

1912.

## THE PARLIAMENT OF THE COMMONWEALTH.

No. 68.

## VOTES AND PROCEEDINGS

OF THE

## HOUSE OF REPRESENTATIVES.

THURSDAY, 17TH OCTOBER, 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. PAPERS.—Mr. Thomas presented, pursuant to Statute—  
Northern Territory—Ordinance No. 6 of 1912—Thorngate Estate.  
Mr. O'Malley presented, pursuant to Statute—  
Lands Acquisition Act—Land Acquired under, at Bondi Junction, New South Wales—For Postal purposes.  
Mr. Roberts presented, pursuant to Statute—  
Defence Act—Regulations Amended (Provisional)—Military Forces—Statutory Rules 1912 Nos. 195, 196, 197.
3. NAVIGATION 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.

*(In the Committee.)*

Clause 349 amended, on the motion of Mr. Tudor, after debate, by the omission from line 17 of the words "the ship into his charge" and the insertion in place thereof of the words "the charge of piloting the ship to that pilot".

Clause, as amended, agreed to.

Clause 350 agreed to.

Clause 351 debated and postponed.

Clause 352 debated and agreed to.

Clauses 353, 354, and 355 agreed to.

Clause 356 amended, on the motion of Mr. Tudor, by the omission from line 24 of the words "Upon the commencement of this Act" and the insertion in place thereof of the words "Upon the proclamation of any port as a port at which the employment of a pilot shall be compulsory"; and by the omission from line 26 of the words "any port in Australia" and the insertion in place thereof of the words "that port".

Clause, as amended, agreed to, after debate.

Clause 357 debated and agreed to.

Clauses 358 to 364 agreed to.

Clause 365 debated and agreed to.

Clauses 366 to 371 agreed to.

Clause 372 debated and agreed to.

Clauses 373 to 376 agreed to.

Clause 377 omitted from the Bill.

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Clause 378 amended, after debate, on the motion of Mr. Tudor, by the omission from line 30 of the word "coastal" and the insertion in place thereof of the word "licensed".

Clause, as amended, agreed to.

Clause 379 agreed to.

Clause 380 debated and agreed to.

Clauses 381 to 385 agreed to.

Clause 386 debated and agreed to.

Clauses 387 to 391 agreed to.

Clause 392 amended, on the motion of Mr. Tudor, by the omission of all the words after the word "him" in line 20.

Clause, as amended, agreed to.

Clauses 393 and 394 agreed to.

Clause 395 debated and agreed to.

Clauses 396 to 399 agreed to.

Clause 400 debated and agreed to.

Clauses 401 to 406 agreed to.

Clause 407 debated and agreed to.

Clauses 408 to 411 agreed to.

Clause 412 amended, on the motion of Mr. Tudor, by the omission from line 31 of the words "this or".

Clause, as amended, debated and agreed to.

Clauses 413, 414, and 415 agreed to.

Clause 416 amended, on the motion of Mr. Tudor, by the insertion after the word "detained", in line 18, of the words "or where the requirements of this Act with regard to the ship or her officers, crew, or equipment have not been complied with"; and by the omission from the same line of the word "shall" and the insertion in place thereof of the word "may".

Clause, as amended, agreed to.

Clauses 417 and 418 agreed to.

Clause 419 amended, on the motion of Mr. Tudor, by the omission from line 44 of the words "the Royal Arms in the centre and"; and by the omission from line 46 of the word "Royal" and the insertion in place thereof of the words "Commonwealth Coat of".

Clause, as amended, agreed to.

Clause 420 agreed to.

Clause 421 debated and, on the motion of Mr. Hughes, amended by the insertion after the word "Australia", in line 6, and also after the word "registered", in line 9, of the words "or engaged in the coastal trade".

Clause, as amended, agreed to.

Clause 422 debated and agreed to.

Clause 423 debated and amended, on the motion of Mr. Tudor, by the omission from line 39 of the word "merchants,".

Clause, as amended, agreed to.

Clause 424 amended, on the motion of Mr. Tudor, by the insertion after paragraph (c) of the following paragraph:—

"(ca) matters affecting the stability of ships;"

Clause, as amended, agreed to, after debate.

Postponed clause 5 amended, on the motion of Mr. Tudor, after debate, in the following manner:—

Definition of "River and bay ship" (lines 20 and 21 of page 2) omitted and the following definition inserted in place thereof:—

"'River and bay ship' includes every ship which trades exclusively within the limits of any port, bay, or river, or within prescribed limits in any gulf or gulfs within the Commonwealth, including a Territory being part of the Commonwealth:"

Definition of "Freeboard" (lines 37 and 38 of page 2) omitted from the clause;

The following definition was inserted after the definition of "Superintendent" (page 3):—

"'Proper authority' means—

(a) at a port in Australia, a superintendent;

(b) at a port in any other part of the British Dominions, a superintendent, or, in the absence of a superintendent, the chief officer of customs at or near the port;

(c) at a port elsewhere, the British Consular Officer, or if there is no such officer at the port, any two British merchants resident at or near the place, or if there is only one British merchant so resident, that British merchant:"

Definition of "Go to sea" (page 3) amended by the addition of the words "or proceeding on a voyage";

The following definitions were inserted after definition of "Go to sea":—

"'Take to sea' has a meaning corresponding with 'go to sea':

'Send to sea' has a meaning corresponding with 'go to sea':";

Clause, as amended, agreed to.

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Postponed clause 11 amended, on the motion of Mr. Tudor, after debate, by the insertion, after line 19, of the following sub-clause :—

“(2.) Every British ship (other than those registered in Australia or engaged in the coasting trade), when going to sea from any place in Australia, shall be provided with a duly certificated master and such duly certificated officers as are, by the law of that part of the British Dominions in which the ship is registered, prescribed as being necessary for her when going to sea from any place in that part of the British Dominions.”

Clause, as amended, agreed to.

Postponed clause 43 debated and agreed to.

Postponed clause 191 omitted from the Bill.

Postponed clause 192 omitted from the Bill.

Postponed clause 351 omitted from the Bill.

New clauses—

1

On the motion of Mr. Tudor, after debate, the following new clause (to follow Clause 1) was inserted in the Bill—

“1A.—(1.) This Act shall not apply in relation to any Australian-trade ship, limited coast-trade ship, or river and bay ship, or her master or crew, unless the ship—

- (a) is engaged in trade or commerce with other countries or among the States ; or
- (b) is on the high seas, or in waters which are used by ships engaged in trade or commerce with other countries or among the States ; or
- (c) is in the territorial waters of any Territory which is part of the Commonwealth.

(2.) This Act shall be read and construed subject to the Constitution, and so as not to exceed the legislative power of the Commonwealth, to the intent that where any enactment thereof would, but for this sub-section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.”

Mr. Tudor moved that the following new clause (to follow Clause 5) be inserted in the Bill :—

“5A. A ship shall be deemed to be engaged in the coasting trade, within the meaning of this Act, if she takes on board passengers or cargo at any port in a State, or a Territory which is part of the Commonwealth, to be carried to, and landed or delivered at, any other port in the same State or Territory or in any other State or other such Territory :

Definition of coasting trade.

Provided that a ship shall not be deemed to be engaged in the coasting trade by reason of the fact that she carries—

- (a) passengers who hold through tickets to or from a port beyond Australia and the Territories under the authority of the Commonwealth ; or
- (b) cargo consigned on a through bill of lading to or from a port beyond Australia and those Territories ; or
- (c) mails between any ports in Australia or in any of those Territories.

Provided further that the Governor-General may by order declare that the carrying of passengers or cargo between ports in any Territory which is part of the Commonwealth, or between ports in any such Territory and any other Australian ports, shall not be deemed engaging in the coasting trade.”

Mr. Mathews moved an amendment, That the words “ which is part ” be omitted from line 3.

Debate ensued.

Amendment negatived.

Sir John Forrest moved an amendment, That the following words be inserted at the beginning of paragraph (a) :— “ being a mail steamer passengers so taken on board at any port in a State or in the case of any ship ”.

Debate ensued.

Amendment negatived.

Mr. Bamford moved an amendment, That the following proviso be added to the clause :—

“ Provided further that the Governor-General may, by order, exempt any ship from all or any of the provisions of this Part of this Act, either unconditionally or subject to such conditions as he thinks fit to impose, for any period not exceeding three years.”

Debate ensued.

Amendment negatived.

New clause agreed to.

On the motion of Mr. Tudor, the following new clauses were inserted in the Bill to follow respectively Clauses 8, 69, and 195 (after Division 2.—Steamships) :—

“8A. The Governor-General, where he is satisfied that the laws and regulations of any part of the British Dominions relating to any subject matter dealt with in this Part of this Act are as effective as the provisions of this Part of this Act relating thereto, may by proclamation direct that (subject to such conditions, limitations, and exceptions as are expressed in the proclamation), on proof of a ship registered in that part of the British Dominions having complied with those laws and regulations, she shall not be required to comply with the provisions of this Part of this Act relating to that subject matter.”

Power to exempt British ships.

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"70.—(1.) Payment under an allotment note shall, except as provided by sub-section (2.) of this section, begin at the expiration of one month from the date of the agreement and shall be made at the expiration of every subsequent month after the first month, and shall be made only in respect of wages earned before the date of payment.

Commencement of  
payment.  
M.S.A. 1906, s. 62.

(2.) By agreement with the master an allotment note may be granted to a seaman providing for payment at a period earlier than one month from the date of the agreement and at intervals more frequent than one month."

1 & 2 Geo. V.,  
c. 8, s. 1.

"196. Subject to the power of the Minister to extend the time for resurvey, every steamship shall be surveyed once at least in every twelve months by the prescribed surveyor."

Survey of  
steamships.  
M.S.A. 1894, s. 271.

Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Poynton reported accordingly.

Resolved—That the House will, to-morrow, again resolve itself into the said Committee.

4. PAPER.—Mr. Hughes (for Mr. Fisher) presented, pursuant to Statute—

Public Service Act—Prime Minister's Department—Promotion of F. Strahan to new position of Clerk, 4th Class.

5. ADJOURNMENT.—Mr. Hughes moved, That the House do now adjourn.

Question—put and passed.

And then the House, at a quarter past ten 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. Bennett, Mr. Deakin, Mr. R. Edwards, Mr. Frank J. Foster, Mr. Harper, Mr. Hans Irvine, Mr. Livingston Sir William Lyne, Mr. McDougall, Mr. McWilliams, Mr. Ryrie, and Mr. Bruce Smith.

WALTER A. GALE,

*Clerk Assistant,*

*for Clerk of the House of Representatives.*