

1923.
(SECOND SESSION.)

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 22.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

FRIDAY, 20TH JULY, 1923.

1. The House met, at eleven o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Right Honorable W. A. Watt) took the Chair, and read Prayers.
2. PAPER.—The following Paper was presented, pursuant to Statute—
Lands Acquisition Act—Land acquired at Carnarvon, Western Australia—For Defence purposes.
3. NORTHERN TERRITORY RAILWAY—EXTENSION FROM MATARANKA TO DALY WATERS—APPROVAL OF WORK.—Mr. Groom (Attorney-General, for Mr. Stewart (Minister for Works and Railways), moved, pursuant to notice, That, in accordance with the provisions of the *Commonwealth Public Works Committee Act 1913-1921*, it is expedient to carry out the following proposed work:—Northern Territory Railway—Extension from Mataranka to Daly Waters, which said work was referred to the Public Works Committee and upon which the Committee has duly reported to this House the result of its inquiries.
Mr. Groom laid upon the Table plans, book of reference, estimates, &c., in connexion with the proposed work.
Mr. Yates moved, as an amendment, That the following words be added to the motion:—“and also the extension from Oodnadatta to Alice Springs, upon which the Committee also duly reported to this House the result of its inquiries.”
Debate ensued.

Point of Order—Speaker's Ruling.—Mr. Groom raised a Point of Order as to whether the proposed amendment was in order. Mr. Speaker ruled as follows:—

I have listened to the statement of the Attorney-General (Mr. Groom); but as soon as the amendment submitted by the honorable Member for Adelaide (Mr. Yates) was handed to me I commenced an examination of the Acts which seem to bear upon this matter. As honorable Members are aware, we have no Standing Order defining the procedure to be followed in these cases. We have no practice that applies. On the point that has been raised, our only guide is the provisions of the *Public Works Committee Act 1913* and the *Commonwealth Railways Act 1917*. I am, therefore, placed in a somewhat difficult position. Under sub-section (2.) of section 15 of the *Public Works Committee Act* the submission and explanation of a proposed work to the House must, in the first place, be by a Minister of the Crown, and he must produce certain data to guide the House in its decision. After the *Public Works Committee* has dealt with the proposed work referred to it, in the manner prescribed by the Act, its report must be presented to the House. The House has then to declare whether it is expedient or not to carry out the proposed work. A proviso contained in sub-section (6.) of section 15 empowers the House to refer a matter back to the *Public Works Committee*, if it is not satisfied with the report. Section 59 of the *Commonwealth Railways Act* requires the Commissioner, after a railway work has been referred to the Committee, to submit to his Minister elaborate data, and section 60 requires the Minister, when moving that it is expedient to construct a given railway, to lay all those data before the House. On that point the Minister's arguments, I think, have weight. It appears to me to be clear that, in ordinary circumstances, the Chair would not be justified in accepting any amendment to the motion that the carrying out of a proposed work is expedient, except such an amendment as is contemplated in the proviso to sub-section (6.) of section 15 of the *Public Works Committee Act 1913*. The amendment there contemplated is an amendment to refer the

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matter back to the Committee. It would be competent for any honorable Member in accordance with that proviso to move to refer the report back to the Committee. In the present case the matter is complicated, and, doubtless, honorable Members interested in this railway line are prejudiced by the fact that two separate references of lines were made to the Committee and the reports upon them have been made to the House in one document. Without pronouncing on the merits of the question it is clear that the two works concerned are intimately related geographically, but the House referred them separately to the Committee, and I say emphatically, as the voice of the House for the time being, that it would have been better if the two matters, having been referred separately to the Committee, had been reported on separately. I am asked to rule whether the amendment is in order. If the House desires a ruling now, I must rule against the admissibility of the amendment, which is, in three directions, against the spirit of the Acts. In the first place, as an original submission under the Act is required to be by a Minister, the motion for the adoption of the report authorizing construction—a much more important step—should by implication be made by a Minister also. By submitting this amendment, a private Member is now seeking to take action which should be taken only by a Minister. In the second place, Parliament has enacted clearly in the Railways Act that it desires plans, estimates, and data of various kinds to be placed before the House when a motion of this kind is made. That information has not been presented in relation to the amendment. In the third place, perhaps the most important phase is that the Public Works Committee Act clearly lays it down that when a reference is returned to the House, the House should have one clear issue in front of it. The issue should be whether a particular project is expedient or inexpedient, and the issue should not be confused by rival propositions. Honorable Members realize that in electing a lay Speaker and asking him to interpret Acts of Parliament both in their spirit and letter in the absence of Standing Orders, they must abide by the consequences. Believing that I have so interpreted the law, and mindful of my duty to preserve the rights of honorable Members, I rule that the amendment is not in order. Debate on original motion continued.

The time arriving for the calling on of the Orders of the Day under Standing Orders No. 119—

Ordered—That the time for the debate be extended.

Debate continued.

Mr. Gabb moved, as an amendment, That all the words of the motion after the word "That" be omitted with a view to the insertion of the following words in place thereof:—"all matters in connexion with the North-South Railway be referred back to the Public Works Committee, with a view of the construction of the line from Oodnadatta to Alice Springs taking place, prior to the extension of the line from Mataranka to Daly Waters."

Debate continued.

Mr. Albert Green 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 the next sitting.

4. ADJOURNMENT.—Mr. Bruce (Prime Minister) moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at five minutes past four o'clock p.m., adjourned until Tuesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Blakeley, Mr. Donald Cameron, Mr. Malcolm Cameron, Mr. Cunningham, Mr. Frederick Francis, Mr. Hill, Mr. Hunter, Sir Elliot Johnson, Mr. Lazzarini, Mr. Mahony, Mr. Manning, Mr. Frederick McDonald, Mr. McNeill, Mr. Pratten, Sir Granville Rylie, Mr. Stewart, Mr. Watkins, and Mr. West.

WALTER A. GALE,

Clerk of the House of Representatives.