

## COMMONWEALTH OF AUSTRALIA.

No. 75.

## JOURNALS OF THE SENATE.

THURSDAY, 25TH NOVEMBER, 1920.

1. MEETING OF SENATE.—The Senate met at three p.m., pursuant to adjournment.
2. PRAYERS.
3. QUESTIONS.—Questions on notice were answered.
4. SUSPENSION OF STANDING ORDER No. 68 (NEW BUSINESS AFTER HALF-PAST TEN P.M.)—The Minister for Defence (Senator Pearce), pursuant to notice, moved—That Standing Order Number 68 be suspended up to and including Friday, the 26th November, 1920, for the purpose of enabling new business to be commenced after half-past ten o'clock at night.  
Question—put and passed.
5. GOVERNMENT BUSINESS—PRECEDENCE.—The Minister for Defence (Senator Pearce), pursuant to notice, moved—That until the 26th day of November, 1920, Government business, unless otherwise ordered, take precedence of all other business on the Notice Paper, except questions and formal motions.  
Question—put and passed.
6. APPROPRIATION BILL 1920–21.—The Minister for Defence (Senator Pearce), 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. WAR PRECAUTIONS ACT REPEAL BILL.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

Message No. 73.

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to repeal the ' War Precautions Act 1914–1918 ' and to provide for certain matters arising out of such repeal, and for other purposes,*" with which it desires the concurrence of the Senate.

House of Representatives,

ELLIOT JOHNSON,  
Speaker.

Melbourne, 25th November, 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 Bill being passed through all its stages without delay.

Debate ensued.

Question—put and passed.

Senator Pearce moved—That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Senator Pearce moved—That the Bill be now read a second time.

Debate ensued.

*Point of Order.*—Senator Gardiner submitted that the Bill was not in order, in that it contained several matters not relevant to each other and provisions amending several Acts of the Parliament.

*Ruling of President.*—The President ruled that the Bill was not out of order, as none of the matters contained in its provisions were outside the scope of the Bill as set out in the Title.

Debate continued.

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.

Clauses 1 and 2 agreed to.  
Clause 3 read.

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*Point of Order.*—Senator Gardiner raised a point of order, viz., that the clause was not in order, in that it dealt with matters outside the scope of the Bill.

The Chairman ruled that the clause was in order.

*Dissent from Chairman's Ruling.*—And Senator Gardiner having objected, in writing, to the decision of the Chairman, the Chairman left the Chair.

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The Senate resumed, and the matter was laid before the President.

*Ruling of President.*—The President upheld the decision of the Chairman, and ruled that the clause was in order, as it was not outside the scope of the Bill as set out in the Title.

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The Committee resumed.

In the Committee.

Clause 3 further debated and agreed to.

Clause 4 debated.

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

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

Clause 4 agreed to.

Clauses 5-9 agreed to.

Clause 10 read.

*Point of Order.*—Senator Gardiner raised a point of order that the clause was not properly included in the Bill, the Senate having already this Session passed a Bill containing similar provisions.

The Chairman ruled that the clause was in order.

*Dissent from Chairman's Ruling.*—And Senator Gardiner taking objection in writing to the decision of the Chairman, the Chairman left the Chair.

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The Senate resumed, and the matter was laid before the President.

*Ruling of President.*—The President ruled that the clause was in order. The Bill referred to as containing similar provisions was passed by the Senate and had not been rejected by the House of Representatives. Following precedents recorded in May's *Parliamentary Practice*, it was permissible in such circumstances for a Bill containing such provisions, having been originated in the House of Representatives, to be again considered by the Senate.

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The Committee resumed.

In the Committee.

Clause 10 debated and agreed to.

Clause 11 read.

*Point of Order.*—Senator Gardiner raised a point of order that clause 11 did not come within the scope of the Bill, as it amended the Crimes Act, which was not mentioned in the title of the Bill.

The Chairman ruled that the clause was in order. The title of the Bill was wide in its scope, and he could not rule the clause as being outside it.

*Dissent from Chairman's Ruling.*—And Senator Gardiner taking objection in writing to the decision of the Chairman, the Chairman left the Chair.

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The Senate resumed, and the matter was laid before the President.

*Ruling of President.*—The President upheld the Chairman's decision.

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The Committee resumed.

In the Committee.

Clause 11 debated and agreed to.

Clause 12 debated—

And Senator Gardiner addressing the Committee, and having spoken for a quarter of an hour was, under Standing Order 407A, interrupted by the Chairman.

And no other Senator rising, and the Chairman proceeding to put the Question, Senator Gardiner began again to address the Committee.

*Point of Order.*—Senator Pearce raised a point of order that, as under Standing Order 407A no Senator may speak for more than a quarter of an hour at any one time on any one question, Senator Gardiner was not in order in continuing his speech.

The Chairman ruled that as other Senators had been given the opportunity to speak, and did not do so, and as under Standing Order No. 268 a Senator was entitled to address the Committee more than once, Senator Gardiner was in order in again addressing the Committee.

*Dissent from Chairman's Ruling.*—And Senator Pearce taking objection in writing to the decision of the Chairman, the Chairman left the Chair.

The Senate resumed, and the matter was laid before the President.

*Ruling of President.*—The President stated that obviously if a Senator, having exhausted the time allowed him under the Standing Order, resumed his seat, and were allowed to rise again immediately without another Senator intervening in the debate, there would be nothing to prevent the debate continuing interminably unless a motion—that the Committee do now divide—were moved. He therefore ruled that Senator Gardiner was not in order in continuing to address the Committee.

The Committee resumed.

In the Committee.

Clause 12 further debated.

Senator Wilson moved—That the Committee do now divide.

Question—That the Committee do now divide—put.

Committee divided—

Ayes, 20.

Senator Benny.  
Buzacott.  
Cox.  
Crawford.  
Earle.  
Fairbairn.  
Glasgow, Sir T. W.  
Guthrie, J. F.  
Guthrie, R. Storrie.  
Keating.  
Millen, J. D.  
Newland.  
Payne.  
Pearce.  
Plain.  
Rowell.  
Russell.  
Senior.  
Wilson.

Noes, 3.

Senator Gardiner.  
Lynch.  
*Teller.*  
Senator Foll.

*Teller.*

Senator de Largie.

And so it was resolved in the affirmative.

*Disorder in Committee.*—Senator Gardiner, having, during the taking of the Division, made use of certain words to which objection was taken—

The Chairman directed that the words be withdrawn.

And Senator Gardiner declining to comply with such direction—

The Chairman left the Chair.

The President resumed the Chair, and Senator Bakhap, from the Committee, reported that Senator Gardiner had disregarded the authority of the Chair by refusing to withdraw certain words when directed to do so.

Senator Gardiner, having been called upon by the President to withdraw the words objected to, intimated that if acquainted in Committee with the words to which objection was taken as being disorderly, he would withdraw them—

The Committee resumed.

In the Committee.

Senator Gardiner, having been acquainted with the words used by him to which objection had been taken, withdrew the words.

Question—That clause 12 stand as printed—put and passed.

Clauses 13 and 14 debated and agreed to.

Clause 15 debated—

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

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Clause 15 agreed to.

Clause 16 agreed to.

Clause 17 read—

Senator Gardiner moved an amendment, viz., in line 9, leave out "two", insert "one."

Amendment negatived, and clause 17 agreed to.

Clause 18 agreed to.

Clause 19 debated.

At half-past twelve a.m. the sitting of the Committee was suspended till half-past one a.m.

Sitting resumed.

Clause 19 agreed to.

Clauses 20 and 21 agreed to.

Clause 22 read—

Senator Gardiner moved an amendment, viz., Leave out paragraphs (a), (b) and (c),

Debate ensued.

Question—That paragraph (a) be left out—put and negatived.

Question—That paragraph (b) be left out—put and negatived.

Question—That paragraph (c) be left out—put.

Committee divided—

Ayes, 6.

Senator Gardiner.

Givens.

**Keating.**

Lynch.

Wilson.

*Teller.*

Senator Foll.

Noes, 15.

Senator Benny.

Cox.

Crawford.

Earle.

Glasgow, Sir T. W.

Guthrie, J. F.

Guthrie, R. Storrie.

Millen, J. D.

Payne.

Pearce.

Plain.

Rowell.

Russell.

Senior.

*Teller.*

Senator de Largie.

Amendment—That paragraph (c) be left out—negatived accordingly.

Clause 22 agreed to.

The Schedule read—

Senator Gardiner moved an amendment, viz., in line 1 of the Schedule, after “faithful” insert “to Australia”.

Amendment negatived.

The Schedule agreed to.

Title agreed to.

Bill to be reported without amendment.

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

Senator Pearce moved—That the Report be adopted.

Senator J. D. Millen moved an amendment, viz., to add after the word “adopted” the words “The Senate records its protest against the inclusion in the Bill of provisions similar to those already included in a Bill passed by the Senate this session and transmitted for the concurrence of the House of Representatives, and declares that the matter is not to be regarded as a precedent ; and resolves that this protest be embodied in the message returning the Bill.”

Debate ensued.

*Point of Order.*—Senator Pearce raised a point of order, viz., that it was not in order to move an amendment to the motion for the adoption of the Report from the Committee.

*Ruling of President.*—The President ruled that the amendment was in order.

Question—That the words proposed to be added be so added—put and passed.

Original motion, as amended—put and passed.

Senator Pearce 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 Defence (Senator Pearce) 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 :—

Dated 17th November, 1920—

Australian Commonwealth Post and Telegraph Association.

Australian Letter Carriers' Association (two cases).

Australian Postal Electricians' Union.

Australian Postal Linesmen's Union.

Commonwealth General Division Telephone Officers' Association.

Commonwealth Public Service Artisans' Association.

Commonwealth Public Service Clerical Association.

Commonwealth Temporary Clerks' Association.

Federated Public Service Assistants' Association of Australia.

General Division Officers' Union of the Trade and Customs Department of Australia.

Line Inspectors' Association—Commonwealth of Australia.

Meat Inspectors' Association—Commonwealth Public Service.

Postal Sorters' Union of Australia.

Dated 18th November, 1920—

Professional Officers' Association—Commonwealth Public Service.

Dated 19th November, 1920—

Commonwealth Public Service Clerical Association.

Dated 22nd November, 1920—

Australian Commonwealth Public Service Clerical Association.

The President laid on the Table the following Paper, viz. :—

Pursuant to Statute—

Audit Act.—Finance : Treasurer's Statement of Receipts and Expenditure during the year ended 30th June, 1920, accompanied by the Report of the Auditor-General.

9. INDUSTRIAL PEACE BILL (No. 2).—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

*Message No. 75.*

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to amend Section Fourteen of the 'Industrial Peace Act 1920'*", with which it desires the concurrence of the Senate.

House of Representatives,  
Melbourne, 25th November, 1920.

ELLIOT JOHNSON,  
*Speaker.*

*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 Bill being passed through all its stages without delay.

Debate ensued.

Question—put and passed.

Senator Pearce moved—That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Senator Pearce 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.

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In the Committee.

Clauses 1 and 2 agreed to.

Title agreed to.

Bill to be reported without amendment.

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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.

10. RIVER MURRAY WATERS BILL.—*Message from the House of Representatives.*—The following Message from the House of Representatives was received and read :—

MR. PRESIDENT,

*Message No. 74.*

The House of Representatives transmits to the Senate a Bill intituled "*A Bill for an Act to ratify an Agreement for the Variation of the Agreement entered into between the Prime Minister of the Commonwealth and the Premiers of the States of New South Wales, Victoria, and South Australia, respecting the River Murray and Lake Victoria and other Waters, and to amend the 'River Murray Waters Act 1915'*", with which it desires the concurrence of the Senate.

House of Representatives,  
Melbourne, 25th November, 1920.

ELLIOT JOHNSON,  
*Speaker.*

*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 Bill being passed through all its stages without delay.

Debate ensued.

Question—put and passed.

The Vice-President of the Executive Council (Senator Russell), moved—That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

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.

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In the Committee.

Clause 1 debated and agreed to.

Clauses 2–13 agreed to.

Preamble agreed to.

Title agreed to

Bill to be reported without amendment.

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The President resumed the Chair ; and Senator Bakhap, 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.

11. NEXT MEETING OF SENATE.—The Minister for Defence (Senator Pearce) moved—That the Senate, at its rising, adjourn till to-day at 12 o'clock noon.

Question—put and passed.

12. ADJOURNMENT.—The Senate adjourned at fifteen minutes past four a.m. till to-day at twelve noon.

13. ATTENDANCE.—Present, all the Members except Senators Bolton, Duncan, Henderson, E. D. Millen (on leave), Pratten, and Thomas.

GEO. H. MONAHAN,  
*Clerk of the Senate.*