

1901.

THE PARLIAMENT OF THE COMMONWEALTH.

No. 73.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

THURSDAY, 3RD OCTOBER, 1901.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PETITION.—Sir Langdon Bonython presented a Petition from certain persons resident in South Australia, praying that the House will give effect to certain proposals set forth in the Petition for the retail trade of intoxicating liquors in the Federal Capital being exclusively owned and carried on by the Commonwealth.
Petition received and read.
3. PRINTING COMMITTEE—THIRD REPORT FROM.—Sir John Quick, Chairman, brought up the Third Report from the Printing Committee.
The Report was read by the Clerk, and is as follows :—

REPORT.

The Printing Committee have the honour to report that they have dealt with all the Papers and Petitions laid on the Table of the House since their last meeting, and beg to recommend that the following be printed :—

Petition from certain electors of the Commonwealth, praying that the House will sanction a federal project for the improvement of the navigability and conservation of the waters of the Rivers Murray and Darling, together constituting channels for Inter-State commerce. (*The existence of similar Petitions to be noted.*)

Mails *via* Albany or *via* Fremantle.—Return to an Order of the House, dated 30th August 1901.

Men and Women Voters in South Australia and Western Australia.—Return to an Order of the House, dated 7th June, 1901.

Aliens in Queensland.—Return to an Order of the House, dated 21st June, 1901.

Commonwealth Officers not Transferred from State Service.—Return to an Order of the House, dated 24th July, 1901.

JOHN QUICK,
Chairman.

House of Representatives,
Committee Room, 2nd October, 1901.

Mr. Barton moved, by leave, That the Report be taken into consideration forthwith.

Question—put and resolved in the affirmative.

Mr. Barton moved, That the Report be agreed to.

Question—put and resolved in the affirmative.

4. COST OF CANE-CUTTING IN QUEENSLAND.—Mr. Ewing moved, pursuant to notice, That a Return be at once obtained and laid before this House showing :—

The actual cost of cane-cutting per ton in Queensland—

- (a) By contract (specifying white or other labour).
- (b) In wages to white men.
- (c) By employing kanakas.

[If rates range in different districts, examples to be given.]

Question—put and resolved in the affirmative.

3rd October, 1901.

5. IMMIGRATION RESTRICTION BILL.—The Order of the Day for the consideration of the Reports from the Committee of the whole House on this Bill having been read—
 Mr. Barton moved, That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clauses 4 (paragraph (a)), 8A, 9, 10, 10A, 11, and 15.
 Question—put and resolved in the affirmative.
 Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.
 Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had made progress in the portions of the Bill referred to it, and that he was directed to ask, That the Committee may have leave to sit again.
 Resolved—That the House will, this day, again resolve itself into the said Committee.

6. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR-GENERAL—ASSENT TO BILL.—The following Message from His Excellency the Governor-General was presented by Mr. Kingston, and the same was read by Mr. Speaker :—

HOPETOUN,

*Governor-General.**Message No. 17.*

A Bill intituled "*An Act relating to the Customs,*" as finally passed by the Senate and the House of Representatives of the Commonwealth, having been presented to the Governor-General for the Royal Assent, His Excellency has, in the name of His Majesty, assented to the said Act.

Government House,

Melbourne, 3rd October, 1901.

7. MESSAGE FROM THE SENATE—EXCISE BILL.—Mr. Speaker announced the receipt of the following Message from the Senate :—

MR. SPEAKER,

Message No. 21.

The Senate has agreed to the Bill intituled "*An Act relating to Excise,*" with the amendments indicated in the annexed Schedule, to which it desires the concurrence of the House of Representatives.

R. C. BAKER,

President.

The Senate,

Melbourne, 3rd October, 1901.

Ordered—That the consideration of the foregoing Message in Committee of the whole House be made an Order of the Day after Order of the Day No. 3.

8. EXCISE ON BEER BILL—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the following amendments made by the Senate in this Bill, viz. :—

SCHEDULE SHOWING THE AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 1, clause 3, line 8, after "Parliament," omit the remainder of the clause.
 No. 2.—Page 2, clause 5, line 29, before "or" insert "or of nine gallons."
 No. 3.—Page 2, clause 7, lines 35 and 36, omit "This Act is an Act relating to the Customs within the meaning of 'The Customs,'" insert "Parts II., VIII., IX., X., XI., XII., XIII., and XIV. of 'The Excise.'"
 No. 4.—Page 2, clause 7, at end of clause add "shall except so far as inconsistent with this Act be incorporated and read as one with this Act."
 No. 5.—Page 3, clause 13, line 21, before "amount" insert "estimated."
 No. 6.—Page 3, clause 13, lines 22 and 23, omit "upon all beer that the brewery is capable of making," insert "which the applicant will be liable to pay."
 No. 7.—Page 3, clause 14, line 24, omit "so that in each," insert "and if given by bond shall apply to each renewal of a licence and in every."
 No. 8.—Page 3, after clause 18 insert the following new clause :—

"18A. The Collector may at any time require any brewer to give fresh security and fresh security shall be given accordingly and in default the licence may be cancelled by the Minister by *Gazette* notice."

Fresh security
may be
required.

- No. 9.—Page 3, clause 19, line 40, after "collector" insert "on security being given by the transferee."
 No. 10.—Page 4, clause 20, line 3, after "Sell" insert "wine or."
 No. 11.—Page 4, after clause 27 insert the following new clauses :—

"27A. A brewer may, under permit in writing from the Collector, and subject to the prescribed conditions—

Transfer of beer
to another
brewery or
delivery store.

(i) Transfer beer in vessels from one brewery to another, both breweries being occupied and carried on by him;

(ii) Transfer beer in vessels or bottles from his brewery to a delivery store used by him in connexion with his brewery, and approved by the Collector;

and duty shall be paid on the beer so transferred before it is removed from the brewery or delivery store to which it was transferred, and no transfer of beer under this section shall be deemed a removal, and every delivery store shall be deemed part of the brewery in connexion with which it is used. No brewer shall have more than one delivery store in connexion with any brewery.

27B. A permit shall be affixed on the head of every vessel containing beer, to be transferred under permit before the vessel leaves the brewery from which it is to be transferred, and shall be cancelled in the same manner as a stamp, and such permit shall not be altered or interfered with until the vessel is received within the brewery or delivery store to which it is transferred when the permit shall forthwith be cut into two or more pieces so as to render it unfit for further use as a permit.

Penalty: One hundred pounds.

27C. All bottled beer transferred under permit from a brewery to a delivery store shall while in course of transit be accompanied by a cart-note to which the permit shall be affixed and on the receipt of the beer within the delivery store the permit shall be cancelled and filed and kept in the delivery store with the cart-note.

Penalty: One hundred pounds."

- No. 12.—Page 6, clause 37, line 6, omit "sixty," insert "ninety."
 No. 13.—Page 6, clause 39, line 16, after "brewery" insert "except as provided by this Act."
 No. 14.—Page 6, clause 42, line 33, before "No" insert "Except as provided by this Act."
 No. 15.—Page 7, clause 46, line 10, omit "and the making of the beer."
 No. 16.—Page 7, clause 48, line 23, after "open" insert "and search."
 No. 17.—Page 7, clause 48, line 23, after "any" insert "depository."
 No. 18.—Page 7, clause 52, lines 36, 37, and 38, omit "receiving beer in loose bottles or in bottles in baskets shall on demand by an officer within fourteen days thereafter produce to him the cart-note in which the beer is specified," insert "who sells beer shall on demand by an officer produce to him all cart-notes relating to all beer received by him from a brewery in loose bottles or bottles in baskets."
 No. 19.—Page 8, clause 54, line 3, after "beer" (*second occurring*) insert "transferred or."
 No. 20.—Page 8, clause 57, at end of clause add "Penalty: Twenty pounds."
 No. 21.—Page 8, clause 64, line 38, omit "Minister," insert "Governor-General."
 No. 22.—Page 9, clause 65, line 1, after "regulations" insert "so."
 No. 23.—Page 9, clause 65, lines 1 and 2, omit "by the Minister may afterwards be confirmed by the Governor-General and after such confirmation."
 No. 24.—Page 9, clause 67, omit clause 67.
 No. 25.—Page 11, Third Schedule, under "*Brewer's Diary*," head "Quantity of beer removed in" insert new column "9-gallon kegs."
 No. 26.—Page 12, Third Schedule, under "BREWER'S DELIVERY BOOK," head "Bulk Beer," insert new column "gal. 9."
 No. 27.—Page 13, Third Schedule, under "BREWER'S MONTHLY ACCOUNT," head "*Details of Beer Removed*," insert new column "9-gal. keg."
 No. 28.—Page 14, Third Schedule, after regulation 6, insert the following new regulation:—

"The Delivery Store Book."

"6A. Every brewer who has a delivery store shall keep therein a book in which he shall enter daily particulars of all beer transferred into the delivery store and of all beer removed therefrom."

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. Piesse reported from the Committee that they had agreed to all the amendments made by the Senate except Amendment No. 15, which they had disagreed to. On the motion of Mr. Kingston, the House adopted the Report.

Mr. Kingston moved, That the Attorney-General, Sir William McMillan, and the Mover be appointed a Committee to draw up a Reason for the House of Representatives not agreeing to Amendment No. 15.

Question—put and resolved in the affirmative.

Mr. Kingston, on behalf of the Committee, brought up such Reason, which was read, and is as follows:—

REASON OF THE HOUSE OF REPRESENTATIVES FOR DISAGREEING TO AMENDMENT NO. 15 OF THE SENATE.

Because the provision proposed to be struck out is necessary for the protection of the revenue.

Mr. Kingston moved, That the Committee's Reason be adopted.

Question—put and resolved in the affirmative.

9. DISTILLATION BILL—SENATE'S AMENDMENTS.—The Order of the Day having been read for the consideration in Committee of the whole House of the following amendments made by the Senate in this Bill, viz:—

SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE.

- No. 1.—Page 1, clause 3, line 16, omit "Stills."
 No. 2.—Page 1, clause 4, line 21, after "Parliament" omit remainder of clause.
 No. 3.—Page 4, clause 8, lines 1 and 2, omit "This Act is an Act relating to the Customs within the meaning of the *Customs*," insert "Parts II., VIII., IX., X., XI., XII., XIII., and XIV of the *Eccise*."

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No. 4.—Page 4, clause 8, line 2, after “1901” insert “shall except so far as inconsistent with this Act be incorporated and read as one with this Act.”

No. 5.—Page 4, after clause 10, insert the following new clause:—

“10A. (1) Stills may be used for any purpose other than the distillation ^{Use of Stills.} of spirits if the owner has—

(i.) Given written notice to the Collector for the State in which the still is used or is intended to be used specifying—

- (a) The size or capacity of the still ;
- (b) The purpose for which the still is used or intended to be used ;
- (c) The place where the still is to be used or intended to be used.

(ii.) Given security to the Collector in such sum as the Collector requires not exceeding One hundred pounds that the still shall not be used for distilling spirits.

(2) Persons lawfully using stills at the commencement of this Act for any purpose other than the distillation of spirits shall be allowed a period of two months after the commencement of this Act to comply with the requirements of this section.

(3) Any still used in contravention of this section shall be an illicit still.”

No. 6.—Page 10, clause 51, line 13, after “the” insert “lowest.”

No. 7.—Page 10, clause 57, line 36, after “proof” insert “in the case of wine spirit and of at least sixty degrees above proof in the case of any other spirit.”

No. 8.—Page 11, clause 5, line 3, after “spirit” insert “of a strength of at least thirty degrees above proof.”

No. 9.—Page 12, clause 64, line 4, after “open” insert “and search.”

No. 10.—Page 12, clause 64, line 4, after “any” insert “depository.”

No. 11.—Page 14, clause 82, line 31, omit “Minister,” insert “Governor-General.”

No. 12.—Page 14, clause 83, line 35, after “regulations” insert “so.”

No. 13.—Page 14, clause 83, lines 35 and 36, omit “by the Minister may afterwards be confirmed by the Governor-General and after such confirmation.”

No. 14.—Page 15, clause 84, omit clause 84.

No. 15.—Page 18, Third Schedule, after Regulation No. XX. insert the following new regulation:—

“XXA. The name of every fixed vessel must be painted thereon in oil colours and in conspicuous letters, and where more than one vessel is used for the same purpose distinctive numbers in arithmetical progression, commencing with 1, must also be painted thereon.”

No. 16.—Page 19, Third Schedule, at end of Regulation No. 30, add “and if the quantity of spirits produced is less than the quantity of spirits which should have been produced the distiller shall pay the duty on the deficiency, unless such deficiency is explained to the satisfaction of the Collector.”

No. 17.—Page 20, Third Schedule, Regulation No. 35, in line 1, omit “on,” insert “no.”

No. 18.—Page 21, Third Schedule, Regulation No. 58, after “quart,” in line 3, insert “or pint.”

No. 19.—Page 22, Third Schedule, Regulation No. 59, after “direct,” in line 3, omit remainder of regulation.

No. 20.—Page 22, Third Schedule, Regulation No. 60, after “labels,” in line 2, omit remainder of regulation.

No. 21.—Page 23, Third Schedule, Regulation No. 80, after “to,” in line 3, insert “a warehouse licensed under the *Customs Act 1901*, or to.”

No. 22.—Page 24, Third Schedule, Regulation No. 95, after “wine” (*first occurring*), in line 2, insert “or lees of wine.”

No. 23.—Page 24, Third Schedule, Regulation No. 95, after “wine” (*second occurring*), in line 2, insert “or lees of wine.”

No. 24.—Page 24, Third Schedule, Regulation No. 96, after “wine,” in line 1, insert “or lees of wine.”

No. 25.—Page 24, Third Schedule, Regulation No. 96, after “wine” add “or lees of wine.”

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

Mr. Speaker resumed the Chair; Mr. Chanter reported, from the Committee, that they had agreed to all the amendments made by the Senate except Amendments Nos. 8, 19, and 20, which they had disagreed to.

On the motion of Mr. Kingston, the House adopted the Report.

Mr. Kingston moved, That the Attorney-General, Mr. Page, and the Mover be appointed a Committee to draw up Reasons for the House of Representatives not agreeing to Amendments Nos. 8, 19, and 20.

Question—put and resolved in the affirmative.

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Mr. Kingston, on behalf of the Committee, brought up such Reasons, which were read, and are as follow :—

REASONS OF THE HOUSE OF REPRESENTATIVES FOR DISAGREEING TO CERTAIN AMENDMENTS OF THE SENATE.

As to Amendment No. 8 :—

Because the amendment is unnecessary.

As to Amendments Nos. 19 and 20 :—

Because the information will be useful to the public, and no regulation need be made until foreign spirits have been treated in the same manner.

Mr. Kingston moved, That the Committee's Reasons be adopted.

Question—put and resolved in the affirmative.

10. EXCISE BILL—SENATE'S AMENDMENTS.—The Order of the Day for the consideration in Committee of the whole House of the amendments made by the Senate in this Bill having been read—Mr. Speaker left the Chair ; and the House resolved itself into a Committee of the Whole. Mr. Speaker resumed the Chair ; Mr. Chanter reported that the Committee had made progress, and that he was directed to ask, That the Committee may have leave to sit again. Resolved—That the House will, to-morrow, again resolve itself into the said Committee.
11. SERVICE AND EXECUTION OF PROCESS BILL—SENATE'S MESSAGE No. 18.—The Order of the Day for the consideration of the Senate's Message No. 18 in Committee of the whole House having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole. Mr. Speaker resumed the Chair ; Mr. Chanter reported that the Committee had resolved that the amendments disagreed to by the Senate be not insisted on, viz. :—

SCHEDULE OF THE AMENDMENTS MADE BY THE HOUSE OF REPRESENTATIVES TO WHICH THE SENATE HAS DISAGREED.

No. 5.—Page 3, clause 5, line 10, omit "five miles" and insert "one mile."

No. 14.—Page 3, clause 9, line 35, omit "five miles" and insert "one mile."

No. 35.—Page 8, clause 18, line 3, omit "whether before or."

No. 38.—Page 8, clause 19, line 28, omit "twelve months" and insert "two years."

No. 39.—Page 8, clause 20, paragraph (b), omit this paragraph.

REASONS OF THE SENATE FOR DISAGREEING TO CERTAIN AMENDMENTS OF THE HOUSE OF REPRESENTATIVES.

As to Amendment No. 5 :—

Because the substitution of one mile for five miles might unduly hamper the defendant in his selection of an address for service, and in large cities, if he desired a legal adviser, might inconvenience him in his choice.

As to Amendment No. 14 :—

Because it is consequential on Amendment No. 5.

As to Amendment No. 35 :—

Because the clause relates solely to procedure, and should be retrospective, in order to avoid the confusion consequent upon having various modes of procedure to effect the same end in operation at the same time.

As to Amendment No. 38 :—

Because no unnecessary delay in the registration of certificates of judgment should be allowed, and there is ample provision for cases where delay is unavoidable in the power of the Court to permit registration after the time limited has expired.

As to Amendment No. 39 :—

Because it would materially restrict the usefulness of this Act if it were not applicable to the judgments in Admiralty of the different States.

On the motion of Mr. Deakin, the House adopted the Report.

12. PROPERTY ACQUISITION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole House having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole. Mr. Speaker resumed the Chair ; Mr. Chanter reported that the Committee had made progress in the Bill, and that he was directed to ask, That the Committee may have leave to sit again. Resolved—That the House will, to-morrow, again resolve itself into the said Committee.

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13. IMMIGRATION RESTRICTION BILL.—The Order of the Day for the further reconsideration of this Bill in Committee of the whole House having been read—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.
Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had reconsidered the portions of the Bill referred to it, and had agreed to the same with further amendments.
Mr. Deakin moved, by leave, That the Bill be now recommitted to a Committee of the whole House for the reconsideration of clause 5.
Question—put and resolved in the affirmative.
Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.
Mr. Speaker resumed the Chair; Mr. Chanter reported that the Committee had reconsidered clause 5, and had agreed to the same with an amendment.
Ordered—That the consideration of the Reports be made an Order of the Day for to-morrow.
14. ADJOURNMENT.—Mr. Deakin moved, That the House do now adjourn.
Debate ensued.
Question—put and resolved in the affirmative.

And then the House, at twenty minutes past ten o'clock p.m., adjourned until to-morrow at half-past ten o'clock a.m.

MEMBERS PRESENT.—All Members were present except—The Honorable Sir Philip Fysh, K.C.M.G., the Right Honorable Sir Edward Braddon, P.C., Messrs. Brown, Cameron, Clarke, Conroy, Hughes, Knox, McColl, F. E. McLean, Sawers, Thomas, and Thomson.

C. GAVAN DUFFY,

Clerk of the House of Representatives.