

1903.

## THE PARLIAMENT OF THE COMMONWEALTH.

No. 74.

## VOTES AND PROCEEDINGS

OF THE

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, 14TH OCTOBER, 1903.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. STANDING ORDERS COMMITTEE: STANDING RULES AND ORDERS AS FURTHER AMENDED AND RECOMMENDED BY.—Mr. Deakin (for Mr. Speaker, Chairman) brought up from the Standing Orders Committee Standing Rules and Orders relating to Public Business; also those relating to Private Bills, as further amended and agreed to by the Committee, and recommended to the House, together with a Report and the Proceedings of the Committee, and moved, That the said Standing Rules and Orders be printed.

Question—put and resolved in the affirmative.

Mr. Deakin moved, by leave, That the consideration of the said Rules and Orders in Committee of the whole House be made an Order of the Day for to-morrow.

Question—put and resolved in the affirmative.

3. PETITIONS.—Petitions, praying that, in view of the recent drought and the consequent emigration of many workmen, speedy provision may be made by the House for the passage of an Iron Bonus Bill, which will give substantial encouragement to private enterprise in developing the iron industry, were presented as under :—

By Mr. Chanter—

From certain electors of New South Wales.

By Mr. Clarke—

From certain electors of New South Wales.

By Mr. R. Edwards—

From certain electors of Queensland.

By Mr. Wilkinson—

From certain electors of Queensland.

Petitions severally received.

4. MESSAGE FROM THE SENATE.—APPROPRIATION BILL 1903-4.—Mr Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 28.

The Senate returns to the House of Representatives the Bill for "*An Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the thirtieth day of June One thousand nine hundred and four, and to appropriate the supplies granted for such year in this session of the Parliament,*" and requests the House to amend the Bill as set forth in the annexed Schedule.

The Senate,

Melbourne, 13th October, 1903.

R. C. BAKER,

President.

Ordered—That the consideration of the foregoing Message in Committee of the whole House be made an Order of the Day for this day.

14th<sup>v</sup> October, 1903.

5. MESSAGE FROM THE SENATE—APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 29.

The Senate has agreed to the Bill returned herewith intituled "*A Bill for an Act to grant and apply a sum out of the Consolidated Revenue Fund to the service of the year ending the thirtieth day of June One thousand nine hundred and four for the purposes of Additions, New Works, and Buildings,*" with the amendments indicated by the annexed Schedule, to which amendments it desires the concurrence of the House of Representatives.

R. C. BAKER,  
President.

The Senate,  
Melbourne, 14th October, 1903.

Ordered—That the consideration of the foregoing Message in Committee of the whole House be made an Order of the Day for this day.

6. MESSAGE FROM THE SENATE.—SUPPLEMENTARY APPROPRIATION BILL 1901-2 AND 1902-3.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 30.

The Senate has agreed to the Bill returned herewith intituled "*A Bill for an Act to grant and apply out of the Consolidated Revenue Fund a further sum for the service of the year ended the thirtieth day of June One thousand nine hundred and two, and a further sum for the service of the year ended the thirtieth day of June One thousand nine hundred and three,*" without requests.

R. C. BAKER,  
President.

The Senate,  
Melbourne, 14th October, 1903.

7. MESSAGE FROM THE SENATE.—SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) BILL 1901-2 AND 1902-3.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 31.

The Senate returns to the House of Representatives the Bill for "*An Act to grant and apply out of the Consolidated Revenue Fund for Additions, New Works, and Buildings, a further sum for the service of the year ended the thirtieth day of June One thousand nine hundred and two, and a further sum for the service of the year ended the thirtieth day of June One thousand nine hundred and three,*" to which it has agreed without amendment.

R. C. BAKER,  
President.

The Senate,  
Melbourne, 14th October, 1903.

8. PAPER.—Sir William Lyne presented, pursuant to the direction of Acts of Parliament—Excise Act 1901 and Sugar Bounty Act 1903—Sugar Regulations (dated 6th October, 1903).

9. PATENTS BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole House on this Bill having been read—Mr. Deakin moved, That the Bill be now recommitted to a Committee of the whole House for the reconsideration of Clauses 44 and 84 and the Second Schedule, and for the consideration of proposed New Clauses 6A, 28A, 88A, and 88B.

Question—put and resolved in the affirmative.

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

Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had reconsidered the portions of the Bill referred to it, and had agreed to the same with further amendments, and had added the new clauses.

Mr. Deakin moved, by leave, That the Bill be allowed to pass through its remaining stages this day.

Question—put and resolved in the affirmative.

On the motion of Mr. Deakin the House adopted the Reports.

Question—put and resolved in the affirmative.

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

Question—put and resolved in the affirmative.—Bill read a third time.

10. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR-GENERAL.—ASSENT TO BILL.—The following Message from His Excellency the Governor-General was presented by Mr. Deakin, and the same was read by Mr. Speaker :—

TENNYSON,

Governor-General.

Message No. 25.

A Bill intituled "*An Act relating to Naturalization,*" 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, 13th October, 1903.

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11. DEFENCE BILL.—SENATE'S MESSAGE, No. 24.—The Order of the Day for the consideration in Committee of the whole House of the Senate's Message No. 24 having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.  
Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had dealt with the amendments, as follows :—

## AMENDMENTS MADE BY THE SENATE, TO WHICH THE COMMITTEE OF THE WHOLE HAS AGREED.

- No. 1.—Wherever throughout the clauses of the Bill the words "Military and Naval" and "Military or Naval" occur, unless otherwise indicated in this Schedule, transpose to read "Naval and Military" and "Naval or Military," respectively.
- No. 2.—Page 2, clause 4, after line 38 insert new paragraph—  
" 'Member'—Includes any officer, sailor, and soldier."
- No. 3.—Page 3, clause 4, after line 11, insert new paragraph—  
" 'Oath'—Includes affirmation in the case of any person who has a conscientious objection to take an oath."
- No. 4.—Page 4, clause 6, after paragraph (a) insert new paragraph—  
" (aa) Any right to appointment or employment in the Public Service of a State conferred by any of those Acts ; or."
- No. 5.—Page 4, clause 9, line 36, before "If" insert "The General Officer Commanding and the Naval Officer Commanding shall have such powers and perform such duties as are prescribed or as the Governor-General directs, and."
- No. 6.—Page 4, clause 9, line 38, after "or" (*second occurring*) insert "perform their."
- No. 7.—Page 5, clause 16, at end of clause add "but the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made and of any action proposed to be taken against him, nor without his being called upon to show cause in relation thereto. Provided that no such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or upwards."
- No. 8.—Page 5, after clause 16, insert the following new clause :—  
" 16A. Except during time of war an officer may, by writing under his <sup>Resignation of</sup> hand, tender the resignation of his commission at any time <sup>commission.</sup> by giving three months' notice."
- No. 9.—Page 5, clause 17, insert new sub-clause (*to stand first in the clause*)—  
" (1A) Warrant officers and non-commissioned officers in the Permanent Military Forces shall be appointed by the General Officer Commanding or by officers deputed by him in that behalf."
- No. 10.—Page 5, clause 17, line 26, before "Military" insert "Citizen."
- No. 11.—Page 5, clause 17, line 26, after "by" omit remainder of sub-clause, insert "Officers Commanding Regiments and Corps subject to the approval of the District Commandant."
- No. 13.—Page 8, clause 35, line 8, omit "Active," insert "Permanent and Militia."
- No. 14.—Page 8, clause 35, at end of clause add "and as members of the Volunteer Forces and Reserves for a prescribed period of not less than two years."
- No. 16.—Page 8, after clause 39, insert the following new clause :—  
" 39A. Every soldier or sailor of the Reserve Forces may, except in time <sup>Discharge of</sup> of war, claim his discharge before the expiration of the period <sup>members of</sup> of service for which he engaged, on giving fourteen days' notice <sup>Reserve Forces.</sup> in writing to his commanding officer of his intention to claim his discharge."
- No. 17.—Page 9, clause 43, lines 3 and 4, omit "and all persons continuously employed in the Active Forces on regular pay and duty."
- No. 18.—Page 10, clause 51, line 11, omit "Royal Navy," insert "the King's Regular Naval Forces."
- No. 19.—Page 10, clause 52, line 15, omit "Royal."
- No. 20.—Page 10, clause 52, line 15, after "Navy" insert "on the Australian Station."
- No. 21.—Page 10, clause 52, line 18, after "King's" insert "Regular."
- No. 24.—Page 11, clause 59, line 36, omit "proclamation," insert "regulation."
- No. 25.—Page 14, clause 71, line 40, omit "or."
- No. 26.—Page 14, clause 71, line 40, after "equipment" insert "or beast of draught or burden."
- No. 27.—Page 15, clause 71, line 2, omit "or."
- No. 28.—Page 15, clause 71, line 2, after "equipment" insert "or beast of draught or burden."
- No. 29.—Page 15, clause 74, line 30, omit "Active," insert "Defence."
- No. 30.—Page 16, clause 78, line 16, omit "Military or Naval," insert "Defence."
- No. 31.—Page 17, clause 81, line 16, after "any" insert "such."
- No. 32.—Page 17, clause 81, line 16, omit "or dress."
- No. 33.—Page 18, clause 86, line 3, omit "Army" insert "Regular Forces."
- No. 34.—Page 18, clause 86, line 7, omit "Navy" insert "Regular Naval Forces."
- No. 35.—Page 18, clause 86, line 9, omit "sailor and soldier" insert "member."

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No. 36.—Page 18, after clause 87, insert the following new clause :—

“87A. No person, other than a person subject to naval or military law, shall be proceeded against before a court-martial, but if a person not Court-martial not to punish civilians for contempt. so subject commits any act amounting to contempt of court within the view or hearing of a court-martial he may forthwith be arrested pursuant to the order of the President of the court-martial and taken before a Civil Court having jurisdiction to try him for the offence to be dealt with according to law.”

No. 37.—Page 18, clause 88, line 20, omit “Fifty” insert “Twenty.”

No. 38.—Page 18, clause 88, line 21, omit “three” insert “two.”

No. 39.—Page 18, clause 89, line 26, omit “person” insert “member of the Defence Force.”

No. 40.—Page 18, clause 90, line 28, omit “Active” insert “Permanent.”

No. 41.—Page 18, clause 91, line 32, omit “before the court” insert “other than the accused.”

No. 42.—Page 18, clause 92, line 34, after “documents” insert “and who not being a member of the Permanent Forces has been paid or tendered reasonable expenses of his attendance.”

No. 43.—Page 20, clause 105, at end of clause add “and also in the case of the Citizen Forces by reduction in rank, or dismissal.”

No. 44.—Page 21, clause 107, line 2, omit “(other than a court martial),” insert “of summary jurisdiction.”

No. 45.—Page 21, clause 107, line 5, after “no” insert “such.”

No. 46.—Page 21, clause 107, line 6, omit “of the Force.”

No. 47.—Page 21, clause 108, line 18, after “corps” insert “or part thereof.”

No. 48.—Page 21, clause 108, line 19, after “company” insert “or part thereof.”

No. 49.—Page 21, clause 108, line 21, after “corps” insert “or part thereof.”

No. 50.—Page 21, clause 108, line 21, after “company” insert “or part thereof.”

No. 51.—Page 21, clause 108, line 25, after “alienation” insert “or pawning.”

No. 52.—Page 21, clause 108, line 25, omit “or” (*second occurring*).

No. 53.—Page 21, clause 108, line 25, after “alienation” (*second occurring*) insert “or pawning.”

No. 54.—Page 21, clause 108, line 30, after “corps” insert “or part thereof.”

No. 55.—Page 21, clause 108, line 30, after “company” insert “or part thereof.”

No. 56.—Page 21, clause 108, line 31, after “corps” insert “or part thereof.”

No. 57.—Page 21, clause 108, line 31, after “company” insert “or part thereof.”

No. 58.—Page 21, after clause 108, insert the following new clause—

“108A. Any commanding officer, if authorized by the Regulations so to Power to discharge or disrate sailors and soldiers. do, may disrate or discharge any sailor or soldier of the Citizen Forces for any good cause, but the sailor or soldier before being so disrated or discharged shall be notified, in writing, of the charge against him, and shall be given an opportunity of showing cause against it.”

No. 59.—Page 21, clause 109, at end of clause add “but in the case of members of the Citizen Forces such arrest or custody shall not continue longer than while the corps or ship's company to which such member belongs shall then remain under arms or on duty, or if not then on duty, until such member shall have resumed civilian attire, which he shall, without unnecessary delay, be permitted to do.”

No. 60.—Page 23, clause 116, lines 2 and 3, omit “or unless it be an order of a court-martial.”

No. 63.—Page 24, clause 120, after paragraph (h) insert new paragraph—

“(hh) The maintenance, control, regulation, and training of cadet corps.”

No. 64.—Page 24, clause 120, after paragraph (r) insert new paragraph—

“(s) The payment of compensation to wives and families of members of the Defence Forces as provided in Part III., Division 4 of this Act.”

No. 65.—Page 24, clause 120, line 37, omit “thirty” insert “fourteen.”

No. 66.—Page 24, clause 120, line 38, omit “thirty” insert “fourteen.”

No. 67.—Page 25, after line “SECOND SCHEDULE” insert, in new line, the word “OATH.”

No. 68.—Page 25, Second Schedule, after the form of oath, insert—

#### “AFFIRMATION.

I solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lord the King as a member of the Reserve Forces of the Commonwealth of Australia, and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law.”

No. 69.—Page 25, after line “THIRD SCHEDULE” insert, in new line, the word “OATH.”

No. 70.—Page 25, Third Schedule, after the form of oath, insert—

#### “AFFIRMATION.

I solemnly and sincerely affirm and declare that I will well and truly serve Our Sovereign Lord the King in the Forces of the Commonwealth of Australia removed and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service for the term of years or until sooner lawfully discharged dismissed or faithfully discharge my duty according to law.”

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## AMENDMENT MADE BY THE SENATE, TO WHICH THE COMMITTEE OF THE WHOLE HAS AGREED WITH AN AMENDMENT.

No. 15.—Page 8, clause 39, omit paragraph (b), insert new paragraph—

“(bb) He shall, if a member of the Militia Forces, pay such sum not exceeding Two pounds, and if a member of the Volunteer Forces pay such a sum not exceeding One pound, as may be prescribed, but such payments may, for special reasons, be waived by the General Officer Commanding, upon the recommendation of the Officer Commanding the corps or ship's company from which the member seeks to be discharged.”

Amendment to omit paragraph (b) of clause 39 agreed to.

Amendment to insert new paragraph (bb) agreed to with the following amendment:—Omit “General Officer Commanding, upon the recommendation of the Officer Commanding the corps or ship's company from which the member seeks to be discharged” and insert “officers authorized by the regulations to waive them”

## AMENDMENT TO WHICH THE HOUSE OF REPRESENTATIVES HAS NOT AGREED, BUT HAS MADE AMENDMENTS IN THE CLAUSE PROPOSED TO BE OMITTED BY THE SENATE.

No. 23.—Page 10, clause 55, omit clause 55.

Amendment to omit clause 55 disagreed to, but the following amendments made in the clause, viz. :—

Page 10, line 31, after “service” insert “or on duty”

Page 10, line 32, omit “wife” and insert “widow”

Page 10, line 32, after “family” insert “or for himself, as the case may be,”

## AMENDMENTS MADE BY THE SENATE TO WHICH THE COMMITTEE OF THE WHOLE HAS DISAGREED.

No. 12.—Page 6, clause 27, line 34, after “a” omit remainder of clause, insert “Council of Defence, consisting of—

1. The Minister for Defence.
2. The Officer in Command of Naval Forces.
3. The General Officer Commanding the Commonwealth Forces.
4. One Member of the Senate.
5. One Member of the House of Representatives.

(2) The Council shall receive and review all recommendations of the General Officer Commanding and Naval Commandant in respect to the organization, administration, and financial policy of their respective branches of the Defence Forces, and shall, if thought necessary, obtain expert advice on any questions arising under such recommendations.

(3) It shall be the duty of the Council from time to time to make such recommendations to Parliament as it may think desirable for most effectually securing the efficiency of the Defences and Defence Forces of the Commonwealth, and to take such steps as may be necessary to secure effective compliance with the directions of Parliament in respect to all such matters.

(4) At every meeting of the Council the Minister shall preside, or, in his absence, a chairman to be chosen by those members present.”

No. 22.—Page 10, after clause 54, insert the following new clause—

54A. (1) When any member of the Defence Force dies or is killed while on active service, or is killed while in the performance of his duty, or dies from injuries received or disease contracted while on active service, or from injuries received while in the performance of his duty, provision shall be made out of the Consolidated Revenue Fund, at the prescribed rate, for his widow and for his children under sixteen years of age.

(2) When any member of the Defence Force becomes incapacitated from earning his living by reason of injuries received while on active service, or in the performance of his duty, or by reason of disease contracted while on active service, provision shall be made for the payment to him, out of the Consolidated Revenue Fund, of an allowance or gratuity at the prescribed rate.

(3) No payment or allowance shall be made where the death or incapacity of a member of the Defence Force is attributable to his misconduct or wilful neglect.

No. 61.—Page 23, clause 120, line 33, omit “and composition of a Board of Advice” insert “of a Council of Defence.”

No. 62.—Page 23, clause 120, line 34, omit “Board,” insert “Council.”

On the motion of Sir John Forrest the House adopted the Report.

Sir John Forrest moved, That Mr. Glynn, the Minister of Defence, and the Mover be appointed a Committee to draw up Reasons for the House of Representatives disagreeing to Amendments Nos. 12, 22, 61, and 62.

Question—put and resolved in the affirmative.

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Sir John Forrest, on behalf of the Committee, brought up such Reasons which were read and are as follow :—

*Reasons of the House of Representatives for disagreeing to certain Amendments of the Senate.—*

As to Amendments Nos. 12, 61, and 62—

Because (1) the proposed Council of Defence would interfere with the responsibility of Ministers to Parliament. (2) It is inexpedient to alter the existing system until more information is obtained as to the action taken upon recent proposals for re-organization of the army in England. (3) The Board of Advice, as proposed in the Bill by the House of Representatives, meets existing circumstances, and will give time for full consideration.

As to Amendment No. 22—

Because clause 55 as now amended renders this amendment unnecessary.

Sir John Forrest moved, That the Committee's Reasons be adopted.

Question—put and resolved in the affirmative.

12. EXTRADITION BILL.—The Order of the Day for the second reading of this Bill having been read—

Mr. Deakin moved, That the Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

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

Mr. Speaker resumed the Chair; Mr. V. L. Solomon reported that the Committee had gone through the Bill and agreed to the same without amendment.

On the motion of Mr. Deakin the House adopted the Report.

Mr. Deakin moved, by leave, That the Bill be now read a third time.

Question—put and resolved in the affirmative.—Bill read a third time.

13. HIGH COURT PROCEDURE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read—Mr. Deakin moved, That the Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

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

Mr. Speaker resumed the Chair; Mr. V. L. Solomon reported that the Committee had gone through the Bill and agreed to the same without amendment.

On the motion of Mr. Deakin the House adopted the Report.

Mr. Deakin moved, by leave, That the Bill be now read a third time.

Question—put and resolved in the affirmative.—Bill read a third time.

14. APPROPRIATION BILL 1903-4.—Senate's Message, No. 28.—The Order of the Day for the consideration in Committee of the whole House of the requests made by the Senate in regard to this Bill having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. V. L. Solomon reported that the Committee had dealt with the requests as follows :—

REQUESTS MADE BY THE SENATE TO WHICH THE COMMITTEE OF THE WHOLE HAS DISAGREED.

Page 5, Second Schedule—Division No. 1, Subdivision No. 1—

No. 1.—Item "Clerk of the Papers and Accountant—£380." Leave out "£380," insert "£420."

No. 2.—Item "Shorthand Writer and Typist—£188." Leave out "£188," insert "£200."

No. 3.—Item "Housekeeper and Doorkeeper—£205." Leave out "£205," insert "£235."

No. 4.—Item "President's Messenger—£188." Leave out "£188," insert "£204."

REQUESTS MADE BY THE SENATE TO WHICH THE COMMITTEE OF THE WHOLE HAS AGREED.

Page 20, Second Schedule—Division No. 21, Subdivision No. 1—

No. 5.—Item "4 Superintendents of Works, at Salaries not exceeding £600 per annum—£1,800." Leave out "4," insert "2"; and leave out "£1,800," insert "£1,200."

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

Ordered—That the Bill be returned to the Senate, amended accordingly.

15. APPROPRIATION (WORKS AND BUILDINGS) BILL 1903-4.—Senate's Message, No. 29.—The Order of the Day for the consideration in Committee of the whole House of the amendments made by the Senate in regard to this Bill having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. V. L. Solomon reported that the Committee had agreed to the amendments made by the Senate, which are as follow :—

No. 1, page 9, Division No. 4, Subdivision No. 2, Item No. 2, leave out "owing to the use of a line having been granted to the Eastern Extension Company in connexion with International traffic."

No. 2, page 9, Division No. 4, Subdivision No. 4, Item No. 3, leave out "owing to the use of lines having been granted to the Eastern Extension Company in connexion with International traffic."

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

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16. ADJOURNMENT.—Mr. Deakin moved, That the House do now adjourn.

Debate ensued.

Question—put and resolved in the affirmative.

And then the House, at a quarter past ten o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

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MEMBERS PRESENT.—All Members were present except—Mr. Bamford, Mr. Batchelor, Sir Edward Braddon, Mr. Joseph Cook, Mr. Harper, Mr. Hughes, Mr. Kennedy, Mr. McCay, Mr. McColl, Mr. F. E. McLean, Sir William McMillan, Mr. Page, Mr. Paterson, Mr. Phillips, Sir John Quick, Mr. Reid, Mr. Salmon, Mr. Sawers, Mr. Bruce Smith, and Mr. Watkins.

C. GAVAN DUFFY,

*Clerk of the House of Representatives.*