

1907.  
(2ND SESSION.)

# THE PARLIAMENT OF THE COMMONWEALTH.

No. 1.

## VOTES AND PROCEEDINGS

OF THE

## HOUSE OF REPRESENTATIVES.

SECOND SESSION OF THE THIRD PARLIAMENT.

WEDNESDAY, 3RD JULY, 1907.

1. The House of Representatives met pursuant to Proclamation of His Excellency the Governor-General, bearing date the eighteenth day of May, 1907, which Proclamation was read at the Table by the Clerk, as follows :—

### PROCLAMATION

Commonwealth of  
Australia to wit.

NORTHCOTE,  
Governor-General.

By His Excellency the Right Honorable HENRY STAFFORD, BARON NORTHCOTE, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Commander of the Most Eminent Order of the Indian Empire, Companion of the Most Honorable Order of the Bath, Governor-General and Commander-in-Chief of the Commonwealth of Australia.

WHEREAS by the Commonwealth of Australia Constitution Act it is amongst other things enacted that the Governor-General may appoint such time for holding the Sessions of the Parliament as he thinks fit, and also from time to time by Proclamation or otherwise prorogue the Parliament: AND whereas on the fifth day of April, One thousand nine hundred and seven, the Parliament was further prorogued until Wednesday, the twelfth day of June, One thousand nine hundred and seven, and it is expedient to further prorogue the said Parliament: Now, therefore, I, HENRY STAFFORD, BARON NORTHCOTE, the Governor-General aforesaid, in exercise of the power conferred by the said Act, do by this my Proclamation further prorogue the said Parliament until Wednesday, the third day of July, One thousand nine hundred and seven, and I do appoint the said Wednesday, the third day of July, One thousand nine hundred and seven, as the day for the said Parliament to assemble and be holden for the despatch of business. And all Members of the Senate and of the House of Representatives respectively are hereby required to give their attendance accordingly, in the Building known as the Houses of Parliament, situate in Spring-street, in the City of Melbourne, at half-past Two in the afternoon, on the said Wednesday the third day of July, One thousand nine hundred and seven.

Given under my Hand and the Seal of the Commonwealth of Australia aforesaid, this eighteenth day of May, in the year of our Lord One thousand nine hundred and seven, and in the seventh year of His Majesty's reign.

By His Excellency's Command,

(SEAL OF THE COMMONWEALTH  
OF AUSTRALIA)

JOHN FORREST.

GOD SAVE THE KING!

2. Mr. Speaker read Prayers.

3rd July, 1907.

3. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR-GENERAL BY THE USHER OF THE SENATE.—The following Message was delivered by the Usher of the Senate :—

MR. SPEAKER,

His Excellency the Governor-General desires the attendance of this honorable House in the Senate Chamber forthwith.

Accordingly Mr. Speaker with the Members of the House went to attend His Excellency :—And having returned—

4. MEMBERS SWORN.—Joseph Tilley Brown, and Hugh Sinclair, Esquires, made and subscribed the Oath required by law.
5. PAPUA BILL (1907).—Mr. Deakin moved, by leave, That he have leave to bring in a Bill for an Act relating to Grants and Dispositions of Freehold Estates in Land in the Territory of Papua.  
Question—put and resolved in the affirmative.  
Mr. Deakin then brought up a Bill intituled “*A Bill for an Act relating to Grants and Dispositions of Freehold Estates in Land in the Territory of Papua,*” 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 to-morrow.

6. HIS EXCELLENCY THE GOVERNOR-GENERAL'S SPEECH.—Mr. Speaker reported that the House had this day attended His Excellency the Governor-General in the Senate Chamber, when His Excellency was pleased to make a Speech to both Houses of the Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which read as follows :—

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES :

1. During the recess two very influential Conferences were held in London, at which the Commonwealth was represented.

2. The Imperial Conference was attended by delegates from all the self-governing Dominions of the Empire, who were received with the greatest cordiality by the King, the Government, and the people of the Mother Country. Most important matters were debated, and resolutions relating to some of them unanimously approved. The meeting will promote a much better understanding and more intimate relations between Great Britain and all the over-sea Dominions. A full report of the proceedings will shortly be laid before you.

3. A Navigation Conference, at which Great Britain, Australia, and New Zealand were represented, discussed in detail the shipping laws of the Empire, and particularly the proposals of our Royal Commission. As a consequence of its discussions, a good understanding was attained, many difficulties obviated, and a Bill framed upon the proposals of the Commission and the resolutions of the Conference is now being drafted.

4. The Reports of the Royal Commission upon the Tariff already forwarded are under review. You will be asked as soon as possible to consider proposals for the amendment of the existing Tariff, in order to place our national industries upon a sound and permanent basis under equitable conditions.

5. There will also be submitted for your approval a Bill for the encouragement of new industries by means of bounties. My Advisers are confident that there are many latent sources of wealth in Australia which only require moderate encouragement to insure successful development.

6. The subject of the financial relations between the Commonwealth and the States has been further discussed with the State Premiers, and the results arrived at will be communicated to you. The great issues affected, including the federalisation of old-age pensions, will be considered in this relation.

7. As My visit to the Northern Territory was of the deepest interest to me, I feel confident that the tour of inspection made by Members of the Parliament must prove of great value in your deliberations upon its proposed transfer.

8. A progressive scheme for the improvement of Harbor and Coastal Defences is under consideration ; our fixed defences are receiving special attention ; the number of members of our Military Forces proceeding abroad for instruction and training has been increased ; provision for a further increase of Naval and Military Cadets will be made ; the progress of the Rifle Clubs is still satisfactory ; the local production of the munitions of war will be provided for.

9. Though immigration to the Commonwealth is generally increasing, its growth is not in any degree commensurate with our needs or opportunities. The conditions under which it is proceeding call for serious consideration. The appointment of a Commonwealth High Commissioner, urgent on many grounds, will supply the necessary authority in the Mother Country.

10. I regret to inform you that the new mail contract *via* Suez has been cancelled ; fresh tenders will be invited to-morrow. An arrangement has been almost completed with the Orient Company for an extension of their current contract for another year.

11. The discontinuance of the service of steam-ships between Australia and San Francisco rendered an extension of that between Australia and Vancouver specially advisable. A contract has been entered into for a further period of two years, subject to an earlier termination if desired by My Government, upon giving four months' notice. This arrangement is subject to the concurrence of the Governments of Canada and Fiji, which participate in the payment of the subsidy. Provision has been made for the employment of faster vessels, and a reduction in the time now occupied in the voyage.

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12. To meet the situation created by the decision of the Judicial Committee of the Privy Council in the case of *Webb v. Outtrim*, a Bill will be introduced preventing decisions on matters relating to the distribution of powers between Commonwealth and States being pronounced by two Courts of Final Appeal, and to confirm the High Court in its position as the final interpreter of the Constitution in this regard, except when the High Court itself certifies that the matter is one which ought to be decided by the King in Council.

13. The exemption of the Federal official salaries and allowances from State income tax having been finally re-affirmed by the High Court, My Advisers propose to submit to you a measure which, while recognising the soundness of the constitutional principles upon which that exemption is based, will permit the taxation of such salaries and allowances, by authority of the Federal Parliament, under conditions safeguarding the authority of the Commonwealth.

14. The work of gradually returning to their homes the Pacific Islanders, formerly employed, has proceeded without friction or hardship, owing largely to the co-operation of the British officials in the Solomons and New Hebrides with the Queensland officers temporarily transferred to the Commonwealth Service in connexion with this undertaking.

15. It having been brought to the knowledge of the Government that a considerable number of Australians in South Africa in straightened circumstances were desirous of returning to the Commonwealth, assistance was afforded to about 1,300 of them who have been repatriated.

16. I am happy to state that the last year was one of great prosperity throughout the Commonwealth. A remarkable expansion is manifest in local production and export trade, as well as in Customs receipts, and the revenue derived from the Postmaster-General's Department.

17. Effect has been given to many of the recommendations of the Papua Royal Commission, and others are receiving consideration.

18. Experience in the late elections has shown that it is desirable to amend certain of the machinery clauses of the Commonwealth Electoral Acts.

19. A Bill has been prepared introducing the system of Preferential Voting at Elections for the Senate and House of Representatives.

20. A Bill relating to the site for the Seat of Government will be submitted.

21. A Commonwealth meteorologist has been appointed. In formulating a basis for the organization of Federal meteorology, Ministers have had the valued assistance of a conference of experts from the several States. Arrangements to relieve the States of meteorological work are proceeding.

22. In order to settle the outstanding claims for properties taken over by the Commonwealth, a Conference of Commonwealth and State officers was held to determine the principles to be followed in arriving at valuations. These having been agreed to, the valuations are now in progress.

23. The continuous expansion of Inter-State trade has emphasized the inconvenience of six systems of law and administration in relation to many matters connected with commerce. Measures are accordingly in draft for your consideration relating to Bills of Exchange, Cheques, and Promissory Notes, and providing for uniform law and administration as to Bankruptcy and Companies.

24. Bills for the assimilation of the Postal Rates within the Commonwealth and other essential matters, for a survey of the Trans-Australian railway, for Insurance, for Federal quarantine, and for the control of ocean lights, beacons, and buoys will shortly be submitted for your consideration.

7. ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR-GENERAL'S SPEECH.—Mr. Deakin moved, That a Committee, consisting of Mr. Wise, Mr. Coon, Mr. Chanter, and Mr. Storrer, be appointed to prepare an Address in Reply to the Speech delivered by His Excellency the Governor-General to both Houses of the Parliament.

Question—put and resolved in the affirmative.

Ordered—That the Committee do report this day.

8. ECHUCA ELECTORAL DIVISION.—ORDER OF THE COURT OF DISPUTED RETURNS.—The Clerk laid upon the Table a letter which he had received from the Deputy-Registrar of the High Court at Melbourne, forwarding a copy of an Order, made on 10th June last, declaring the election held on 12th December last, for the Electoral Division of Echuca, in the State of Victoria, to be absolutely void. The letter and Order were read by the Clerk and are as follow:—

High Court of Australia.

Principal Registry,  
Melbourne, 11th June, 1907.

The Clerk of the House of Representatives,  
Parliament House, Melbourne.

SIR,

In the matter of the Election of a Member of the House of Representatives for the Electoral Division of Echuca, in the State of Victoria.

In pursuance of Section 202 of the *Commonwealth Electoral Act 1902* I herewith forward you a Copy of the Order of the Court of Disputed Returns made herein.

I have the honour to be,

Sir,

Your obedient Servant,

J. W. O'HALLORAN,  
Deputy Registrar.

3rd July, 1907.

In the High Court of Australia.

Sitting as a Court of Disputed Returns.

1907, No. 1.

In the matter of the Election of a Member of the House of Representatives for the Electoral Division of Echuca, State of Victoria, and in the matter of the Petition of Thomas Kennedy.

Thomas Kennedy, Petitioner

against

Albert Clayton Palmer, Respondent.

Before His Honour Mr. Justice Barton,

Monday, the tenth day of June, 1907.

This Petition coming on for trial at Melbourne on the sixteenth day of April, 1907, and afterwards on the sixteenth, seventeenth and twentieth days of May, 1907, and this day, and upon reading the said Petition of the above-named Thomas Kennedy filed herein on the twenty-fourth day of January, 1907, and the appearance of the above-named Albert Clayton Palmer, who was returned as a Member of the House of Representatives at the said election, and upon hearing the evidence of the said Petitioner Thomas Kennedy, Thomas Edwards, James Edward Cathie, John James O'Dwyer, Francis Patrick Boyle, Matthew Wellington, John Edmund Byass, and Martin Karlberg, taken upon their oral examination, and upon reading the Deputy Registrar's certificate as to the result of a recount dated the thirteenth day of May, 1907, and made in pursuance of the direction given to him by Order dated the sixteenth day of April, 1907, and upon hearing what was alleged by Mr. Hassett of Counsel for the said Thomas Kennedy and Sir John Quick of Counsel for the said Albert Clayton Palmer, this Court doth declare that the said Respondent was not duly elected at the said election, and the said Court doth further declare that the said election was absolutely void.

By the Court,

(L.S.)

J. W. O'HALLORAN,  
Deputy Registrar.

9. ECHUCA ELECTORAL DIVISION.—ISSUE OF WRIT.—Mr. Speaker announced to the House that he had on 13th June last issued a Writ for a new election for the Electoral Division of Echuca, in the State of Victoria, the Court of Disputed Returns having declared the election held on 12th December last for the said Division to be absolutely void. The dates appointed in the Writ were as follow :—

Date of Nomination—21st June, 1907.

Date of Polling—10th July, 1907.

Return of Writ—On or before 10th August, 1907.

10. PRESENTATION BY MR. DEAKIN OF CASKET WHICH ENCLOSED FREEDOM OF CITY OF LONDON.—Mr. Speaker informed honorable Members that the Honorable the Prime Minister waited on the President and the Speaker yesterday and desired them to accept, on behalf of the Parliament of the Commonwealth, the gold casket in which he had received the Freedom of the City of London on the occasion of his recent attendance at the Imperial Conference. The splendid gift was accepted, and would be held at the pleasure of honorable Members.

If agreeable to the House this statement, Mr. Speaker added, would be recorded in the Votes and Proceedings.

11. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR-GENERAL—ASSENT TO BILL.—The following Message from His Excellency the Governor-General was presented, and the same was read by Mr. Speaker :—

NORTHCOTE,

*Governor-General.**Message No. 1.*

A Bill intituled "*A Proposed Law to alter the provisions of the Constitution relating to the election of Senators,*" as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented, under section 128 of the Constitution, to the Governor-General for the Royal Assent, His Excellency has, in the name and on behalf of His Majesty, assented to the said Act.

Government House,  
Sydney, 3rd April, 1907.

12. PAPERS.—Mr. Speaker presented—

General Papers Index, including Presented Papers, Committee Reports, Returns to Order, &c., of both Houses, and certain printed Papers not formally presented, 1901–1907 (1st).

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

Mr. Deakin presented, by command of His Excellency the Governor-General—

Papua—Native Labour—Ordinance No. 1 of 1907,

Sir John Forrest presented, by command of His Excellency the Governor-General—

Inter-State Conference of Premiers, &c., Melbourne, October, 1906—Report of the Resolutions, Proceedings, and Debates, together with Appendices.

Severally ordered to lie on the Table.

Mr. Deakin presented, pursuant to the direction of an Act of Parliament—

Contract Immigrants Act—Return respecting Contract Immigrants admitted or refused admission into the Commonwealth, &c., during 1906.

Sir William Lyne presented, pursuant to the directions of several Acts of Parliament—

Excise Act 1901—Regulation—Statutory Rules 1907, No. 22.

Excise Act 1901 and Excise Tariff 1906—

Provisional Regulations—Statutory Rules 1907, No. 27.

Regulations—Statutory Rules 1907, No. 52.

Spirits Act—Regulations—Statutory Rules 1907, No. 29.

Copyright Act—Regulations—Statutory Rules 1907, No. 49.

Trade Marks Act—Provisional Regulations—Statutory Rules 1907, No. 50.

Designs Act—Regulations—Statutory Rules 1907, No. 51.

Mr. Ewing presented, pursuant to the directions of several Acts of Parliament—

Defence Acts—

Provisional Regulations—

Naval Cadet Corps—Statutory Rules 1907, No. 19.

Naval Forces—

Regulation No. 4 Amended—Statutory Rules 1907, No. 20.

Financial and Allowance Regulations—Amendment of Part I., sec. IV, par. 42—Statutory Rules 1907, No. 35.

Military Cadet Corps—Regulations—Statutory Rules 1907, No. 63.

Military Forces—

Regulations Amended, &c.—

Nos. 56A and 129—Statutory Rules 1907, No. 8.

No. 540—Substituted Regulation—Statutory Rules 1907, No. 13.

No. 540—Amendment of B (3)—Statutory Rules 1907, No. 33.

Nos. 540 and 540A—Statutory Rules 1907, No. 58.

No. 180—Statutory Rules 1907, No. 32.

No. 128—Statutory Rules 1907, No. 37.

Nos. 514, 517, 519, 522, 529, 535, 555—Statutory Rules 1907, No. 62.

Financial and Allowance Regulations Amended, &c.—

No. 143—Statutory Rules 1907, No. 21.

Part I., sec. IV., par. 50—Statutory Rules 1907, No. 36.

No. 154A—Statutory Rules 1907, No. 45.

Regulations Added—Military Forces—Nos. 563, 564, 565—Statutory Rules 1907, No. 34.

Mr. Mauger presented, pursuant to the directions of several Acts of Parliament—

Property for Public Purposes Acquisition Act—Land Acquired under, at—Darling Island, New South Wales—For Defence purposes.

Public Service Act—Regulations amended, &c.—

No. 276A—Statutory Rules 1907, No. 9.

No. 182—Provisional Regulation—Statutory Rules 1907, No. 17.

No. 182—Statutory Rules 1907, No. 55.

No. 43A—Statutory Rules 1907, No. 18.

No. 104—Provisional Regulation—Statutory Rules 1907, No. 23.

No. 231—Provisional Regulation—Statutory Rules 1907, No. 24.

No. 66—Provisional Regulations—Statutory Rules 1907, No. 25.

No. 199—Provisional Regulation—Statutory Rules 1907, No. 10.

No. 199—Statutory Rules 1907, No. 42.

No. 40—Statutory Rules 1907, No. 43.

Nos. 88 and 88A—Provisional Regulations—Statutory Rules 1907, No. 44.

No. 70—Provisional Regulation—Statutory Rules 1907, No. 53.

No. 193—Provisional Regulation—Statutory Rules 1907, No. 54.

No. 102—Provisional Regulation—Statutory Rules 1907, No. 61.

13. ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR-GENERAL'S SPEECH.—Mr. Wise brought up the Address in Reply to His Excellency's Speech prepared by the Committee appointed this day, and the same was read by the Clerk, as follows:—

MAY IT PLEASE YOUR EXCELLENCY—

We, the House of Representatives of The Parliament of the Commonwealth of Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech which you have been pleased to address to Parliament.

Mr. Wise moved, That the Address be agreed to by the House.

Mr. Coon seconded the motion.

Mr. Joseph Cook 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 to-morrow,

*3rd July, 1907.*

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14. DAYS OF BUSINESS.—Mr. Deakin moved, by leave, That, until otherwise ordered, this House shall meet for the despatch of business at Three o'clock on each Tuesday afternoon, and at half-past Two o'clock on each Wednesday and Thursday afternoon, and at half-past Ten o'clock on each Friday morning.

Debate ensued.

Question—put and resolved in the affirmative.

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

Question—put and resolved in the affirmative.

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

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MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Atkinson, Mr. Thomas Brown, Mr. Crouch, Sir Philip Fysh, Mr. Harper, Mr. Hughes, Mr. Kingston, Mr. Livingston, Mr. McWilliams, Mr. O'Malley, Mr. Reid, Mr. Bruce Smith, Mr. Spence, Mr. Dugald Thomson, Mr. John Thomson, and Mr. Willis.

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C. GAVAN DUFFY,

*Clerk of the House of Representatives.*