

1923-24.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 126.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, 6TH OCTOBER, 1924.

1. The House met, at three o'clock p.m., pursuant to adjournment.—Mr. Speaker (the Right Honorable W. A. Watt) took the Chair, and read Prayers.
2. MESSAGE FROM THE GOVERNOR-GENERAL.—ASSENT TO BILL.—The following Message from His Excellency the Governor-General was received, and the same was read by Mr. Speaker :—

FORSTER,
Governor-General. *Message No. 73.*

A Bill intituled—
"Land Tax Assessment Act 1924",
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 Act.
Government House,
Melbourne, 3rd October, 1924.
3. PAPERS.—The following Papers were presented, by command of His Excellency the Governor-General—

Cotton Industry—Improvement of the Cotton Industry in Australia—
Report of Proceedings of Conference between Representatives of the Commonwealth and State Governments.
Report of Proceedings of Conference between Representatives of the Commonwealth and State Governments and of the Growers, Ginners, and Manufacturers.

Severally ordered to lie on the Table.

The following Papers were presented, pursuant to Statute—
Norfolk Island Act—Ordinance of 1924—No. 2—Melanesian Mission Lands.
Papua Act—Ordinance of 1924—No. 5—Customs (Export) Tariff.
Public Service Act—Appointment of E. A. Poole, Department of Health.
4. ALTERATION OF DAY OF NEXT MEETING.—Mr. Bruce (Prime Minister) moved, That the House, at its rising, adjourn until to-morrow at three o'clock p.m.
Question—put and passed.
5. WAR-TIME PROFITS TAX ASSESSMENT BILL (1924).—The Order of the Day having been read for the second reading—Mr. Earle Page (Treasurer) moved, That the Bill be now read a second time.
Debate ensued.
Question—put and passed.—Bill read a second time.
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 1 agreed to.
Clause 2 debated and agreed to.

F 4713.

6th October, 1924.

Clause 3 agreed to.
Title agreed to.
Bill to be reported without amendment.

The House resumed ; Mr. Robert Cook reported accordingly.
On the motion of Mr. Earle Page, the House adopted the Report, and, by leave, the Bill was read a third time.

6. ENTERTAINMENTS TAX ASSESSMENT BILL (1924).—SENATE'S AMENDMENT.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendment made by the Senate in this Bill—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(*In the Committee.*)

The Committee proceeded to consider the Amendment, which is as follows :—

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE.

Page 1, clause 2, after sub-paragraph (ii) insert the following new sub-paragraph :—

- “ ; or,
(iii) such funds of a society or association not carried on for the profit or gain of the individual members thereof, as the society or association sets apart to provide sick, accident, or funeral benefits for or on behalf of any of its members ”.

On the motion of Mr. Earle Page (Treasurer), the Amendment was agreed to.
Resolution to be reported.

The House resumed ; Sir Neville Howse reported accordingly.
On the motion of Mr. Earle Page, the House adopted the Report.

7. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—INVALID AND OLD-AGE PENSIONS APPROPRIATION BILL (1924).—The following Message from His Excellency the Governor-General's Deputy was presented, and the same was read by Mr. Speaker :—

STRADBROKE,
Deputy of the Governor-General.

Message No. 74.

In accordance with the requirements of section fifty-six of the Constitution of the Commonwealth of Australia, the Deputy of the Governor-General recommends to the House of Representatives that an appropriation of revenue be made for the purposes of a Bill for an Act to grant and apply out of the Consolidated Revenue Fund a sum for Invalid and Old-age Pensions.

Melbourne,
27th September, 1924.

Ordered—That the foregoing Message be taken into consideration, in Committee of the whole House, forthwith.

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

(*In the Committee.*)

Mr. Earle Page (Treasurer) moved, That it is expedient that an appropriation of revenue be made for the purposes of a Bill for an Act to grant and apply out of the Consolidated Revenue Fund a sum for Invalid and Old-age Pensions.

Question—put and passed.
Resolution to be reported.

The House resumed ; Sir Neville Howse reported accordingly.
Mr. Earle Page 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.
The Resolution reported from the Committee was read, and, on the motion of Mr. Earle Page, was adopted by the House.

Ordered—That Mr. Earle Page and Mr. Bruce do prepare and bring in a Bill to carry out the foregoing Resolution.

Mr. Earle Page then brought up the Bill accordingly, and moved, That it be now read a first time.

Question—put and passed.—Bill read a first time.
Mr. Earle Page moved, That the Bill be now read a second time.

Question—put and passed.—Bill read a second time.
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(*In the Committee.*)

Bill, by leave, taken as a whole, and agreed to.
Bill to be reported without amendment.

The House resumed ; Sir Neville Howse reported accordingly.
On the motion of Mr. Earle Page, the House adopted the Report, and the Bill was read a third time.

6th October, 1924

8. DAIRY PRODUCE EXPORT CONTROL BILL.—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendments made by the Senate in this Bill—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to consider the Amendments, which are as follow :—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 2, clause 4, line 28, leave out “ by the producers as a ”, insert “ as an elected ”.
 No. 2.—Page 3, clause 10, line 35, after “ places ” insert “ within the Commonwealth ”.
 No. 3.—Page 3, clause 10, at end of clause add the following new sub-clause :—
 “ (6.) The Board shall keep a record of its proceedings.”
 No. 4.—Page 4, clause 11, line 2, after “ Board ” (second occurring) insert “ two of whom shall be chosen from the representatives on the Board elected by the boards of directors of the co-operative butter and cheese factories, one chosen from the two representatives elected by the boards of directors of proprietary butter and cheese factories, and one to be appointed by the Governor-General as the representative of persons engaged as sellers of dairy produce out of the Commonwealth, whether as agents or on their own account : such Executive Committee ”.
 No. 5.—Page 4, clause 14, line 43, leave out “ to Europe ”.
 No. 6.—Page 4, clause 14, line 45, leave out “ the Board approves ”, insert “ are prescribed after recommendation to the Minister by the Board ”.
 No. 7.—Page 6, clause 20, lines 12–14, leave out “ Without limiting any authority specifically conferred on the Board with respect to any dairy produce placed under its control,”.
 No. 8.—Page 6, clause 20, line 14, after “ shall ” insert “, with respect to any dairy produce placed under its control,”.
 No. 9.—Page 7, clause 23, line 15, after “ either ” insert “ in an account ”.
 No. 10.—Page 7, clause 23, line 15, after “ partly ” (first occurring) insert “ in an account ”.
 No. 11.—Page 7, clause 25, line 24, leave out “ a bank to be approved by the Minister ”, insert “ the Commonwealth Bank ”.

On the motion of Mr. Bruce (Prime Minister)—

Amendment No. 1 debated and agreed to.

Amendments Nos. 2 and 3 agreed to.

Amendment No. 4 disagreed to.

Amendment No. 5—

Amendment agreed to, and a consequential amendment made to clause 14 by adding the following sub-clause :—

“ (2.) Nothing in this section shall apply to the export of dairy produce to any port between the ninetieth and one hundred and eightieth degrees of East longitude and north of the thirtieth parallel of South latitude.”

Amendments Nos. 6 to 10 agreed to.

Amendment No. 11 agreed to with the following amendment :—

After “ Bank ” insert “ or any other prescribed bank ”.

Resolutions to be reported.

The House resumed ; Sir Neville Howse reported accordingly.

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

Mr. Bruce moved, That Mr. Hill, Mr. Gibson, and the Mover be appointed a Committee to draw up a reason for the House of Representatives disagreeing to Amendment No. 4.

Question—put and passed.

Mr. Bruce, on behalf of the Committee, brought up such Reason, which was read, and is as follows :—

Reason of the House of Representatives for disagreeing to Amendment No. 4 of the Senate.

That it is desirable that the Board should be unfettered in its choice of an Executive Committee to carry out such of the Board's functions as it desires to entrust to such a Committee.

Mr. Bruce moved, That the Committee's Reason be adopted.

Question—put and passed.

9. DRIED FRUITS EXPORT CONTROL BILL.—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendments made by the Senate in this Bill—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to consider the Amendments, which are as follow :—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 2, clause 4, line 26, after “ years ” insert “ and shall be eligible for re-election ”.
 No. 2.—Page 3, clause 10, line 20, after “ places ” insert “ within the Commonwealth ”.
 No. 3.—Page 3, clause 10, line 23, leave out “ any ”, insert “ all ”.
 No. 4.—Page 4, clause 13, lines 8 and 9, leave out “ recommended by the Board and prescribed by the Regulations ”, insert “ are prescribed after recommendation to the Minister by the Board ”.

6th October, 1924.

No. 5.—Page 6, clause 24, line 24, after "Bank" insert "or any other prescribed Bank".

No. 6.—Page 7, clause 28, line 4, leave out "the" (first occurring), insert "each".

No. 7.—Page 7, clause 28, line 4, leave out "each", insert "the".

On the motion of Mr. Bruce (Prime Minister), Amendments Nos. 1 to 4 agreed to.

Mr. Bruce moved, That Amendment No. 5 be agreed to.

Debate ensued.

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

The House resumed; Sir Neville Howse reported accordingly.

Resolved—That the House will, at a later hour this day, again resolve itself into the said Committee.

10. LESSEE TAX 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 2—

Mr. Gregory moved, as an amendment, That the words "other than for a pastoral, grazing or mineral lease granted by the Government of the Commonwealth or of a State" be inserted after the word "lessee" (line 6).

Debate ensued.

Chairman's Ruling.—The Chairman ruled the amendment out of order on the Parliamentary principle that a Committee on a Bill cannot alter a matter agreed to by a previous Committee and adopted as a Resolution by the House.

Mr. Gregory proceeding to move another amendment—

Chairman's Ruling.—The Chairman ruled that the Bill could not be amended.

Mr. Gregory moved, That the Ruling of the Chairman be disagreed with.

Debate ensued.

Motion not proceeded with.

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

The House resumed; Sir Neville Howse reported accordingly.

Resolved—That the House will, at a later hour this day, again resolve itself into the said Committee.

11. QUESTIONS OF ORDER.—MR. SPEAKER'S RULINGS.—Mr. Scullin raised a question of Order as to whether the Lessee Tax Bill could not have been introduced by motion on notice, so that it might be discussed on the motion for second reading and be open to amendment in Committee, and asked Mr. Speaker's ruling as to whether Bills founded on Resolutions of the Committee of Ways and Means may be amended in Committee.

Mr. Speaker ruled that a Bill which imposes charges or levies upon the people can be originated only by Message from the Crown or by Resolution of the Committee of Ways and Means, and stated that if the Committee of Ways and Means reports a Resolution to the House and the House adopts it, the Resolution becomes the Resolution of the House upon which the Bill is founded. Subsequently, when such a Bill is being considered, certain strict limitations are placed on the powers of the Committee of the Whole. One of these limitations is that no amendment which in any way varies the terms of the Resolution upon which the Bill is founded can be accepted, and particularly if such amendment varies the terms of the Resolution by altering the area of taxation when taxation is involved, or by increasing the charges or levies upon the people.

Mr. Anstey raised a further question as to whether it is permissible to move any amendment to such a Bill in Committee of the Whole, provided that such amendment does not increase the area of taxation or charges on the people.

Mr. Speaker ruled that once a Resolution of the Committee of Ways and Means has been reported to and adopted by the House, no variation of that Resolution can be made by the Committee of the Whole in the Bill founded upon such Resolution. The Committee of the Whole cannot alter the character or width of the Resolution.

Mr. Scullin asked Mr. Speaker to advise the House whether there was any stage of the Bill at which the proposals contained therein might be amended.

Mr. Speaker referred honorable Members to his Ruling on the 26th September last (*see V. and P.*, p. 448, *Entry No. 6*), when he advised the House that the stage to alter a taxation proposal originating in a Resolution of the Committee of Ways and Means is in the Committee of Ways and Means itself. Mr. Speaker also pointed out that when a Resolution from the Committee of Ways and Means is reported to the House for adoption, if the House desires to alter such Resolution it may do so before its adoption.

Mr. Anstey raised a further question of Order, in regard to the Temporary Chairman of Committees having ruled that no amendment of any kind is permissible in a Bill founded on a Resolution from the Committee of Ways and Means. Mr. Gregory also raised the same question, and stated that he had intimated his intention to move an amendment to the Lessee Tax Bill, and that the Temporary Chairman of Committees had ruled that no amendment of any kind could be moved in the Bill. He desired to know whether the Ruling given by the Temporary Chairman of Committees was correct.

6th October, 1924.

Mr. Speaker pointed out that it is not the practice of the Speaker to comment upon a ruling by the Chairman of Committees, and stated that there are two occasions on which Members may vary proposals before the Committee of Ways and Means. First, when the motion is made in such Committee, and second, when the Resolution of the Committee of Ways and Means is submitted to the House for adoption. If no alterations are made at either of these stages, it is not competent for a Committee of the whole House to make any variation in a Resolution from the Committee of Ways and Means which has subsequently been adopted by the House.

Mr. Makin raised a further question, and asked Mr. Speaker to advise the House as to the procedure which should be followed if it is desired to vary the terms of a Resolution of the Committee of Ways and Means which has been adopted by the House.

Mr. Speaker stated that alternative courses are laid down in *May* (10th Edit., p. 592). The first course is indicated by the following extract:—

No further proceeding is founded on the reports of the Supply grants; but when the resolutions of the Committee of Ways and Means are agreed to, Bills may be ordered thereon to carry the resolutions into effect. When such a Bill has been ordered, but not presented, the Members appointed to prepare the Bill may be instructed to make provision therein, pursuant to such further resolutions of the Committee as have been agreed to since the Bill was ordered or an instruction is given to the Committee on the Bill to make such provision therein if the Bill has been read a second time.

The second procedure, which is the more general in the House of Commons, is indicated by the following extract from *May* (page 593):—

When a Bill brought in on Ways and Means resolutions or on the resolutions of any other Committee of the whole House be withdrawn, and it is expedient to bring in another Bill of a similar nature, the usage is to read again the resolutions on which the Bill was founded, and to order another Bill, either on all or on some of those resolutions.

The House alone can order any variation of the present position in relation to this Bill, to which reference has been directly made, either for its withdrawal or for fresh instructions to be issued to the Committee of Ways and Means or the Committee of the whole House.

12. DRIED FRUITS EXPORT CONTROL BILL—SENATE'S AMENDMENTS.—The Order of the Day having been read for the further consideration in Committee of the whole House of the Amendments made by the Senate in this Bill (*see page 477 ante*)—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to further consider the Amendments (*see Entry No. 9 ante*).

Amendment No. 5—Consideration resumed.

Question—That the Amendment be agreed to—put.

The Committee divided—

Ayes, 28.

Noes, 14.

Mr. Atkinson	Mr. Jackson
Mr. Bowden	Mr. Latham
Mr. Bruce	Mr. Mackay
Mr. Donald Cameron	Mr. Mann
Mr. Robert Cook	Mr. Earle Page
Mr. Corser	Mr. Thomas Paterson
Mr. Duncan-Hughes	Mr. Pratten
Mr. R. W. Foster	Mr. Prowse
Mr. Josiah Francis	Mr. Seabrook
Mr. Gardner	Mr. Thompson
Mr. Gibson	Mr. William Watson
Mr. Roland Green	
Mr. Gregory	<i>Tellers:</i>
Mr. Hill	Mr. Hunter
Mr. Hurry	Mr. Marr

Mr. Anstey	Mr. O'Keefe
Mr. Brennan	Mr. Scullin
Mr. Coleman	Mr. Watkins
Mr. Forde	Mr. Yates
Mr. Albert Green	
Mr. Makin	<i>Tellers:</i>
Mr. Mathews	Mr. Fenton
Mr. McNeill	Mr. Parker Moloney

And so it was resolved in the affirmative.

On the motion of Mr. Bruce (Prime Minister), Amendments Nos. 6 and 7 agreed to. Resolution to be reported.

The House resumed; Sir Neville Howse reported accordingly. On the motion of Mr. Bruce, the House adopted the Report.

3. PUBLIC SERVICE BILL (1924).—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.
 Mr. Coleman 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.

6th October, 1924.

14. POSTPONEMENT OF BUSINESS.—Ordered—That Orders of the Day, Nos. 7 and 8, be postponed until after Order of the Day, No. 9, Government Business.
15. IMMIGRATION BILL (1923).—The Order of the Day having been read for the second reading—Mr. Atkinson (Minister representing the Minister for Home and Territories) moved, That the Bill be now read a second time.
Question—put and passed.—Bill read a second time.
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 1 agreed to.

Clause 2—

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

The House resumed; Sir Neville Howse reported accordingly.

Resolved—That the House will, at the next sitting, again resolve itself into the said Committee.

- 16 ADJOURNMENT.—Mr. Bruce (Prime Minister) moved, That the House do now adjourn.
Question—put and passed.

And then the House, at five minutes to ten o'clock p.m., adjourned until to-morrow at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—
Mr. Bamford, Mr. Bayley*, Mr. Blakeley*, Mr. Malcolm Cameron, Sir Austin Chapman, Mr. Charlton*, Mr. Cunningham, Mr. Gabb, Sir Littleton Groom*, Mr. Hughes, Sir Elliot Johnson, Mr. Killen, Mr. Lacey, Mr. Lambert, Mr. Lazzarini, Mr. Mahony, Mr. W. Maloney*, Mr. Manning, Mr. Marks*, Mr. Charles McDonald, Mr. Frederick McDonald, Mr. McGrath, Mr. Nelson, Mr. Edward Riley, Mr. E. C. Riley, Sir Granville Ryrie*, Mr. Stewart, Mr. West, and Mr. Whitsitt.

* On leave.

FRANK L. CLAPIN,
Acting Clerk of the House of Representatives.