

COMMONWEALTH OF AUSTRALIA.

No. 36.

JOURNALS OF THE SENATE.

THURSDAY, 22ND 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. QUESTIONS.— Questions on notice were answered.
4. PAPERS.—The following Paper was presented, by Command of His Excellency the Governor-General—
Norfolk Island—Report for year 1948-49.
The following Paper was presented, pursuant to Statute—
Commonwealth Public Service Act—Appointment—Department of National Development—
J. Hunter.
5. CHAIRMAN OF COMMITTEES—EXTENSION OF TERM OF OFFICE.—The Minister for Trade and Customs (Senator O'Sullivan) moved, by leave—That the term of office of Senator Nicholls as Chairman of Committees be extended from the 30th day of June, 1950, until the day next before the first sitting day of the Senate after such 30th day of June.
Question—put and passed.
6. SOCIAL SERVICES CONSOLIDATION BILL 1950.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 9.

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to amend the provisions of the 'Social Services Consolidation Act 1947-49' relating to Child Endowment*", and acquaints the Senate that the House of Representatives insists on Amendments Nos. 1 to 4 disagreed to by the Senate, as shown in the accompanying Schedule.

The House of Representatives desires the reconsideration by the Senate of the Bill in respect of the said Amendments.

ARCHIE G. CAMERON,
Speaker.

House of Representatives,
Canberra, 21st June, 1950.

Ordered—That the Message be considered in Committee of the Whole forthwith.

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 TO WHICH THE SENATE HAS DISAGREED, AND ON WHICH THE HOUSE OF REPRESENTATIVES INSISTS.

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 Committee do not insist on disagreeing to Amendment No. 1, insisted on by the House of Representatives.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 22.

Noes, 32.

Senator—

Cooper.

Gorton.

Guy.

Hannaford.

Kendall.

McCallum.

McLeay.

Maher.

Mattner.

O'Sullivan.

Piesse.

Rankin, G. J.

Reid.

Senator—

Robertson.

Scott.

Simmonds.

Spicer.

Spooner.

Tate.

Wedgwood.

Wordsworth.

Teller:

Senator Rankin,

A. J. M.

Senator—

Amour.

Armstrong.

Arnold.

Ashley.

Aylett.

Beerworth.

Brown.

Cameron.

Cole.

Cooke.

Courtice.

Critchley.

Finlay.

Fraser.

Grant.

Harris.

Hendrickson.

Senator—

Katz.

Large.

McKenna.

Morrow.

Murray.

Nash.

Nicholls.

O'Byrne.

O'Flaherty.

Ryan.

Sandford.

Sheehan.

Ward.

Willesee.

Teller:

Senator Clothier.

Disagreement to Amendment No. 1 of the House of Representatives insisted on accordingly.

Senator Spooner moved—That the Committee do not insist on disagreeing to Amendments Nos. 2, 3 and 4 insisted on by the House of Representatives.

Question—put and passed.

Resolutions to be reported.

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

On the motion of Senator Spooner the Report from the Committee was adopted.

Senator McKenna moved—That Senators Ashley, Cooke and McKenna be a Committee to draw up Reasons for the Senate insisting on disagreeing to Amendment No. 1 insisted on by the House of Representatives.

Question—put and passed.

Senator McKenna brought up the Report from the Committee for Reasons.

Reason read, as follows :—

Reason of the Senate for disagreeing to Amendment No. 1 insisted on by the House of Representatives.

Because there is an obligation on the Parliament to ensure that the grant of Child Endowment is not defeated or, in effect, reduced by the action of a body other than the Parliament.

Senator McKenna moved—That the Reason be adopted.

Question—put.

The Senate divided—

Ayes, 31.

Noes, 22.

Senator—	Senator—
Amour.	Large.
Armstrong.	McKenna.
Arnold.	Morrow.
Ashley.	Murray.
Beerworth.	Nash.
Brown.	Nicholls.
Cameron.	O'Byrne.
Cole.	O'Flaherty.
Cooke.	Ryan.
Courtice.	Sandford.
Critchley.	Sheehan.
Finlay.	Ward.
Fraser.	Willesee.
Grant.	
Harris.	
Hendrickson.	
Katz.	

Teller:

Senator Clothier.

Senator—	Senator—
Cooper.	Robertson.
Gorton.	Scott.
Guy.	Simmonds.
Hannaford.	Spicer.
Kendall.	Spooner.
McCallum.	Tate.
McLeay.	Wedgwood.
Maher.	Wordsworth.
Mattner.	
O'Sullivan.	
Piesse.	
Rankin, G. J.	
Reid.	

Teller:

Senator Rankin,
A. J. M.

And so it was resolved in the affirmative.

Senator McKenna moved—That a Conference be requested with the House of Representatives on Amendment No. 1 insisted upon by the House of Representatives in the Bill for "*An Act to amend the provisions of the 'Social Services Consolidation Act 1947-1949' relating to Child Endowment*", and that the House of Representatives be informed that in the event of a Conference being agreed to the Senate will be represented at such Conference by five Managers, viz., Senators Ashley, Cooke, Courtice, Katz and McKenna.

Question—put.

The Senate divided—

Ayes, 31.

Noes, 22.

Senator—	Senator—
Amour.	Large.
Armstrong.	McKenna.
Arnold.	Morrow.
Ashley.	Murray.
Beerworth.	Nash.
Brown.	Nicholls.
Cameron.	O'Byrne.
Cole.	O'Flaherty.
Cooke.	Ryan.
Courtice.	Sandford.
Critchley.	Sheehan.
Finlay.	Ward.
Fraser.	Willesee.
Grant.	
Harris.	
Hendrickson.	
Katz.	

Teller:

Senator Clothier.

Senator—	Senator—
Cooper.	Robertson.
Gorton.	Scott.
Guy.	Simmonds.
Hannaford.	Spicer.
Kendall.	Spooner.
McCallum.	Tate.
McLeay.	Wedgwood.
Maher.	Wordsworth.
Mattner.	
O'Sullivan.	
Piesse.	
Rankin, G. J.	
Reid.	

Teller:

Senator Rankin,
A. J. M.

And so it was resolved in the affirmative.

7. APPROPRIATION BILL (No. 2) 1949-50.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read:—

MR. PRESIDENT,

Message No. 10.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to grant and apply an additional sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty, and to appropriate that sum*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21st June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Social Services (Senator Spooner), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

Senator Spooner moved—That the Bill be now read a first time.

Debate ensued.

Question—put and passed.

Bill read a first time.

On the motion of Senator Spooner the Bill was read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without requests.

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

On the motion of Senator Spooner the Report from the Committee was adopted, and the Bill read a third time.

And it being after 10.30 p.m.—

8. ADJOURNMENT NEGATIVED.—The President, under Sessional Order, put the Question—That the Senate do now adjourn—
Which Question was negatived.

9. PRINTING COMMITTEE—FIRST REPORT.—Senator Nash brought up the following Report from the Printing Committee :—

REPORT.

The Printing Committee have the honour to report that they have met in Conference with the Printing Committee of the House of Representatives.

The Joint Committee, having considered the Papers presented to Parliament since the last meeting of the Committee, and other Papers, motions for the printing of which lapsed with the close of the Session in October last, recommend that the following be printed :—

Australian Broadcasting Act—First Annual Report of the Australian Broadcasting Control Board for period 15th March to 30th June, 1949.

Australian Soldiers' Repatriation Act—Repatriation Commission—Reports for years—
1947–48.
1948–49.

Commonwealth Public Works Committee Act—Twenty-first General Report of the Parliamentary Standing Committee on Public Works.

Electoral—Referendums—Statistical Returns in relation to the submission to the Electors of a Proposed Law for the Alteration of the Constitution entitled "Constitution Alteration (Rents and Prices) 1947"; together with Summaries of Referendums, 1906–1948.

International Monetary Agreements Act—Annual Reports on operations of the Act, and insofar as they relate to Australia, of the International Monetary Fund Agreement and International Bank for Reconstruction and Development Agreement, for years—
1947–48.
1948–49.

Nauru—Report to General Assembly of the United Nations on Administration of Nauru for year 1948–49.

New Guinea—Report to General Assembly of the United Nations on Administration of New Guinea for year 1948–49.

Papua—Report for year 1948–49.

Postmaster-General's Department—Thirty-ninth Annual Report, for year 1948–49.

War Service Homes Act—Annual Report for year 1948–49.

R. H. NASH,
Vice-Chairman.

22nd June, 1950.

Senator Nash moved, by leave—That the Report be adopted.

Question—put and passed.

And General Business taking precedence of Government Business.—

10. CONSTITUTION ALTERATION (PRICES) BILL 1950.—Senator McKenna, pursuant to notice, moved—
That leave be given to introduce a Bill for an Act to alter the Constitution by empowering the Parliament to make Laws with respect to Prices.

Debate ensued.

Question—put and passed.

And consideration of Government Business being resumed.—

11. APPROPRIATION (WORKS AND SERVICES) BILL (No. 2) 1949–50.—*Message from the House of Representatives.*
—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 11.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to grant and apply an additional sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty for the purposes of Additions, New Works and other Services involving Capital Expenditure and to appropriate that sum*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21st June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Social Services (Senator Spooner), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator Spooner the Bill was read a first time.

On the motion of Senator Spooner the Bill was read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without amendment.

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

On the motion of Senator Spooner the Report from the Committee was adopted, and the Bill read a third time.

12. SUPPLY BILL (No. 1) 1950-51.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 12.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21st June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Social Services (Senator Spooner), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator Spooner the Bill was read a first time.

On the motion of Senator Spooner the Bill was read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without requests.

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

On the motion of Senator Spooner the Report from the Committee was adopted, and the Bill read a third time.

13. SUPPLY (WORKS AND SERVICES) BILL (No. 1) 1950-51.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 13.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one, for the purposes of Additions, New Works and other Services involving Capital Expenditure*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21st June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Social Services (Senator Spooner), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator Spooner the Bill was read a first time.

On the motion of Senator Spooner the Bill was read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without amendment.

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

On the motion of Senator Spooner the Report from the Committee was adopted, and the Bill read a third time.

14. SUPPLEMENTARY APPROPRIATION BILL 1948-49.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 20.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to appropriate a further sum out of the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and forty-nine*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21st June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Social Services (Senator Spooner), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator Spooner the Bill was read a first time.

On the motion of Senator Spooner the Bill was read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without requests.

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

On the motion of Senator Spooner the Report from the Committee was adopted, and the Bill read a third time.

15. SUPPLEMENTARY APPROPRIATION (WORKS AND SERVICES) BILL 1948-49.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 21.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to appropriate a further sum out of the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and forty-nine, for the purposes of Additions, New Works and Other Services involving Capital Expenditure*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 21st June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Social Services (Senator Spooner), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator Spooner the Bill was read a first time.

Senator Spooner moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without amendment.

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

On the motion of Senator Spooner the Report from the Committee was adopted, and the Bill read a third time.

16. PAPERS.—The following Papers were presented, pursuant to Statute—

Commonwealth Public Service Act—Appointment—Department of the Interior—E. J. Burr.

Papua and New Guinea Act—Ordinance—1950—No. 2—Matrimonial Causes (Papua) (No. 2).

17. **TARIFF BOARD BILL 1950.**—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 25.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend the 'Tariff Board Act 1921-1947'*", in which it desires the concurrence of the Senate.

House of Representatives,
Canberra, 22nd June, 1950.

ARCHIE G. CAMERON,
Speaker.

Suspension of Standing and Sessional Orders.—The Minister for Trade and Customs (Senator O'Sullivan), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through all its stages without delay.

Question—put and passed.

On the motion of Senator O'Sullivan the Bill was read a first time.

On the motion of Senator O'Sullivan the Bill was read a second time.

The Senate, according to Order, resolved itself into Committee for the consideration of the Bill.

In the Committee.

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

Bill to be reported without amendment.

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

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

18. **RETIREMENT OF SENATORS CLOTHIER AND LAMP.**—The Minister for Trade and Customs (Senator O'Sullivan), by leave, made a statement referring to the retirement from the Senate of Senators Clothier and Lamp. Senator O'Sullivan, in paying tribute to the long and valuable service rendered by Senators Clothier and Lamp, conveyed to them the good wishes of fellow Senators.

The Leader of the Opposition (Senator Ashley), by leave, expressed similar tributes and good wishes, which were supported by the Minister for Repatriation (Senator Cooper) and the President.

By leave, Senator Clothier made his acknowledgements.

19. **COMMUNIST PARTY DISSOLUTION BILL 1950.**—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 22.

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to provide for the Dissolution of the Australian Communist Party and of other Communist Organizations, to disqualify Communists from holding certain Offices, and for purposes connected therewith*", and acquaints the Senate that the House of Representatives insists on the Amendments made by the House on Amendments Nos. 7 and 16 of the Senate, which have been disagreed to by the Senate, and insists on disagreeing to Amendments Nos. 2, 3, 6, 8, 10, 11, 15, 17, 20, 21, 22 and 28 made and insisted upon by the Senate, as shown in the annexed Schedule.

The House of Representatives desires the reconsideration of the Bill in respect of the said Amendments.

House of Representatives,
Canberra, 22nd June, 1950.

ARCHIE G. CAMERON,
Speaker.

Ordered—That the Message be considered in Committee of the Whole forthwith.

In the Committee.

Message read.

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

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE ON THE AMENDMENTS OF THE SENATE WHICH HAVE BEEN DISAGREED TO BY THE SENATE, AND ON WHICH THE HOUSE OF REPRESENTATIVES INSISTS.

- No. 7.—Page 5, clause 5, lines 39 to 48, leave out sub-clauses (4.), (5.) and (6.), insert the following sub-clauses :—

"(4.) If, upon the hearing, the Commonwealth satisfies the court—

(a) that the applicant is a body to which this section applies; and

(b) that the continued existence of the body would be prejudicial to the security and defence of the Commonwealth or to the execution or maintenance of the Constitution or of the laws of the Commonwealth,

the court shall dismiss the application, and the declaration shall, subject to this section, remain in force.

"(5.) If the Commonwealth does not so satisfy the court, the court shall set aside the declaration.

“(6.) The applicant or the Commonwealth, as the case may be, may, within twenty-one days after the decision of a court under sub-section (4.) or (5.) of this section, appeal against the decision—

(a) where the application was made to the Supreme Court of a State—to the Full Court of that Supreme Court; or

(b) where the application was made to the High Court or to the Supreme Court of a Territory of the Commonwealth—to the Full Court of the High Court,

and the decision of the court on the appeal shall be final and conclusive.”.

Amendment amended as follows :—

By omitting proposed sub-clauses (4.), (5.) and (6.) and inserting the following sub-clauses :—

“(4.) At the hearing of the application, the applicant shall begin; if evidence is given in person by such officer or officers of the applicant as the court is satisfied is or are best able to give full and admissible evidence as to matters relevant to the application, the burden shall be upon the Commonwealth to prove that the applicant is a body to which this section applies, but, if evidence is not so given, the burden shall be upon the applicant to prove that the applicant is not a body to which this section applies.

“(5.) Upon the hearing of the application, the declaration made by the Governor-General under sub-section (2.) of this section shall, in so far as it declares that the applicant is a body of persons to which this section applies, be *prima facie* evidence that the applicant is such a body.”.

No. 16.—Page 7, clause 9, lines 20 to 29, leave out sub-clauses (4.), (5.) and (6.), insert the following sub-clauses :—

“(4.) If, upon the hearing, the Commonwealth satisfies the court—

(a) that the applicant is a person to whom this section applies; and

(b) that the applicant is engaged, or is likely to engage, in activities prejudicial to the security and defence of the Commonwealth or to the execution or maintenance of the Constitution or of the laws of the Commonwealth,

the court shall dismiss the application and the declaration shall, subject to this section, remain in force.

“(5.) If the Commonwealth does not so satisfy the court, the court shall set aside the declaration.

“(6.) The applicant or the Commonwealth, as the case may be, may, within twenty-one days after the decision of a court under sub-section (4.) or (5.) of this section, appeal against the decision—

(a) where the application was made to the Supreme Court of a State—to the Full Court of that Supreme Court; or

(b) where the application was made to the High Court or to the Supreme Court of a Territory of the Commonwealth—to the Full Court of the High Court,

and the decision of the court on the appeal shall be final and conclusive.

“(6A.) Where a declaration under this section is set aside by a court (including a Full Court upon appeal from a single Justice or Judge) or the setting aside of such a declaration is confirmed by a court, the court, in its decision—

(a) shall order the Commonwealth to pay to the applicant the costs of the application and of any appeal; and

(b) may order the Commonwealth to pay to the declared person such sum by way of compensation as the court thinks just in all the circumstances.

“(6B.) Where a declaration is in force under this section in respect of a person and the procedure provided by the preceding provisions of this section for the setting aside of the declaration is no longer available (whether or not that person made an application under those provisions), that person may, subject to this section, at any time apply to—

(a) the Full Court of the Supreme Court of the State or Territory of the Commonwealth in which the applicant resides; or

(b) the full Court of the High Court,

for leave to apply to have the declaration revoked.

“(6C.) Where, upon such an application, the court grants leave, the court shall direct whether the application for revocation of the declaration is to be heard—

(a) by the court constituted by a single Justice or Judge; or

(b) by the full Court.

“(6D.) The court so constituted, or the Full Court, as the case may be, may hear and determine the application for revocation of the declaration and revoke the declaration or refuse the application, as it thinks just, and its decision shall not be subject to appeal.

“(6E.) A declaration which is revoked under the last preceding sub-section shall cease to have effect upon the day upon which the order of the court revoking the declaration is made.”.

Amendment amended as follows :—

By omitting proposed sub-clauses (4.) to (6E.) (inclusive) and inserting the following sub-clauses :—

“(4.) At the hearing of the application, the applicant shall begin; if he gives evidence in person, the burden shall be upon the Commonwealth to prove that he is a person to whom this section applies, but, if he does not give evidence in person, the burden shall be upon him to prove that he is not a person to whom this section applies.

“(5.) Upon the hearing of the application, the declaration made by the Governor-General under sub-section (2.) of this section shall, in so far as it declares that the applicant is a person to whom this section applies, be *prima facie* evidence that the applicant is such a person.”.

SCHEDULE OF THE AMENDMENTS MADE AND INSISTED UPON BY THE SENATE UPON WHICH
THE HOUSE OF REPRESENTATIVES INSISTS ON DISAGREEING.

- No. 2.—Page 4, clause 3, line 4, leave out “majority”, insert “substantial number”.
- No. 3.—Page 4, clause 3, line 26, after “application”, insert “or appeal”.
- No. 6.—Page 5, clause 5, lines 37 and 38, leave out “, on the ground that the body is not a body to which this section applies”.
- No. 8.—Page 6, clause 6, lines 5 to 10, leave out sub-clause (2.), insert the following sub-clause :—
 “(2.) Where the body applies to a court to set aside the declaration, the body shall not be dissolved where the final result of the proceedings (including any appeal) is the setting aside of the declaration, or before the time specified in this sub-section, and the time of dissolution of a body which has made such an application but which does not succeed in having the declaration finally set aside shall be—
 (a) where the application is dismissed but the body does not, within a period of twenty-one days after the dismissal, appeal against the dismissal in accordance with the last preceding section—the expiration of that period; and
 (b) where an appeal under sub-section (6.) of the last preceding section by either party is decided against the body—the day on which the appeal is decided.”.
- No. 10.—Page 6, clause 7, lines 28 and 29, leave out “by the unlawful association to the appropriate court”, insert “or appeal by the unlawful association”.
- No. 11.—Page 6, clause 8, lines 36 to 41, leave out sub-clause (3.), insert the following sub-clause :—
 “(3.) If—
 (a) the declaration is set aside by a court constituted by a single Justice or Judge and the time within which an appeal may be instituted has expired without an appeal being instituted, or an appeal has been dismissed; or
 (b) the declaration is set aside, on appeal, by the Full Court of the High Court or of a Supreme Court,
 all sales or dispositions of property, payments made and acts done by the receiver (or by a person acting under his authority) shall be valid but the property of the body shall revert to the body for its estate or interest therein on such terms and subject to such conditions, if any, as the court by which the setting aside of the declaration is effected or confirmed orders.”.
- No. 15.—Page 7, clause 9, lines 18 and 19, leave out “on the ground that he is not a person to whom this section applies”.
- No. 17.—Page 8, clause 11, lines 22 to 30, leave out sub-clauses (3.) and (4.), insert the following sub-clauses :—
 “(3.) If an application is made to the appropriate court to set aside the declaration, the suspension effected by sub-section (1.) of this section shall continue until the application has been decided and shall further continue until the day upon which any appeal against the decision is decided or, if no such appeal is duly instituted, until the last day on which any such appeal could have been instituted.
 “(4.) On the day immediately following the day until which the suspension continues under the last preceding sub-section—
 (a) if the declaration has been set aside, the suspension shall cease; or
 (b) if the declaration has not been set aside, the office held by the person concerned shall, by force of this Act, become vacant, or that person shall cease to be so employed, as the case may be.”.
- No. 20.—Page 11, clause 22, line 24, after “application”, insert “or appeal”.
- No. 21.—Page 11, clause 22, 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”.
- No. 22.—Page 11, clause 22, at the end of the 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.”.
- No. 28.—Page 13, after clause 24, insert the following new clause :—
 “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 ^{Right of trial by jury.} 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.”.

The Minister for Trade and Customs (Senator O'Sullivan) moved—That the amendment of the House of Representatives upon Senate's Amendment No. 7 be now agreed to.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 21.

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

Senator—
Robertson.
Scott.
Simmonds.
Spicer.
Spoonier.
Tate.
Wedgwood.
Wordsworth.

Teller:
Senator Rankin,
A. J. M.

Noes, 27.

Senator—
Amour.
Armstrong.
Arnold.
Ashley.
Beerworth.
Brown.
Cole.
Cooke.
Courtice.
Critchley.
Finlay.
Fraser.
Harris.
Hendrickson.
Large.

Senator—
McKenna.
Morrow.
Murray.
Nash.
Nicholls.
O'Byrne.
O'Flaherty.
Ryan.
Sandford.
Ward.
Willesee.

Teller:
Senator Clothier.

Disagreement to Amendment of House of Representatives upon Senate's Amendment No. 7 insisted on accordingly.

Senator O'Sullivan moved—That the amendment of the House of Representatives upon Senate's Amendment No. 16 be now agreed to.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 21.

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

Senator—
Robertson.
Scott.
Simmonds.
Spicer.
Spoonier.
Tate.
Wedgwood.
Wordsworth.

Teller:
Senator Rankin,
A. J. M.

Noes, 27.

Senator—
Amour.
Armstrong.
Arnold.
Ashley.
Beerworth.
Brown.
Cole.
Cooke.
Courtice.
Critchley.
Finlay.
Fraser.
Harris.
Hendrickson.
Large.

Senator—
McKenna.
Morrow.
Murray.
Nash.
Nicholls.
O'Byrne.
O'Flaherty.
Ryan.
Sandford.
Ward.
Willesee.

Teller:
Senator Clothier.

Disagreement to Amendment of House of Representatives upon Senate's Amendment No. 16 insisted on accordingly.

Senator O'Sullivan moved—That the Committee do not now insist on the Amendments of the Senate, Nos. 2, 3, 6, 8, 10, 11, 15, 17, 20, 21, 22 and 28, to which the House of Representatives has insisted on disagreeing.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 21.

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

Senator—
Robertson.
Scott.
Simmonds.
Spicer.
Spoonier.
Tate.
Wedgwood.
Wordsworth.

Teller:
Senator Rankin,
A. J. M.

Noes, 27.

Senator—
Amour.
Armstrong.
Arnold.
Ashley.
Beerworth.
Brown.
Cole.
Cooke.
Courtice.
Critchley.
Finlay.
Fraser.
Harris.
Hendrickson.
Large.

Senator—
McKenna.
Morrow.
Murray.
Nash.
Nicholls.
O'Byrne.
O'Flaherty.
Ryan.
Sandford.
Ward.
Willesee.

Teller:
Senator Clothier.

Amendments still insisted on accordingly.
Resolutions to be reported.

The President resumed the Chair; and the Chairman of Committees (Senator Nicholls) reported that the Committee had considered Message No. 22 of the House of Representatives in reference to the Communist Party Dissolution Bill, had insisted on disagreeing to the Amendments made by the House of Representatives on Amendments Nos. 7 and 16 of the Senate, and had resolved to still insist on the Amendments of the Senate to which the House of Representatives had disagreed. On the motion of Senator O'Sullivan the Report from the Committee was adopted.

20. COMMONWEALTH BANK BILL 1950.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read:—

MR. PRESIDENT,

Message No. 23.

The House of Representatives returns to the Senate the Bill intituled "*A Bill for an Act to repeal the 'Banking Act 1947-1948' and to amend the 'Commonwealth Bank Act 1945-1948'*", and acquaints the Senate that the House of Representatives has disagreed to the Amendments made by the Senate, for the Reasons shown in the annexed Schedule.

The House of Representatives desires the reconsideration by the Senate of the Bill in respect of the said Amendments.

House of Representatives,
Canberra, 22nd June, 1950.

ARCHIE G. CAMERON,
Speaker.

Ordered—That the Message be considered in Committee of the Whole forthwith.

In the Committee.

Message read.

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

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE TO WHICH THE HOUSE OF REPRESENTATIVES HAS DISAGREED.

- No. 1.—Page 2, clause 4, leave out the clause.
- No. 2.—Page 2, clause 5, leave out the clause.
- No. 3.—Page 2, clause 6, leave out the clause.
- No. 4.—Pages 2 to 4, clause 7, leave out the clause.
- No. 5.—Page 4, clause 8, line 19, leave out "Board", insert "Bank".
- No. 6.—Page 4, clause 8, line 38, leave out "Board", insert "Bank".
- No. 7.—Pages 5 to 7, clause 10, leave out the clause.
- No. 8.—Page 8, clause 15, leave out the clause.
- No. 9.—Page 8, clause 16, leave out the clause.
- No. 10.—Pages 8 and 9, clause 17, leave out the clause.
- No. 11.—Page 9, leave out the Schedule.

REASONS OF THE HOUSE OF REPRESENTATIVES FOR DISAGREEING TO THE AMENDMENTS OF THE SENATE.

The Amendments would defeat the following principles for the establishment of which the Government obtained approval at the last general election:—

1. Collective responsibility for the determination of policy should be restored by the re-establishment of a Board comprising men of wide knowledge and experience which would ensure the integration of the policy of the Bank with economic and financial policy generally, without impairing the independence of the Bank.
2. The ultimate responsibility for monetary and banking policy should lie with the Parliament while preserving an effective working relationship between the Government and the Bank.

The Minister for Social Services (Senator Spooner) moved—That the Committee do not insist on the Amendments of the Senate disagreed to by the House of Representatives.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 21.

Noes, 27.

Senator—	Senator—
Cooper.	Robertson.
Gorton.	Scott.
Hannaford.	Simmonds.
Kendall.	Spicer.
McCallum.	Spooner.
McLeay.	Tate.
Maher.	Wedgwood.
Mattner.	Wordsworth.
O'Sullivan.	
Piesse.	<i>Teller:</i>
Rankin, G. J.	Senator Rankin,
Reid.	A. J. M.

Senator—	Senator—
Amour.	McKenna.
Armstrong.	Morrow.
Arnold.	Murray.
Ashley.	Nash.
Beerworth.	Nicholls.
Brown.	O'Byrne.
Cole.	O'Flaherty.
Cooke.	Ryan.
Courtice.	Sandford.
Critchley.	Ward.
Finlay.	Willesee.
Fraser.	
Harris.	<i>Teller:</i>
Hendrickson.	Senator Clothier.
Large,	

Amendments insisted on accordingly.
Resolution to be reported.

The President resumed the Chair; and the Chairman of Committees (Senator Nicholls) reported that the Committee had considered Message No. 23 of the House of Representatives in reference to the Commonwealth Bank Bill, and had resolved to insist on the Amendments of the Senate to which the House of Representatives has disagreed.

On the motion of Senator Spooner the Report from the Committee was adopted.

Senator Ashley moved—That Senators Ashley, Cooke and McKenna be appointed a Committee to draw up Reasons for the Senate insisting on its Amendments to which the House of Representatives has disagreed.

Question—put and passed.

Senator Ashley brought up the Report from the Committee for Reasons.

Reason read, as follows :—

Reason of the Senate for insisting on its Amendments to which the House of Representatives has disagreed.

Because the proposal to vest control of the Commonwealth Bank in a Board the personnel of which will include persons who are not Officers of the Bank or of the Public Service of the Commonwealth is not in the national interest.

Senator Ashley moved—That the Reason be adopted.

Question—put.

The Senate divided—

Ayes, 27.

Noes, 21.

Senator—	Senator—
Amour.	McKenna.
Armstrong.	Morrow.
Arnold.	Murray.
Ashley.	Nash.
Beerworth.	Nicholls.
Brown.	O'Byrne.
Cole.	O'Flaherty.
Cooke.	Ryan.
Courtice.	Sandford.
Critchley.	Ward.
Finlay.	Willesee.
Fraser.	
Harris.	<i>Teller:</i>
Hendrickson.	Senator Clothier.
Large.	

Senator—	Senator—
Cooper.	Robertson.
Gorton.	Scott.
Hannaford.	Simmonds.
Kendall.	Spicer.
McCallum.	Spooner.
McLeay.	Tate.
Maher.	Wedgwood.
Mattner.	Wordsworth.
O'Sullivan.	
Piesse.	<i>Teller:</i>
Rankin, G. J.	Senator Rankin,
Reid.	A. J. M.

And so it was resolved in the affirmative.

21. SOCIAL SERVICES CONSOLIDATION BILL 1950.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 24.

The House of Representatives returns to the Senate the Bill intituled “ *A Bill for an Act to amend the provisions of the ‘Social Services Consolidation Act 1947–1949’ relating to Child Endowment* ”, and acquaints the Senate that the House of Representatives does not agree to the request of the Senate for a Conference on Amendment No. 1 of the House to which the Senate insists on disagreeing, as shown in the annexed schedule.

The House of Representatives desires the reconsideration of the Bill by the Senate in respect of the said Amendment.

ARCHIE G. CAMERON,
Speaker.

House of Representatives,
Canberra, 22nd June, 1950.

Ordered—That the Message be considered in Committee of the Whole forthwith.

In the Committee.

Message read.

The Committee proceeded to consider Amendment No. 1, which is as follows :—

SCHEDULE OF THE AMENDMENT MADE AND INSISTED ON BY THE HOUSE OF REPRESENTATIVES ON WHICH THE HOUSE DOES NOT AGREE TO A CONFERENCE AND DESIRES THE RECONSIDERATION OF THE SENATE.

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

The Minister for Social Services (Senator Spooner) moved—That the Committee now agrees to Amendment No. 1 insisted on by the House of Representatives.

Debate ensued.

And the Committee having continued to sit until twelve o'clock midnight—

FRIDAY, 23RD JUNE, 1950, A.M.

Debate continued.

Question—put and passed.

On the motion of Senator Spooner the following consequential amendment was made :—clause 2. line 10, after “ shall ” insert “ be deemed to have ”.

Resolutions to be reported.

The President resumed the Chair ; and the Temporary Chairman of Committees (Senator O'Byrne) reported that the Committee had considered Message No. 24 of the House of Representatives in reference to the Social Services Consolidation Bill, and had agreed to Amendment No. 1 made by the House of Representatives. The Temporary Chairman further reported that the Committee had made a consequential amendment in clause 2 of the Bill.

On the motion of Senator Spooner the Report from the Committee was adopted.

22. LEAVE OF ABSENCE TO ALL SENATORS DURING ADJOURNMENT.—The Minister for Trade and Customs (Senator O'Sullivan) moved, by leave—That leave of absence be granted to every Member of the Senate from the termination of the sitting this day to the day on which the Senate next meets.

Question—put and passed.

23. NEXT MEETING OF THE SENATE.—The Minister for Trade and Customs (Senator O'Sullivan) moved—That the Senate, at its rising, adjourn till a day and hour to be fixed by the President, which time of meeting shall be notified to each Senator by telegram or letter.

Question—put and passed.

24. SOCIAL SERVICES CONSOLIDATION BILL 1950.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 27.

The House of Representatives returns to the Senate the Bill intituled “ *A Bill for an Act to amend the provisions of the ‘ Social Services Consolidation Act 1947–1949 ’ relating to Child Endowment* ”, and acquaints the Senate that the House of Representatives has agreed to the consequential Amendment made by the Senate in clause 2.

House of Representatives,
Canberra, 23rd June, 1950, a.m.

ARCHIE G. CAMERON,
Speaker.

25. COMMONWEALTH BANK BILL 1950.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 26.

The House of Representatives returns to the Senate the Bill intituled “ *A Bill for an Act to repeal the ‘ Banking Act 1947–1948 ’ and to amend the ‘ Commonwealth Bank Act 1945–1948 ’* ”, and acquaints the Senate that the House of Representatives insists on disagreeing to Amendments Nos. 1 to 11 made and insisted upon by the Senate, as shown in the annexed Schedule.

The House of Representatives desires the reconsideration of the Bill in respect of the said Amendments.

House of Representatives,
Canberra, 23rd June, 1950, a.m.

ARCHIE G. CAMERON,
Speaker.

The Minister for Trade and Customs (Senator O'Sullivan) moved—That the Message be considered in Committee of the Whole forthwith.

Senator Ashley moved an amendment, viz.—leave out “ forthwith ”, insert “ during the next sittings of the Parliament ”.

Question—That the word proposed to be left out be left out—put.

The Senate divided—

Ayes, 26.

Noes, 20.

Senator—	Senator—
Amour.	McKenna.
Armstrong.	Morrow.
Arnold.	Murray.
Ashley.	Nash.
Brown.	Nicholls.
Cole.	O'Byrne.
Cooke.	O'Flaherty.
Courtice.	Ryan.
Critchley.	Sandford.
Finlay.	Ward.
Fraser.	Willesee.
Harris.	<i>Teller :</i>
Hendrickson.	Senator Clothier.
Large.	

Senator—	Senator—
Cooper.	Robertson.
Gorton.	Scott.
Hannaford.	Simmonds.
Kendall.	Spicer.
McCallum.	Tate.
McLeay.	Wedgwood.
Maher.	Wordsworth.
Mattner.	
O'Sullivan.	<i>Teller :</i>
Piesse.	Senator Rankin,
Rankin, G. J.	A. J. M.
Reid.	

And so it was resolved in the affirmative.

Question—That the words proposed to be inserted be inserted—put and passed.

Question—That the motion, as amended, be agreed to—put and passed.

26. ADJOURNMENT.—The Minister for Trade and Customs (Senator O'Sullivan) moved—That the Senate do now adjourn.

Debate ensued.

Question—put and passed.

The Senate adjourned at three minutes past two a.m. till a day and hour to be fixed by the President, which time of meeting shall be notified to each Senator by telegram or letter.

27. ATTENDANCE.—Present, all the Members except Senators Collings, Devlin, Lamp, Tangney, Wood, and Wright.

JOHN EDWARDS.

Clerk of the Senate.