

COMMONWEALTH OF AUSTRALIA.

No. 65.

JOURNALS OF THE SENATE.

THURSDAY, 14TH OCTOBER, 1920.

1. MEETING OF SENATE.—The Senate met at three p.m., pursuant to adjournment.
2. PRAYERS.
3. JOINT COMMITTEE OF PUBLIC ACCOUNTS : MEETINGS DURING SITTINGS OF SENATE.—The Minister for Defence (Senator Pearce) moved—That so much of the Standing Orders be suspended as would prevent such Senators as are members of the Committee of Public Accounts attending meetings of such Committee during sittings of the Senate.
Question—put and passed, there being an absolute majority of the whole number of Senators present, and no dissentient voice.
4. PAPERS.—The Minister for Defence (Senator Pearce) laid on the Table the following Papers, viz. :—
Pursuant to Statute—
Defence Act.—Regulations amended.—Statutory Rules 1920, No. 159—No. 160.
Lands Acquisition Act.—Land acquired at—
Midland Junction, Western Australia—For Defence purposes.
Thursday Island, Queensland—For Quarantine purposes.
War Service Homes Act.—Land acquired at Weston, New South Wales.
5. QUESTION.—A question on notice was answered.
6. KALGOORLIE TO PORT AUGUSTA RAILWAY LANDS BILL.—The Vice-President of the Executive Council (Senator Russell), according to Order, moved—That the Bill be now read a third time.
Question—put and passed.
Bill read a third time and passed.
7. POSTPONEMENTS. — Ordered—That the following postponements of Private Business be made, viz. :—
Order of the Day No. 1 to 28th October.
Notice of Motion No. 1 to be an Order of the Day for 11th November next.
Notice of Motion No. 4 to 21st October.
8. SUPPLY BILL (No. 4) 1920–21.—The Minister for Defence (Senator Pearce), according to Order, moved—That the Bill be now read a second time.
Debate ensued.
Question—put and passed.
Bill read a second time.
Suspension of Standing and Sessional Orders.—Senator Pearce moved—That so much of the Standing and Sessional Orders be suspended as would prevent the Bill being passed through its remaining stages without delay.
Question—put and passed, there being an absolute majority of the whole number of Senators present and no dissentient voice.
The Senate, according to Order, resolved itself into a Committee for the consideration of the Bill.

In the Committee.

Clauses 1 to 4 agreed to.
Schedule debated and agreed to.
Preamble agreed to.
Title agreed to.
Bill to be reported without requests.

The President resumed the Chair ; and Senator Bakhap, from the Committee, reported accordingly.
Whereupon the Senate adopted such Report.
Senator Pearce moved—That the Bill be now read a third time.
Question—put and passed.
Bill read a third time and passed.

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9. **PAPER.**—The Minister for Defence (Senator Pearce) laid on the Table the following Paper, viz. :—
Pursuant to Statute—
River Murray Waters Act.—River Murray Commission—Report for the year 1919–20.
10. **JUDICIARY BILL.**—The Minister for Defence (Senator Pearce), according to Order, moved—That the Bill be now read a second time.
On motion of Senator Earle, the debate was adjourned.
Ordered—That the resumption of the debate be an Order of the Day for the next day of sitting.
11. **NAVIGATION BILL.**—The Senate, according to Order, resolved itself into a Committee for the consideration of Message No. 47 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 8, line 24, after “ amended ” and before paragraph (a) insert :—
“ (aa) by omitting from the definition of ‘ limited coast-trade ship ’ the words ‘ (not exceeding a radius of four hundred miles) ’ and inserting in their stead the words ‘ (not exceeding the limits for home-trade or coast-trade ships, as the case may be, fixed for the port, at the commencement of this section, by any State law) ’ ;
“ (ab) by adding at the end of the definition of ‘ River and bay ship ’ the words ‘ and also includes any ship or class of ships, specified by the Minister by notice in the *Gazette*, which trades exclusively within the limits of a specified port, bay or river and within a radius of three nautical miles seaward from the entrance of the port, bay or river : ’ ; ”.
- No. 2.—Page 3, after clause 9, insert the following new clause :—
“ 9A. The list of Division headings set out at the commencement of Part II. Amendment of list of Division headings Part II.
of the Principal Act is amended by omitting the number ‘ 122 ’ and inserting in its stead the number ‘ 122A ’ . ”
- No. 3.—Page 3, clause 10, line 20, after “ amended ” insert :—
“ —(a) by inserting after the words ‘ second class ’ (first occurring) the words
‘ First class motor engineer
Second class motor engineer ’ ; and
(b) ”.
- No. 4.—Page 5, after clause 19, insert the following new clause :—
“ 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 Employment of aliens. 9 & 10 Geo. V. c. 92 ss. 5, 12 and 15.
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. ’ . ”
- No. 5.—Page 5, after clause 20, insert the following new clauses :—
“ 20A. Section fifty of the Principal Act is amended—
(a) by omitting from the first proviso to sub-section (2.) the words ‘ in any Running agreements.
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.’ ”

“ 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 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’.”

Discharges to be given.

No. 6.—Page 5, after clause 21, insert the following new clauses :—

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

notes.

“ 21B. Section seventy-seven of the Principal Act is amended—

- (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 :—

Time for payment of wages on foreign-going ships.

‘, 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) ’.”

No. 7. Page 5, clause 22, line 37, omit “ one month ”, insert “ three months ”.

No. 8.—Page 5, clause 22, line 39, add at end of clause the following 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.”

No. 9.—Page 5, clause 23, omit this clause and insert the following new clause :—

“ 23. Section eighty-eight of the Principal Act is repealed and the following section inserted in its stead :—

‘ 88.—(1.) If any seaman, employed on a ship registered in Australia, is discharged—

- (a) elsewhere than at the port of discharge specified in his agreement ;
- (b) otherwise than in accordance with the terms of his agreement or the provisions of this Act ;
- (c) without fault on his part justifying his discharge ; and
- (d) without his consent,

Compensation for premature discharge.

the provisions of sub-sections (5.) and (6.) of section fifty of this Act shall apply as if the seaman had been discharged in pursuance of sub-section (3.) of that section.’ ”

No. 10.—Page 7, after clause 28, insert the following new clause :—

“ 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 steamship of more than three thousand tons 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 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. Refrigerating chambers.

‘ (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.’ ”

No. 11.—Page 9, after clause 33, insert the following new clause :—

“ 33A. Section one hundred and thirty-five of the Principal Act is amended Amendment of section 135. 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.’ ”

No. 12.—Page 9, clause 34, omit this clause and insert the following new clause :—

“ 34. Section one hundred and thirty-six of the Principal Act is amended—

(a) by inserting after paragraph (c) of sub-section (1.) the following para- Accommodation for seamen and apprentices. graph :—

‘ (cc) if such is required by the medical inspector, regard being had to the construction and situation of the berthing accommodation provided and to the trade in which the ship is employed or likely to be employed, such means of artificial heating and mechanical ventilation as are, in his opinion, necessary for the preservation of the health and comfort of the crew ;’

(b) by omitting from paragraph (f) of sub-section (1.) the words ‘ three thousand cubic feet’, and inserting in their stead the words ‘ the prescribed quantity’ ;

(c) by inserting in sub-section (3.) after the word ‘ bathrooms’, the words ‘ and facilities for washing clothes’ ;

(d) by inserting in sub-section (3.), after the word ‘ water’, the words ‘, as prescribed,’ ;

(e) by omitting from sub-section (3.) the words ‘ employed in connexion with the engines of the ship’ ;

(f) by inserting in sub-section (4.), after the words ‘ shall not apply to’, the words ‘ limited coast-trade ships of less than three hundred tons gross registered tonnage or’ ; and

(g) by inserting at the end of sub-section (5.) the following words :—

‘ and the seaman or apprentice may recover any amount due under this sub-section in the same manner as if that amount were wages.’ ”

No. 13.—Page 9, clause 35, line 31, after “ amended ” insert “ —(a) ”.

No. 14.—Page 9, clause 35, line 32, after “ Division ” insert :—

“ ; and (b) by omitting the word and letters ‘, (f), and (g)’ and inserting in their stead the word and letter ‘ and (f)’.”

No. 15.—Page 13, after clause 53, insert the following new clause :—

“ 53A. Section one hundred and ninety of the Principal Act is amended by Appointment of surveyors. omitting the word ‘ Minister’ and inserting in its stead the word ‘ Governor-General’.”

No. 16.—Page 15, clause 64, line 18, after “ Australia ” insert “, or which comes into a port in Australia from a port outside Australia,”.

No. 17.—Page 15, clause 64, line 22, after “ sea ” insert “, or, in the case of a vessel carrying more than twelve passengers, which comes into a port in Australia from a port outside Australia,”.

No. 18.—Page 25, clause 96, line 1, after “ upon ” insert “ not less than ”.

No. 19.—Page 25, clause 96, lines 5 and 6, omit all the words of the clause after “ section ” and insert “ or the notice of intention to cancel any such permit, notify in the *Gazette* the issue of the permit or the giving of the notice, as the case may be, with particulars thereof.”

No. 20.—Page 28, after clause 118, insert the following new clause :—

“ 118A. Section three hundred and ninety-seven of the Principal Act is amended— Limitation of time for proceedings.

(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’.”

No. 21.—Page 29, after clause 123 insert the following new clause :—

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

Amendment No. 1 read—

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 considered Message No. 47 of the House of Representatives in reference to the Navigation 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.

12. POSTPONEMENTS.—Ordered—That the remaining Orders of the Day, Government Business, be postponed until after the consideration of Private Business.

13. SENATE OFFICIALS : SELECT COMMITTEE.—Senator de Largie, pursuant to notice, moved—

- (1) That a Select Committee be appointed to inquire into and report to the Senate on the question of the position of the officials engaged in and about the Senate, and the working of the Public Service Act so far as it concerns officers controlled by the Senate or Committees of the Senate.
- (2) That the Select Committee consist of Senators Senior, Duncan, Reid, Earle, Drake-Brockman, Elliott, and the Mover.

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.

On motion of Senator Russell, the debate was adjourned.

Ordered—That the resumption of the debate be an Order of the Day for Thursday next.

14. NEXT MEETING OF SENATE.—The Minister for Defence (Senator Pearce) moved—That the Senate, at its rising, adjourn until Wednesday next.

Question—put and passed.

15. ADJOURNMENT.—The Minister for Defence (Senator Pearce) moved—That the Senate do now adjourn. Debate ensued.

Question—put and passed.

The Senate adjourned at four minutes to ten p.m. till Wednesday next at three p.m.

16. ATTENDANCE.—Present, all the Members except Senators Adamson (on leave), Foster, Sir T. W. Glasgow, Lynch (on leave), E. D. Millen (on leave), and Newland.

GEO. H. MONAHAN,
Clerk of the Senate.