

1923-24.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 114.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

TUESDAY, 16TH SEPTEMBER, 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. **PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS—REPORT.**—Mr. Gregory, Chairman of the Parliamentary Standing Committee on Public Works, brought up the following Report from the Committee—
 Report, together with Minutes of Evidence, relating to the proposed Erection of a Secretariat Building at Canberra, including provision for an Automatic Telephone Exchange and Post Office.
 Ordered to be printed.
3. **CORRECTION OF DIVISION LIST.**—Mr. Bruce (Prime Minister) made a personal explanation that in the Division taken on Friday last on the Motion by Mr. Mahony to reduce by £1 the amount of Division No. 83, "Special Defence provision to cover first year of developmental programme, £1,000,000," of the Estimates of 1924-25, his vote had been inadvertently recorded.
 Mr. Speaker stated that, in view of the circumstances, he would, with the concurrence of the House, delete the name of Mr. Bruce from the official records.
4. **PRINTING COMMITTEE—THIRD REPORT FROM.**—Mr. Corser, Chairman, brought up the Third Report from the Printing Committee (sitting in conference with the Printing Committee of the Senate). The Report was read by the Clerk, as follows:—

REPORT.

The Printing Committee have the honour to report that they have met in conference with the Printing Committee of the Senate.

The Joint Committee, having considered the Papers presented to Parliament since the last meeting of the Committee, recommend that the following be printed:—

Canned Fruit Bounty Act—Return of Bounty paid up to and including 31st July, 1924.

Taxation Acts—Report of Commissioner covering financial years ended 30th June, 1921, 1922, and 1923.

Invalid and Old-age Pensions Act—Statement *re* Pensions for the twelve months ended 30th June, 1924.

Report on the Administration of Nauru during the year 1923, prepared for submission to the League of Nations.

E. B. C. CORSER,
Chairman.

Senate Committee Room,
12th September, 1924.

Mr. Corser moved, That the Report be agreed to.
Question—put and passed.

5. **PAPERS.**—The following Papers were presented, pursuant to Statute—

Audit Act—Transfers of Amounts approved by the Governor-General in Council—Financial year 1923-24—Dated 10th September, 1924.

Customs Act—Proclamation (dated 27th August, 1924) revoking Proclamation (issued 21st October, 1920) which prohibited the Exportation of Arms and Ammunition.

New Guinea Act—Ordinances of 1924—

No. 30—Seamen's Compensation.

No. 31—Licences (No. 2).

Post and Telegraph Act—Regulations Amended—Statutory Rules 1924, Nos. 106, 107, 108, 131.

16th September, 1924.

6. MESSAGE FROM THE GOVERNOR-GENERAL.—INCOME TAX COLLECTION BILL (1924).—The following Message from His Excellency the Governor-General was presented, and the same was read by Mr. Speaker :—

FORSTER,

*Governor-General.**Message No. 64.*

In accordance with the requirements of section 56 of the Constitution of the Commonwealth of Australia, 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 amend the *Income Tax Collection Act 1923*.

Sydney, 29th July, 1924.

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

7. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—DAIRY PRODUCE EXPORT CONTROL BILL.—The following Message from His Excellency the Governor-General's Deputy was presented, and the same was read by Mr. Speaker :—

L. F. CUSSEN,

*Deputy of the Governor-General.**Message No. 65.*

In accordance with the requirements of section 56 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 relating to the Export of Dairy Produce.

Melbourne, 12th September, 1924.

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

8. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—DRIED FRUITS EXPORT CONTROL BILL.—The following Message from His Excellency the Governor-General's Deputy was presented, and the same was read by Mr. Speaker :—

L. F. CUSSEN,

*Deputy of the Governor-General.**Message No. 66.*

In accordance with the requirements of section 56 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 relating to the Export of Dried Fruits.

Melbourne, 12th September, 1924.

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

9. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—SUPERANNUATION 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. 67.*

In accordance with the requirements of section 56 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 amend the "*Superannuation Act 1922*."

Melbourne, 16th September, 1924.

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

10. QUESTION OF ORDER.—MR. SPEAKER'S RULING.—Mr. Fenton raised a question of Order on the Ruling given by the Temporary Chairman of Committees on Friday last in connexion with the constitution of a Quorum in Committee, and asked for a Ruling by Mr. Speaker, for the future guidance of Members, as to whether Section 39 of the Constitution determines a Quorum of the Committee. Mr. Fenton also raised a further question of Order as to whether the Member for the Northern Territory should be included in the number of Members of the House for the purpose of determining how many shall form a Quorum in Committee of the whole.

Mr. Brennan raised a further question, on the Ruling given by Mr. Speaker on Friday last, that while Section 39 of the Constitution provides that a Quorum shall consist of at least one-third of the Members of the House until the Parliament otherwise provides, such provision has already been made by Standing Order No. 216, which provides that the Quorum in Committee shall consist of the same number of Members, exclusive of the Chairman, as shall be requisite to form a Quorum of the House. Mr. Brennan also asked for Mr. Speaker's Ruling on the constitution of a Quorum in Committee.

Mr. Speaker said that with regard to the status of the Member for the Northern Territory, he would further consider the matter and give a Ruling later if the House so desired. With regard to the question of a Quorum in Committee, Mr. Speaker ruled as follows :—Section 39 of the Constitution provides that a Quorum of the House is at least one-third of the Members, and it has been ruled that one-third of the Members is 25. But Standing Order No. 216 says that "the Quorum in Committee of the whole shall consist of the same number of Members, exclusive of the Chairman, as shall be requisite to form a Quorum of the House." The Standing Order in question is a temporary one; in fact all our Standing Orders are temporary, for although the Parliament has been working under them

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for twenty-three years, it has not permanently adopted them. Two memorable Rulings were given on this point by Mr. Speaker Holder. One related to the Quorum of the House and the other to the Quorum of the Committee. On the 10th October, 1906, when Mr. Speaker Holder gave one of the decisions, conditions similar to those that existed in the Committee last Friday morning prevailed. The Chairman left the Chair to report to the House the absence of a Quorum. The number of Members present in Committee, as revealed by a telling, was 24. The Speaker ruled that as 24 Members had voted on the Division, and as the Chairman had been in the Chair, a Quorum, in accordance with the Constitution, had been present in the Committee. That Ruling has never been challenged, because it is founded on the principle that the Constitution over-rides Standing Orders and enactments which are contrary to its provisions. The honorable Member for Batman has suggested one qualification. Section 39 of the Constitution provides that its provisions in relation to a Quorum shall operate "until Parliament otherwise provides," and he implied that the adoption of the Standing Order regulating our procedure in relation to the Quorum of Committee is such a provision as was contemplated by that section. I think that honorable Members will agree, and that jurists would confirm, that the only provision contemplated by the Constitution is a Statutory enactment, and not the adoption of Standing Orders, temporary or permanent. I therefore rule, supporting the decision of the first occupant of this Chair, that a Quorum of the House is 25 Members, inclusive of the Speaker, and a Quorum of the Committee of the Whole is 25 Members, inclusive of the Chairman, thus giving full effect to Section 39 of the Constitution as over-riding Standing Order No. 216.

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

STRADBROKE,

*Deputy of the Governor-General.**Message No. 68.*

A Bill intituled "*New Zealand Re-exports Act 1924*" 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, 16th September, 1924.

12. TARIFF BOARD BILL (1924).—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 1, clause 3, sub-section (4.), leave out paragraph (c).

No. 2.—Page 2, clause 3, after sub-section (6.) insert the following new sub-section :—

"(7.) Evidence taken by the Board in connexion with any inquiry under the *Customs Tariff (Industries Preservation) Act 1921-1922* shall be on oath and shall be reduced to writing and filed with the documents relating to the inquiry."

Mr. Pratten (Minister for Trade and Customs) moved, That Amendment No. 1 be agreed to.

Debate ensued.

Question—That Amendment No. 1 be agreed to—put.

The Committee divided—

Ayes, 28.

Noes, 20.

Mr. Atkinson	Mr. Hurry
Mr. Bowden	Sir Elliot Johnson
Mr. Bruce	Mr. Lister
Mr. Donald Cameron	Mr. Mackay
Mr. Malcolm Cameron	Mr. Mann
Mr. Corser	Mr. Manning
Mr. Duncan-Hughes	Mr. Earle Page
Mr. R. W. Foster	Mr. Thomas Paterson
Mr. Frederick Francis	Mr. Pratten
Mr. Josiah Francis	Mr. Seabrook
Mr. Gardner	Mr. William Watson
Mr. Roland Green	
Mr. Gregory	<i>Tellers :</i>
Sir Neville Howse	Mr. Hunter
Mr. Hughes	Mr. Marr

Mr. Anstey	Mr. McGrath
Mr. Brennan	Mr. Parker Moloney
Mr. Coleman	Mr. O'Keefe
Mr. Cunningham	Mr. Edward Riley
Mr. Forde	Mr. E. C. Riley
Mr. Gabb	Mr. Watkins
Mr. Albert Green	Mr. West
Mr. Mahony	
Mr. Makin	<i>Tellers :</i>
Mr. Mathews	Mr. Fenton
Mr. Frederick McDonald	Mr. Lazzarini

And so it was resolved in the affirmative.

Mr. Pratten moved, That Amendment No. 2 be agreed to.

Debate ensued.

Mr. Mann moved, as an amendment, That after the word "be" (first occurring) the words "taken in public" be inserted.

Debate ensued.

Amendment agreed to.

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Mr. Mann moved, as a further amendment, That the words "subject to clause three, sub-clauses five and six of this Act" be added at the end of proposed sub-section.

Further amendment agreed to.

Amendment No. 2 of the Senate, as amended, agreed to.
Resolutions to be reported.

The House resumed; Mr. Bamford reported accordingly.
On the motion of Mr. Pratten, the House adopted the Report.

13. MESSAGE FROM THE DEPUTY OF THE GOVERNOR-GENERAL.—GRAFTON TO SOUTH BRISBANE RAILWAY BILL.—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. 69.

In accordance with the requirements of section 56 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 and moneys be made for the purposes of a Bill for an Act to approve and provide for the carrying out of an Agreement entered into between the Commonwealth of Australia and the States of New South Wales and Queensland respecting the Construction of a Railway of Standard Gauge between Kyogle and South Brisbane and the Re-grading and Re-laying of the Railway between Grafton and Kyogle and to authorize the Raising and Expending of Moneys for the purposes of the Agreement.

Melbourne, 16th September, 1924.

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

14. PAPUA BILL (1924).—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.

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.)

Clauses 1 to 3 agreed to.

Clause 4 debated and agreed to.

Clauses 5 to 7 agreed to.

Clause 8 debated.

Question—That the clause be agreed to—put.

The Committee divided—

Ayes, 28.

Mr. Atkinson	Sir Elliot Johnson
Mr. Bamford	Mr. Lister
Mr. Bowden	Mr. Mackay
Mr. Donald Cameron	Mr. Mann
Mr. Malcolm Cameron	Mr. Manning
Mr. Corser	Mr. Maxwell
Mr. R. W. Foster	Mr. Earle Page
Mr. Frederick Francis	Mr. Thomas Paterson
Mr. Josiah Francis	Mr. Pratten
Mr. Gardner	Mr. Seabrook
Mr. Roland Green	Mr. William Watson
Mr. Gregory	
Sir Neville Howse	<i>Tellers:</i>
Mr. Hughes	Mr. Hunter
Mr. Hurry	Mr. Marr

Noes, 20.

Mr. Brennan	Mr. McGrath
Mr. Coleman	Mr. Parker Moloney
Mr. Cunningham	Mr. O'Keefe
Mr. Duncan-Hughes	Mr. Edward Riley
Mr. Forde	Mr. E. C. Riley
Mr. Gabb	Mr. Scullin
Mr. Albert Green	Mr. Watkins
Mr. Lazzarini	
Mr. Mahony	<i>Tellers:</i>
Mr. Makin	Mr. Fenton
Mr. Mathews	Mr. Frederick McDonald

And so it was resolved in the affirmative.

Clauses 9 to 11 agreed to.

Title agreed to.

Bill to be reported without amendment.

The House resumed; Mr. Robert Cook reported accordingly.

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

15. POSTPONEMENT OF BUSINESS.—Ordered—That Orders of the Day, Nos. 3 and 4, be postponed until after Order of the Day, No. 6, Government Business.

16. **BOY SCOUTS ASSOCIATION BILL.**—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.
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.*)

Clauses 1 to 5 agreed to.

New clause—

On the motion of Mr. Bruce (Prime Minister) the following clause was added to the Bill :—

(6.) Nothing in this Act shall be deemed to apply to the Life Saving Scouts of the Salvation Army as at present constituted.

Preamble agreed to.

Title agreed to.

Bill to be reported with an amendment.

The House resumed ; Sir Neville Howse reported accordingly.

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

On the motion of Mr. Bruce, by leave, the Bill was read a third time.

17. **SERVICE AND EXECUTION OF PROCESS BILL (1924).**—The Order of the Day having been read for the second reading—Mr. Bruce (Prime Minister) 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.*)

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. Bruce, the House adopted the Report and, by leave, the Bill was read a third time.

18. **ADJOURNMENT.**—Mr. Bruce (Prime Minister) moved, That the House do now adjourn.
Debate ensued.
Question—put and passed.

And then the House, at two minutes past 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. Bayley*, Mr. Blakeley*, Sir Austin Chapman, Mr. Charlton*, Mr. Gibson*, Sir Littleton Groom*, Mr. Hill*, Mr. Jackson, Mr. Killen*, Mr. Lacey*, Mr. Lambert, Mr. Latham, Mr. W. Maloney*, Mr. Marks*, Mr. Charles McDonald*, Mr. McNeill, Mr. Nelson, Mr. Prowse*, Sir Granville Ryrie*, Mr. Stewart, Mr. Thompson, Mr. Whitsitt, and Mr. Yates*.

* On leave.

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