

COMMONWEALTH OF AUSTRALIA.

No. 11.

JOURNALS OF THE SENATE.

FRIDAY, 26TH MARCH, 1920.

1. MEETING OF SENATE.—The Senate met at eleven a.m., pursuant to adjournment.
2. PRAYERS.
3. PAPERS.—The Vice-President of the Executive Council (Senator Russell) laid on the Table the following Papers, viz. :—
Pursuant to Statute—
Beer Excise Act.—Regulations amended.—Statutory Rules 1920, No. 40.
Distillation Act.—Regulations amended.—Statutory Rules 1920, No. 41.
Excise Act.—Regulations amended.—Statutory Rules 1920, No. 39.
4. QUESTION.—Question on notice answered.
5. AUSTRALIAN SOLDIERS' REPATRIATION BILL.—The Senate, according to Order, resolved itself into a Committee for the further consideration of the Bill.

In the Committee.

Consideration resumed of clause 23, and the amendment moved thereto, viz. :—

Page 8, lines 16–23, leave out—

“Upon the death or incapacity of any member of the Forces whose death or incapacity—

- (a) results or has resulted from any occurrence happening during the period he was a member of the Forces ;
- (b) does not arise from self-inflicted injuries ; and
- (c) does not arise from, or from any occurrence happening during the commission of, any breach of discipline by the member,”

insert—

“Upon the death or incapacity—

- (a) of any person, to whom paragraph (a) or (b) of the definition of ‘Member of the Forces’ applies, whose death or incapacity—
 - (i) results or has resulted from any occurrence happening during the period he was a member of the Forces ;
 - (ii) does not arise from intentionally self-inflicted injuries ; and
 - (iii) does not arise from, or from any occurrence happening during the commission of, any breach of discipline by the member, and
- (b) of any person to whom paragraph (c) of the definition of ‘Member of the Forces’ applies, whose death or incapacity results or has resulted from his employment in connexion with naval or military preparations or operations.”

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 and 25 agreed to.

Clause 26 read—

On motion of the Minister for Repatriation (Senator Millen), the following amendments were made, after debate, viz. :—

Page 9, sub-clause (1.), lines 36–37, leave out “his employment in connexion with warlike operations”, insert “an occurrence happening during the period he was a member of the Forces”.

Page 9, sub-clause (1.), after paragraph (a) insert the following paragraph :—

- “(aa) determining whether the death or incapacity of a person enlisted or appointed for active service in connexion with naval or military preparations or operations in fact resulted from his employment in connexion with those preparations or operations ;”.

Clause 26, as amended, agreed to.

Clause 27 read—

Senator Foll moved an amendment, viz., at end of clause add “and such applicant shall be at liberty to appoint some person to appear on his behalf should he so desire”.

Debate ensued.

Question—put.

Committee divided—

Ayes, 5.

Senator Fairbairn.
Grant.
O’Loghlin.
Pratten.

Teller.

Senator Foll.

Noes 16.

Senator Bolton.
Buzacott.
Crawford.
Earle.
Givens.
Guthrie.
Henderson.
Millen.
Newland.
Pearce.
Reid.
Rowell.
Russell.
Senior.
Shannon.

Teller.

Senator de Largie.

Amendment negatived accordingly.

Clause 27 agreed to.

Clause 28 agreed to.

Clause 29 read—

On motion of Senator Millen, the following amendment was made, after debate, viz., line 13, after “Commission” insert “or a Board”.

Clause 29, as amended, agreed to.

Clause 30 agreed to.

Clause 31 read—

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

“(4) The amount of pension granted and payable to a member of the Forces shall not be reduced within the period of six months from the date of the commencement of the pension.”.

Clause 31, as amended, agreed to.

Clause 32 read—

On motion of Senator Millen, the following amendments were made, viz.:—

Line 31, before “Where” insert “Upon the application of a pensioner and”.

Line 37, after “shall” insert “with the consent of the pensioner”.

Clause 32, as amended, agreed to.

Clause 33 read—

On motion of Senator Millen, the following amendment was made, viz., page 11, line 15, leave out “three”, insert “two”.

Clause 33, as amended, agreed to.

Clause 34 agreed to.

Clause 35 read—

On motion of Senator Millen, the following amendment was made, after debate, viz., leave out the clause and insert the following new clause in lieu thereof:—

“35. In the case of the widowed mother of two or more members of the Forces who died from, or from the results of, occurrences happening during the period they were members of the Forces; the maximum amount of pension which may be granted to the widowed mother, in respect of the death of those members of the Forces, shall not, unless the widowed mother was dependent upon them, exceed the rate specified in column two of the First Schedule opposite the rate of pay of any one of those members.”

Maximum
pension
payable to
widowed
mother.

Clause 36 agreed to.

Clause 37 read—

On motion of Senator Millen, the following amendment was made, viz., line 39, leave out “The Commission”, insert “A Board”.

Clause 37, as amended, agreed to.

Clause 38 agreed to.

Clause 39 read—

On motion of Senator Millen, the following amendment was made, after debate, viz., lines 4-7, leave out “The widow and children of a person who has been a member of the Forces and who dies from causes other than the results of his war service after the expiration of three years from the date of his discharge”, insert “The dependants of a person who has been a member of the Forces and who dies, after the date of his discharge, from causes other than the result of an occurrence happening during the period he was a member of the Forces,”.

Clause 39, as amended, agreed to.

Clause 40 read—

On motion of Senator Millen, the following amendments were made, after debate, viz. :—

Line 14, leave out "war service", insert "an occurrence happening during the period he was a member of the Forces".

Line 15, leave out "war".

Clause 40, as amended, agreed to.

On motion of Senator Millen, the following new clause was inserted in the Bill :—

"40A. The children of a deceased member of the Forces who are in receipt of a pension by reason of the death of that member shall not, upon becoming the step-children of a person who is or was a member of the Forces, be entitled to a further pension by reason of the death or incapacity of that person."

Children not
entitled to
double
pensions.

Clauses 41-44 agreed to.

Clause 45 read—

Senator Grant moved an amendment, viz., page 13, line 13, after "Dominion" insert "or who had been engaged in the manufacture of munitions".

Debate ensued.

Question—put.

Committee divided—

Ayes, 8.

Noes, 10.

Senator Crawford.
Foll.
Newland.
O'Loughlin.
Reid.
Rowell.
Senior.

Teller.

Senator Grant.

Senator Bolton.
Buzacott.
Earle.
Fairbairn.
Guthrie.
Millen.
Pearce.
Russell.
Shannon.

Teller.

Senator de Largie.

Amendment negatived accordingly.

Clause 45 agreed to.

At one p.m. the sitting of the Committee was suspended till half-past two p.m.

Sitting, interrupted by the suspension, resumed.

Clause 46 debated and agreed to.

Clause 47 agreed to.

Clause 48 debated and agreed to.

Clauses 49 and 50 agreed to.

Clause 51 read—

On motion of Senator Millen, the following amendments were made, after debate, viz. :—

Line 21, leave out "Minister", insert "Commission"

Line 26, leave out "Minister", insert "Commission".

Clause 51, as amended, agreed to.

Clause 52 debated and agreed to.

Clauses 53 and 54 agreed to.

Clause 55 read—

On motion of Senator Millen, the following amendment was made, after debate, viz., line 4, leave out ", benefits and pensions", insert "and benefits (not being pensions)".

Clause 55, as amended, agreed to.

Clause 56 debated and agreed to.

The First Schedule read—

On motion of Senator Millen, the following amendments were made, after debate, viz. :—

Column five, leave out "£1 16s." (last occurring), insert "£2".

Before the words "the Commission" (second occurring) insert "whose rate of pension, as specified in column three of this Schedule, is less than £4 4s. per fortnight".

On motion of Senator Millen, the following further amendment was made, after debate, viz., at end of Schedule, insert :—

"Where the rate of pay of a member of the Forces exceeds a rate shown in column one of this Schedule, and is less than the next higher rate in that column, the rates of pensions payable for the purposes of columns two and three shall be computed by adding to the rate of pension shown in those columns opposite to the next lower rate of pay the sum which bears to the difference between that rate of pension and the next higher rate of pension shown in those columns the proportion which the difference between the rate of pay received by the member and the next lower rate of pay shown in column one bears to the difference between the next lower and the next higher rates of pay in that column."

The First Schedule, as amended, agreed to.

The Second Schedule debated and agreed to.

The Third Schedule agreed to.

The Fourth Schedule read—

On motion of Senator Millen, the following amendments were made, after debate, viz. :—

After the words "The Fourth Schedule." insert "Any member of the Forces who is incapacitated by reason of a disability specified in the first column of this Schedule shall receive the rate of pension shown in the second column of this Schedule opposite the description of the disability."

Leave out "For the purposes of this Schedule a leg, foot, hand, arm, or eye is deemed to be lost if it is rendered permanently and wholly useless.", insert—

"For the purposes of this Schedule—

(a) a leg, foot, hand, arm, or eye is deemed to be lost if it is rendered permanently and wholly useless; and

(b) 'the maximum rate' means the rate of pension in column four of the First Schedule opposite the rate of pay of the member."

Fourth Schedule, as amended, agreed to.

Postponed clause 17 again read—

On motion of Senator Millen, the following amendment was made, viz. :—

Lines 37-40, leave out sub-clause (3.), insert the following new sub-clause in lieu thereof :—

"(3.) If a Commissioner or an Acting-Commissioner or a member of a Board becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Commission, or in any way participates or claims to be entitled to participate in the profit thereof, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, he shall be guilty of an indictable offence.

Penalty : Five hundred pounds, or imprisonment for three years, or both."

Clause 17, as amended, agreed to.

Postponed clause 21 again read—

On motion of Senator Millen, the following amendment was made, viz., after sub-clause (1.) insert the following new sub-clause :—

"(1A.) In the appointment of officers in pursuance of this section the Commission shall, where the qualifications of applicants are equal, give preference to persons who have been Australian soldiers within the meaning of section forty-five of this Act."

Clause 21, as amended, agreed to.

Title agreed to.

Bill to be reported with amendments.

The President resumed the Chair; and Senator Shannon, from the Committee, reported accordingly.

6. **SUSPENSION OF STANDING ORDERS.**—The Minister for Repatriation (Senator Millen) moved—That so much of the Standing Orders be suspended as would prevent the Australian Soldiers' Repatriation Bill being passed through its remaining stages without delay.

Question—put and passed.

7. **AUSTRALIAN SOLDIERS' REPATRIATION BILL.**—The Minister for Repatriation (Senator Millen) moved—That the Report from the Committee of the Whole on the Bill be adopted.

Debate ensued.

Question—put and passed.

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

Question—put and passed.

Bill read a third time and passed.

8. **PAPERS.**—The Minister for Repatriation (Senator Millen) laid on the Table the following Papers, viz. :—

Pursuant to Statute—

Arbitration (Public Service) Act.—Orders of the Commonwealth Court of Conciliation and Arbitration, and other documents, in connexion with awards or variations of awards in the following cases :—

Australian Commonwealth Post and Telegraph Officers' Association—dated 5th March, 1920.

Australian Letter Carriers' Association—dated 3rd March, 1920 (2 cases).

9. **NEXT MEETING OF SENATE.**—The Minister for Repatriation (Senator Millen) moved—That the Senate, at its rising, adjourn till Wednesday, 14th April next, at three p.m.

Question—put and passed.

10. **ADJOURNMENT.**—The Minister for Repatriation (Senator Millen) moved—That the Senate do now adjourn.

Debate ensued.

Question—put and passed.

The Senate adjourned at five minutes to four p.m. till Wednesday, 14th April next, at three p.m.

11. **ATTENDANCE.**—Present, all the Members except Senators Bakhap, Barker, Barnes, Ferricks, Gardiner, Guy (on leave), Lynch, McDougall, Mulcahy, Needham, and Plain.

C. GAVAN DUFFY,
Clerk of the Senate.