reported.

The House resumed ; Mr. Adermann reported accordingly.

On the motion of Mr. Hasluck, the House adopted the Report.

13. PAPERS.—The following Paper was presented, by command of His Excellency the Governor-General—

Parliamentary Accounts—Special Report by the Auditor-General, dated 30th October, 1952.

Ordered to lie on the Table.

The following Papers were presented, pursuant to Statute—

Public Service Arbitration Act—Determinations—1952—

No. 69—Transport Workers' Union of Australia.

No. 70—Federated Clerks' Union of Australia.

5th and 6th November, 1952.

14. LEAVE OF ABSENCE TO ALL MEMBERS.—Mr. Eric J. Harrison (Vice-President of the Executive Council) moved, That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.
Question—put and passed.
15. SPECIAL ADJOURNMENT.—Mr. Eric J. Harrison (Vice-President of the Executive Council) moved, That the House, at its rising, adjourn until a date and hour to be fixed by Mr. Speaker, which time of meeting shall be notified by Mr. Speaker to each Member by telegram or letter.
Debate ensued.
Question—put and passed.
16. ADJOURNMENT.—Mr. Menzies (Prime Minister) moved, That the House do now adjourn.
Debate ensued.
Question—put and passed.

And then the House, at fifteen minutes to one o'clock in the morning, adjourned until a date and hour to be fixed by Mr. Speaker, and to be notified by him to each Member by telegram or letter as determined by Resolution of the House at this sitting.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Anthony, Mr. Casey, Mr. Chambers, Mr. Clarey, Mr. Clark, Mr. Drummond, Mr. Edmonds, Mr. Lawson, Mr. Mullens and Mr. Watkins.

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