

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 78.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

FRIDAY, 11TH OCTOBER, 1901.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PAPERS.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by Sir George Turner :—
 Customs Act 1901.—Regulations.
 The following Paper was laid upon the Table by the Clerk :—
 Cost of Cane-cutting in Queensland.—Return to an Order of the House, dated 3rd October, 1901.
 Severally ordered to lie on the Table.
3. SUPPLY.—The House, according to Order, resolved itself into the Committee of Supply.
 Mr. Speaker resumed the Chair ; Mr. Salmon reported that the Committee had come to a certain resolution.
 On the motion of Sir George Turner the House ordered that the Standing Orders be suspended in order to enable all steps to be taken to obtain Supply, and to pass a Supply Bill through all its stages without delay.
 Mr. Salmon also acquainted the House that he was directed to ask, That the Committee may have leave to sit again.
 Resolved—That the House will, on Tuesday next, again resolve itself into the said Committee.
4. SUPPLY.—Mr. Salmon reported from the Committee of Supply a certain resolution, which was read, and is as follows :—
 Resolved—That a sum not exceeding Nine hundred and twenty-eight thousand three hundred and twenty-two pounds be granted to His Majesty for or towards defraying the services for the year ending 30th June, 1902.
 And the said resolution was adopted by the House.
5. WAYS AND MEANS.—The House, according to Order, resolved itself into the Committee of Ways and Means.
 Mr. Speaker resumed the Chair ; Mr. Salmon reported that the Committee had come to a certain resolution.
 On the motion of Sir George Turner the House ordered the Report to be considered this day.
 Mr. Salmon also acquainted the House that he was directed to ask, That the Committee may have leave to sit again.
 Resolved—That the House will, on Tuesday next, again resolve itself into the said Committee.
6. WAYS AND MEANS.—Mr. Salmon reported from the Committee of Ways and Means a certain resolution, which was read, and is as follows :—
 Resolved—That towards making good the Supply granted to His Majesty for the services of the year ending 30th June, 1902, the sum of Nine hundred and twenty-eight thousand three hundred and twenty-two pounds be granted out of the Consolidated Revenue Fund.
 And the said resolution was adopted by the House.
 Ordered—That Sir George Turner and Mr. Deakin do prepare and bring in a Bill to carry out the foregoing resolution.

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7. CONSOLIDATED REVENUE BILL (No. 4).—Sir George Turner then brought up a Bill intituled “*A Bill to grant and apply out of the Consolidated Revenue Fund the sum of Nine hundred and twenty-eight thousand three hundred and twenty-two pounds to the service of the year ending the thirtieth day of June One thousand nine hundred and two,*” and moved, That it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time.

Sir George Turner moved, That the Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

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

Mr. Speaker resumed the Chair; Mr. Salmon reported that the Committee had gone through the Bill and agreed to the same without amendment.

On the motion of Sir George Turner the House adopted the Report.

Bill read a third time.

8. MESSAGE FROM THE SENATE—POST AND TELEGRAPH BILL.—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 25.

The Senate returns to the House of Representatives the Bill intituled “*An Act relating to the Postal and Telegraphic Services of the Commonwealth,*” and acquaints the House of Representatives that the Senate has agreed to amendments Nos. 1, 3 to 5, 7, 9 to 12, 14, 15, 17, 18, 21 to 49, 51 to 57, 60, 61, 63 to 65, 67, 68, 70, 72 to 74, 76 to 86, 90 to 104 of the amendments made by the House of Representatives; has agreed to amendments Nos. 2, 8, 13, 16, 19, 20, 50, 66, 69, 71, and 75, with the amendments indicated by the annexed Schedule; and has disagreed to amendments Nos. 6, 58, 59, 62, and 87 to 89 for the reasons assigned herewith.

The Senate desires the concurrence of the House of Representatives in the amendments to the amendments of the House of Representatives, and desires its reconsideration of the Bill in respect of the amendments disagreed to.

R. C. BAKER,
President.

The Senate,
Melbourne, 11th October, 1901.

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

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

Mr. Speaker resumed the Chair; Mr. Salmon reported that the Committee had made progress, and that he was directed to ask, That the Committee may have leave to sit again.

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

9. PACIFIC ISLAND LABOURERS BILL.—The Order of the Day for the resumption of the debate on the question, That the Bill be now read a second time, having been read—

Debate resumed.

Mr. Higgins moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the resumption of the debate be made an Order of the Day for this day.

10. MESSAGE FROM THE SENATE—CONSOLIDATED REVENUE BILL (No. 4).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 26.

The Senate returns to the House of Representatives the Bill intituled “*An Act to grant and apply out of the Consolidated Revenue Fund the sum of Nine hundred and twenty-eight thousand three hundred and twenty-two pounds to the service of the year ending the thirtieth day of June One thousand nine hundred and two,*” to which it has agreed without amendment.

R. C. BAKER,
President.

The Senate,
Melbourne, 11th October, 1901.

11. POST AND TELEGRAPH BILL—SENATE'S MESSAGE, No. 25.—The Order of the Day for the further consideration in Committee of the whole House of the Senate's Message, No. 25, having been read—

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

Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had dealt with the amendments as follows:—

SCHEDULE OF THE AMENDMENTS OF THE HOUSE OF REPRESENTATIVES AGREED TO BY THE SENATE WITH AMENDMENTS—TO WHICH AMENDMENTS THE COMMITTEE OF THE WHOLE HAS AGREED.

In Amendment No. 2, viz. :—

No. 2.—Page 1, clause 1, lines 5 and 6, omit “first day of October, One thousand nine hundred and one.”

Insert in lieu of the words omitted “first day of December, One thousand nine hundred and one.”

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In Amendment No. 8, viz. :—

No. 8.—Page 4, clause 10, omit this clause and insert the following new clause :—

“9A. Every person taken into the employment of the Department as a telegraph messenger after the commencement of this Act shall immediately on attaining the age of seventeen years cease to be so employed.”

Future telegraph messengers to retire on attaining age of seventeen.

In line 3, omit “seventeen,” insert “eighteen.”

At end of clause add “but may if eligible be appointed to some other position in the Public Service.”

In Amendment No. 13, viz. :—

No. 13.—Page 8, clause 26, omit this clause, and insert the following new clause :—

“26A. (1) For the purposes of this Act a newspaper shall mean any publication known and recognised as a newspaper in the generally accepted sense of the word, and printed and published within the Commonwealth for sale, if—

Definition of newspaper and supplement.

- (a) it consists in substantial part of news and articles relating to current topics, or of religious technical or practical information ; and
- (b) it is published in numbers at intervals of not more than one month ; and
- (c) the full title and date of publication are printed at the top of the first page, and the whole or part of the title and the date of publication are printed at the top of every subsequent page.

(2) A publication printed on paper and issued as a supplement to a newspaper shall be deemed to be a supplement and to be part of the newspaper if—

- (a) it consists in substantial part of reading matter other than advertisements, or of engravings, prints, lithographs, or coloured supplements ; and
- (b) its letterpress other than any title or short description on any engraving print lithograph or coloured supplement or the title and date of the newspaper thereon is printed within the Commonwealth from type set up within the Commonwealth, or from stereotypes or electrotypes made therefrom ; and
- (c) it is enclosed in each posted copy of the newspaper with which it is issued ; and
- (d) it has the title of the newspaper with which it is issued printed on the top of each page of letterpress ; and
- (e) it is not of a size or form which makes it inconvenient for carriage or delivery by post.”

In sub-clause (2) omit paragraph (b).

In Amendment No. 50, viz. :—

No. 50.—Page 22, clause 78, line 9, after “railways” insert “and (b) the owners of any railway or tramway may maintain for the time and to the extent authorized by any State Act any telegraph lines which were erected before the commencement of this Act in pursuance of rights conferred by any State Act and which are required for the working of the railway or tramway.”

In line 3, omit “which were.”

In lines 3 and 4, omit “before the commencement of this Act.”

In line 4, after “State Act” insert “in force at the commencement of this Act.”

In Amendment No. 66, viz. :—

No. 66.—Page 25, after clause 88 insert the following new clause :—

“88A. (1) The Postmaster-General may after giving six months' notice resume any private telegraph or telephone line.

Resumption of private lines after notice.

(2) The compensation if the amount cannot be otherwise agreed upon shall be settled by arbitration.”

In line 1, after “may” insert “with the consent of the Parliament and.”

In Amendment No. 69, viz. :—

No. 69.—Page 25, clause 90, at end of clause add the following new sub-clause :—

“(1A) All telegraph lines erected or maintained by the Postmaster-General whether before or after the commencement of this Act, are hereby vested in the Postmaster-General.”

In line 1, after “erected” insert “acquired.”

In Amendment No. 71, viz. :—

No. 71.—Page 25, clause 92, line 25, omit “person employed in a telegraph office” and insert “postmaster.”

Omit “postmaster” insert “person employed under the authority of the Postmaster-General.”

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In Amendment No. 75, viz. :—

No. 75.—Page 27, clause 93, after paragraph (o) insert the following new paragraphs :—

“(o1) Voting by post at elections under the law of the Commonwealth or that of a State, but in the latter case only at the request of the Governor of the State and on such terms as the Governor-General prescribes.

“(o2) Providing for the payment by the receiver or by the Governor of any State instead of the sender of the rate payable on any postal article.”

In paragraph (o2), line 1, omit “by the receiver or.”

In paragraph (o2), line 2, after “State” insert “or by any person.”

SCHEDULE OF THE AMENDMENTS OF THE HOUSE OF REPRESENTATIVES AGREED TO BY THE SENATE WITH AMENDMENTS—TO WHICH AMENDMENTS THE COMMITTEE OF THE WHOLE HAS DISAGREED.

In Amendment No. 16, viz. :—

No. 16.—Page 9, clause 27, line 1, omit “seditious blasphemous.”

Omit “seditious.”

In Amendment No. 19, viz. :—

No. 19.—Page 9, clause 27, line 11, omit “containing seditious blasphemous,” and insert “if such issue contains.”

Omit “seditious.”

Transfer to stand before “seditious,” “if such issue contains.”

In Amendment No. 20, viz. :—

No. 20.—Page 9, clause 27, line 13, omit “seditious blasphemous.”

Omit “seditious.”

SCHEDULE OF THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES DISAGREED TO BY THE SENATE—ON WHICH THE COMMITTEE OF THE WHOLE INSISTS.

No. 6.—Page 2, clause 3, after line 18, insert “‘Indecent or obscene matter’ includes any drawing or picture or advertisement or any printed or written matter in the nature of an advertisement if it relates to venereal or contagious diseases affecting the generative organs or functions or to nervous debility or other complaint or infirmity arising from or relating to sexual impotence or intercourse or sexual abuse or to pregnancy or to any irregularity or obstruction of the female system or to the treatment of any complaint or condition peculiar to females or may reasonably be construed as relating to any illegal medical treatment or illegal operation.”

SCHEDULE OF THE AMENDMENTS OF THE HOUSE OF REPRESENTATIVES DISAGREED TO BY THE SENATE—ON WHICH THE COMMITTEE OF THE WHOLE DOES NOT INSIST.

No. 58.—Page 23, clause 83, line 26, omit “in or.”

No. 59.—Page 23, clause 83, line 26, omit “through.”

No. 62.—Page 23, clause 84, sub-clause (2), omit this sub-clause.

No. 87.—Page 37, clause 126, line 23, after “who” insert “unlawfully or maliciously.”

No. 88.—Page 37, clause 126, line 24, omit “unlawfully or maliciously.”

No. 89.—Page 37, clause 126, line 29, omit “unlawfully or maliciously.”

Reasons of the Senate for Disagreeing to certain Amendments of the House of Representatives.

As to Amendment No. 6 :—

Because the definition is not considered necessary.

As to Amendments Nos. 58 and 59 :—

Because the expense of working an underground system of telephonic communication will be greatly and unnecessarily increased if the Department is not permitted to carry wires through private buildings.

As to Amendment No. 62 :—

Because an aerial system of telephonic communication requires that power should be given to lop encroaching trees, and the Department should be indemnified for any reasonable action taken to insure the proper working of telephone lines.

As to Amendments Nos. 87, 88, and 89 :—

Because the importance of maintaining a telegraphic system inviolate is so great that no person interrupting communication by cutting or breaking wires or otherwise should be excused on the ground that he did not act unlawfully or maliciously.

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

Mr. Deakin moved, that Mr. Barton, Sir William Lyne, and the Mover be appointed a Committee to draw up a Reason for the House of Representatives not agreeing to the amendments made by the Senate on amendments Nos. 16, 19, and 20 of the House of Representatives.

Question—put and resolved in the affirmative.

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Mr. Deakin, on behalf of the Committee, brought up such Reason, which was read and is as follows :—

REASON OF THE HOUSE OF REPRESENTATIVES.

As to the Senate's amendments to amendments Nos. 16, 19, and 20.

Because of the difficulty of defining sedition.

Mr. Deakin moved, That the Committee's Reason be adopted.

Question—put and resolved in the affirmative.

12. ADJOURNMENT.—Mr. Barton moved, That the House do now adjourn.

Question—put and resolved in the affirmative.

And then the House, at seven minutes to four o'clock p.m., adjourned until Tuesday next at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present except—The Minister of Trade and Customs (the Right Honorable C. C. Kingston, P.C.), Mr. Batchelor, Sir Langdon Bonython, the Right Honorable Sir Edward Braddon, P.C., Messrs. Cameron, Clarke, Ewing, Glynn, Harper, Hughes, Kennedy, Manifold, McColl, Sir Malcolm McEacharn, Messrs. F. E. McLean, Phillips, Piesse, Sir John Quick, Messrs. Skene, Bruce Smith, V. L. Solomon, Spence, and Thomson.

C. GAVAN DUFFY,
Clerk of the House of Representatives.