

No. 33.

## JOURNALS OF THE SENATE.

THURSDAY, 15TH JUNE, 1950.

1. MEETING OF SENATE.—The Senate met at eleven a.m., pursuant to adjournment.—The President (Senator the Honorable Gordon Brown) took the Chair.
2. PRAYERS.
3. PAPERS.—The following Papers were presented, pursuant to Statute—  
Commonwealth Public Service Act—Appointments—Department of Works and Housing—  
E. H. Cartwright, R. L. Durbridge, A. D. Jones, D. G. Raffin, A. D. Richards, C. S. Schumacher, B. B. Taylor, J. A. Webster.  
Lands Acquisition Act—Land acquired for Defence purposes—Puckapunyal, Victoria.
4. COMMUNIST PARTY DISSOLUTION BILL 1950.—The Senate, according to Order, resolved itself into Committee for the further consideration of the Bill.

In the Committee.

The Attorney-General (Senator Spicer) moved—That the following new clause be inserted in the Bill :—

“ 18A. A payment of money or delivery of a security or a negotiable instrument made to or by the order or direction of an unlawful association by its banker in good faith before the date upon which the association was dissolved, or so made after that date without negligence on the part of the banker, shall be valid as against the receiver of the unlawful association.”

Debate ensued.

New clause 18A agreed to.

Clauses 19 and 20 agreed to.

Clause 21 debated and agreed to.

Clause 22 read—

On the motion of Senator McKenna the following amendments were made :—

Line 24, after “ application ” insert “ or appeal ”.

Lines 28 and 29, leave out “ and the decision of that Justice or Judge shall be final and conclusive ”, insert “, whose decision shall be subject to appeal in accordance with this Act ”.

At end of clause add the following sub-clause :—

“(5.) For the purposes of this Act, ‘ the Full Court ’, in relation to the Supreme Court of a State, means that Supreme Court constituted by such number of Judges as is required for the hearing of criminal appeals under the law of the State.”

Clause 22, as amended, agreed to.

Clause 23 agreed to.

Clause 24 read—

On the motion of Senator Spicer the following amendment was made :—page 12, line 35, leave out “ or ” (second occurring).

Senator Spicer moved a further amendment, viz.—page 12, after sub-paragraph (ii) of paragraph (a) of sub-clause (3.) insert the following sub-paragraph :—

“ ; or (iia) at some other place, or in the custody of some other person, in such circumstances that the court is satisfied that the document is a document prepared or used for the purposes of an unlawful association or for the purposes of a branch of an unlawful association.”

Debate ensued.

Amendment agreed to.

On the motion of Senator Spicer the following further amendments were made :—

Page 13, line 5, leave out “ or ” (second occurring).

Page 13, after sub-paragraph (ii) of paragraph (b) of sub-clause (3.), insert the following sub-paragraph :—

“ ; or (iii) at some other place, or in the custody of some other person, in such circumstances that the court is satisfied that the list, roll or record is a list, roll or record prepared or used for the purposes of an unlawful association or for the purposes of a branch of an unlawful association.”

At end of clause add the following sub-clauses :—

“(4.) Where, in any proceedings under this Act, it is sought to prove that a person was the author of any printed matter, the fact that the name of that person appears upon that printed matter as the author of that printed matter shall be *prima facie* evidence that that person was the author of that printed matter.

"(5.) Where, in any proceedings under this Act, it is sought to prove that any printed matter was printed or published by a person or body of persons, the fact that the name of that person or body of persons appears upon that printed matter as the printer or publisher of that printed matter shall be *prima facie* evidence that that person or body of persons was the printer or publisher of that printed matter.

"(6.) For the purposes of this section—

- (a) any reference to an unlawful association includes a reference to a body of persons before it became an unlawful association under this Act;
- (b) any reference to the name of a person includes a reference to the surname of that person together with any of his Christian names, or together with the initial or initials of all or any of his Christian names; and
- (c) any reference to printed matter includes a reference to words represented or reproduced in any visible form."

Clause 24, as amended, agreed to.

Senator Ashley moved—That the following new clause be inserted in the Bill:—

"24A.—(1.) In an application under sub-section (3.) of section five, or under sub-section (3.) of section nine, of this Act, the applicant shall have the right to elect <sup>Right of trial by jury.</sup> to have the application tried by jury.

"(2.) Where an applicant so elects, the application shall be heard and determined, as nearly as possible, as if it were a trial on indictment for an offence against a law of the Commonwealth, committed within the State or Territory of the Commonwealth in which the application is heard."

Debate ensued.

*Closure moved.*—The Minister for Fuel, Shipping and Transport (Senator McLeay) moved—That the Question be now put.

Question—That the Question be now put—put and negatived.

Debate continued.

*Closure again moved.*—The Minister for Trade and Customs (Senator O'Sullivan) moved—That the Question be now put.

Question—That the Question be now put—put and negatived.

Debate continued.

Question—That the proposed new clause be inserted in the Bill—put.

The Committee divided—

Ayes, 31.

Noes, 21.

Senator—  
Amour.  
Armstrong.  
Arnold.  
Ashley.  
Aylett.  
Beerworth.  
Brown.  
Cameron.  
Cooke.  
Courtice.  
Critchley.  
Devlin.  
Finlay.  
Fraser.  
Grant.  
Harris.  
Hendrickson.

Senator—  
Katz.  
Large.  
McKenna.  
Morrow.  
Murray.  
Nash.  
Nicholls.  
O'Byrne.  
O'Flaherty.  
Ryan.  
Sandford.  
Sheehan.  
Willesee.  
  
*Teller:*  
Senator Clothier.

Senator—  
Cooper.  
Gorton.  
Guy.  
Hannaford.  
Kendall.  
McCallum.  
McLeay.  
Maher.  
Mattner.  
O'Sullivan.  
Piesse.  
Rankin, G. J.

Senator—  
Robertson.  
Scott.  
Simmonds.  
Spicer.  
Spooner.  
Wedgwood.  
Wood.  
Wordsworth.  
  
*Teller:*  
Senator Rankin,  
A. J. M.

New clause 24A agreed to accordingly.

Clause 25 debated and agreed to.

Senator Spicer moved—That the following new clause be added to the Bill:—

"26. Where the Governor-General is satisfied that the continuance in operation <sup>Duration of Act.</sup> of this Act is no longer necessary either for the security and defence of Australia or for the execution and maintenance of the Constitution and of the laws of the Commonwealth, the Governor-General shall make a Proclamation accordingly and thereupon this Act shall be deemed to have been repealed."

Debate ensued.

New clause 26 agreed to.

Postponed clause 3—

Senator McKenna again moved the following amendment:—page 4, line 4, leave out "majority", insert "substantial number".

Debate ensued.

Amendment agreed to.

On the motion of Senator McKenna the following further amendment was made:—page 4, line 26, after "application" insert "or appeal".

Postponed clause 3, as amended, agreed to.

Preamble debated and agreed to.

Title agreed to.

Bill to be reported with amendments.

The President resumed the Chair; and the Chairman of Committees (Senator Nicholls) reported accordingly.

On the motion of Senator O'Sullivan, by leave, the Report from the Committee was adopted, and, by leave, the Bill was read a third time.

5. CONSTITUTION ALTERATION (AVOIDANCE OF DOUBLE DISSOLUTION DEADLOCKS) BILL 1950.—The Attorney-General (Senator Spicer), according to Order, moved—That the Bill be now read a second time.

On the motion of Senator Ashley the debate was adjourned.

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

6. SOCIAL SERVICES CONSOLIDATION BILL 1950.—The Senate, according to Order, resolved itself into Committee for the consideration of Message No. 5 of the House of Representatives, and Amendments.

In the Committee.

Message read.

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

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES.

No. 1.—Pages 1 and 2, clause 3, omit the clause.

No. 2.—Page 2, clause 4, line 27, omit proposed sub-section (2.), insert the following proposed sub-sections :—

“(2.) In the case of an endowee other than an institution, the rate of an endowment shall be—

(a) where the endowee has the custody, care and control of one child only—Five shillings per week; and

(b) where the endowee has the custody, care and control of two or more children—in respect of the elder or eldest child, Five shillings per week and, in respect of each other child, Ten shillings per week.

“(2A.) In the case of an endowee being an institution, the rate of the endowment in respect of each child who is an inmate of the institution shall be Ten shillings per week.”

No. 3.—Page 2, clause 4, after proposed sub-section (3.) insert the following proposed sub-section :—

“(3A.) Where, by reason of divorce, separation, death of a parent or otherwise, any children who would otherwise be living together as one family or as part of one family are not so living together, endowment may, in the discretion of the Director-General, in respect of each of those children who is in the custody, care and control of a person who has the custody, care and control of no other children, be paid at the rate which would be payable if those children were living together as one family or as part of one family.”

No. 4.—Page 3, after clause 6 insert the following new clauses :—

“6A. Section one hundred and three of the Principal Act is amended by adding at the end thereof the following sub-section :—

Endowment  
to cease  
in certain  
circumstances.

“(3.) Where, in the case of an endowee (other than an institution) who has been granted endowment in respect of more than one child, the endowment (being at the rate of Five shillings per week) in respect of the elder or eldest of the children in respect of whom endowment is payable ceases, by virtue of this section, to be payable, the rate of the endowment payable in respect of the other child, or the next eldest child, as the case may be, shall thereupon become Five shillings per week.”

“6B. After section one hundred and three of the Principal Act the following sections are inserted :—

“103A. Where an endowee (other than an institution) who is in receipt of endowment in respect of a child at the rate of Five shillings per week assumes the custody, care and control of another child who is older than the first-mentioned child, and is granted endowment in respect of that other child, the rate of the endowment payable in respect of that first-mentioned child shall, as from the date from which the endowment in respect of that other child becomes payable, be Ten shillings per week.

Adjustment  
of rates  
in certain  
circumstances.

“103B. Where a person has the custody, care and control of more than one child, and one or more of those children, other than the elder or eldest child, is a child in respect of whom endowment may not be granted, the Director-General may, if he thinks fit, authorize the payment of endowment in respect of the elder or eldest child at the rate of Ten shillings per week.”

Where child  
other than  
eldest child  
not eligible for  
endowment.

The Minister for Social Services (Senator Spooner) moved—That the Amendments be agreed to.

Debate ensued.

Closure moved.—Senator Spooner moved—That the Question be now put.

Question—That the Question be now put—put.

The Committee divided—

Ayes, 20.		Noes, 28.	
Senator—	Senator—	Senator—	Senator—
Cooper.	Scott.	Amour.	Hendrickson.
Gorton.	Simmonds.	Armstrong.	Large.
Guy.	Spicer.	Arnold.	McKenna.
Hannaford.	Spooner.	Ashley.	Morrow.
Kendall.	Wedgwood.	Aylett.	Murray.
McCallum.	Wood.	Beerworth.	Nash.
McLeay.	Wordsworth.	Brown.	Nicholls.
Maher.		Cooke.	O'Byrne.
Mattner.	<i>Teller:</i>	Courtice.	O'Flaherty.
O'Sullivan.		Critchley.	Ryan.
Piesse.	Senator Rankin,	Devlin.	Sandford.
Robertson.	A. J. M.	Finlay.	Willesee.
		Fraser.	
		Grant.	<i>Teller:</i>
		Harris.	Senator Clothier.

And so it was negatived.  
Debate continued.

*And it being 10.30 p.m.*—The Chairman, under Sessional Order, put the Question—That he do leave the Chair and report to the Senate.

The Committee divided—

Ayes, 28.		Noes, 21.	
Senator—	Senator—	Senator—	Senator—
Amour.	Hendrickson.	Cooper.	Robertson.
Armstrong.	Large.	Gorton.	Scott.
Arnold.	McKenna.	Guy.	Simmonds.
Ashley.	Morrow.	Hannaford.	Spicer.
Aylett.	Murray.	Kendall.	Spooner.
Beerworth.	Nash.	McCallum.	Wedgwood.
Brown.	Nicholls.	McLeay.	Wood.
Cooke.	O'Byrne.	Maher.	Wordsworth.
Courtice.	O'Flaherty.	Mattner.	
Critchley.	Ryan.	O'Sullivan.	<i>Teller:</i>
Devlin.	Sandford.	Piesse.	Senator Rankin,
Finlay.	Willesee.	Rankin, G. J.	A. J. M.
Fraser.			
Grant.	<i>Teller:</i>		
Harris.	Senator Clothier.		

And so it was resolved in the affirmative.

The President resumed the Chair; and the Chairman of Committees (Senator Nicholls) reported accordingly.

7. ADJOURNMENT.—The President, under Sessional Order, then put the Question—That the Senate do now adjourn.

Debate ensued.

Question—resolved in the affirmative.

The Senate adjourned at twenty-two minutes to eleven p.m. till Tuesday next at three p.m.

8. ATTENDANCE.—Present, all the Members except Senators Cole, Collings, Lamp, Reid, Tangney, Tate, Ward and Wright.

JOHN EDWARDS,  
*Clerk of the Senate.*