

COMMONWEALTH OF AUSTRALIA.

No. 132.

JOURNALS OF THE SENATE.

THURSDAY, 9TH OCTOBER, 1919.

1. MEETING OF SENATE.—The Senate met at three p.m., pursuant to adjournment.
2. PRAYERS.
3. PAPERS.—The Acting Minister for Defence (Senator Russell) laid on the Table the following Papers, viz. :—
 - Pursuant to Statute—
 - Customs Act 1901–1916.—Proclamations—
 - Dated 17th September, 1919, prohibiting exportation of Preventives of Conception, &c., and revoking proclamation issued on 16th July, 1919.
 - Dated 24th September, 1919, prohibiting exportation (except under certain conditions) of Rabbit Skins.
 - Dated 24th September, 1919, revoking so much of proclamation issued on 29th November, 1916, as relates to the exportation of Wire Ropes.
 - Defence Act 1903–1918.—Regulations amended.—Statutory Rules 1919, No. 231—No. 235.
 - Public Service Act 1902–1918.—Promotion of D. B. Wheeler, Prime Minister's Department.
 - War Precautions Act 1914–1918.—Regulations amended.—Statutory Rules 1919, No. 140—No. 172—No. 175—No. 195—No. 202—No. 232.
4. QUESTIONS.—Questions on notice were answered.
5. CONSTITUTION ALTERATION (LEGISLATIVE POWERS) BILL.—Order of the Day read for the adjourned debate on the Question—That the Bill be now read a second time.
 Debate resumed.
 An extension was granted to Senator Gardiner.
 Senator Gardiner moved an amendment, viz., leave out all the words after "now" with a view to inserting the following :—
 - "withdrawn for the purpose of recasting so as to provide for an amendment of the Commonwealth Constitution on the lines following, viz. :—
 - (a) Provision for the Initiative-Referendum whereby the electors may initiate or recall legislation. No referendum to the people within six months (before or after) of a General Election.
 - (b) The High Court to be the final Court of Appeal in any Australian cause.
 - (c) The Senate to be abolished, and the House of Representatives to consist of 100 Members—each electorate to have as nearly as possible an equal number of electors.
 - (d) Adult Suffrage to be made part of the Constitution.
 - (e) The Commonwealth Parliament to be vested with authority to create any number of Provinces as may be necessary for the good local government of the people.

PROVINCIAL LEGISLATURES, ETC.

The Commonwealth shall grant to each Province a uniform written Constitution, setting out the powers and duties of the Legislatures thereof. Such Constitution may be amended from time to time as may be required.

Each Province shall be governed by a Legislature, to be composed of a reasonable number of Members.

The term of office of Members to be three years.

Members to be paid such uniform salary as shall be determined.

Commonwealth electoral rolls to be used at all elections.

The Provincial Legislature shall have power under its Constitution to make laws for the government of the people within the Province.

FINANCE.

The Commonwealth shall take over all present State debts.

The Commonwealth Government to, as far as possible, collect all revenue, thus obviating the expense of duplication in collecting taxes, &c.

MUNICIPALITIES.

The Commonwealth Parliament shall grant a uniform Constitution to provide for municipal government, the supervision of administration to be the duty of the provinces."

Amendment ruled out of order.

Debate continued.

An extension was granted to Senator Bakhap.

At half-past six p.m. the sitting of the Senate was suspended till eight p.m.

Debate, interrupted by the suspension of the sitting, resumed.

Senator Lieut.-Col. O'Loughlin moved an amendment, viz., leave out all words after the word "That" and insert "the proposed amendments of the Constitution are unsatisfactory and illusory both in their character and duration, and that the Bill be referred to a Select Committee of the Senate with a view to its being recast so as to provide:

- (a) for the full sovereign rights of the Commonwealth Parliament, which are possessed by every other self-governing Dominion of the British Empire, and which nineteen years' experience of the working of the Constitution have shown to be necessary;
- (b) the adequate and effective distribution of powers to subordinate Legislatures and Municipalities; and
- (c) for removing the inconvenience and expense arising from want of uniformity in the present methods of assessment of taxes and the duplication of tax collecting authorities."

The President having ruled that paragraphs (b) and (c) were out of order, they were omitted from the amendment.

Debate continued.

And the Senate having continued to sit till twelve o'clock midnight—

FRIDAY, 10TH OCTOBER, A.M.

The sitting of the Senate was suspended till one a.m.

Debate, interrupted by the suspension of the sitting, resumed.

Question—That the words proposed to be left out be left out—put.

The Senate divided—

Ayes 5.

Senator Gardiner.
Maughan.
O'Keefe.
O'Loughlin, Lieut.-Col.

Teller.

Senator Needham.

Noes 21.

Senator Bakhap.
Bolton, Lieut.-Col.
Buzacott.
Crawford.
de Largie.
Fairbairn.
Givens.
Guthrie.
Henderson.
Keating.
Lynch.
Mulcahy.
Newland.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.
Thomas.

Teller.

Senator Earle.

And so it was negatived.

Question—That the Bill be now read a second time—put.

And there being only one voice in the negative the President declared the motion carried.

Point of Order.—Senator Bakhap raised a point of order, that under the Constitution Act a division must be taken to show that the motion had been passed by a statutory majority.

Ruling of President.—The President ruled that a statutory majority was not essential except on the third reading, and moreover that more than a statutory majority was now present, and there was only one voice in the negative.

Bill read a second time.

The Senate, according to Order, resolved itself into a Committee for the consideration of the Bill.

In the Committee.

Clause 1 agreed to.

Clause 2 read—

Senator Gardiner moved an amendment, viz., leave out all words after "States" in line 9 to end of clause.

Debate ensued.

Amendment, by leave, temporarily withdrawn.

Senator Keating moved an amendment, viz., after the word "by" in line 7 insert "inserting after paragraph (i.) '(iA.) For the period of time provided in *Constitution Alteration (Legislative Powers)* 1919 Trade and Commerce. Provided that the insertion of this paragraph'".

Debate ensued.

Question—That the words proposed to be inserted be inserted—put.

Committee divided—

Ayes, 4.

Senator Keating.
Mulcahy.
Pratten.

Teller.

Senator Bakhap.

Noes, 23.

Senator Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Gardiner.
Givens.
Guthrie.
Henderson.
Lynch.
Maughan.
Needham.
Newland.
O'Keefe.
O'Loughlin, Lieut.-Col.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.
Thomas.

Teller.

Senator de Largie.

And so it was negatived.

Consideration resumed of proposed amendment by Senator Gardiner, that all words after "States" in line 9 to end of clause be left out.

Question—That the words proposed to be left out be left out—put.

Committee divided—

Ayes, 6.

Senator Gardiner.
Maughan.
Newland.
O'Keefe.
O'Loughlin, Lieut.-Col.

Teller.

Senator Needham.

Noes, 20.

Senator Bakhap.
Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Givens.
Guthrie.
Henderson.
Keating.
Lynch.
Mulcahy.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.
Thomas.

Teller.

Senator de Largie.

And so it was negatived

Senator Bakhap moved an amendment, viz., at end of clause add "or laws for the control of any enterprise established by a State."

Debate ensued.

Question—That the words proposed to be added be added—put.

Committee divided—

Ayes, 3.

Senator Keating.
Mulcahy.

Teller.

Senator Bakhap.

Noes, 22.

Senator Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Gardiner.
Givens.
Guthrie.
Henderson.
Lynch.
Maughan.
Needham.
Newland.
O'Keefe.
O'Loughlin, Lieut.-Col.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.

Teller.

Senator de Largie.

And so it was negatived.

Clause 2 agreed to.

Clause 3 read—

Senator Russell moved an amendment, viz., page 1, lines 20-21, leave out paragraph (a).

Debate ensued.

Question—That the words proposed to be left out be left out—put.

Committee divided—

Ayes, 19.

Senator Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Givens.
Guthrie.
Henderson.
Keating.
Lynch.
Mulcahy.
Newland.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.

Teller.

Senator de Largie.

Noes, 5.

Senator Gardiner.
Maughan.
O'Keefe.
O'Loughlin, Lieut.-Col.

Teller.

Senator Needham.

And so it was resolved in the affirmative.

On motion of Senator Russell the following further amendment was made, viz.:—page 2, line 5, after "charitable" insert "educational".

Senator O'Keefe moved a further amendment:—page 2, at end of clause add the words "and by adding at the end of paragraph (xxiii) thereof the words 'and pensions to widows with children dependent upon them'."

Debate ensued.

Question—That the words proposed to be added be added—put.

Committee divided—

Ayes, 5.
 Senator Gardiner.
 Maughan.
 O'Keefe.
 O'Loughlin, Lieut.-Col.

Teller.

Senator Needham.

Noes, 17.

Senator Bolton, Lieut.-Col.
 Crawford.
 Earle.
 Fairbairn.
 Givens.
 Guthrie.
 Henderson.
 Keating.
 Lynch.
 Mulcahy.
 Newland.
 Reid.
 Rowell, Colonel.
 Russell.
 Senior.
 Shannon.

Teller.

Senator de Largie.

And so it was negatived.

Clause 3, as amended, agreed to.

Clause 4 read—

Senator Gardiner moved an amendment, viz., at end of clause add—

“(h) conciliation and arbitration for the prevention and settlement of industrial disputes, including the terms and conditions of service or employment in any trade, industry, occupation or calling, including the service or employment of any State or the instrumentality of any State.”

Debate ensued.

Question—That the words proposed to be added be added—put.

Committee divided—

Ayes, 5.
 Senator Gardiner.
 Maughan.
 O'Keefe.
 O'Loughlin, Lieut.-Col.

Teller.

Senator Needham.

Noes, 21.

Senator Bakhap.
 Bolton, Lieut.-Col.
 Buzacott.
 Crawford.
 Earle.
 Fairbairn.
 Givens.
 Guthrie.
 Henderson.
 Keating.
 Lynch.
 Mulcahy.
 Newland.
 Plain.
 Reid.
 Rowell, Colonel.
 Russell.
 Senior.
 Shannon.
 Thomas.

Teller.

Senator de Largie.

And so it was negatived.

Clause 4 further considered and agreed to.

Clause 5 debated—

Question—That the clause stand as printed—put.

Committee divided—

Ayes, 24.

Senator Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Givens.
Guthrie.
Henderson.
Keating.
Lynch.
Maughan.
Mulcahy.
Needham.
Newland.
O'Keefe.
O'Loughlin, Lieut.-Col.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.
Thomas.

Teller.

Senator de Largie.

And so it was resolved in the affirmative.

Clause 6 read—

Senator O'Keefe moved an amendment, viz., line 39, after "recommendations" add "or until Parliament otherwise provides".

Debate ensued.

Question—That the words proposed to be added be added—put.

Committee divided—

Ayes, 5.

Senator Gardiner.
Maughan.
O'Keefe.
O'Loughlin, Lieut.-Col.

Teller.

Senator Needham.

Noes, 2.

Senator Pratten.

Teller.

Senator Bakhap.

Noes, 21.

Senator Bakhap.
Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Givens.
Guthrie.
Henderson.
Keating.
Lynch.
Mulcahy.
Newland.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.
Thomas.

Teller.

Senator de Largie.

And so it was negatived.

On motion of Senator Russell the following amendment was made, after debate, viz., at end of clause add the following new sub-clause:—

"(2.) No law passed by the Parliament by virtue of the powers conferred by this Act shall continue to have any force or effect, by virtue of this Act, after the alterations made by this Act have ceased to have effect."

Clause 6, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill to be reported with amendments.

The President resumed the Chair; and Senator Shannon, from the Committee, reported accordingly. Whereupon the Senate adopted such Report.

Senator Russell moved—That the Bill be now read a third time.

Question—put and passed.

Bill read a third time, and passed by an absolute majority of the Senate, there being 27 Senators present, and only Senator Bakhap voting in the negative.

6. CONSTITUTION ALTERATION (NATIONALIZATION OF MONOPOLIES) BILL.—The Acting Minister for Defence (Senator Russell), according to Order, moved—That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Senate, according to Order, resolved itself into a Committee for the consideration of the Bill.

In the Committee.

Clause 1 agreed to.

Clause 2 read—

Senator Bakhap moved an amendment, viz., line 18, after “monopoly” insert “detrimental to the Commonwealth”.

Amendment negatived.

Senator Bakhap moved an amendment, viz., line 22, after “a” insert “detrimental”.

Amendment negatived.

Clause 2 agreed to.

Clause 3 read—

Senator Needham moved an amendment, viz., line 7, after “by” insert “the electors of”.

Debate ensued.

Question—That the words proposed to be inserted be inserted—put.

Committee divided—

Ayes, 6.

Senator Bakhap.
Gardiner.
Maughan.
O’Keefe.
O’Loughlin, Lieut. Col.

Teller.

Senator Needham.

Noes, 20.

Senator Bolton, Lieut.-Col.
Buzacott.
Crawford.
Earle.
Fairbairn.
Givens.
Guthrie.
Henderson.
Keating.
Lynch.
Mulcahy.
Newland.
Plain.
Reid.
Rowell, Colonel.
Russell.
Senior.
Shannon.
Thomas.

Teller.

Senator de Largie.

And so it was negatived.

On motion of Senator Russell, the following amendment was made, after debate, viz., at end of clause add the following new sub-clause:—

“(2.) No law passed by the Parliament by virtue of the powers conferred by this Act shall continue to have any force or effect, by virtue of this Act, after the alterations made by this Act have ceased to have effect.”

Clause 3, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill to be reported with an amendment.

The President resumed the Chair; and Senator Shannon, from the Committee, reported accordingly. Whereupon the Senate adopted such Report.

Senator Russell moved—That the Bill be now read a third time.

Question—put and passed.

Bill read a third time, and passed by an absolute majority of the Senate, there being 26 Senators present, and only Senator Bakhap voting in the negative.

7. NEXT MEETING OF SENATE.—The Acting Minister for Defence (Senator Russell) moved—That the Senate, at its rising, adjourn till Wednesday next.

Question—put and passed.

8. PAPERS.—The Acting Minister for Defence (Senator Russell) laid on the Table the following Papers, viz. :—

By Command—

Estimates of Revenue and Expenditure for the year ending 30th June, 1920.

The Budget 1919–20—Papers presented by the Honorable A. Poynton (for the Treasurer), on the occasion of opening the Budget of 1919–20.

The Acting Minister for Defence proceeding to move—That the Papers be printed—and not having concluded his speech—

Ordered—That the debate be adjourned till the next day of sitting, and that the Acting Minister for Defence have leave to continue his speech.

9. PUBLIC ACCOUNTS COMMITTEE.—Senator Earle brought up the following Report from the Joint Committee of Public Accounts, viz. :—

Report on Commonwealth Railways.

10. PAPERS.—The Acting Minister for Defence (Senator Russell) laid on the Table the following Papers, viz. :—

By Command—

Taxation of Leasehold Estates in Crown Lands—Report of Royal Commission.

Pursuant to Statute—

Defence Act 1903–1918.—Regulations amended.—Statutory Rules 1919, No. 236—No. 237—No. 240—No. 242.

War Precautions Act 1914–1918.—Regulations amended.—Statutory Rules 1919, No. 241.

11. ADJOURNMENT.—The Acting Minister for Defence (Senator Russell) moved—That the Senate do now adjourn.

Debate ensued.

Question—put and passed.

The Senate adjourned at ten minutes past eight a.m. till Wednesday next at three p.m.

12. ATTENDANCE.—Present, all the Members except Senators Foll, Guy (on leave), Millen, and Pearce (on leave).

C. GAVAN DUFFY,
Clerk of the Senate.