

1920.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 57.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

FRIDAY, 13TH AUGUST, 1920.

1. The House met, at eleven o'clock a.m., pursuant to adjournment.
2. ABSENCE OF MR. SPEAKER.—The Clerk, at the Table, having informed the House that Mr. Speaker was unavoidably absent, the Chairman of Committees took the Chair as Deputy-Speaker, and read Prayers.
3. PAPER.—The following Paper was presented, by command of His Excellency the Governor-General—
Wooltops—Agreement between the Commonwealth Government and the Colonial Combing, Spinning and Weaving Company Limited of 12th March, 1920—Report by the Central Wool Committee in relation to the Agreement and the Prime Minister's reply thereto.
Ordered to lie on the Table, and to be printed.
4. MESSAGE FROM THE SENATE.—QUARANTINE BILL (1920).—Mr. Deputy-Speaker announced the receipt of the following Message from the Senate:—

<p>MR. SPEAKER,</p> <p>The Senate has passed a Bill for "<i>An Act to amend the 'Quarantine Act 1908-1915'</i>," and transmits the same to the House of Representatives for its concurrence.</p> <p>The Senate, Melbourne, 13th August, 1920.</p>	<p><i>Message No. 39.</i></p> <p>THOS. GIVENS, President.</p>
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Mr. Greene moved, That the Bill transmitted by the foregoing Message be now read a first time.
Question—put and passed.—Bill read a first time.
Ordered—That the second reading be made an Order of the Day for Wednesday next.
5. INDUSTRIAL PEACE BILL.—The Order of the Day having been read for the further consideration of this Bill in Committee of the whole House—Mr. Deputy-Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(*In the Committee.*)

Clause 15—

Mr. Hughes moved, as an amendment, That the following words be inserted after the words "industrial dispute" (line 2):—

"between an organization of employees on the one hand, and employers or organizations of employers on the other hand".

Amendment agreed to.

F.255.

13th August, 1920.

Mr. Hughes moved, as a further amendment, That the word "associations" (line 3) be omitted, and that the word "organizations" be inserted in place thereof.

Amendment agreed to.

Debate on clause, as amended, ensued.

Mr. Charlton moved, as a further amendment, That the following words be inserted after the word "Act" (line 8):—

"and have power to inquire into all matters pertaining to the industry from the point of production to the final disposal of the commodity. Provided that by request of either party the evidence relating to any trade secret shall be taken *in camera* and not be disclosed."

Debate ensued.

Amendment amended, on the motion of Mr. Hughes, after debate, so as to read—

"and have power to inquire into all matters relevant to the dispute, and the decision of the Tribunal on the question of relevancy shall be final, from the point of production to the final disposal of the commodity. Provided that no evidence relating to any trade secret, or to the profits or financial position, of any witness or party, shall be disclosed except to the Tribunal or published without the consent of the person entitled to the trade secret or non-disclosure.

Penalty: Five hundred pounds or Three months' imprisonment.

All such evidence shall, if the witness or party so requests, be taken in private."

Amendment, as amended, agreed to.

On the motion of Mr. Hughes, the clause was further amended by the omission of the words "a plaint is pending in the Court and" (lines 9 and 10), and by the insertion of the words "in the Court" before the word "shall" (line 10).

Clause, as amended, agreed to.

Clause 16 debated and agreed to.

Clause 17 debated and omitted.

Clauses 18 to 22 agreed to.

Clause 23—

On the motion of Mr. Charlton, the clause was amended as follows:—

Lines 28-30, omit "one representative of the employers and one representative of the employees" and insert "an even number (not less than four nor more than eight) of other members."

Line 31, omit "appointed as prescribed" and insert "chosen by agreement between the representatives of employers and employees, or, in default of agreement, shall be appointed by the Governor-General."

Lines 32-33, omit "employees respectively shall be appointed or elected in the prescribed manner" and insert "recognised organizations of employees respectively shall be recommended and appointed in the prescribed manner by the respective employers and organizations of employees."

Line 38, omit "Two members of a Local Board shall form a quorum" and insert "Two-thirds of the members of a Local Board shall form a quorum."

Clause, as amended, agreed to.

Clause 24—

On the motion of Mr. Hughes, the clause was amended by the omission of the words "of any industrial dispute" (lines 39 and 40); by the insertion before the word "referred" (line 41) of the words "of any industrial dispute between an organization of employees on the one hand, and employers or organizations of employers on the other hand"; by the omission of the word "associations" (line 41) and the insertion of the word "organizations" in place thereof; and by the insertion of the words "of any industrial dispute" before the word "referred" (line 43).

Clause, as amended, agreed to.

Clause 25 debated and agreed to.

Clause 26 debated and agreed to.

Clause 27 agreed to.

Clause 28—

Progress to be reported, and leave asked to sit again.

The House resumed; Mr. Atkinson reported accordingly.

Resolved—That the House will, later on this day, again resolve itself into the said Committee.

6. INDUSTRIAL PEACE BILL—LIMITATION OF DEBATE—FURTHER EXTENSION OF TIME.—Mr. Hughes moved, That the time allotted in connexion with the Limitation of Debate as regards the Industrial Peace Bill be further extended as follows:—

For the remainder of the Committee stage of the Bill, until 3.30 p.m. this day.

For the remaining stages of the Bill, until 4 p.m. this day.

Question—put and passed.

7. INDUSTRIAL PEACE BILL.—The Order of the Day having been read for the further consideration of this Bill in Committee of the whole House—Mr. Deputy-Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

Clause 28 debated.

Clause amended, on the motion of Mr. Hughes, by the omission of the words "or of the regulations" (line 19).

Question—That the clause, as amended, be agreed to—put.

The Committee divided—

Ayes, 31.		Noes, 15.	
Mr. Bamford	Mr. Hughes	Mr. Blakeley	Mr. McGrath
Mr. Bayley	Mr. Lister	Mr. Brennan	Mr. Parker Moloney
Mr. Bell	Mr. Mackay	Mr. Charlton	Mr. Ryan
Sir Robert Best	Mr. Marks	Mr. Considine	Mr. Watkins
Mr. Blundell	Mr. Marr	Mr. Cunningham	
Mr. Bruce	Mr. Maxwell	Mr. Mahony	
Mr. Donald Cameron	Mr. Poynton	Mr. W. Maloney	<i>Tellers:</i>
Sir Joseph Cook	Mr. Prowse	Mr. Mathews	Mr. Makin
Mr. Corser	Mr. Rodgers	Mr. McDonald	Mr. Riley
Mr. Fleming	Mr. Laird Smith		
Mr. R. W. Foster	Mr. Stewart		
Mr. Fowler	Mr. Wise		
Mr. Gibson			
Mr. Greene	<i>Tellers:</i>		
Mr. Gregory			
Mr. Groom	Mr. Burchell		
Mr. Hay	Mr. Story		

And so it was resolved in the affirmative.

Clause 29 amended, on the motion of Mr. Hughes, by the omission of all the words after the word "Act" (line 26) to the end of the clause.

Clause, as amended, agreed to.

New Clauses—

Mr. Hughes moved, That the following new clause be added to the Bill:—

27A.—(1.) When an alleged industrial dispute is referred to a Special Tribunal or a Local Board any party to the proceeding may apply to the High Court for a decision on the question whether the dispute or any part thereof exists, or is threatened or impending or probable, as an industrial dispute extending beyond the limits of any one State or on any question of law arising in relation to the dispute or to the proceeding or to any award or order of the Court.

Application to High Court for declaration of existence of dispute.

(2.) The High Court shall have jurisdiction to hear and determine the question.

(3.) The jurisdiction of the High Court under this section may be exercised by any Justice of the High Court sitting in Chambers.

(4.) The decision of the High Court or the Justice on the question shall be final and conclusive, and shall not be subject to any appeal to the High Court in its appellate jurisdiction, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition mandamus or injunction, in any court on any account whatever.

Question—put and passed.

Mr. Hughes moved, That the following new clause be added to the Bill:—

27B.—(1.) No award or order of a Special Tribunal or Local Board shall be challenged, appealed against, reviewed, quashed or called in question, or be subject to prohibition mandamus or injunction, in any court on any account whatever.

Award not to be challenged or questioned.

(2.) The Chairman of a Special Tribunal or Local Board may, if he thinks fit, in any proceeding before the Tribunal or Board, as the case may be, at any stage and upon such terms as he thinks fit, state a case in writing for the opinion of the High Court upon any question arising in the proceeding which in his opinion is a question of law.

(3.) The High Court shall hear and determine the question, and remit the case with its opinion to the Chairman, and may make such order as to costs as it thinks fit.

Debate ensued.

Limitation of Debate.—At half-past three o'clock p.m. the temporary Chairman (Mr. Atkinson) having called the attention of the Committee to the fact that the time allotted for the Committee stage of the Bill had expired—

Question—That proposed new clause 27B. be added to the Bill—put and passed.

Title agreed to.

Bill to be reported with amendments.

The House resumed; Mr. Atkinson reported accordingly.

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

Mr. Hughes moved, That the Bill be now read a third time.

Debate ensued.

Question put.

13th August, 1920.

The House divided—

Ayes, 31.		Noes, 16.	
Mr. Atkinson	Mr. Hill	Mr. Blakeley	Mr. Mathews
Mr. Bamford	Mr. Hughes	Mr. Brennan	Mr. McDonald
Mr. Bayley	Mr. Lister	Mr. Charlton	Mr. McGrath
Mr. Bell	Mr. Mackay	Mr. Considine	Mr. Parker Moloney
Mr. Blundell	Mr. Marks	Mr. Cunningham	Mr. Ryan
Mr. Bruce	Mr. Marr	Mr. Lazzarini	
Mr. Donald Cameron	Mr. Poynton	Mr. Mahony	<i>Tellers:</i>
Sir Joseph Cook	Mr. Prowse	Mr. Makin	Mr. Riley
Mr. Corser	Mr. Rodgers	Mr. W. Maloney	Mr. Watkins
Mr. Fleming	Mr. Laird Smith		
Mr. R. W. Foster	Mr. Stewart		
Mr. Fowler	Mr. Wise		
Mr. Francis			
Mr. Gibson	<i>Tellers:</i>		
Mr. Greene	Mr. Burchell		
Mr. Groom	Mr. Story		
Mr. Higgs			

And so it was resolved in the affirmative.—Bill read a third time.

8. PAPERS.—The following Papers were presented, pursuant to Statute—

Defence Act—Regulations amended—Statutory Rules 1920, Nos. 132, 133, 134.

Lands Acquisition Act—Land acquired under, at Liverpool, New South Wales—For Defence purposes.

Public Service Act—Department of the Treasury—Promotions of—

L. Walsh, H. Millard, J. L. Menzies, A. P. Hosking, W. J. Ditchburn, R. J. Davis, J. R. Shepherd, J. G. Sowersby, H. I. Furfhey, G. H. Thomas.

P. A. I. O'Brien, D. R. Casey, V. P. B. Williams, T. F. Hiscock.

W. J. Mason, R. C. Webster, J. Duffy.

War Service Homes Act—Land acquired under, at Gosford, New South Wales.

9. NEW GUINEA BILL.—Mr. Hughes moved, by leave, That he have leave to bring in a Bill for an Act to make provision for the Acceptance of a Mandate for the Government of certain Territories and Islands in the Pacific Ocean, and to make immediate provision for the Civil Government of the said Territories and Islands, and for other purposes.

Debate ensued.

Mr. Cunningham moved, as an amendment, That the words "in accordance with the White Australia policy" be inserted after the words "Civil Government".

Debate continued.

Closure.—

Sir Joseph Cook moved, That the question be now put.

Question—That the question be now put—put.

The House divided—

There not being the number of Ayes requisite in accordance with the Standing Order, Mr. Deputy-Speaker announced that the motion for the closure had not been carried.

Debate continued.

Count out.—

Mr. Parker Moloney called the attention of Mr. Deputy-Speaker to the fact that a quorum of Members was not present.

The bells having been rung, and a quorum not having been obtained within the prescribed time, Mr. Deputy-Speaker thereupon, at five o'clock p.m., adjourned the House until Wednesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Mr. Anstey*, Mr. Bowden, Mr. J. H. Catts, Mr. Austin Chapman, Mr. Robert Cook, Mr. Gabb, Sir Elliot Johnson, Mr. Jowett, Mr. Lamond, Mr. Lavelle, Mr. Livingston, Mr. Mahon, Mr. McWilliams, Mr. Nicholls, Mr. Earle Page, Mr. James Page*, Mr. Tudor, and Mr. Watt*.

* On leave.

WALTER A. GALE,
Clerk of the House of Representatives.]