

1905.

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## THE PARLIAMENT OF THE COMMONWEALTH.

No. 89.

## VOTES AND PROCEEDINGS

OF THE

## HOUSE OF REPRESENTATIVES.

TUESDAY, 19TH DECEMBER, 1905.

1. The House met pursuant to adjournment—Mr. Speaker took the Chair, and read Prayers.
2. PAPERS.—Mr. Deakin presented, by command of His Excellency the Governor-General—  
Immigration—Memorandum (dated 10th November, 1905) by the Agents-General, prepared at the request of the Prime Minister of the Commonwealth.  
Ordered to lie on the Table, and to be printed.  
Mr. Deakin presented, by command of His Excellency the Governor-General—  
Copy of Mail Contract between Messrs. Burns, Philp, and Company Limited and the Commonwealth of Australia for the carriage of mails between Sydney and the New Hebrides, &c.  
Ordered to lie on the Table.
3. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 1 be postponed until after the consideration of Order of the Day No. 2.
4. SUGAR BOUNTY BILL (1905).—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the amendments made by the Senate in this Bill—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 agreed to the amendments made by the Senate, which are as follow:—

## SCHEDULE OF AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 1, clause 2, line 6, leave out "Black" insert "Coloured"
- No. 2.—Page 1, clause 2, line 10, after "employed" insert "(a)"
- No. 3.—Page 1, clause 2, line 11, after "or" insert "(b)"
- No. 4.—Page 1, clause 2, lines 13-15, leave out "(in respect of the cane crop which will be cut in the year 1906) from the commencement of this Act to the delivery of the cane crop for manufacture" insert "(c) in the case of cane cut in the year One thousand nine hundred and six, after the expiration of one month after the commencement of this Act."
- No. 5.—Page 2, clause 3, line 3, leave out "twelve" insert "thirteen"
- No. 6.—Page 2, clause 5, line 11, leave out "black" insert "coloured"
- No. 7.—Page 2, clause 5, line 13, leave out "black" insert "coloured"
- No. 8.—Page 2, clause 6, line 22, after "the" (second occurring) insert "actual"
- No. 9.—Page 2, clause 6, at end of clause add—  
"Provided that the rates payable on all such cane or beet delivered during the years 1911 and 1912 shall be respectively two-thirds and one-third of the aforesaid rates."

No. 10.—Page 2, after clause 8 insert the following new clause:—

8A. Every grower of white-grown sugar who claims the bounty payable under this Act shall, in making such claim, certify to the Minister the rate of wages paid to any labour employed by him, other than the labour of members of his family. If the Minister finds that such rate of wages is below the standard rate, paid in the district in which the sugar is grown, to similar white labour engaged in that industry; then the Minister may withhold the whole or any part of the bounty payable.

On the motion of Sir William Lyne the House adopted the Report.

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5. SEAT OF GOVERNMENT BILL (1905).—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—  
Debate resumed.  
Sir William Lyne 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 at a later hour.

6. MESSAGE FROM THE SENATE.—EXCISE [SUGAR] TARIFF BILL (1905).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 33.

The Senate returns to the House of Representatives the Bill for “ *An Act to amend the ‘ Excise Tariff 1902,’* ” and requests the House to amend the Bill as set forth in the annexed Schedule.

W. G. HIGGS,  
Deputy-President.

The Senate,

Melbourne, 19th December, 1905.

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. Wilks reported that the Committee had agreed that the amendment requested by the Senate be made, with a modification, viz. :—

SCHEDULE OF THE REQUEST BY THE SENATE FOR AN AMENDMENT TO BE MADE IN THE EXCISE TARIFF BILL 1905.

Page 1, clause 2, after “ Commonwealth,” in line 7 of the clause, insert “ until the first day of January One thousand nine hundred and thirteen ”

Modification of the requested amendment :—

At the end of clause 2 add—

“ Provided further that the duty of excise payable on sugar produced from cane delivered for manufacture in the years One thousand nine hundred and eleven and One thousand nine hundred and twelve shall be respectively two-thirds and one-third of the aforesaid rate.”

On the motion of Sir William Lyne the House adopted the Report.

Ordered—That the Bill be returned to the Senate accordingly.

7. SEAT OF GOVERNMENT BILL.—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—  
Debate resumed.  
Debate interrupted on receipt of the following Message from the Senate :—

8. MESSAGE FROM THE SENATE.—ELECTORAL BILL (1905).—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 34.

The Senate returns to the House of Representatives the Bill intituled “ *A Bill for an Act to amend the Law relating to Parliamentary Elections,* ” and acquaints the House that the Senate has agreed to the amendments made by the House of Representatives therein, with the exception of amendments Nos. 9, 26, 27, and 28, to which the Senate has disagreed for the reasons set forth in the annexed Schedule, and amendments Nos. 40 and 42, to which the Senate has agreed with the amendments indicated in the annexed Schedule.

The Senate desires the concurrence of the House of Representatives in the amendments to amendments Nos. 40 and 42, and its reconsideration of the Bill in respect to the amendments disagreed to.

R. C. BAKER,  
President.

The Senate,

Melbourne, 19th December, 1905.

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 resolved that the amendments disagreed to by the Senate be not insisted on, and that the amendments made by the Senate to amendments Nos. 40 and 42 be agreed to.

And the said amendments were read, and are as follow :—

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

No. 9.—Page 4, clause 14, after paragraph (b) insert new paragraph :—

(bb) appoint such polling-places for a Division outside the Division, but not more than ten miles from its boundary, as he thinks necessary ;

No. 26.—Page 9, clause 28, line 47, omit “ or persons in charge of Post-offices”, insert “ who are permanent officers in the Public Service of the Commonwealth ”

No. 27.—Page 9, clause 28, line 49, omit “ all Justices of the Peace ; ”

No. 28.—Page 10, clause 28, lines 5–6, omit “ all legally qualified medical practitioners ; ”

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

As to amendment No. 9 :—

Because the power to appoint outside polling-places is contained in clause 25 (b) of the Bill.

As to amendments Nos. 26, 27, and 28 :—

Because it is undesirable to curtail the facilities for voting by post.

## SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES TO WHICH THE SENATE HAS AGREED WITH AMENDMENTS.

No. 40.—Page 14, after clause 50 insert new clauses :—

50A. After section two hundred and two of the Principal Act the following sections are inserted :—

“ 202A.—(1.) No party to the petition shall, except by consent Counsel or solicitor. of all parties, be represented by counsel or solicitor.

(2.) In no case shall more than one counsel or one solicitor appear on behalf of any party.

202B. The Court may award costs against an unsuccessful Costs. party to the petition.

Provided that the amount of costs to be paid by any party shall in no case exceed the sum of One hundred pounds.”

50B. Section two hundred and six of the Principal Act is amended by omitting the words “ or until the High Court is established, the Governor-General ”. Power to make rules of Court.

Amendment to insert new clauses agreed to with the following amendment in sub-clause 202A, viz. :—

In line 2, after “ parties ” insert “ or by leave of the Court ”

No. 42.—Page 15, at end of clause 51 add—

206B.—(1.) Any person who having announced himself within Gifts by candidate. three months before the day of election as a candidate for election to the Parliament, shall before the poll for the election is closed offer promise or give directly or indirectly to or for any club or other association, any gift, donation or prize, shall be guilty of an offence against this section. Penalty : Five pounds in addition to any other penalty provided by law.

(2.) No proceedings shall be taken for a contravention of this section except within three months after the act complained of.

206c.—(1.) Any person who makes or publishes any false and Defamation of candidate. defamatory statement in relation to the personal character or conduct of a candidate shall be guilty of an offence against this Act, and shall be liable on conviction to a penalty of One hundred pounds or six months' imprisonment.

Provided always that it shall be a defence to a prosecution for an offence against this sub-section if the defendant proves that he had reasonable ground for believing and did in fact believe the statement made or published by him to be true.

(2.) Any person who makes a false and defamatory statement in relation to the personal character or conduct of a candidate in contravention of this section may be restrained by injunction at the suit of the candidate aggrieved, from repeating the statement or any similar false and defamatory statement.

206d. Telegrams relating to elections and containing only the Rates of telegrams. names of divisions, names of candidates, and the numbers of votes polled for each candidate, and lodged for transmission on the day of or before noon on the day after the day of election may, subject to regulations, be transmitted on payment of the rates prescribed in the Second Part of the Second Schedule to the *Post and Telegraph Rates Act 1902.*”

After section two hundred and seven of the Principal Act the following section is inserted :—

“ 207A. Any candidate duly nominated for election as a Senator Rate for posting election addresses. or a Member of the House of Representatives shall, subject to regulations and to the payment of the charges prescribed in the First Schedule to the *Post and Telegraph Rates Act 1902*, be entitled to transmit through the post one copy of an election address or manifesto relating to such candidature, to each elector whose name appears on the roll for the State or Division, as the case may be, for which the candidate is nominated.”

Amendment agreed to, with the following amendment, viz. :—

Leave out—

“ After section two hundred and seven of the Principal Act the following section is inserted :—

“ 207A. Any candidate duly nominated for election as a Rate for posting election addresses. Senator or a Member of the House of Representatives shall, subject to regulations and to the payment of the charges prescribed in the First Schedule to the *Post and Telegraph Rates Act 1902*, be entitled to transmit through the post one copy of an election address or manifesto relating to such candidature, to each elector whose name appears on the roll for the State or Division, as the case may be, for which the candidate is nominated.”

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

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9. SEAT OF GOVERNMENT BILL (1905).—Debate interrupted on the question, That the Bill be now read a second time, resumed.  
Mr. McCay 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 the next day of sitting
10. POSTPONEMENT OF ORDER OF THE DAY.—Ordered—That the consideration of Order of the Day, Government Business, No. 3 be postponed until after the consideration of Order of the Day No. 4.
11. PRICE AND BAYLY COMPENSATION BILL.—The Order of the Day having been read for the second reading of this Bill—Mr. Ewing moved, That the Bill be now read a second time.  
Debate ensued.  
Question—put.  
The House divided—

Ayes, 22.		Noes, 6.	Tellers.
Mr. Bamford,	Sir William Lyne,	Mr. Fisher,	
Mr. Chapman,	Mr. McColl,	Mr. Kennedy,	Mr. Carpenter,
Mr. Crouch,	Mr. O'Malley,	Mr. Mahon,	Mr. Tudor.
Mr. Deakin,	Mr. Ronald,	Mr. Maloney.	
Mr. Ewing,	Mr. Salmon,		
Sir John Forrest,	Mr. Bruce Smith,		
Mr. Gibb,	Mr. Wilkinson,		
Mr. Groom,	Mr. Wilson.		
Mr. Higgins,			
Mr. Isaacs,	Tellers.		
Mr. Knox,	Mr. Hume Cook,		
Mr. Liddell,	Mr. Kelly.		

And so it was 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 on six occasions resumed the Chair, attention having been called in Committee to the absence of a quorum, and a quorum of Members having been obtained on each occasion, the House again resolved itself into the Committee.

Mr. Speaker again resumed the Chair; Mr. Salmon reported that the Committee had made progress in the Bill, 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.

12. MESSAGE FROM THE SENATE.—EXCISE [SUGAR] TARIFF BILL (1905).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 36.

The Senate returns to the House of Representatives the Bill for "*An Act to amend the Excise Tariff 1902,*" and acquaints the House that the Senate has agreed to the modification made by the House in the requested amendment in clause 2, and has agreed to the Bill.

The Senate,

Melbourne, 19th December, 1905.

R. C. BAKER,  
President.

13. MESSAGE FROM THE SENATE.—SUPPLEMENTARY APPROPRIATION BILL, 1903-4 AND 1904-5.—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 35.

The Senate returns to the House of Representatives the Bill for "*An Act to appropriate further sums for the service of the years ended the thirtieth day of June One thousand nine hundred and four and the thirtieth day of June One thousand nine hundred and five,*" to which it has agreed without requests.

The Senate,

Melbourne, 19th December, 1905.

R. C. BAKER,  
President.

14. HOUSE COMMITTEE—JOINT REPORT.—Mr. Deakin presented a Report from the Joint House Committee as to the working of the Refreshment Rooms.

Ordered to lie on the Table, and to be printed.

15. ALTERATION OF DAY AND TIME OF NEXT MEETING.—Mr. Deakin moved, That the House, at its rising, adjourn until Thursday next, at a quarter to three o'clock p.m.  
Question—put and resolved in the affirmative.

16. PATENTS BILL (1905).—The Order of the Day having been read for the further consideration of this Bill 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 in the Bill, 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.

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17. MESSAGE FROM THE SENATE.—SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4 AND 1904-5.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 37.

The Senate returns to the House of Representatives the Bill for "*An Act to appropriate further sums for the service of the years ended the thirtieth day of June One thousand nine hundred and four and the thirtieth day of June One thousand nine hundred and five, for purposes of Additions, New Works, Buildings, &c.*," to which it has agreed without amendment.

R. C. BAKER,  
President.

The Senate,  
Melbourne, 19th December, 1905.

18. PAPER.—Mr. Deakin presented, by command of His Excellency the Governor-General—  
British New Guinea—Report on, for year ending 30th June, 1905.

Ordered to lie on the Table, and to be printed.

19. PRICE AND BAYLY COMPENSATION BILL.—The Order of the Day having been read for the further consideration of this Bill 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 a quorum of Members was not present in the Committee; whereupon Mr. Speaker counted the House, and a quorum of Members having been obtained, the House again resolved itself into the Committee.

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

Resolved—That the House will, on Thursday next, again resolve itself into the said Committee.

20. 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 minutes past eleven o'clock p.m., adjourned until Thursday next at a quarter to three o'clock p.m.

MEMBERS PRESENT.—All Members were present except—Sir Langdon Bonython, Mr. Cameron, Mr. Culpin, Mr. G. B. Edwards, Mr. R. Edwards, Mr. Fowler, Mr. Frazer, Sir Philip Fysh, Mr. Glynn, Mr. Hughes, Mr. Hutchison, Mr. Kingston, Mr. Lee, Mr. McDonald, Mr. McWilliams, Mr. Page, Mr. Phillips, Mr. Poynton, Sir John Quick, Mr. Storrer, Mr. Thomas, Mr. David Thomson, and Mr. Willis.

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