

1903.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 76.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

TUESDAY, 20TH OCTOBER, 1903.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. RULES PUBLICATION BILL.—Mr. Deakin moved, by leave, That the Standing Orders be suspended so as to enable a Bill to be introduced and passed through all its stages without delay.
Question—put and resolved in the affirmative.
Mr. Deakin moved, That leave be given to bring in a Bill for an Act for the Publication of Statutory Rules.
Question—put and resolved in the affirmative.
Ordered—That Mr. Deakin do prepare and bring in the Bill.
Mr. Deakin then brought up a Bill intituled "*A Bill for an Act for the Publication of Statutory Rules,*" and moved, That it be now read a first time.
Question—put and resolved in the affirmative.—Bill read a first time.
Ordered—That the second reading be made an Order of the Day for a later hour this day.

3. MESSAGE FROM THE SENATE.—DEFENCE BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

Message No. 33.

MR. SPEAKER,

The Senate returns to the House of Representatives the Bill for "*An Act to provide for the Naval and Military Defence and Protection of the Commonwealth and the several States,*" and acquaints the House of Representatives that the Senate agrees to the amendments of the House of Representatives on amendment No. 15 of the Senate, and in clause 55, and does not insist on amendments Nos. 12, 22, 23, 61, and 62 disagreed to by the House of Representatives.

R. C. BAKER,
President.The Senate,
Melbourne, 16th October, 1903.

4. MESSAGE FROM THE SENATE.—PUBLIC SERVICE AMENDMENT BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

Message No. 36.

MR. SPEAKER,

The Senate returns to the House of Representatives the Bill for "*An Act to amend the Commonwealth Public Service Act 1902,*" to which it has agreed without amendment.

R. C. BAKER,
President.The Senate,
Melbourne, 16th October, 1903.

20th October, 1903.

5. MESSAGE FROM THE SENATE.—PATENTS BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

Message No. 35.

MR. SPEAKER,

The Senate returns to the House of Representatives the Bill for "*An Act relating to Patents of Inventions*," and acquaints the House that the Senate has agreed to the amendments made by the House of Representatives, with the exception of Nos. 19, 56, and 79, to which it has disagreed for the reasons set forth in the annexed schedule.

The Senate desires the reconsideration of the Bill in respect to the amendments disagreed to.

R. C. BAKER,
President.

The Senate,
Melbourne, 16th October, 1903.

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES IN THE PATENTS BILL, TO WHICH THE SENATE HAS DISAGREED.

No. 19.—Page 6, after clause 28, insert the following new clause :—

"28A. Applications for patents may be lodged at the Patent Office immediately after the Commissioner is appointed, notwithstanding that this Act has not then commenced, and all applications so lodged shall have priority according to the time when they were so lodged, and the lodging of an application under this section shall have the like effect as the lodging of an application after the commencement of this Act, but any patent granted pursuant to the application shall be dated as of the day of the commencement of this Act. Until forms are prescribed applications shall be in such form as the Commissioner directs.

Lodging of applications before commencement of Act.

Applications made under a State Patent Act may be lodged as prescribed before the commencement of this Act as applications under this Act."

No. 56.—Page 16, before clause 83, insert the following new clauses :—

"82A. Every patent shall be granted subject to the following conditions :—

Working of patents.

"(a) That if the patented article is reasonably capable of being commercially constructed or manufactured or the invention patented is reasonably capable of being commercially worked in Australia the patentee or some person authorized by him shall within five years after the date thereof commence and after such commencement continuously carry on in Australia the construction or manufacture of the patented article or the working of the invention patented in such a manner that any person may obtain the patented article or the use of the invention at a reasonable price; and

"(b) That if the patented article is reasonably capable of being commercially constructed or manufactured in Australia the patentee shall not after four years from the date of the patent import it or cause it to be imported into Australia.

"82B. No proceedings shall be instituted for the revocation of a patent for any breach of the provisions of the preceding section except in the High Court and by the Attorney-General, and then only in case the Attorney-General is satisfied that the breach is injurious to the trade or manufactures of the Commonwealth."

Proceedings for breach of working conditions.

No. 79.—Page 25, First Schedule, after paragraph (2) insert the following new paragraph :—

"(3) That if the patented article is reasonably capable of being commercially constructed or manufactured or the invention patented is reasonably capable of being commercially worked in Australia the patentee or some person authorized by him shall within five years after the date of these letters patent commence and after such commencement continuously carry on in Australia the construction or manufacture of the patented article or the working of the invention patented in such a manner that any person may obtain the patented article or the use of the invention at a reasonable price and that if the patented article is reasonably capable of being commercially constructed or manufactured in Australia the patentee shall not after four years from the date of these letters patent import the patented article or cause it to be imported into Australia, and that in the event of any breach of this condition this grant may be revoked by the High Court on the application of the Attorney-General."

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

As to No. 19.—Because it is undesirable that the appointment of the Commissioner should, except for a short interval, precede the Proclamation of the Act, and that the clause would tend to conflict with the States' Patent Acts, and would confer no substantial benefits on applicants.

As to No. 56.—Because the desirability, if any, of the clause is obviated by the succeeding clause No. 83.

As to No. 79.—Because it is consequential on No. 56.

E. G. BLACKMORE,

Clerk of the Parliaments.

16th October, 1903.

20th October, 1903.

Ordered—That the consideration of the foregoing Message in Committee of the whole House be made an Order of the Day for this day before Government Business, Order of the Day No. 1.

6. MESSAGE FROM THE SENATE.—SEAT OF GOVERNMENT BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

Message No. 32.

MR. SPEAKER,

The Senate has agreed to the Bill returned herewith intituled "*A Bill for an Act to determine the Seat of Government of the Commonwealth,*" with the amendments indicated by the annexed Schedule, to which amendments the Senate desires the concurrence of the House of Representatives.

R. C. BAKER,
President.

The Senate,
Melbourne, 16th October, 1903.

Ordered—That the consideration of the foregoing Message in Committee of the whole House be made an Order of the Day for this day, after the consideration of the last Message.

7. MESSAGE FROM THE SENATE.—APPROPRIATION BILL, 1903-4.—Mr. Speaker announced the receipt of the following Message from the Senate :—

Message No. 34.

MR. SPEAKER,

The Senate returns to the House of Representatives the Bill intituled "*A Bill for an Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the thirtieth day of June One thousand nine hundred and four, and to appropriate the Supplies granted or such year in this Session of the Parliament,*" and acquaints the House of Representatives that the Senate has considered the Message of that House, dated 14th October, 1903, in reference to such Bill, and has resolved to press its Requests Nos. 1, 2, 3, and 4, as originally requested.

R. C. BAKER,
President.

The Senate,
Melbourne, 16th October, 1903.

Ordered—That the consideration of the foregoing Message in Committee of the whole House be made an Order of the Day for to-morrow.

8. PATENTS BILL.—SENATE'S MESSAGE NO. 35.—The Order of the Day for the consideration in Committee of the whole House of the Senate's Message No. 35 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 :—

Amendments of the House of Representatives Nos. 56 and 79, disagreed to by the Senate, not insisted on by the Committee of the Whole.

Amendment of the House of Representatives No. 19, disagreed to by the Senate, insisted on by the Committee of the Whole, but the following amendment made in the proposed new clause, viz.:—Line 4, omit "according to the time when they were so lodged;" insert "as prescribed."

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

9. PAPER.—Sir John Forrest presented, pursuant to the direction of an Act of Parliament—

Commonwealth Electoral Act 1902—Regulations (dated 19th October, 1903).

10. RULES PUBLICATION BILL.—The Order of the Day for the second reading of this Bill (read a first time this day) having been read—

Mr. Deakin 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. Chanter reported that the Committee had gone through the Bill and agreed to the same with amendments.

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

Mr. Deakin moved, That the Bill be now read a third time.

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

11. SEAT OF GOVERNMENT BILL.—SENATE'S MESSAGE NO. 32.—The Order of the Day for the consideration in Committee of the whole House of the Senate's Message No. 32 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 :—

AMENDMENTS MADE BY THE SENATE.

No. 1.—Page 1, clause 2, line 9, leave out "Tumut," insert "Bombala."
No. 2.—Page 1, clause 2, after "miles," line 12, leave out remainder of clause.

20th October, 1903.

The Committee have disagreed to the amendments but have amended the words proposed to be omitted by amendment No. 2, by altering the word "shall," in line 12 of the Bill, to "should."

Sir William Lyne moved, That the Report be now adopted.

Debate ensued.

Question—put and resolved in the affirmative.

Mr. Deakin moved, That Mr. Isaacs, Mr. Watson, and the Mover be appointed a Committee to draw up Reasons for the House of Representatives disagreeing to the Amendments of the Senate.

Question—put and resolved in the affirmative.

Mr. Deakin, on behalf of the Committee, brought up such Reasons which were read, and are as follow :—

Reasons for the House of Representatives disagreeing to the Amendments of the Senate.—

As to Amendment No. 1—

Because the House is of opinion that Tumut is the more suitable locality.

As to Amendment No. 2—

Because the House considers it most desirable (1) that the Federal territory should have important river frontages, and (2) that the choice of the actual site should be fixed within a reasonable area and at an altitude to insure favorable conditions.

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

Question—put and resolved in the affirmative.

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

Debate ensued.

Question—put and resolved in the affirmative.

And then the House, at twenty-eight 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—Mr. Bamford, Mr. Batchelor, Sir Edward Braddon, Mr. Cameron, Mr. Ewing, Mr. Hartnoll, Mr. Hughes, Mr. Manifold, Mr. F. E. McLean, Sir William McMillan, Mr. Page, Mr. Paterson, Mr. Reid, Mr. Bruce Smith, Mr. V. L. Solomon, Mr. Thomas, and Mr. Watkins.

C. GAVAN DUFFY,

Clerk of the House of Representatives.