

1901-2.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 208.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

WEDNESDAY, 3RD SEPTEMBER, 1902.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PRINTING COMMITTEE—REPORT FROM.—Sir John Quick, Chairman, brought up a Report from the Printing Committee (sitting in conference with the Printing Committee of the Senate), together with the Proceedings of the Committees, Minutes of Evidence, and Appendices.
The Report was read by the Clerk.
Ordered—That the Report, together with the Proceedings of the Committees, Minutes of Evidence, and Appendices be printed, and that the consideration of the Report be made an Order of the Day for to-morrow.
3. PAPERS.—Sir William Lyne presented, by command of His Excellency the Acting Governor-General—
Commonwealth Military Forces.—Alteration of Regulations respecting Appointments to First Commissions in the Royal Australian Artillery (Paragraph 2).
Ordered to lie on the Table.
The following Papers were presented, pursuant to the directions of several Acts of Parliament:—
By Mr. Deakin—
Post and Telegraph Act 1901.—New and Amended Regulations, dated 21st August, 1902.
By Mr. Kingston—
Customs Act 1901.—Drawback Regulations (Manufactures of Sugar).
Excise Act 1901 and Excise Tariff 1902.—New Sugar Regulations (Nos. 36 and 37).
The following Paper was laid upon the Table by the Clerk:—
Polling at First Federal Elections.—Return to an Order of the House dated 10th October, 1901.
4. MESSAGE FROM THE SENATE.—CUSTOMS TARIFF BILL.—Mr. Speaker announced the receipt of the following Message from the Senate:—
MR. SPEAKER, *Message No. 51.*
The Senate returns to the House of Representatives the Bill intituled "*A Bill for an Act relating to Duties of Customs,*" and acquaints the House of Representatives that the Senate has considered the Message of that House, dated 20th August, 1902, in reference to such Bill.
The Senate has agreed to the modifications made by the House of Representatives to Requests Nos. 6, 13, 18, 28, 57, 71, 75, and 79.
The Senate again requests the House of Representatives to make the amendments as originally requested by the Senate by their Requests Nos. 9 and 58.

The Senate does not request the House of Representatives to make the amendments originally requested by Requests Nos. 1, 2, 5, 10, 11, 12, 40, 51, 60, 61, 62, 63, 64, 72, 74, 80, 81, 82, 83, 84, 85, 88, 89 (as to part), and 92.

The Senate again requests the House of Representatives to make the amendments as requested by the Senate by Requests Nos. 4, 7, 8, 14, 15, 16, 20, 25, 29, 30, 37, 39, 41, 42, 43, 44, 45, 46, 58, 59, 66, 67, 86, and 90.

The Senate has modified Requests Nos. 26 and 36, and requests the House of Representatives to make the amendments as now modified.

The Senate has agreed to the modification as to the date from which the amendments made come into effect.

A Schedule is annexed hereto.

R. C. BAKER,
President.

The Senate,
Melbourne, 3rd September, 1902.

SCHEDULE.

NOTE.—Erased type denotes requested omissions, black type requested insertions.

1. *Modifications made by the House of Representatives in certain Requests of the Senate as to which the Senate again requests the House of Representatives to make the amendments as originally requested.*

	REQUESTS OF SENATE.	Modifications of the Senate's Requests made by the House of Representatives.
Request No. 9, p. 5— Item 15. * * * * * Paraffine Wax, Beeswax, and Japanese or Vegetable Wax; also Lard and Refined Animal Fats ... per lb.	Duty, $\frac{1}{4}$ d. ...	Duty made, $\frac{1}{2}$ d.
Request No. 38, p. 12— Item 77. Mangles, Clothes Wringers, and Washing Machines ... ad val.	Duty, 10 % ...	Duty made, 15 per cent.

2. *Requests again made by the Senate.*

Dutiable Goods.	Duties.	Special Exemptions.

DIVISION II.—NARCOTICS.

No. 4, p. 4— Item 5. Tobacco, viz.:— * * * * * Cigars, including the weight of bands and other attachments ... per lb.	7s.	
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DIVISION IV.—AGRICULTURAL PRODUCTS AND GROCERIES.

No. 7, p. 5— Item 10. Bacon and Hams, partly or wholly cured ... per lb.	2d.	
No. 8, p. 5— Item 14. Butter and Cheese per lb.	2d.	
No. 14, p. 6— Item 22. Grain and Pulse, n.e.i. per cental	1s. 6d.	Wheat
No. 15, p. 6— Item 23. Grain and Pulse prepared or manufactured, viz.:— * * * * * N.E.I. ... per cental.	1s. 6d.	
No. 16, p. 6— Item 24. Hay and Chaff ...	Free	
No. 20, p. 8— Item 46. Rice, viz.:— * * * * * N.E.I. ... per cental	5s.	

SCHEDULE—continued.

2. Requests again made by the Senate—continued.

Dutiable Goods.	Duties.	Special Exemptions.
DIVISION V.—APPAREL AND TEXTILES.		
No. 25, p. 9— Item 58. Apparel and Attire and Articles, n.e.i.— Woolen or Silk, or containing wool or silk, partly or wholly made up (not being piece goods), including articles cut into shape ad val.	20 %	
No. 29, p. 10— Item 63. Hats and Caps, viz.:— Men's, Women's, Boys,' and Children's felt hats ad val.	25 %	
No. 30, p. 10— Item 63. Hats and Caps, viz.:— * * * * * Hats and Caps, Sewn ... ad val.	25 %	
No. 37, p. 12— Item 71. Yarns, partly or wholly of Wool ad val.	5 %	
DIVISION VI.—METALS AND MACHINERY.		
No. 39, p. 13— Item 78. Manufactures of Metal, viz.:— Agricultural, Horticultural, and Viti-cultural Machinery and Implements, n.e.i., including Shares and Plough-Plates cut to shape, Horse Gears; and Roadmaking Ploughs, Scoops, Horse Road Rollers, and Machines ad val.	10 %	
No. 41, p. 15— Item 78. Manufactures of Metal, viz.:— * * * * * Engines, Gas and Oil, and High-speed Engines and Turbines, water and steam ad val.	10 %	
No. 42, p. 16— Item 78. Manufactures of Metal, viz.:— * * * * * Engines ad val.	10 %	
No. 43, p. 16— Item 78. Manufactures of Metal, viz.:— * * * * * Boilers, Pumps, Machines, and Machinery, n.e.i. ad val.	10 %	
No. 44, p. 18— Item 78. Manufactures of Metal, viz.:— * * * * * Mining Machinery, n.e.i. ... ad val.	10 %	
No. 45, p. 18— Item 78. Manufactures of Metal, viz.:— * * * * * Electrical Machinery ... ad val.	10 %	
No. 46, p. 18— Item 78. Manufactures of Metal, viz.:— * * * * * Electrical Appliances, n.e.i. ad val.	10 %	
No. 58, p. 19— Item 79. Rails, Fish Plates, Fish-bolts, Tie Plates, Switches, Points, Crossings, and Inter-sections for Railways and Tramways ... ad val.	10 %	
No. 59, p. 19— Item 80. Rolled Iron or Steel Beams, Channels, Joists, Girders, Columns, Trough and Bridge Iron or Steel, not drilled or further manufactured; Shafting, cold rolled, turned, or planished; also Bolts and Nuts ad val.	10 %	

SCHEDULE—continued.

2. Requests again made by the Senate—continued.

Dutiable Goods.	Duties.	Special Exemptions.
DIVISION VII.—OILS, PAINTS, AND VARNISHES.		
No. 66, p. 21— Item 84. Oils— * * * * * Solar Oil, Residual Oil, Naphtha, Benzine, Benzoline, Gasoline per gal.	½d. on and after 12th April, 1902	Solar Oil, Residual Oil
DIVISION VIII.—EARTHENWARE, CEMENT, CHINA, GLASS, AND STONE.		
No. 67, p. 22— Item 87. Cement (Portland), Plaster of Paris, and other like preparations having Magnesia or Sulphate of Lime as a basis, also Gypsum, not prepared per cwt.	6d.	
DIVISION XVI.—MISCELLANEOUS.		
No. 86, p. 31— Item 136. Explosives, viz.:— Ammunition and Cartridges, n.e.i. ad val.	10%	
No. 90, p. 31— Exemptions	Articles imported by and for the official use of the Governor - General or State Governors * * *

3. Requests as modified, and again made by the Senate.

Dutiable Goods.	Duties.	Special Exemptions.
No. 26, p. 9— Item 58. Apparel and Attire and Articles, n.e.i.— Not containing wool or silk, partly or wholly made up (not being piece goods), including articles cut into shape, and dressed feathers ad val.	30%	
No. 36, p. 11— Item 68. Socks and Stockings, Cotton ad val.	15%	

5. POINT OF ORDER.—SPEAKER'S RULING.—Mr. Mauger asked Mr. Speaker for a ruling as to whether the foregoing Message was in order, and could be received by the House.

Mr. Speaker said—Perceiving that a ruling might be sought from me on this point, I have carefully considered the questions arising, which are—

- (a) Whether the Message just read is one which we should receive; and
(b) Under what authority we may deal with the Message.

Our practice in matters relating to Money Bills is controlled by sections 53, 54, 55, and 56 of the Constitution, and by our Standing Orders, which may not conflict with the Constitution.

Under section 50 of the Constitution, "Each House of The Parliament may make rules and orders with respect to—

- (i.) The mode in which its powers, privileges, and immunities may be exercised and upheld;
(ii.) The order and conduct of its business and proceedings either separately or jointly with the other House."

No rules or orders have been made by this House either alone or jointly with the other branch of the Legislature with respect to the order and conduct of its business and proceedings in relation to Money Bills under discussion between the two Houses.

Under certain provisions of the Constitution, e.g., the first three sub-sections of section 53, the practice laid down is so clear that I should have, even in the absence of Standing Orders, no doubt as to how I should rule in any matter arising thereunder.

Under sub-section four of the same section, however, I find that the words "the Senate may at any stage," &c. are open to at least two interpretations, and that therefore it is necessary that the two Houses should jointly by majorities make rules or orders laying down the practice to be followed in all cases arising under the provisions of the Constitution herein.

As a majority of the House would have the power to make rules or orders, it appears to me to be my duty to give no ruling which would fetter a majority of the House on this occasion in determining for itself whether it will consider the Message, or what it will do in the matters with which it deals.

I therefore rule that the question of the receiving and consideration of the Message is one to be determined by the vote of the House.

As to the further point, I remind honorable Members of Standing Order No. 378, under which it is competent for the House, if it so pleases, to take a Message into consideration either at once or at a future time, and I rule that the Order gives all the necessary power to consider the Message, and to determine all the issues raised in it as a majority may desire.

6. CUSTOMS TARIFF BILL—MESSAGE FROM THE SENATE.—Mr. Deakin moved, That having regard to the fact that the public welfare demands the early enactment of a Federal Tariff, and pending the adoption of Joint Standing Orders, this House refrains from the determination of its constitutional rights or obligations in respect to this Message, and resolves to receive and consider it forthwith.

Debate ensued.

Question—put.

The House divided—

Ayes, 36.		Noes, 9.	
Mr. Batchelor,	Mr. McDonald,	Mr. Isaacs,	Mr. Wilkinson.
Sir Langdon	Sir William	Mr. McCay,	
Bonython,	McMillan,	Mr. Ronald,	<i>Tellers.</i>
Mr. Brown,	Mr. O'Malley,	Mr. Salmon,	Mr. Crouch,
Mr. Chanter,	Mr. Paterson,	Mr. Tudor,	Mr. Watson.
Mr. Conroy,	Mr. Phillips,	Mr. Watkins,	
Mr. Joseph Cook,	Mr. Poynton,		
Mr. Winter Cooke,	Sir John Quick,		
Mr. Deakin,	Mr. Sawers,		
Mr. G. B. Edwards,	Mr. Sydney Smith,		
Mr. R. Edwards,	Mr. E. Solomon,		
Mr. Fowler,	Mr. V. L. Solomon,		
Mr. Fuller,	Mr. Thomas,		
Mr. L. E. Groom,	Mr. Thomson,		
Mr. Hartnoll,	Sir George Turner,		
Mr. Kingston,	Mr. Wilks.		
Mr. Macdonald-			
Paterson,	<i>Tellers.</i>		
Mr. Mahon,	Mr. Clarke,		
Mr. Manifold,	Mr. Glynn.		
Mr. McColl,			

And so it was resolved in the affirmative.

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 made progress, and that he was directed to ask, That the Committee may have leave to sit again.

Resolved—That the House will, to-morrow, again resolve itself into the said Committee.

7. ADJOURNMENT.—Mr. Deakin moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the House, at nineteen minutes past eleven o'clock p.m., adjourned until to-morrow, at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present except—The Prime Minister* (the Right Honorable Sir Edmund Barton, P.C., G.C.M.G.), the Minister of Defence* (the Right Honorable Sir John Forrest, P.C., G.C.M.G.), the Right Honorable Sir Edward Braddon, P.C., K.C.M.G., Messrs. Cameron, Chapman,* Cruickshank,* Ewing, Fisher,* Harper,* Knox,* F. E. McLean, Page, the Right Honorable G. H. Reid, P.C., Messrs. Bruce Smith, and Willis.

* On leave.

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