

COMMONWEALTH OF AUSTRALIA

No. 53.

JOURNALS OF THE SENATE.

FRIDAY, 10TH SEPTEMBER, 1920.

1. MEETING OF SENATE.—The Senate met at eleven a.m., pursuant to adjournment.
2. PRAYERS.
3. PAPERS.—The Minister for Defence (Senator Pearce) laid on the Table the following Papers, viz. :—
By Command—
Declaration of Accession by the Serb-Croat-Slovene State to certain Treaties and Agreements.—Signed at Paris, December 5, 1919.
Declaration modifying Agreement of September 10, 1919, between the Allied and Associated Powers with regard to the Italian Reparation Payments.—Signed at Paris, December 8, 1919.
4. ADJOURNMENT TO DEBATE MATTER OF URGENCY.—Senator J. F. Guthrie, in order to discuss a matter of urgent public importance, viz., “The Wool Position in relation to Cloth Manufacture in the Commonwealth,” moved—That the Senate, at its rising, adjourn till ten a.m. to-morrow.
Debate ensued.
Motion, by leave, withdrawn.
5. QUESTION.—A question on notice was answered.
6. ARBITRATION (PUBLIC SERVICE) BILL.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—
MR. PRESIDENT, *Message No. 34.*
The House of Representatives returns to the Senate the Bill intituled “*A Bill for an Act relating to the settlement of matters arising out of employment in the Public Service,*” and acquaints the Senate that it has agreed to the same with the amendments indicated by the annexed Schedule, with which it desires the concurrence of the Senate.
House of Representatives, ELLIOT JOHNSON,
Speaker.
Melbourne, 10th September, 1920.
Suspension of Standing and Sessional Orders.—The Minister for Defence (Senator Pearce), pursuant to contingent notice, moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Message being at once considered and all consequent action taken.
Question—put and passed.
Senator Pearce moved—That the Message be considered in Committee of the Whole forthwith.
Question—put and passed.
The Senate, according to Order, resolved itself into a Committee for the consideration of Message No. 34 of the House of Representatives.

In the Committee.

Message read.

The Committee proceeded to consider the amendments, which are as follow :—

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES.

No. 1.—Page 2, clause 7, line 40, after “be” insert “Two thousand”.

No. 2.—Page 2, clause 7, line 41, after “year” insert “and the Consolidated Revenue Fund is, to the necessary extent, hereby appropriated accordingly”.

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No. 3.—Page 5, clause 13, at the end of the clause add the following sub-clauses :—

“(2.) The Arbitrator shall, at the request of the organization which has submitted a claim or application, or of the Commissioner, or of the Minister of any Department of State who has submitted an application or who is affected by the claim or application of the organization, and may, without such request, appoint an assessor or assessors to advise him in relation to the claim or application, and the assessor or assessors shall discharge such duties as are directed by the Arbitrator or as are prescribed.

(3.) One of the assessors shall be a person nominated by the organization, and the other a person nominated jointly by the Commissioner and the Minister of each Department of State affected by the claim or application, or, in default of such nomination, appointed by the Governor-General.”

No. 4.—Page 5, clause 14, lines 21 and 22, omit “of which he has cognizance”, insert “submitted to him”.

No. 5.—Page 5, clause 14, line 23, after “question” insert “and to give an interpretation of any determination”.

No. 6.—Page 5, clause 14, line 28, after “affirmation” insert “such evidence unless otherwise ordered by the Arbitrator for reasons affecting the public interest to be taken in public”.

No. 7.—Page 5, clause 14, line 34, omit “and”.

No. 8.—Page 5, clause 14, after line 34, insert the following proviso :—

“Provided that before any common rule is so declared, the Arbitrator shall, by notification published in the *Gazette* and in such other publications, if any, as the Arbitrator directs specifying the matter in relation to which it is proposed to declare a common rule, make known that all persons and organizations interested and desirous of being heard may, on or before a day named, appear or be represented before the Arbitrator; and the Arbitrator shall, in manner prescribed, hear all such persons and organizations so appearing or represented; and”.

No. 9.—Page 5, after clause 14, insert the following clause :—

“14A. The Arbitrator may refer any claim or application submitted to him under this Act, or any matter arising out of the claim or application, to a person authorized by the Governor-General in that behalf, for investigation and report, and may delegate to that person such of his powers (other than the power to determine the claim or application) as he deems desirable; and the Arbitrator may, on the report, with or without hearing further evidence or argument, or both, determine the claim or application.”

Reference of
claim or matter
for report.

Amendments Nos. 1 and 2 agreed to

Amendment No. 3 read—

Senator Pearce moved—That the amendment be agreed to

Debate ensued.

Ordered—That further consideration of the amendment be postponed until after consideration of

Amendment No. 9.

Amendments Nos. 4–8 agreed to.

Amendment No. 9 read—

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

Sitting, interrupted by the suspension, resumed.

Senator Pearce moved—That Amendment No. 9 be agreed to.

Debate ensued.

Question—put and passed.

Consideration resumed of postponed Amendment No. 3.

Senator Pearce, by leave, withdrew his motion that the amendment be agreed to, and moved—That the amendment be agreed to with the following amendment, viz., leave out “an assessor or assessors to advise him in relation to the claim or application, and the assessor or assessors”, insert “two assessors to advise him in relation to the claim or application and the assessors”.

Debate ensued.

Question—put and passed.

Resolutions to be reported.

The President resumed the Chair; and Senator Bakhap, from the Committee, reported that the Committee had considered Message No. 34 of the House of Representatives in reference to the Arbitration (Public Service) Bill, and had agreed to Amendments Nos. 1, 2, 4, 5, 6, 7, 8, and 9 made by the House of Representatives in the Bill, and had agreed to Amendment No. 3 with an amendment.

Whereupon the Senate adopted such Report.

7. COMMONWEALTH CONCILIATION AND ARBITRATION BILL.—The Senate, according to Order, resolved itself into a Committee for the further consideration of the Bill.

In the Committee.

Clause 2 further considered—

Senator Benny moved an amendment, viz., leave out paragraph (a).
 Debate ensued.
 Question—put.
 Committee divided—

Ayes, 12.

Senator Benny.
 Buzacott.
 Drake-Brockman.
 Elliott.
 Fairbairn.
 Glasgow, Sir T. W.
 Keating.
 Newland.
 Pratten.
 Rowell.
 Senior.

Teller.

Senator Foll.

Amendment agreed to accordingly.
 Clause 2, as amended, agreed to.
 Clause 3 read—

Senator Elliott moved an amendment, viz., after section 6A insert the following new section :—

“6B. The Court may on the application of any party to an award make an order in the nature of a mandamus or injunction to compel compliance with the award or to restrain its breach under pain of fine not exceeding One hundred pounds or imprisonment not exceeding three months, and no person to whom such an order applies shall after written notice of the order be guilty of any contravention of the award by act or omission. In this section the term award includes order.”

Debate ensued.

To report progress and ask leave to sit again.

The President resumed the Chair; and Senator Bakhap, from the Committee, reported that the Committee had further considered the Bill and had made progress, and asked leave to sit again.
 Ordered—That the Committee have leave to sit again on the next day of sitting.

8. ADJOURNMENT.—The Minister for Defence (Senator Pearce) moved—That the Senate do now adjourn.
 Debate ensued.
 Question—put and passed.

The Senate adjourned at nineteen minutes past three p.m. till Wednesday next at three p.m.

9. ATTENDANCE.—Present, all the Members except Senators Adamson (on leave), Bolton, Duncan, Foster, Gardiner, R. S. Guthrie (on leave), Lynch, J. D. Millen, Reid, and Thomas.

GEO. H. MONAHAN,
Clerk of the Senate.