THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 48.

VOTES AND **PROCEEDINGS**

OF THE

OF REPRESENTATIVES. HOUSE

THURSDAY, 5TH OCTOBER, 1922.

- 1. The House met, at half-past two o'clock p.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
- 2. PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS-REPORT.-Mr. Mathews, for the Chairman of the Parliamentary Standing Committee on Public Works, brought up the following Report from the Committee—

Report, together with Minutes of Evidence, Appendices and Plans, relating to the following proposed Railways—

(a) Northern Territory Railway—Extension from Mataranka to Daly Waters; and

(b) Extension of the Port Augusta-Oodnadatta Railway from Oodnadatta to Alice Springs.

Ordered to be printed.

3. Public Service Bill (1922).—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 55---

Debate resumed on the amendment moved by Mr. Blakeley, viz.:—That paragraph (g) of sub-clause (1.) be omitted.

Amendment negatived.

On the motion of Mr. Groom, after debate, the following amendments were made :-

Page 21, line 33, omit "forthwith reply", insert "reply forthwith". Page 21, line 34, omit "to give", insert "giving". Page 21, line 36, omit "forty-eight hours", insert "seven days". Page 21, line 38, omit "have admitted", insert "deny".

On the motion of Mr. Groom, the following further amendment was made :-

Page 22, line 19, after "against" insert "by imposing any other punishment specified in the last preceding sub-section,".

Mr. Makin moved, as a further amendment, That the words "Chief Officer" (lines 39-40 of page 22) be omitted with a view to the insertion of the word "Board" in place thereof. Debate ensued.

Question -- That the amendment be agreed to -- put.

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5th October, 1922.

The Committee divided-

Ayes, 17.	Noes, 34.
Mr. Anstey Mr. Blakeley Mr. Brennan Mr. Scullin Mr. Fenton Mr. Watkins Mr. Lambert Mr. Mahony Mr. W. Maloney Mr. Mathews Mr. McDonald Mr. McGrath	, ne 121

And so it was negatived.

On the motion of Mr. Groom, the following further amendment was made:-

Page 22, line 42, before "the elected" insert "the officer who is".

Mr. Brennan moved, as a further amendment, That the words "organization, if any, otherwise the" be inserted before the word "Division" (line 42 of page 22).

Debate ensued.

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

The Committee divided-

Ayes,	1 6.	Noes, 36.	
Mr. Anstey	Mr. McGrath	Mr. Atkinson	Mr. Hunter
Mr. Blakeley	Mr. Parker Moloney	Mr. Bamford	Mr. Jackson
Mr. Brennan	Mr. Riley	Mr. Bayley	Mr. Jowett
Mr. Fenton	Mr. Scullin	Mr. Bell	Mr. Lister
Mr. Gabb.	Mr. West	Sir Robert Best	Mr. Livingston
Mr. Lambert		Mr. Blundell	Mr. Marks
Mr. Mahony	Tellers:	Mr. Bowden	Mr. Maxwell
Mr. W. Maloney	Mr. Makin	Mr. Bruce	Mr. McWilliams
Mr. McDonald	Mr. Watkins	Mr. Burchell	Mr. Poynton
		Mr. Donald Cameron	Mr. Prowse
•		Mr. Austin Chapman	
		Mr. Corser	Mr. Laird Smith
		Mr. Foley	Mr. Watt
	•	Mr. R. W. Foster	Mr. Wienholt
		Mr. Francis	Mr. Wise
		Mr. Gibson	
		Mr. Greene	Tellers:
		Mr. Groom	Mr. Mackay
		Mr. Higgs	Mr. Story

And so it was negatived.

On the motion of Mr. Groom, the following further amendment was made:-

Page 22, line 44, after "duties" insert "or an officer appointed in pursuance of sub-section (5A.) of this section".

Mr. Scullin moved, as a further amendment, That the words "Any two members of an Appeal Board may exercise all the powers of the Board for investigation and decision" (lines 45-46 of page 22) be omitted.

Debate ensued.

Amendment, by leave, withdrawn.

Clause, as amended, debated.

On the motion of Mr. Brennan, the following further amendment was made:-

Page 22, line 45, after "may" insert "by consent of the parties concerned".

On the motion of Mr. Groom, the following further amendment was made :-

Page 22, after sub-clause (5.) insert the following new sub-clause :-

"(5A.) In the case of the illness, absence or suspension of an officer who is the elected representative of the Division to which the appellant belongs, or of there being no elected representative of that Division, or where the Board of Commissioners is of opinion that, by reason of his being personally interested in, or affected by, any matter which is the subject of appeal under this section, it is undesirable that the elected representative should act as a member of an Appeal Board, the Board of Commissioners may appoint another officer of the same Division to act temporarily as a member of an Appeal Board in lieu of an elected representative.".

Clause, as amended, agreed to.

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On the motion of Mr. Groom, the following amendment was made:

Line 46, omit "in reference thereto, and ".

Clause, as amended, agreed to.

Clauses 57, 58, and 59 agreed to.

On the motion of Mr. Groom, the following amendment was made: --

Line 22, omit "the" (first occurring), insert "that".

Clause, as amended, agreed to.

Clause 61

On the motion of Mr. Groom, the following amendment was made : -

Line 35, after "the" insert "Minister, the".

Clause, as amended, agreed to.

Clauses 62 and 63 agreed to.

Clause 64 --

On the motion of Mr. Groom, the following amendment was made:-

Line 37, omit "Territorial".

Clause, as amended, agreed to.

Clause 65 agreed to.

Clause 66 debated

On the motion of Mr. Groom, after debate, the following amendments were made:--

Line 6, omit "aiding", insert "directly". Line 11, after "Board" insert "after investigation and hearing".

Question proposed. That the clause, as amended, be agreed to.

Debate ensued.

Mr. Lambert addressing the Committee-

Closure-Mr. Greene moved, That the question be now put.

Question That the question be now put-put.

The Committee divided-

Ayes, 28.

Noes, 15.

Mr. Atkinson	Mr. Jackson	Mr. Anstey	Mr. Parker Moloney
Mr. Bayley	Mr. Lamond	Mr. Blakeley	Mr. Scullin
Mr. Bell	Mr. Lister	Mr. Brennan	Mr. Watkins
Mr. Blundell	Mr. Livingston	Mr. Charlton	Mr. West
Mr. Bowden	Mr. Maxwell	Mr. Considine	
Mr. Bruce	Mr. Poynton	Mr. Gabb	W.11
Mr. Donald Cameron	Mr. Prowse	Mr. Lambert	Tellers:
Mr. Corser	Sir Granville Ryrie	Mr. Mathews	Mr. Mahony
Mr. Foley	Mr. Laird Smith	Mr. McGrath	Mr. Riley
Mr. R. W. Foster	Mr. Watt		v
Mr. Greene	Mr. Wise		
Mr. Groom			
Mr. Higgs	Tellers:		
Mr. Hill	Mr. Mackay		
Mr. Hunter	Mr. Story		-

And so it was resolved in the affirmative.

And the question being accordingly put.—That the clause, as amended, be agreed to -

The Committee divided—

Ayes, 27.

Noes, 15.

Mr. Atkinson	Mr. Lamond	Mr. Anstey	Mr. McGrath
Mr. Bayley	Mr. Lister	Mr. Blakeley	Mr. Scullin
Mr. Bell	Mr. Marks	Mr. Brennan	Mr. Watkins
Mr. Blundell	Mr. Maxwell	Mr. Charlton	Mr. West
Mr. Bowden	Mr. Poynton	Mr. Considing	
Mr. Bruce	Mr. Prowse	Mr. Gabb	/II 11
Mr. Donald Cameron	Sir Granville Ryrie	Mr. Lambert	Tellers:
Mr. Corser	Mr. Laird Smith	Mr. Mahony	Mr. Parker Moloney
Mr. Foley	Mr. Watt	Mr. Mathews	Mr. Riley
Mr. R. W. Foster	Mr. Wise		·

Mr. Greene Mr. Groom

Tellers:Mr. Higgs Mr. Mackay Mr. Hill Mr. Hunter Mr. Story

And so it was resolved in the affirmative.

Progress to be reported and leave asked to sit again.

The House resumed: Mr. Chanter reported accordingly.

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Mr. Groom moved, That the House will, at a later hour this day, again resolve itself into the said Committee.

Debate ensued.

Question—put.

The House divided-

Ayes,	31.	No	oes, 15.
Mr. Atkinson Mr. Bayley Mr. Bell Mr. Blundell Mr. Bowden Mr. Bruce Mr. Donald Cameron Mr. Chanter Mr. Corser Mr. Foley Mr. R. W. Foster Mr. Greene Mr. Groom Mr. Higgs Mr. Hill Mr. Hunter Mr. Jackson	Mr. Lamond Mr. Lister Mr. Livingston Mr. Marks Mr. Maxwell Mr. Poynton Mr. Pratten Mr. Prowse Sir Granville Ryrie Mr. Laird Smith Mr. Watt Mr. Wise Tellers: Mr. Mackay Mr. Story	Mr. Anstey Mr. Blakeley Mr. Brennan Mr. Charlton Mr. Considine Mr. Gabb Mr. Lambert Mr. Mathews Mr. McGrath	Mr. Parker Moloney Mr. Riley Mr. Scullin Mr. Watkins Tellers: Mr. Mahony Mr. West

And so it was resolved in the affirmative.

Mr. Greene and Mr. Charlton having, by leave, made statements in reference to the business to be proceeded with-

4. Public Service Bill (1922).—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 again resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 67-

On the motion of Mr. Groom, the following amendments were made:-

Line 16, after "Board" insert " or the Chief Officer".

Line 18, after "may" insert ", after report from the Chief Officer, and after investigation into the circumstances,".

Clause, as amended, agreed to.

Clause 68-

On the motion of Mr. Groom, the following amendment was made :-

Line 30, after "consideration" insert "as is prescribed".

Clause, as amended, debated and agreed to.

Clause 69-

On the motion of Mr. Groom, after debate, the following amendments were made:-

Page 27, line 40, omit "any representative", insert "not more than two representatives". Page 27, line 44, omit "any representative", insert "the representatives". Page 28, line 8, omit "all purposes", insert "such purposes as are prescribed".

Clause, as amended, agreed to.

Clause 70 agreed to.

Clause 71 debated.

On the motion of Mr. Charlton, the following amendment was made :-

Line 35, after "not" insert "unless otherwise ordered by the Board".

Clause, as amended, agreed to.

Clause 72 agreed to.

Clause 73-

On the motion of Mr. Groom, after debate, the following amendments were made:-

After the proviso to sub-clause (1.) insert the following proviso:—

"Provided further that in the case of any person becoming an officer of the Commonwealth Service after the commencement of this Act, the service which shall be taken into account for the purposes of this section shall not include any service in a temporary capacity.".

Line 18, omit "could", insert "would". Line 24, omit "could", insert "would".

Sub-clause (5.), omit this sub-clause.

Clause, as amended, agreed to.

Clause 74-

On the motion of Mr. Groom, the following amendments were made:--

Lines 12-13, omit " of satisfactory service ", insert ", whose period of service is less than twenty vears.

Line 16, omit "in accordance with", insert "for a period not exceeding that appropriate to his service as specified in "

Line 23, omit "grant", insert "authorize payment".

Line 25, after "Service," insert "of".

Lines 25-26, omit "the period of leave for which the officer is eligible", insert "a period of leave not exceeding that which the officer could have been granted ".

Line 30, after "ill-health" insert "and that such ill-health is permanent and is not due to misconduct or to causes within his own control

Line 30, omit "grant", insert "authorize payment". Line 30, after "officer" insert "of".

Line 31, omit "the period of leave", insert "a period of leave not exceeding that".

On the motion of Mr. Groom, after debate, the following further amendment was made: --

At end of clause add the following new sub-clause :-

"(5.) The official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or pay provided in this section may be granted.".

Clause, as amended, agreed to.

Clause 75 agreed to.

Clause 76-

On the motion of Mr. Groom, the following amendment was made :-

Page 31, line 7, after "days" insert ", except the twenty-fifth day of April,".

Clause, as amended, agreed to.

Clauses 77 to 81 agreed to.

Clause 82-

On the motion of Mr. Groom, after debate, the following amendments were made:-

Page 33, lines 15-16, omit "more than two periods of three months successively, or for ".

Page 33, line 32, omit "Special".

Page 33, lines 36-37, omit "the successful competitors may be employed temporarily", insert "the Board may authorize the employment of the successful competitors".

Page 33, line 41, omit "on full pay".

Page 33, line 42, after "terms" insert "and conditions".

Page 33, lines 42-44, omit "No leave of absence for recreation shall be granted unless the

services of the employee are required after expiration of the period of leave.".

Clause, as amended, agreed to.

Clause 83 debated.

On the motion of Mr. Groom, the following amendment was made :-

Sub-clause (4.), omit this sub-clause.

Mr. Blundell moved, as a further amendment, that the following proviso be added to the clause:

"Provided that any returned soldier who has been employed continuously for a period of not less than two years may be permanently appointed without examination if the Chief Officer certifies that the duties of such returned soldier have been performed in a satisfactory manner and that such duties are of a non-clerical character."

Debate ensued.

Question—That the proviso proposed to be added be so added—put.

The Committee divided-

Ayes, 24.		
Mr. Atkinson	Mr.	Lambert
Mr. Bayley	Mr.	Lister
Mr. Bell	Mr.	Maxwell
Mr. Blakeley	Mr.	McWilliams
Mr. Blundell	Mr.	Riley
Mr. Brennan	Mr.	Watkins
Mr. Donald Cameron	Mr.	West
Mr. Considine	Mr.	Wienholt
Mr. Foley	Mr.	Wise
Mr. Francis		
Mr. Gabb		Tellers :
Mr. Hunter	Mr.	Mahony
Mr. Jowett		Scullin

Noes, 15.

Mr. Bowden	Mr. Marks
Mr. Bruce	Mr. Poynton
Mr. Corser	Mr. Pratten
Mr. R. W. Foster	Sir Granville Ryric
Mr. Greene	, , , , , , , , , , , , , , , , , , ,
Mr. Groom	***
Mr. Higgs	Tellers :
Mr. Lamond	Mr. Mackay
Mr. Livingston	Mr. Story

And so it was resolved in the affirmative.

Clause, as amended, agreed to.

Clause 84-

On the motion of Mr. Groom, the following amendments were made:

Lines 17-18, omit "or thirty-nine", insert "thirty-nine or forty-six".

Lines 44-45, omit "or without compliance with the life assurance provisions of this Act".

Lines 47-49, omit " on being recommended for appointment to the Commonwealth Service shall only be required to pass such medical examination as will show that he is fit to perform the duties of an officer", insert "may be appointed to the Commonwealth Service, although not free from physical defects due to service in the war, if it is certified by a medical practitioner approved by the Board that the soldier is free from such physical defects as would incapacitate him for the efficient discharge of the duties of the position to which he is to be appointed".

Clause, as amended, agreed to.

On the motion of Mr. Groom, the following amendment was made:--

Pages 35-36, omit Division 12.—Life Assurance (clauses 85 to 91).

Clause 92 agreed to.

Clause 93-

On the motion of Mr. Groom, the following amendment was made:-

Page 37, lines 5-26, omit the proviso to the clause.

Clause, as amended, agreed to.

Clause 94-

On the motion of Mr. Groom, the following amendment was made :-

Line 28, omit "forty-four", insert "forty-four A".

Clause, as amended, agreed to.

Clauses 95 to 99 agreed to.

Clause 100 omitted on the motion of Mr. Groom.

Clause 101 agreed to.

Clause 102

On the motion of Mr. Groom, the following amendments were made:-

Page 40, lines 8-11, paragraph (a) of sub-clause (1.), omit this paragraph.

Page 40, line 12, omit "First,".

Page 40, lines 40-41, omit "Boards of Appeal", insert "Appeal Boards".

Page 40, line 43, omit "several Divisions on Boards of Appeal", insert "Third and Fourth Divisions on Appeal Boards"

Page 41, lines 35-38, paragraph (s) of sub-clause (1.), omit this paragraph. Page 41, line 40, omit "or by departments". Page 41, line 43, omit "loss of", insert "provisional".

Clause, as amended, agreed to.

Clauses 103, 104, and 105 agreed to.

Clause 106-

On the motion of Mr. Groom, the following amendments were made:

Line 6, omit "and diligent conduct", insert "conduct, diligence".

Line 7, after "attached", insert "and the period of his attendance for duty during that year".

Clause, as amended, agreed to.

Clauses 107 to 110 agreed to.

Clause 111-

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

At end of clause add the following new sub-clause:--

"(4.) Notwithstanding anything contained in the last preceding section, an officer to whom this section applies shall be entitled to be dealt with, as regards offences, in the same manner as is provided by section fifty-six of this Act.".

Clause, as amended, agreed to.

Clauses 112 and 113 agreed to.

Postponed clauses-

Postponed clause 50 omitted on the motion of Mr. Groom, after debate, and the following substituted clause inserted in place thereof :-

50.—(1.) Whenever a vacancy occurs in any office other than in the First Divi- Promotions. sion, and it is expedient to fill that vacancy by the transfer or promotion of an officer, the Board may, subject to the provisions of this Act, after report from the Permanent Head of the Department in which the vacancy occurs, transfer or promote an officer to fill the vacancy, consideration being given first to the relative efficiency and in the event of an equality of efficiency of two or more officers, then to the relative seniority of the officers available for transfer or promotion to the vacancy

(2.) In this section "efficiency" means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit, diligence and good conduct, and, in the case of an officer who is a returned soldier, includes such efficiency as, in the opinion of the Board, he would have attained but for his absence on active naval or military service.

(3.) Any promotion made in pursuance of sub-section (1.) of this section shall be provisional and without increased salary pending confirmation, and shall be notified in the prescribed manner and shall be subject to the right of appeal to the Board.

- (4.) An appeal under this section shall be made in such manner and within such time as is prescribed, and may be made by any officer who considers that he is more entitled to promotion to the vacant office than the officer provisionally promoted, on the ground of-
 - (a) superior efficiency, or
 - (b) equal efficiency, and seniority.
- (5.) An appeal under this section shall be considered, as prescribed by the Board in conference with a representative of the Permanent Head of the Department to which the provisional promotion has been made, and with the appellant, or, if he so desires, with a nominee (who is an officer) of the Public Service organization to which the appellant belongs, or with an agent (who is an officer) of the appellant, and following upon such conference the Board shall determine the appeal.

 (6.) Where an appeal is upheld by the Board, it shall promote the appellant officer to the

vacant office and cancel the provisional promotion.

(7.) Where an appeal is disallowed in pursuance of this section, or no appeal is lodged within the prescribed time, the provisional promotion shall be confirmed by the Board. Postponed clause 51 agreed to.

Postponed clause 52-

On the motion of Mr. Groom, after debate, the following amendments were made:-

Line 1, omit "Chief Officer", insert "Board". Line 5, omit "Chief Officer or Permanent Head,".

Clause, as amended, agreed to.

New clauses-

On the motion of Mr. Groom, the following clauses were added to the Bill :-

5A. Where a person has been appointed before the commencement of this Persons holding Act for a term of years to a statutory office under any Act repealed by this Act, he shall, for the purposes of this Act, he deemed, so long as he continues to be employed in the office (whether during or after the term for which he was appointed) to continue to be an officer of the Commonwealth Service, and the service of that person in that office shall be deemed to be service in the Commonwealth Service.

44A. Where any officer of the Public, Railway or other Service of a State, whether or not he was an officer of that Service at the date of the establishment of the Common-Rights of transferred officers. wealth, was transferred to the Commonwealth Service before the commencement of this Act, he shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State from which he was transferred, if his service with the Commonwealth were a continuation of his service with the State.

99A. Any officer who has been a member of any Expeditionary Force raised under the provisions of the Defence Act 1903-1918, and who, except in pursuance of absence without leave. leave granted under this Act or the Acts repealed by this Act, is absent from duty for twelve months subsequent to his ceasing to be a member of that Force shall be deemed to have forfeited his office upon the expiration of that period of twelve months.

101A. Where, under any Act repealed by this Act deductions have been made from the salary of any person unable to assure his life as required by that repealed Act, and have been invested and accumulated by an officer or authority appointed in pursuance of that repealed Act, those deductions shall remain so invested and accumulated for the purposes and subject to the conditions prescribed in the repealed Act:

Provided that any such person may at any time prior to his retirement, by notice in writing to the officer or authority by whom the deductions are invested or accumulated, require the total amount deducted from his salary together with interest accumulated thereon to be repaid to him and the officer or authority shall repay that amount and interest to that person accordingly.

icer or authority shall repay that amount and morress to that provisions relating 101B. Notwithstanding anything contained in this Act the provisions relating provisions of repealed Act. to life assurance contained in any Act repealed by this Act shall cease to have effect upon a date to be fixed by proclamation, whether before or after the commencement of this Act.

Schedules- -

On the motion of Mr. Groom, the following amendment was made :--

First Schedule, omit "Commonwealth Public Service Act 1902-1918. The whole", insert-

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"Commonwealth Public Service Act 1902
                                                               The whole
 Commonwealth Public Service Amendment Act 1903...
                                                               The whole
 Commonwealth Public Service Act 1909
                                                               The whole
                                                 . .
                                                          . .
 Commonwealth Public Service Act 1911
                                                              The whole
                                                 . .
 Commonwealth Public Service Act 1913
                                                              The whole
 Commonwealth Public Service Act 1915
                                                               The whole
                                                  . .
                                                          . .
 Commonwealth Public Service Act 1916
                                                               The whole
 Commonwealth Public Service Act 1917
                                                              The whole
 Commonwealth Public Service Act 1918
                                                              The whole."
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Schedule, as amended, agreed to.

Second to Fifth Schedules agreed to.

Title agreed to..

Bill to be reported with amendments.

The House resumed; Mr. Chanter reported accordingly.

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

Question—put and passed.

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

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

And then the House, at one minute to eleven o'clock p.m., adjourned until to-morrow at eleven o'clock a.m.

Members Present.—All Members were present (at some time during the sitting) except—Mr. J. H. Catts, Mr. Cunningham, Mr. Fleming, Mr. Fowler, Mr. Gregory, Mr. Hughes, Mr. Lavelle*, Mr. Lazzarini, Mr. Marr, Mr. Nicholls*, Mr. Rodgers, and Mr. Stewart.

* On leave.

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