

1912.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 22.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

FRIDAY, 26TH JULY, 1912.

1. The House met, at half-past ten o'clock a.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. POINT OF ORDER.—Mr. Higgs asked Mr. Speaker if, having regard to Standing Order No. 128, the motion to refer the Report on the Electoral Divisions of Queensland back to the Commissioners was in order, and, if in order, whether, having been carried as an amendment, it should not have been submitted a second time to the House.

Speaker's Ruling—

Mr. Speaker ruled as follows :—The honorable Member gave notice yesterday of his intention to ask these questions, but they do not appear on the notice paper, because it is not customary to put upon the notice paper questions addressed to the Speaker. Strictly speaking, an appeal cannot be made to the Chair by means of a question save on a point of order, and the question should be asked when the point arises. The honorable Member will see that, were I liable to be called upon at any time to give rulings in regard to past occurrences, so many questions might be put to me that a great part of the time of the House would be taken up in the answering of them. Appeals for my ruling should be made when the occurrences which call for them arise. Although I propose to reply to the questions which the honorable Member has asked, I wish him to understand that they should have been asked when the business to which they refer was under the consideration of the House, and I wish the House to understand that my present action is not to be taken as a precedent. I propose in the future not to answer questions on points of order unless raised at the proper time. My reply to the honorable Member's questions is that the Standing Order to which he refers deals only with the methods by which the terms of a question proposed by the Chair may be amended; the Standing Order does not deal with the disposal of such questions. When a motion has been proposed from the Chair, it is competent for an honorable Member, whether an amendment has been moved or not, to move the Previous Question, or that the debate be adjourned, and it often happens during the consideration of Bills, when a motion for the adoption of the report from the Committee of the Whole has been moved, a Member moves that the Bill be re-committed. In these and similar cases the original motion is not dealt with, but is superseded. In the case to which the honorable Member has called attention, the motion was made that the House approves of the distribution of Queensland into Electoral Divisions as proposed by a majority of the Commissioners in their report, and, subsequently, another motion was moved, to the effect that the report be referred back to the Commission. This second motion was a definite instruction, complete in itself, and plainly superseded the original motion, and thus settled the question before the House.

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3. PAPER.—Mr. O'Malley presented, pursuant to Statute—
Lands Acquisition Act.—Land leased to G. A. Boreham, Parish of Canberra, County of Murray, Federal Territory.
4. ADJOURNMENT—MOTION FOR PURPOSE OF DISCUSSION.—Mr. Fuller rose in his place, and said that he proposed to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "The action of the Government in regard to the establishment of the Commonwealth Woollen Mills."
Mr. Speaker thereupon called upon those Members who approved of the proposed discussion to rise in their places, and more than the necessary number of Members having risen accordingly—
Mr. Fuller moved, That the House do now adjourn.
Debate ensued.
Question—put and negatived.
5. MESSAGE FROM THE SENATE.—TRADE MARKS BILL (1912).—Mr. Speaker announced the receipt of the following Message from the Senate :—
MR. SPEAKER, Message No. 8.
The Senate has passed a Bill for "*An Act to amend the 'Trade Marks Act 1905'*," and transmits the same to the House of Representatives for its concurrence.

The Senate, H. TURLEY,
Melbourne, 26th July, 1912. President.
6. TRADE MARKS BILL (1912).—Mr. Hughes moved, That the Bill transmitted by the foregoing Message be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered—That the second reading be made an Order of the Day for Tuesday next.
7. MESSAGE FROM THE SENATE.—KALGOORLIE TO PORT AUGUSTA RAILWAY BILL (1912).—Mr. Speaker announced the receipt of the following Message from the Senate :—
MR. SPEAKER, Message No. 9.
The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Kalgoorlie to Port Augusta Railway Act 1911'*," to which it has agreed without amendment.

The Senate, H. TURLEY,
Melbourne, 26th July, 1912. President.
8. MESSAGE FROM THE SENATE.—SERVICE AND EXECUTION OF PROCESS BILL (1912).—Mr. Speaker announced the receipt of the following Message from the Senate :—
MR. SPEAKER, Message No. 10.
The Senate has passed a Bill for "*An Act to amend the 'Service and Execution of Process Act 1901'*, and to repeal the '*Service and Execution of Process Act 1905'*," and transmits the same to the House of Representatives for its concurrence.

The Senate, H. TURLEY,
Melbourne, 26th July, 1912. President.
9. SERVICE AND EXECUTION OF PROCESS BILL (1912).—Mr. Hughes moved, That the Bill transmitted by the foregoing Message be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered—That the second reading be made an Order of the Day for Tuesday next.
10. ROYAL COMMISSIONS BILL (1912).—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.

(In the Committee.)

Clause 6, as amended, further considered.

Mr. W. Elliot Johnson moved the following amendment :—

Page 3, line 34, omit "five" and insert "three."

Debate ensued.

Question—That the word "five" proposed to be omitted stand part of the clause—put and negatived.

And it being proposed that the word "three" be inserted in place of the word "five" omitted, and the Committee agreeing that the word "five" had been omitted owing to a misunderstanding, the Chairman was asked to submit the question again—

The question that the word "five" stand part of the clause was, after further debate, again put and was agreed to.

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Mr. Laird Smith moved the following amendment :—

Page 5, lines 1 and 2, omit "calculated to bring a Royal Commission into disrepute" and insert "false and defamatory of a Royal Commission."

Debate ensued.

And the words proposed to be omitted, having been omitted—

Question—That the words proposed to be inserted, be so inserted—put.

The Committee divided—

Ayes, 31.

Mr. Anstey	Mr. W. Maloney
Mr. Archibald	Mr. Mathews
Mr. Bamford	Mr. McDougall
Mr. Brennan	Mr. O'Malley
Mr. Cann	Mr. Ozanne
Mr. Catts	Mr. Riley
Mr. Fenton	Mr. Roberts
Mr. Finlayson	Mr. Laird Smith
Mr. Fisher	Mr. Thomas
Mr. Frank J. Foster	Mr. Tudor
Mr. Frazer	Mr. Webster
Mr. Higgs	Mr. West
Mr. Howe	
Mr. Hughes	
Mr. Jensen	<i>Tellers.</i>
Mr. W. J. Johnson	Mr. Carr
Mr. Mahon	Mr. Watkins

Noes, 13.

Sir Robert Best	Mr. Sampson
Mr. Cook	Mr. Sinclair
Mr. Deakin	Mr. Bruce Smith
Sir John Forrest	
Mr. Fowler	
Mr. Fuller	<i>Tellers.</i>
Mr. Harper	Mr. Greene
Mr. Kelly	Mr. W. Elliot Johnson

And so it was resolved in the affirmative.

Question—That clause 6, as amended, stand part of the Bill—put.

The Committee divided—

Ayes, 31.

Mr. Anstey	Mr. McDougall
Mr. Bamford	Mr. O'Malley
Mr. Brennan	Mr. Ozanne
Mr. Cann	Mr. Page
Mr. Carr	Mr. Riley
Mr. Catts	Mr. Roberts
Mr. Fenton	Mr. Laird Smith
Mr. Finlayson	Mr. Thomas
Mr. Fisher	Mr. Tudor
Mr. Frank J. Foster	Mr. Watkins
Mr. Frazer	Mr. Webster
Mr. Howe	Mr. West
Mr. Hughes	
Mr. Jensen	
Mr. W. J. Johnson	<i>Tellers.</i>
Mr. Mahon	Mr. Higgs
Mr. W. Maloney	Mr. Mathews

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Mr. Fowler	
Mr. Fuller	<i>Tellers.</i>
Mr. Harper	Mr. Greene
Mr. W. Elliot Johnson	Mr. Kelly

And so it was resolved in the affirmative.

Clause 7 agreed to.

Clause 8 read—

On the motion of Mr. Hughes the following amendment was made, after debate :—

At end of clause add :—

"Provided that this section shall not be construed to authorize the application of this Act to proceedings in respect of offences committed before its commencement."

Clause, after debate, agreed to as amended.

On the motion of Mr. Hughes the following new clauses were added to the Bill :—

After clause 4 add new clause 4A :—

"4A. Section five of the Principal Act is amended by adding thereto the following sub-section :—

(2.) It shall be a defence to a prosecution under this section for failing without reasonable excuse to produce any documents books or writings if the defendant proves that the documents books or writings were not relevant to the inquiry."

To be inserted on page 5 before clause 7 :—

"7A. Section seven of the Principal Act is amended by omitting therefrom sub-section (3.)." Further amendment of sec. 5. Repeal of sub-section (3.) of section 7.

Title agreed to.

Bill to be reported with amendments.

The House resumed ; Mr. Chanter reported accordingly.

Ordered—That the consideration of the Report be made an Order of the Day for Tuesday next.

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11. ADJOURNMENT.—Mr. Fisher moved, That the House do now adjourn.
Debate ensued.
Question—put and passed.

And then the House, at half-past four o'clock p.m., adjourned until Tuesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Bennett, Mr. Brown, Mr. Chapman, Mr. R. Edwards, Mr. Gordon, Mr. Hedges*, Mr. Hans Irvine, Mr. W. H. Irvine, Mr. Livingston, Sir William Lyne*, Mr. Ryrie, Mr. Spence, and Mr. Wynne.

* On leave.

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