

1917-18.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 91.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

WEDNESDAY, 23RD OCTOBER, 1918

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. LEAVE OF ABSENCE TO MEMBERS (MR. HUGHES, SIR JOSEPH COOK, MR. HEITMANN).—Mr. Watt moved, by leave, That leave of absence for two months be given to the Right Honorable Member for Bendigo (Mr. Hughes), and the Right Honorable Member for Parramatta (Sir Joseph Cook), who are absent from the Commonwealth on urgent public business; and, for the remainder of the Session, to the honorable Member for Kalgoorlie (Mr. Heitmann) who is absent from the Commonwealth with the Australian Imperial Force.
Question—put and passed.
3. MESSAGE FROM THE GOVERNOR-GENERAL.—ASSENT TO BILLS.—The following Message from His Excellency the Governor-General was received, and the same was read by Mr. Speaker :—

R. M. FERGUSON,
Governor-General.

Message No. 77.

The following Bills, intituled :—

"An Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June One thousand nine hundred and nineteen for the purposes of Additions, New Works, Buildings, &c., and to appropriate such sum," and

"An Act to amend the 'Post and Telegraph Rates Act 1902-1913,'" as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name and on behalf of His Majesty, assented to the said Acts.

Government House,
Melbourne, 19th October, 1918.

4. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—
Factories—Commonwealth Government Factories—Reports for year ended 30th June, 1917.
Soldiers Absent without Leave—Correspondence between the Commonwealth Government and State Governments as to the Treatment of Dependants.
The War—
Netherlands East Indies—Correspondence respecting the Despatch of a Dutch Convoy to—
(Paper presented to the British Parliament).
Roumania—Observations by the Allied Ministers at Jassy with regard to the Conditions of Peace imposed upon Roumania by the Central Powers—(Paper presented to the British Parliament).

Severally ordered to lie on the Table.

The following Papers were presented, pursuant to Statute—

Lands Acquisition Act—Land acquired under, at Randwick, New South Wales—For Defence purposes.

Papua—

Ordinance of 1917—No. 7—Supply 1917-1918 (No. 2).

Ordinance of 1918—No. 9—Supply 1918-1919 (No. 1).

Public Service Act—Regulations Amended—Statutory Rules 1918, Nos. 188 (substituted copy), 196 (substituted copy), 266, 267.

5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That Order of the Day No. 1 be postponed until after Order of the Day No. 2, Government Business.

23rd October, 1918.

6. LOAN BILL (1918) [£1,242,194].—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.)

Schedule further debated.
Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Atkinson reported accordingly.
Resolved—That the House will, to-morrow, again resolve itself into the said Committee.

7. ENTERTAINMENTS TAX BILL (1918).—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.)

Clauses 1 and 2 agreed to.
Clause 3—

Mr. Watt proposed to move, as an amendment, That the following words be inserted after the word "shilling" (first occurring in the first column), "excepting payments not exceeding threepence for the admission, on Saturdays between the hours of twelve o'clock noon and six o'clock in the afternoon, of children apparently under the age of twelve years".

Point of Order—Chairman's Ruling.—A Point of Order having been raised that the amendment was out of order, the Chairman gave the following Ruling:—

As regards the question of the right of a Member to move, in Committee on a Bill, an amendment of rates of tax agreed to by a preliminary Ways and Means Committee and adopted by the House, the latest decision on the subject is that given by a Temporary Chairman on the 20th September, 1917 (Votes and Proceedings, page 123) who ruled an "amendment out of order on the ground that the question had been previously negated by the Committee of Ways and Means when considering the Resolutions upon which the Bill was founded and that the House had subsequently adopted the Committee's Report".

In the Imperial Parliament, on 21st December, 1888, in Committee on the Consolidated Fund (Appropriation) Bill (*Hansard*, third series, volume 332, pages 976, &c.), the Chairman said—
" . . . this is a Committee of the Whole House and it is not open to a Committee of the Whole House to vary or negative any Resolution which is a Resolution of the House itself " (page 979); " those Resolutions of Committee of Supply have been reported to the House, and the House has been pleased, by Resolution, to agree to those Resolutions, and it is not competent for this Committee to either review or alter the decisions which have been come to by the House itself " (page 981); " . . . this Committee of the House is not competent to entertain any amendment which would be inconsistent with the Resolutions which have been arrived at by the House itself " (page 985). In reply to a question as to what was the object of putting the Schedule when there was no power to move amendments, the Chairman said:—" It is not part of my business to explain the reasons for the various forms of the House " (page 986). He further said that it was not in the province of the Committee to consider the policy embodied in the votes—the Committee had to consider the details of the Bill—to see that they were correct (page 989.)

And in the Twelfth Edition of *May*, pages 497-8, a similar principle is laid down in regard to taxation Bills, as follows:—" If any of the provisions of the Bill should be found to go beyond the resolutions of the Committee of Ways and Means or other Committee of the whole House, as agreed to by the House on report, upon which the Bill is founded, a further resolution must be passed by the Committee of Ways and Means or other Committee of the whole House, and agreed to by the House, before those provisions are considered in Committee on the Bill or the Bill must be amended so as to conform to the resolutions to which the House has agreed. Amendments to the Bill which are not covered by resolutions of the Committee of Ways and Means or other Committee of the whole House are out of order."

It seems to me perfectly clear, as set out in the foregoing extracts, that a Committee on a Bill cannot reverse or in any other way alter a decision of the previous Committee which has become a Resolution of the House itself, otherwise, of course, no purpose would be served by considering in Committee of Ways and Means such a subject as the present Entertainments Tax. All the time spent in that Committee in debating the proposal would be practically wasted if this Committee could re-open the whole subject and deal with it in quite a different way. It would mean that no finality would have been reached when the House adopted the Report of the former Committee.

Generally speaking, the Parliamentary principle is that a Committee on a Bill cannot alter a matter agreed to by a previous Committee and adopted as a Resolution by the House.

23rd October, 1918.

Clause 3 debated—

Mr. J. H. Catts moved, as an amendment, That the word "Section" (line 10) be omitted from the clause.

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

The Committee divided—

Ayes, 30.		Noes, 17.	
Mr. Archibald	Mr. Lamond	Mr. Blakeley	Mr. McGrath
Mr. Atkinson	Mr. Leckie	Mr. Brennan	Mr. Nicholls
Mr. Bayley	Mr. McWilliams	Mr. J. H. Catts	Mr. Riley
Sir Robert Best	Mr. Orchard	Mr. Charlton	Mr. Tudor
Mr. Bruce	Mr. Palmer	Mr. Considine	Mr. West
Mr. Chapman	Mr. Poynton	Mr. Fenton	
Mr. Corser	Mr. Rodgers	Mr. Finlayson	
Mr. R. W. Foster	Mr. Sampson	Mr. Higgs	<i>Tellers:</i>
Mr. Fowler	Mr. Laird Smith	Mr. W. Maloney	Mr. Page
Mr. Glynn	Mr. Watt	Mr. Mathews	Mr. Watkins
Mr. Greene	Mr. Webster		
Mr. Gregory	Mr. Wise		
Mr. Groom			
Mr. Jensen	<i>Tellers:</i>		
Mr. Jowett	Mr. Story		
Mr. Kelly	Mr. John Thomson		

And so it was resolved in the affirmative.

Debate on clause continued.

Question—That the clause be agreed to—put.

The Committee divided—

Ayes, 29.		Noes, 16.	
Mr. Archibald	Mr. Mackay	Mr. Blakeley	Mr. McGrath
Mr. Atkinson	Mr. Maxwell	Mr. Brennan	Mr. Nicholls
Mr. Bamford	Mr. McWilliams	Mr. Charlton	Mr. Riley
Mr. Bayley	Mr. Palmer	Mr. Considine	Mr. Tudor
Mr. Boyd	Mr. Poynton	Mr. Fenton	Mr. West
Mr. Bruce	Mr. Rodgers	Mr. Finlayson	
Mr. Corser	Mr. Sampson	Mr. Higgs	<i>Tellers:</i>
Mr. R. W. Foster	Mr. Laird Smith	Mr. W. Maloney	Mr. Page
Mr. Fowler	Mr. Watt	Mr. Mathews	Mr. Watkins
Mr. Glynn	Mr. Webster		
Mr. Greene	Mr. Wise		
Mr. Groom			
Mr. Jensen			
Mr. Jowett	<i>Tellers:</i>		
Mr. Kelly	Mr. Story		
Mr. Leckie	Mr. John Thomson		

And so it was resolved in the affirmative.

Title agreed to.

Bill to be reported without amendment.

The House resumed ; Mr. Chanter reported accordingly.

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

Mr. Watt moved, pursuant to contingent notice, That the Standing Orders be suspended, to enable the remaining stage to be passed without delay.

Question—put and passed.

Mr. Watt moved, That the Bill be now read a third time.

Question—put.

The House divided—

Ayes, 31.		Noes, 17.	
Mr. Archibald	Mr. Mackay	Mr. Blakeley	Mr. McGrath
Mr. Atkinson	Mr. Maxwell	Mr. Brennan	Mr. Nicholls
Mr. Bayley	Mr. McWilliams	Mr. J. H. Catts	Mr. Riley
Mr. Boyd	Mr. Orchard	Mr. Charlton	Mr. Tudor
Mr. Bruce	Mr. Palmer	Mr. Considine	Mr. West
Mr. Chanter	Mr. Poynton	Mr. Fenton	
Mr. Corser	Mr. Rodgers	Mr. Finlayson	
Mr. R. W. Foster	Mr. Sampson	Mr. Higgs	<i>Tellers:</i>
Mr. Fowler	Mr. Laird Smith	Mr. W. Maloney	Mr. Page
Mr. Glynn	Mr. Watt	Mr. Mathews	Mr. Watkins
Mr. Greene	Mr. Webster		
Mr. Groom	Mr. Wise		
Mr. Jensen			
Mr. Jowett			
Mr. Kelly	<i>Tellers:</i>		
Mr. Lamond	Mr. Story		
Mr. Leckie	Mr. John Thomson		

And so it was resolved in the affirmative—Bill read a third time.

23rd October, 1918.

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8. **POSTPONEMENT OF BUSINESS.**—Ordered, That Orders of the Day Nos. 3 to 8 inclusive be postponed until after Orders of the Day Nos. 9 and 10, Government Business.
9. **DISTILLATION BILL (1918).**—The Order of the Day having been read for the second reading—
Mr. Jensen moved, That the Bill be now read a second time.
Mr. Tudor moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and passed.
Ordered—That the resumption of the debate be made an Order of the Day for to-morrow.
10. **SPIRITS BILL (1918).**—The Order of the Day having been read for the second reading—Mr. Jensen moved, That the Bill be now read a second time.
Mr. Tudor moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and passed.
Ordered—That the resumption of the debate be made an Order of the Day for to-morrow.
11. **ADJOURNMENT.**—Mr. Groom 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 two o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—
Mr. Anstey*, Mr. Burchell*^a, Sir Joseph Cook*, Mr. Falkiner, Mr. Fleming*^a, Mr. Heitmann*^a,
Mr. Hughes*, Mr. Lister, Mr. Livingston, Mr. Lynch, Mr. Mahony, Mr. Manifold*,
Mr. McDonald, Mr. Pigott, Brigadier-General Ryrie*^a, Mr. Wallace^a, and Mr. Yates*^a.

* On leave.

(^a) Joined Australian Imperial Force.

WALTER A. GALE,
Clerk of the House of Representatives.