

1907-8.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

No. 19.

WEEKLY REPORT OF DIVISIONS IN COMMITTEE.

WEEK ENDED 20TH MARCH, 1908.

WEDNESDAY, 18TH MARCH, 1908.

No. 229.—*Australian Industries Preservation Bill*.—Clause 4—

4. Part II. of the Principal Act is amended by inserting therein after section fifteen the following sections :—

“ 15A. In any prosecution for an offence against sections four, five, seven, eight, or nine of this Act the averments of the prosecutor contained in the information declaration or claim shall be deemed to be \wedge proved in the absence of proof to the contrary, but so that—

(a) the averment in the information of intent shall not be deemed sufficient to prove such intent, and

(b) in all proceedings for an indictable offence the guilt of the defendant must be established by evidence.

* * * * *

—(*The Attorney-General.*)

Amendment proposed—That the words “*prima facie* evidence of the statements therein contained” be inserted after the words “to be” in line 5 of the clause.

—(*Mr. Fuller.*)

Question—That the words proposed to be inserted be so inserted—put.
The Committee divided—

Ayes, 16.

Noes, 27.

Mr. Archer	Mr. Hedges
Mr. Atkinson	Mr. Knox
Mr. Bowden	Mr. Palmer
Mr. Joseph Cook	Mr. Dugald Thomson
Mr. Fairbairn	Mr. Wilson
Sir John Forrest	
Colonel Foxton	<i>Tellers.</i>
Mr. Fuller	Mr. Johnson
Mr. Glynn	Mr. Kelly

Mr. Bamford	Mr. Maloney
Mr. Batchelor	Mr. Mathews
Mr. Carr	Mr. Mauger
Mr. Chanter	Mr. Poynton
Mr. Chapman	Sir John Quick
Mr. Hume Cook	Mr. Storrer
Mr. Coon	Mr. Thomas
Mr. Deakin	Mr. Watkins
Mr. Ewing	Mr. Watson
Mr. Fisher	Mr. Webster
Mr. Frazer	
Mr. Groom	
Mr. Hall	<i>Tellers.</i>
Mr. Hutchison	Mr. McDougall
Mr. W. H. Irvine	Mr. Tudor

And so it passed in the negative.

No. 230.—*Australian Industries Preservation Bill (continued)*—Clause 4 (continued) (as amended)—

4. Part II. of the Principal Act is amended by inserting therein after section fifteen the following sections:—

* * * * *

“15B. (1) If the Comptroller-General believes, Whenever a complaint is made in writing to the Comptroller-General that an offence has been committed against this Part of this Act, he, the Comptroller-General, if he believes that the offence has been committed, may by [writing under his hand require] any person whom he believes to be capable of giving any information in relation to the alleged offence to answer questions and to produce documents to him or to some person named by him.

* * * * *
—(The Attorney-General.)

Further amendment proposed—That the words “writing under his hand require” be omitted from the clause.

—(Mr. Joseph Cook.)

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided—

Ayes, 22.		Noes, 16.	
Mr. Bamford	Mr. McDougall	Mr. Bowden	Mr. Knox
Mr. Carr	Mr. O'Malley	Mr. Joseph Cook	Mr. McWilliams
Mr. Chapman	Mr. Storrer	Mr. Fairbairn	Mr. Page
Mr. Hume Cook	Mr. Thomas	Sir John Forrest	Mr. Palmer
Mr. Deakin	Mr. Tudor	Colonel Foxton	Mr. Dugald Thomson
Mr. Ewing	Mr. Watkins	Mr. Hedges	
Mr. Fisher	Mr. Webster	Mr. W. H. Irvine	<i>Tellers.</i>
Mr. Frazer	Mr. Wise	Mr. Johnson	Mr. Archer
Mr. Groom		Mr. Kelly	Mr. Atkinson
Mr. Hall	<i>Tellers.</i>		
Mr. Mathews	Mr. Chanter		
Mr. Mauger	Mr. Wilks		

And so it was resolved in the affirmative.

No. 231.—*Australian Industries Preservation Bill (continued)*—Clause 4 (continued) (as amended)—

4. Part II. of the Principal Act is amended by inserting therein after section fifteen the following sections:—

* * * * *

“15B. (1) If the Comptroller-General believes Whenever a complaint is made in writing to the Comptroller-General that an offence has been committed against this Part of this Act, he, the Comptroller-General, if he believes that the offence has been committed, may by writing under his hand require any person whom he believes to be capable of giving any information in relation to the alleged offence to answer questions and to produce documents to him or to some person named by him in relation to the alleged offence. A

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—(The Attorney-General.)

Further amendment proposed—That the following words be added to the paragraph (as amended):—

“Provided that, in the case of any person whom the Comptroller-General believes to be a party to the offence, he shall by summons on affidavit apply to a Judge of the High Court or to a Judge of the Supreme Court of a State for an order to compel the said person to answer interrogatories and to make discovery of documents in relation to such alleged offence according to the practice of such Court in relation to civil proceedings.”

—(Mr. Kelly.)

Question—That the words proposed to be added be so added—put.

The Committee divided—

Ayes, 13.		Noes, 20.	
Mr. Archer	Mr. Dugald Thomson	Mr. Bamford	Mr. Mathews
Mr. Bowden	Mr. Wilson	Mr. Carr	Mr. Mauger
Mr. Joseph Cook	Mr. Wynne	Mr. Chanter	Mr. McDougall
Sir John Forrest		Mr. Chapman	Mr. Storrer
Colonel Foxton		Mr. Hume Cook	Mr. Watkins
Mr. W. H. Irvine	<i>Tellers.</i>	Mr. Deakin	Mr. Webster
Mr. Johnson	Mr. Atkinson	Mr. Ewing	Mr. Wilks
Mr. McWilliams	Mr. Kelly	Mr. Fisher	
		Mr. Groom	<i>Tellers.</i>
		Mr. Hall	Mr. Maloney
		Mr. Hutchison	Mr. Tudor

And so it passed in the negative.

No. 232.—*Australian Industries Preservation Bill (continued)*—Clause 4 (*continued*) (*as amended*)—

4. Part II. of the Principal Act is amended by inserting therein after section fifteen the following sections:—

“15B. * * * * *

(2) No person shall refuse or fail to answer questions or produce documents when required to do so in pursuance of this section.

Penalty: [Fifty pounds].

* * * * *

—(*The Attorney-General.*)

Further amendment proposed—That the words “Fifty pounds” be omitted from the clause with a view to the insertion of the words “One month’s imprisonment” in place thereof.

—(*Mr. McDougall.*)

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided—

Ayes, 21.

Noes, 10.

Mr. Atkinson	Mr. Mathews	Mr. Archer	Mr. Webster
Mr. Carr	Mr. Mauger	Mr. Joseph Cook	Mr. Wilks
Mr. Chapman	Sir John Quick	Colonel Foxton	
Mr. Hume Cook	Mr. Salmon	Mr. Johnson	<i>Tellers.</i>
Mr. Ewing	Mr. Dugald Thomson	Mr. McDougall	Mr. Bowden
Mr. Fisher	Mr. Tudor	Mr. McWilliams	Mr. Kelly
Sir John Forrest	Mr. Watkins		
Mr. Groom			
Mr. Hall			
Mr. Hutchison	<i>Tellers.</i>		
Mr. W. H. Irvine	Mr. Chanter		
Mr. Maloney	Mr. Storrer		

And so it was resolved in the affirmative.