

1912.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 33.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

THURSDAY, 15TH AUGUST, 1912.

1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. FEDERAL CAPITAL SITE—REFERENDUM AS TO.—Mr. Wynne moved, pursuant to notice, That, in the opinion of this House, a Referendum should be taken to decide whether the Capital of the Commonwealth should be at Yass-Canberra or Sydney.
Debate ensued.
Mr. Kelly addressing the House, and not having concluded his speech, the House ordered that he have leave to continue his speech when the debate is resumed.
Ordered—That the debate be now adjourned, and that the resumption of the debate be made an Order of the Day for Thursday, 29th instant.
3. POSTPONEMENT OF NOTICES OF MOTION.—Ordered—That the remaining Notices of Motion be postponed as follows:—No. 2 to Thursday, 5th September next, No. 3 to Thursday, 19th September next, Nos. 4 and 5 to Thursday, 5th September next.
4. TOBACCO TRUST—ROYAL COMMISSION.—The Order of the Day having been read for the resumption of the debate on the following motion of Mr. Greene:—That a Royal Commission be appointed forthwith to inquire into the operations of the Tobacco Trust in the Commonwealth.
Debate resumed.
Mr. Kelly addressing the House, and not having concluded his speech, the House ordered that he have leave to continue his speech when the debate is resumed.
Ordered—That the debate be now adjourned, and that the resumption of the debate be made an Order of the Day for Thursday, 29th instant.
5. PAPER.—Mr. O'Malley presented, pursuant to Statute—
Public Service Act—Department of Home Affairs—Promotion of F. A. Piggan as Clerk, Third Class, Central Staff.
6. AUDIT BILL (1912).—The Order of the Day having been read for the third reading—Mr. Fisher moved, That the Bill be now read a third time.
Question—put and passed.—Bill read a third time.
7. DEFENCE BILL (1912).—The Order of the Day having been read for the second reading—
Mr. Roberts moved, That the Bill be now read a second time.
Debate ensued.
Question—put and passed.—Bill read a second time.
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

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(In the Committee.)

Clause 1 agreed to.

Clause 2 debated and agreed to.

Clauses 3 to 6 agreed to.

Clause 7 read—

On the motion of Mr. Roberts the following amendment was made :—

Page 2, line 24, after “amended” insert the following new paragraph :—

“(aa) by omitting from paragraph (a) the words ‘one hundred and twenty’ and inserting in their stead the word ‘ninety’.”

Clause, as amended, agreed to, after debate.

Clause 8 read—

Mr. Howe moved the following amendment :—

After “amended” insert the following new paragraph :—

“(aa) by omitting from sub-section (1.) the words ‘be liable to a penalty not exceeding One hundred pounds and not less than Five pounds’.”

Amendment debated and negatived.

On the motion of Mr. Roberts the following amendment was made :—

Page 3, clause 8, omit paragraphs (d) and (e) and insert the following paragraph in their stead :—

“(d) by adding thereto the following sub-sections :—

“(8.) A person liable to be trained under the provisions of paragraphs (a) and (b) of section one hundred and twenty-five of this Act shall not be committed to gaol in default of payment of a pecuniary penalty imposed for an offence against the provisions of this section, but the Court may order that, in default of payment of the pecuniary penalty imposed, the person shall be committed to the custody of any prescribed authority for such time, not exceeding the time for which the Court could, but for this sub-section, have committed the person to gaol in default of payment of the pecuniary penalty imposed, as the Court thinks fit.

“(9.) Where a person liable to be trained under the provisions of paragraphs (a) and (b) of section one hundred and twenty-five of this Act, has been convicted, before the commencement of this sub-section, of an offence against this section, and but for sub-section (8.) of this section would be liable to be committed to gaol in default of payment of the pecuniary penalty imposed for the offence, and makes default in payment of the penalty, he may, on the application of a prescribed officer, be committed to the custody of any prescribed authority for such time, not exceeding the time for which, but for sub-section (8.) of this section, he might have been committed to gaol in default of payment of the pecuniary penalty imposed, as the Court thinks fit.

“(10.) Any pecuniary penalty imposed on a person liable to be trained under the provisions of paragraphs (a) and (b) of section one hundred and twenty-five of this Act for an offence against the provisions of this section shall be deemed to be a debt due to the Commonwealth, and may, in addition to any other means of recovery, be recovered in any civil court of competent jurisdiction.

“(11.) In places where Children’s Courts exist, offences against this section committed by cadets under the age of sixteen years shall be prosecuted in such Courts as far as is reasonably practicable’.”

Clause, as amended, agreed to.

On the motion of Mr. Roberts, the following new clauses were, after debate, added to the Bill :—

Page 1, after clause 1 insert the following new clauses :—

“1A. Section two of the Principal Act is amended by omitting therefrom all references to sections. Amendment of section 2.“1B. Section twenty-one A of the Principal Act is amended by inserting in sub-section (3.) thereof after the word ‘officers’ the words ‘who prior to the first day of January One thousand nine hundred and eleven, completed the examination for promotion to the rank of Lieutenant-Colonel or Major respectively, or to officers’.” Amendment of section 21A.

Page 1, after clause 2 insert the following new clause :—

“2A. Section thirty-five of the Principal Act is amended by omitting the words ‘Part IV.’ and inserting in their stead the words ‘Parts IV. and XII.’.” Amendment of section 35.

Page 1, after clause 3 insert the following new clauses :—

“3A. Section sixty-seven of the Principal Act is amended—

(a) by inserting, after the word “bullock”, the words “aerial machine”; and

(b) by omitting the words “such vehicles and animals” and inserting in their stead the words “any vehicles, horses, mules, bullocks, aerial machines, boats or vessels”.

“3B. Section one hundred and ten of the Principal Act is repealed and the following section inserted in its stead :—

‘110.—(1.) A prosecution for an offence against this Act or the Regulations may be brought in any court of summary jurisdiction. On whose complaint prosecutions may be brought.

(2.) A prosecution against an officer of the Military Forces shall be brought by or by the authority of the District Commandant.

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(3.) A prosecution against an officer of the Naval Forces shall be brought by or by the authority of the Naval Commandant.

(4.) The averment of the prosecutor that he was authorized by the District Commandant or the Naval Commandant to bring the prosecution shall be sufficient, and shall not be controverted or questioned by the Court or by the defendant.

(5.) A prosecution against a soldier, seaman, or person liable to render personal service under the provisions of Part XII. of this Act may be brought by the commanding officer or adjutant of the corps to which the soldier belongs, or by the commanding officer of the vessel to which the seaman belongs, or by an area officer, or by any prescribed officer."

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr. Poynton reported accordingly.

On the motion of Mr. Roberts, by leave, the House adopted the Report, and the Bill was read a third time.

8. MESSAGE FROM THE SENATE.—ROYAL COMMISSIONS BILL (1912).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 13.

The Senate returns to the House of Representatives the Bill for "*An Act to amend the 'Royal Commissions Act 1902'*," to which it has agreed with the amendments indicated in the annexed Schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

The Senate,

Melbourne, 15th August, 1912.

H. TURLEY,
President.

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.

(In the Committee.)

The Committee proceeded to consider the amendments made by the Senate, which are as follow:—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

No. 1.—Page 2, clause 6, line 27, after "amended" insert "—

- (a) by inserting after the word 'question' the words 'relevant to the inquiry';
(b) by omitting the words 'touching the subject-matter of the inquiry'; and
(c)".

No. 2.—Page 2, clause 7, line 35, after "day" (second occurring) insert "unless excused by the President or Chairman of the Commission or".

No. 3.—Page 4, clause 7, line 16, after "an" insert "indictable".

No. 4.—Page 4, clause 7, line 22, after "an" insert "indictable".

No. 5.—Page 4, clause 7, line 28, after "an" insert "indictable".

No. 6.—Page 4, clause 7, line 34, after "an" insert "indictable".

No. 7.—Page 4, clause 7, line 40, after "an" insert "indictable".

Amendments Nos. 1 to 7, inclusive, agreed to, on the motion of Mr. Hughes.

Resolution to be reported.

The House resumed; Mr. Poynton reported accordingly.

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

9. MESSAGE FROM THE SENATE.—NAVAL AGREEMENT BILL (1912).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 14.

The Senate has passed a Bill for "*An Act to amend the 'Naval Agreement Act 1903'*," and transmits the same to the House of Representatives for its concurrence.

The Senate,

Melbourne, 15th August, 1912.

H. TURLEY,
President.

15th August, 1912.

10. NAVAL AGREEMENT BILL (1912).—Mr. Fisher 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 to-morrow.

11. MESSAGE FROM THE SENATE.—REFERENDUM (CONSTITUTION ALTERATION) BILL (1912).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 15.

The Senate has passed a Bill for “*An Act to amend the ‘Referendum (Constitution Alteration) Act 1906–1910’*,” and transmits the same to the House of Representatives for its concurrence.

H. TURLEY,
President.

The Senate,
Melbourne, 15th August, 1912.

12. REFERENDUM (CONSTITUTION ALTERATION) BILL (1912).—Mr. Fisher 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 to-morrow.

13. ADJOURNMENT.—Mr. Fisher moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at fourteen minutes to eleven o'clock p.m., adjourned until to-morrow at half-past ten o'clock a.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Bamford Mr. Catts, Mr. R. Edwards, Mr. Finlayson, Mr. Frank J. Foster, Mr. R. W. Foster, Mr. Frazer Mr. Gordon, Mr. Hedges, Mr. Hans Irvine*, Sir William Lyne*, Mr. Mahon, Mr. Page, Mr. Sinclair, Mr. Spence, Mr. Thomson, and Mr. Webster.

* On leave.

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