

1917-18-19.

 THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

• No. 133.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

WEDNESDAY, 23RD JULY, 1919.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. ADJOURNMENT—MOTION FOR PURPOSE OF DISCUSSION.—Mr. McWilliams 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 present position of the producing, industrial, and commercial interests and of the social life of Australia and of Tasmania caused by the existing strike of the Seamen's Union".
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. McWilliams moved, That the House do now adjourn.
Debate ensued.
The time having arrived for the interruption (in accordance with Standing Order No. 119) of the debate—
Mr. Groom moved, That the debate be continued until six o'clock.
Question—put and passed.
Debate on original motion continued.
At six o'clock the debate was interrupted by the Business of the Day being called on.
3. PAPERS.—The following Paper was presented, by command of His Excellency the Governor-General—
Postmaster-General's Department—Eighth Annual Report, 1917-1918.
Ordered to lie on the Table, and to be printed.
The following Papers were presented, pursuant to Statute—
Arbitration (Public Service) Act—Orders of the Commonwealth Court of Conciliation and Arbitration, and other documents, in connexion with complaints submitted by the—
 Australian Letter Carriers' Association—Dated 16th June, 1919.
 Federated Public Service Assistants' Association—Dated 25th June, 1919.
 General Division Officers' Union of the Trade and Customs Department—Dated 6th June, 1919.
Audit Act—Transfers of Amounts approved by the Governor-General in Council—Financial year 1918-19—Dated 16th July, 1919 (two).
Defence Act—Regulations Amended—Statutory Rules 1919, Nos. 155 to 158, 168.
Excise Act—Regulations Amended—Statutory Rules 1919, No. 186.
Northern Territory—Ordinance of 1919—No. 9.—Justices' Appeals.
Northern Territory Acceptance Act and Northern Territory Crown Lands Act 1890 (South Australia)—Plan of Reserve for Water Conservation and Police Purposes at Anthony's Lagoon, Northern Territory (Reserve being unsuitable, not used).
Public Service Act—
 Promotion of G. Sinden, Postmaster-General's Department.
 Regulations Amended—Statutory Rules 1919, No. 164.
War Precautions Act—Regulations Amended—Statutory Rules 1919, Nos. 166, 167, 176.

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4. **COMMERCIAL ACTIVITIES BILL.**—The Order of the Day having been read for the resumption of the debate on the question, That the Bill be now read a second time—

Debate resumed.

Question—put and passed.—Bill read a second time.

Instruction to Committee.—Mr. Higgs moved, pursuant to notice, That it be an Instruction to the Committee that the Committee have the power to provide for the making of arrangements for dealing with meat, hides, and other commodities during the period covered by the Bill.

Speaker's Ruling.—Mr. Speaker said—I have looked very carefully into this proposed Instruction, and I have no option but to rule it out of order. The Instruction contains a proposal which is outside the order of leave and outside the declared purpose and scope of the Bill as read the second time.

Our Standing Order 249 provides that—"No Instruction can be given to a Committee to do that which it is already empowered to do, or to deal with a question beyond the scope of a Bill as read the second time."

The proposed Instruction must therefore be ruled out of order, because it is outside the order of leave, and proposes to deal with a question beyond the scope of the Bill as read the second time.

I take this opportunity, because the question is one which may come up from time to time, to state for the information of honorable Members, what is the procedure in reference to Instructions, and to what extent Instructions can be moved after the second reading of a Bill. I take the following quotation from *May*:—

"As the subject-matter of a Bill, as disclosed by the contents thereof, when read a second time, has, since 1854, formed the order of reference, which governs the proceedings of the Committee thereon, it follows that the objects sought by an Instruction should be pertinent to the terms of that order; and that the amendments which an Instruction proposes to sanction must be such as would further the general purpose and intention of the House in the appointment of the Committee. The object of an Instruction is, therefore, to endow a Committee with power whereby the Committee can perfect and complete the legislation defined by the contents of the Bill, or extend the provisions of a Bill to cognate objects; and an attempt to engraft novel principles into a Bill, which would be irrelevant, foreign, or contradictory to the decision of the House taken on the introduction and second reading of the Bill, is not within the due province of an Instruction.

"Accordingly an Instruction can be moved that authorizes the introduction of amendments into a Bill which extend its provisions to objects not contained therein if those objects are relevant to the subject-matter thereof, or which would augment the legislative machinery whereby the Bill is to be put into force, as shown in the Appendix, Class 1, whilst on the other hand, no Instruction is permissible which is irrelevant, foreign, or contradictory to the contents of the Bill or that seeks the subversion thereof, by substituting another scheme for the mode of operation therein prescribed. (See Appendix, Class 3.)"

I point out that it is permissible to amend a Bill in Committee, even though the amendment may go beyond the scope of the title of the Bill. But in that case the title has to be altered, and the Bill has to be specially reported to the House. It is still, however, necessary that the amendments shall be relevant to the subject-matter of the Bill itself.

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 1—

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

The House resumed; Mr. Bamford reported accordingly.

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

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

Debate ensued.

Question—put and passed.

And then the House, at thirteen 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. Bruce, Mr. J. H. Catts, Mr. Charlton, Sir Joseph Cook, Mr. Corboy, Mr. Falkiner, Mr. Heitmann^(a), Mr. Hughes, Mr. Jensen, Mr. Livingston, Mr. Maxwell, Mr. Nicholls*, Mr. Pigott, Major-General Ryrie^(a), Mr. Wallace, and Mr. Watt.

* On leave.

(a) Absent with Australian Imperial Force.

WALTER A. GALE,

Clerk of the House of Representatives.