

1920.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 83.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

FRIDAY, 1ST OCTOBER, 1920.

1. The House met, at eleven o'clock a.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. MESSAGE FROM THE SENATE.—POST AND TELEGRAPH RATES BILL (1920).—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 52.

The Senate returns to the House of Representatives a Bill for “*An Act to amend the Post and Telegraph Rates Act 1902-1918*,” to which it has agreed with the Amendments indicated by the annexed Schedule, in which Amendments the Senate requests the concurrence of the House of Representatives.

THOS. GIVENS,
President.

The Senate,

Melbourne, 30th September, 1920.

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

3. NAVIGATION BILL (1920).—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 127 debated and agreed to.

Clauses 128 and 129 agreed to.

Postponed clause 22 amended, after debate, on the motion of Mr. Greene, by the omission of the words “one month” (line 37) and the insertion of the words “three months” in place thereof, and by the addition at the end of the clause of the following further proviso:—

“Provided also that if the seaman refuses or fails to accept the first reasonable means of conveyance, either as a distressed seaman or otherwise, provided or offered by the master or owner or by a proper authority, he shall not be entitled to receive wages under this sub-section for any period after such refusal or failure.”

Clause, as amended, debated and agreed to.

New Clauses.

On the motion of Mr. Greene, the following clause was added to the Bill:—

“9A. The list of Division headings set out at the commencement of Part II. of the Principal Act is amended by omitting the number ‘122’ and inserting in its stead the number ‘122A’.”

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On the motion of Mr. Greene, after debate, the following clause was added to the Bill:—

“ 19A. After section forty-seven of the Principal Act the following section is inserted:—

‘ 47A.—(1.) No alien shall be permitted to engage or shall be employed in any capacity on any ship registered in the United Kingdom or in Australia unless he produces to the Superintendent or, in the case of a limited coast-trade ship of less than fifty tons gross registered tonnage or a river and bay ship, to the person engaging him, satisfactory proof of his nationality.

Penalty: One hundred pounds.

‘ (2.) No former enemy alien shall be permitted to engage or shall be employed in any capacity on any ship registered in the United Kingdom or in Australia.

Penalty: One hundred pounds.

‘ (3.) For the purposes of this section the expression “ former enemy alien ” means an alien who is a subject or citizen of the German Empire or any component State thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as a result of the recognition of new States or territorial re-arrangements, or been naturalized in any other foreign State or in the United Kingdom or in any British Possession in accordance with the laws thereof and when actually resident therein and does not retain, according to the law of his State of origin, the nationality of that State.”

On the motion of Mr. Greene, the following clause was added to the Bill:—

“ 20A. Section fifty of the Principal Act is amended—

(a) by omitting from the first proviso to sub-section (2.) the words ‘ in any case, remain in force until the ship’s arrival at a port of destination, and in the case of foreign-going ships the discharge of cargo consequent on that arrival,’ and inserting in their stead the following words ‘ subject to sub-sections (3.), (4.) and (5.) of this section, remain in force until the ship’s arrival at her port of destination,’ ; and

(b) by omitting the second proviso to sub-section (2.) and inserting in its stead the following sub-sections:—

‘ (3.) When a ship, the crew of which have been engaged under a running agreement which has been in force more than six months, reaches a port in Australia other than her port of destination, and the ship is not then proceeding, either directly or by intermediate ports, to the port of discharge mentioned in the agreement, the master may discharge any seaman, and any seaman may obtain his discharge.

‘ (4.) No seaman shall be discharged, nor be entitled to be discharged, under the last preceding sub-section, unless he has received from, or given to, the master, on any day other than Saturday and at least twenty-four hours before the ship leaves the port, twenty-four hours’ notice of the proposed or required discharge.

‘ (5.) Any seaman discharged, or who claims his discharge, under sub-section (3.) of this section, shall be entitled to receive from the master or owner—

(a) a free passage to a proper return port, being either the port of discharge mentioned in the agreement or such other port as is mutually agreed upon with the approval of the proper authority;

(b) wages, at the rate provided for in his agreement, until he arrives at the proper return port;

(c) where a passage to the proper return port is not made available to him at the time he is discharged and it is necessary for the seaman to obtain accommodation ashore, an allowance for victualling and accommodation at the rate of five shillings per day for the period during which it is necessary for him to reside ashore and until the passage to the proper return port is made available; and

(d) where the passage provided to the proper return port is otherwise than by sea, an allowance for victualling at the rate of three shillings per day for the period occupied by the journey:

Provided that if his return to the proper return port is delayed by any act or default of the seaman, he shall not be entitled to wages or allowance for victualling and accommodation during the period of the delay.

‘ (6.) Victualling and accommodation allowances provided for in this section may be sued for and recovered by the seaman in the same manner as wages.”

On the motion of Mr. Greene, after debate, the following clause was added to the Bill:—

“ 20B. Section sixty-one of the Principal Act is amended—

(a) by inserting in sub-section (3.) after the word ‘ shall ’ the words ‘, if he has given, not already done so,’ ; and

(b) by omitting from sub-section (3.) the words ‘ in the master’s possession.’ and inserting in their stead the words ‘ taken possession of by the master at the time of the seaman’s engagement.’

On the motion of Mr. Greene, after debate, the following clause was added to the Bill :—

“ 21A. Section seventy of the Principal Act is amended by omitting from sub- Allotment notes. section (2.) the word ‘ one-half ’ and inserting in its stead the word ‘ three-fourths ’.

On the motion of Mr. Greene, after debate, the following clause was added to the Bill :—

“ 21B. Section seventy-seven of the Principal Act is amended— Time for payment of wages on foreign-going ships.

(a) by omitting from sub-section (1.) the words ‘ to every seaman, at the prescribed times, his wages or prescribed portions thereof: ’ and inserting in their stead the following words :—

; subject to all just deductions, the wages due to the crew as follows :—

(a) during any period the ship is engaged in the coasting trade, the full amount of wages then earned shall be paid to every seaman monthly, not later than the first day of each month, or, if the ship is not, at the time when any monthly payment falls due, in a port in Australia where there is a banking institution (other than a savings bank), then within twenty-four hours of the ship’s arrival at such a port ; and

(b) during any period the ship is in parts outside the coasting trade limits, three-fourths of the amount of the wages then earned shall be paid to every seaman within twenty-four hours of the ship’s arrival at any port at which cargo is to be loaded or discharged and at which there is a branch, agency or correspondent of the Commonwealth Bank ; and

(b) by omitting from sub-section (2.) the word ‘ bank ’, and inserting in its stead the words ‘ banking institution (other than a savings bank) ’.

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

The House resumed ; Mr. Chanter reported accordingly.

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

4. POST AND TELEGRAPH RATES BILL (1920)—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 5, lines 8-12, second column, leave out “ Provided that the minimum amount of postage payable on the aggregate weight of newspapers so posted shall be One shilling ”.

No. 2.—Page 3, clause 8, line 14, leave out “ threepence ”, insert “ fourpence ”.

Sir Joseph Cook moved, That the Amendments be agreed to.

Debate ensued.

Question—put and passed.

Resolution to be reported.

The House resumed ; Mr. Chanter reported accordingly.

On the motion of Sir Joseph Cook, the House adopted the Report.

5. PAPER.—The following Paper was presented, pursuant to Statute—

Northern Territory Acceptance Act and Northern Territory Crown Lands Act 1890 (South Australia)—Proclamation, dated 25th August, 1920, resuming portion of Crown lands reserved for use of Aborigines, together with map showing area resumed.

6. NAVIGATION BILL (1920).—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.)

New Clauses—continued.

On the motion of Mr. Greene, after debate, the following clause was added to the Bill :—

“ 28A. After section one hundred and twenty-two of the Principal Act the following new section is inserted in Division 13 :—

“ 122A.—(1.) Every foreign-going steam ship of more than three thousand tons Refrigerating chambers. gross registered tonnage, registered in Australia, shall be provided with a mechanically cooled refrigerating chamber of such capacity and design as to be capable of preserving, in good

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condition, fresh meat in accordance with the scale set out in Schedule III., or as prescribed, for the consumption of the crew, between the principal ports of supply on the projected voyage of the ship.

(2.) The master and owner of any such ship which goes to sea without compliance with this section shall be guilty of an offence.

Penalty: One hundred pounds.

(3.) In the case of a ship built before the commencement of this Division, the Minister, if he is satisfied that the provision of a refrigerating chamber is impracticable, or is under the circumstances of the case unnecessary or unreasonable, may, by writing under his hand, exempt the ship from the provisions of this section."

On the motion of Mr. Greene, the following clause was added to the Bill:—

"53A. Section one hundred and ninety of the Principal Act is amended by ^{Appointment of} ~~surveymen~~ omitting the word 'Minister' and inserting in its stead the word 'Governor-General'."

On the motion of Mr. Greene, after debate, the following clause was added to the Bill:—

"118A. Section three hundred and ninety-seven of the Principal Act is ^{Limitation of} ~~time for~~ proceedings amended—

- (a) by omitting therefrom the words 'no conviction for an offence and';
- (b) by omitting therefrom the words 'after the commission of the offence or';
- (c) by omitting therefrom the words 'as the case may be'; and
- (d) by omitting therefrom the words 'in the case of a summary conviction within two months, and in the case of a summary order'."

On the motion of Mr. Greene, the following clause was added to the Bill:—

"123A. Section four hundred and twenty-three of the Principal Act is amended ^{Suspension of} ~~application of Act~~ by inserting therein after the words 'apply to' the words 'barges or other vessels ^{application of Act} not equipped with means of propulsion or to'."

Mr. Tudor moved, That the following clause be added to the Bill:—

"23A. The acts specified in Column 1 hereunder shall be offences against discipline, and a seaman or apprentice committing any one of them shall be liable to a punishment not exceeding the punishment set opposite to the offence in Column 2 hereunder:—

Column 1—Offences.

Desertion.

Failure or refusal without reasonable cause to join the ship or proceed to sea in the ship.

Absence without leave from duty without reasonable cause, such absence not amounting to desertion or not treated as such by the Master.

Insubordination at sea, or wilful disobedience to any lawful command at sea.

Insubordination, or wilful disobedience to any lawful command.

Continued wilful disobedience to lawful commands, or continued wilful failure in duty.

Conspiring with any other of the crew to disobey lawful commands at sea, neglect duty at sea, or impede the navigation of the ship or progress of the voyage.

Wilfully damaging the ship

Debate ensued.

Question—put.

The Committee divided—

Ayes, 10.

Mr. Brennan	Mr. James Page
Mr. Charlton	Mr. Tudor
Mr. Fenton	
Mr. Mahony	<i>Tellers:</i>
Mr. Mathews	Mr. Riley
Mr. McDonald	Mr. Watkins

Noes, 24.

Mr. Bamford	Mr. Higgs
Mr. Blundell	Mr. Hill
Mr. Donald Cameron	Mr. Hughes
Mr. Austin Chapman	Mr. Jackson
Sir Joseph Cook	Mr. Mackay
Mr. Robert Cook	Mr. Marr
Mr. Corser	Mr. Maxwell
Mr. Fleming	Sir Granville Ryrie
Mr. R. W. Foster	Mr. Laird Smith
Mr. Gibson	
Mr. Greene	<i>Tellers:</i>
Mr. Gregory	Mr. Burchell
Mr. Groom	Mr. Story

And so it was negatived.

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On the motion of Mr. Mathews, after debate, the following clause, as amended, was added to the Bill:—

“Section one hundred and thirty-five of the Principal Act is amended by adding the following paragraph:—

‘(e) make provision, where such can be provided without detriment to the safe navigation of the ship, for a wheelhouse or, if such is not practicable, such temporary shelter as may be prescribed.’”

Mr. Mathews moved, That the following clause be added to the Bill:—

“Section one hundred and thirty-five of the Principal Act is amended by adding the following paragraph:—

‘(f) provide in all ships of fifteen hundred tons gross and over built after the commencement of this Act berthing accommodation for each seaman or apprentice a space of not less than one hundred and eighty cubic feet and of not less than twenty-six superficial feet measured on the deck or floor of that space.’”

Debate ensued.

Question—put.

The Committee divided—

Ayes, 11.

Mr. Brennan	Mr. James Page
Mr. Charlton	Mr. Tudor
Mr. Fenton	
Mr. Hill	
Mr. Mahony	Tellers:
Mr. W. Maloney	Mr. Mathews
Mr. McDonald	Mr. Riley

Noes, 24.

Mr. Blundell	Mr. Higgs
Mr. Bruce	Mr. Hughes
Mr. Donald Cameron	Mr. Jackson
Sir Joseph Cook	Mr. Lister
Mr. Robert Cook	Mr. Mackay
Mr. Corser	Mr. Marr
Mr. Fleming	Mr. Maxwell
Mr. R. W. Foster	Sir Granville Ryrie
Mr. Francis	Mr. Laird Smith
Mr. Gibson	
Mr. Greene	Tellers:
Mr. Gregory	Mr. Burchell
Mr. Groom	Mr. Story

And so it was negative.

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

The House resumed; Mr. Chanter reported accordingly.

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

7. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—ASSENT TO BILL.—The following Message from His Excellency the Deputy of the Governor-General was received, and the same was read by Mr. Speaker:—

W. H. IRVINE,

Deputy of the Governor-General.

Message No. 34.

A Bill intituled “Post and Telegraph Rates Act 1920,” as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Deputy of the Governor-General for the Royal Assent, His Excellency has, in the name and on behalf of His Majesty, assented to the said Act.

Melbourne, 1st October, 1920.

8. SEA CARRIAGE—SELECT COMMITTEE—THIRD INTERIM REPORT.—Mr. R. W. Foster, for the Chairman, brought up the Third Interim Report from the Select Committee appointed to inquire into and report upon Australian overseas and Inter-State sea carriage.

Ordered to lie on the Table, and to be printed.

9. ADJOURNMENT.—Mr. Greene moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at four minutes to 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. Anstey, Mr. Bayley, Mr. Blakeley, Mr. Bowden*, Mr. J. H. Catts, Mr. Considine, Mr. Cunningham, Mr. Gabb, Mr. Hay, Mr. Lamond, Mr. Lavelle, Mr. Lazzarini, Mr. Livingston, Mr. Malon, Mr. Makin, Mr. Marks, Mr. McGrath, Mr. Parker Moloney, Mr. Nicholls, Mr. Earle Page, Mr. Poynton, Mr. Prowse, Mr. Rodgers, Mr. Ryan, Mr. Watt, Mr. West, Mr. Wienholt, and Mr. Wise.

* On leave.

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