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1901-10-02

Senate.

The President took the chair at 2.30 p.m., and read prayers.

CLERK OF THE PARLIAMENTS

The PRESIDENT

- Before the business of the day is called on, I have to announce to the Senate, that pursuant to an application made by the Clerk of the Parliaments for leave of absence for three weeks, I have granted that leave. In our standing orders there is no reference to the authority which ought to grant any such leave, and there are no regulations on the subject. The Public Service Bill contemplates that regulations will be made, and when it is passed, there is no doubt that appropriate regulations will be framed. I feel quite sure that the Senate will agree with the action I have taken, and will join with me in sympathy for the Clerk of Parliaments in the domestic trouble which has arisen in his household.

Senator O'CONNOR (New South Wales Vice President of the Executive Council). - Mr. President, the Clerk of the Senate occupies a different position from any other officer in the public service, except the Clerk of the other House, and I think it is essential that on this the first occasion on which the question has arisen, the Senate should give leave of absence to its officer. I am sure that we all approve of the action which you have taken, and indorse the sympathetic words you have uttered; but I think it is desirable, so that the matter may be put on the right footing at once, to move -

That the Senate approve of the action taken by the President, and that leave of absence be granted accordingly.

Senator Sir JOSIAH SYMON

- I second the motion, and I think with the mover that, pending any arrangements which may hereafter be made, the Senate should continue seized of its control over the office which is so ably filled by Mr. Blackmore. I think, sir, it is well that the Senate should directly grant the leave, and at the same time express its approval of the course which you, subject to the leave being granted, thought fit to adopt. May I also add an expression of the deepest sympathy for the Clerk of the Parliaments under the circumstances which have led to this leave being applied for happen to know, and other honorable senators I am sure happen to know, that for some time sickness has fallen on his household - a sickness, I believe, which is nigh unto death - and we must all be moved by the occasion for this application, and by the deepest feelings with which we can possibly share the painful circumstances in which the Clerk is placed. In granting the leave, and in extending our sympathy to Mr. Blackmore, we shall only be satisfying our own emotions.

Question resolved in the affirmative.

BILL FILES

The PRESIDENT

- I have also to inform the Senate that pursuant to a request made, I looked into the question of the bill files in use in the House of Representatives. Undoubtedly they are a great improvement on those in use in the Senate, and a sufficient number of them has been ordered for the use of honorable senators.

QUESTION

THE FIFTH VICTORIAN CONTINGENT

Senator Major GOULD

- I desire to ask the Vice-President of the Executive Council whether the attention of the Government has been directed to recent alleged disturbances in connexion with troops in South Africa, more especially to the sentences passed on certain members of the Fifth Victorian Contingent for alleged breaches of discipline, and also the language alleged to have been made use of by the officer in command of those men. I wish to know whether the Government contemplate taking action with a view to having a thorough inquiry into the matter, and making such representations as the case may justify to the Imperial authorities?

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Vice-President of the Executive Council

Senator O'CONNOR

- The direct control of the men when the incident occurred was in the Imperial Government, but, at the

same time, it is the intention of the Government to make themselves acquainted with all the facts, and they will take such action as they may deem right under the circumstances which are disclosed.

#### PAPERS

Senator DRAKE laid upon the table

Correspondence relating to the proposed alteration of the Royal style and titles of the Crown.

Statistics as to imports and exports of timber, and number of saw-mills.

#### CUSTOMS BILL

The PRESIDENT reported the receipt of a message from the House of Representatives, stating that it had agreed to the amendments made and insisted on by the Senate in the Customs Bill.

#### POST AND TELEGRAPH DEPARTMENT

Political Influence

Senator DOBSON

- I move -

That the Senate, at its rising, adjourn until ten o'clock to-morrow morning.

The urgent matter which I desire to discuss, briefly, is the correspondence between the Postmaster-General, the Deputy Postmaster-General for Victoria, and the Secretary to the Post-office department, and various important matters affecting the public service which arise out of that correspondence. With so much business to be done, I apologize to the Senate in a way for taking up a little of its time, but I think the Postmaster-General will not accuse me of being impatient. I feel that I have been rather patient. I take a very deep interest in what affects the public service, I suppose I have opposed more strenuously than any other honorable senator the principle of the Public Service Bill, and when I found, to my astonishment, from what was stated in the newspapers of the 2nd September, that political influence was going on, and that Members of Parliament were waiting almost daily on my honorable and learned friend, I felt at once that if that was to be permitted to continue, I was wrong in opposing that principle.

Honorable Senators. - Hear, hear.

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Senator DOBSON

- If honorable senators will kindly wait, they will see that I do not give that as an admission; I am simply giving it as an "if." I hope, before I resume my seat, to show that it is as simple as a, b, c, to prevent that principle being adopted, and I shall continue to oppose it more strenuously than ever, for the reasons which I shall set forth. I have not approached this business simply from the desire to poke my nose into what does not concern me, but from the fact that it is intimately connected with that most important measure. When I read the statements of the 2nd September, coming from the Deputy Postmaster-General of this State, I waited upon the Minister, and told him that I should ask him some questions in order to ascertain what could be done to stop this political influence. I accordingly did ask him three questions. The first question was, whether the regulations issued under the Public Service Act of Victoria were binding on civil servants? You, sir, ruled that the question was out of order, and my honorable and learned friend did not answer it, though I think he might have done so, because I fancy I have read since - he can correct me if I am wrong - that when, or shortly after, the transferred departments were taken over, a circular was issued, in which it was explained to civil servants that the regulations then in force would continue to guide their conduct. But even if that circular had not been issued, none of the contracts with the civil servants were altered. The contracts were simply transferred from the State departments to the Commonwealth department, and all the conditions of the service are, of course, binding on the officers. The second question I asked was whether my honorable and learned friend would inquire into and take steps to punish any breaches of these regulations which civil servants might have been found to have committed? The Minister's reply was that any instances which were properly brought under his notice he would inquire into and deal with on their merits. I then found, on reading the correspondence again, that the Deputy Postmaster-General said -

Recent applications of the most ordinary kind, and appeals against my decisions, have in a great number of cases been forwarded backed by political influence direct to the Minister.

He went on to say -

To show the particular bearing of my complaint, I will instance a few cases that are now before me.

So that I found at the same time that the five cases set forth in the Argus, of the 2nd September, were only a few out of many. I therefore tabled a motion asking for a return, which my honorable and learned friend could very easily have got from the chief officer of the Customs department and the chief officer of the Post and Telegraph department, as to the members of the service, who, in addition to the five cases mentioned, had committed breaches of the regulations. That motion for a return is at present upon the business paper. I asked my honorable and learned friend, the Postmaster-General, a few days ago, if he could name a time when I could have an opportunity of bringing the matter under the consideration of the Senate. My honorable and learned friend said that he could not name any time. I then, last Friday, asked a question as to whether the honorable and learned senator would continue or discontinue the practice of allowing Members of Parliament to interview him about grievances and complaints, and the position of civil servants ; and if it would make any difference, and if so what, with regard to those civil servants, who, as I know, in the State of Victoria, are bound by the regulations and the conditions of their service not to approach the Minister or the Public Service Board with reference to their position in any way whatever, except through the ordinary recognised channel - the head of their department. To my intense astonishment the Postmaster-General gave the following reply : -

I shall take no action which will in any way curtail the right of Members of Parliament to bring under my notice any matters of complaint whatever against the administration of the Post and Telegraph department.

Now, sir, I beg to state that I do not think that that was a proper or a full answer to my question. It ignores altogether the condition of those civil servants in Victoria who, by the terms of their appointment, are bound not to interview Members of Parliament or any one else about their position, and it practically, as I understand, positively encourages and invites such interference. It invites Members of Parliament to approach the Minister as often as they please about any matter of complaint which any civil servant may make, even as to the most ordinary and trivial kind of discipline. It was because I got that unsatisfactory reply, as I deem it to be, that I had to make up my mind that I must either let the matter drop altogether, or absolutely bring it before the Senate, as I am now doing. So much for the preface. Now, I wish to bring under the notice of honorable senators the terse and telling language in which the Deputy Postmaster-General of Victoria makes his complaint, as published on the 2nd September. He says - About two years ago the interference of Members of Parliament with the management of this department became so intolerable -

Here, I may point out that the Deputy Postmaster-General of Victoria calls it " interference," but my honorable and learned friend the Postmaster-General speaks of it as a right. I deny most absolutely that any Member of Parliament has the right to help an officer - say a clerk - to improve his position in the service, and to violate the regulations under which he is employed. I deny that any public servant has the right to come to a Member of Parliament because he thinks that the Member of Parliament will bring some kind of influence to bear upon the Minister. Therefore, I think the Deputy Postmaster-General of Victoria rightly points out this fact - that about two years ago the interference of Members of Parliament became so intolerable that, as he says -

I found it necessary to make a public protest against it, and to take the stand that I would decline to see Members of Parliament in connexion with ordinary matters of official routine and discipline.

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Senator Lt Col Neild

- I rise to a point of order. Senator Dobson is quoting from a document which it appears to me is referred to in the notice of motion that stands upon the paper in his name. That notice of motion is as follows : - That the Postmaster-General do lay upon the table the whole of the papers and correspondence to the seven officers referred to by Mr. Outtrim in the printed correspondence ordered to be printed on 12th September instant.

I do not know whether the document the honorable and learned senator is reading is one of the papers referred to in his notice of motion. If it is not I suppose he is in order, but if it is one of those papers, then I take it that it is not competent for the honorable and learned senator to discuss the contents of a paper in respect of which a motion stands upon the business-paper.

Senator Major Gould

- The paper from which the honorable and learned senator is quoting has been laid upon the table

already, I think.

The PRESIDENT

- The only rule which can have any possible bearing upon the point raised by Senator Neild is that which lays it down that it is not competent for any honorable senator to anticipate debate upon a notice of motion which appears upon the paper. I cannot say that Senator Dobson is anticipating debate upon the motion in question, because I do not know. He is quoting from a paper which may or may not have been laid upon the table of the Senate. I cannot say whether it has been laid on the table, but if it has he is not out of order. I do not see that I can prevent the honorable and learned senator from quoting from the paper.

Senator DOBSON

- I am reading from the printed correspondence, and I think I have a right to do that. Mr. Outtrim continues -

The press supported me in the attitude I took up, the result of which was that up to the time of the transfer of the department to the Federal Government I was entirely relieved from outside pressure in controlling its ordinary affairs. Since the department has gone over to the Commonwealth, political influence has recommenced, and grown to such an extent as to threaten the discipline ; and unless some steps are taken to check it I fear that the department will drift into a state of disorganization quite beyond my control. I make no complaint against Members of Parliament. My complaint is that officers are permitted to send official communications, to disclose matters in connexion with official business, and to approach the Postmaster-General otherwise than through me. Under the Public Service Regulations, I am held personally responsible for the organization and the discipline of the department. Another regulation imposes upon members of the public service the necessity of sending all their communications, of whatever kind, through me ; and they are forbidden to disclose anything in connexion with official business to persons not entitled to claim or receive the information. The right of members of the service, from the humblest to the highest, to appeal to the Minister is undoubted ; but the proper method of sending these appeals is through the permanent head. Recently applications of the most ordinary kinds, and appeals against my decisions have in a great number of cases been forwarded (backed by political influence) direct to the Minister. It is quite evident that my position cannot be maintained if members of the service, by a backing of political influence, try to force their appeals against decisions which I have arrived at in the ordinary course of business. As permanent head, of course, I can use no such influence to uphold my decisions.

As to case No. 1 Mr. Outtrim says -

An officer who had been absent for nearly four months during the current year, and had drawn all the pay he was entitled to under the Public Service Regulations, applied for full pay during the whole period of his absence, and also, notwithstanding the lengthened leave that he had had, applied for three weeks' recreation leave. Both requests had to be declined. He now approaches the Minister, over my head, through the friendly help of a Member of Parliament.

No. 2 is as follows : -

A letter carrier, whose case was dealt with by the Public Service Board, writes direct to the Minister, instead of through me ; and his letter, appealing against promotions made by the board, is presented by two Members of Parliament.

What is the use of our appointing boards if any civil servant can, when he thinks he has a grievance, ignore the decision of the board and go to a Member of Parliament and ask him to interview the Minister for the purpose of upsetting the board's decision? The third case mentioned by Mr. Outtrim is as follows : -

An officer who had been absent for a long time on sick leave, claimed, in addition to sick pay, that his medical bill should be paid. His case had been dealt with by two successive Ministers of the State Government, and declined. He presents his grievance, with comments on my personal actions, direct to the Postmaster-General, through the friendly intervention of a Member of Parliament.

I should like to say in reference to this case that the civil servant in question, whoever he may be, seems to have acted on the principle of " Get what you can ; honestly, if you can, but at all events get it."

Because his case is, first of all, declined by one State Minister, he nurses it until there is a change of Government, and then it is declined by a second State Minister. He still nurses it, until thinking, possibly,

that there may be a little laxity owing to the transfer of the department from the State to the Commonwealth, he brings it forward a third time backed up by the influence of a Member of Parliament. If that man, at any rate, did not deserve the paltry fine of £5 to which he was liable for such a gross breach of discipline I do not know who should be punished.

Postmaster-General

Senator DRAKE

- What is the honorable and learned senator speaking of now?

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Senator DOBSON

- I am speaking of the third case quoted by Mr. Outtrim - the case of a man who applied to two successive State Ministers, and then brought his application forward a third time. It was cases of that kind that induced me to bring the matter before the Senate. Honorable senators will be aware that, under the Public Service Act, the head of the department, whether it be Mr. Outtrim or any one else, has the right to fine an officer up to the amount of £5 for a breach of discipline, and the Act goes on to say that on the occasion of being fined, whether the amount be £5 or 5s., the officer has the right of appealing to the Minister.

Senator Lt Col NEILD

-Col. Neild.- What Act does the honorable and learned senator refer to ?

Senator DOBSON

-To the Public Service Act of Victoria, under which the officers referred to by Mr. Outtrim are now serving the Commonwealth. I repeat that it was owing to the fact that there had been flagrant cases of this kind that I asked my honorable and learned friend the Postmaster-General, in all sincerity, whether he was going to make an inquiry, and whether, if he found that breaches of discipline of a most flagrant character had been committed, he would take steps to punish them. The fourth case mentioned by Mr. Outtrim is a small one -

A postmaster asked the Minister, through a Member of Parliament, why he had not been granted increase of pay.

The fifth case is as follows : -

An officer who had been fined by me for a serious dereliction of duty appealed, in proper form, against my decision, and I immediately forwarded the appeal to the Minister. Before the matter could be dealt with, typewritten, copies of all the official papers referring to the case were distributed by the officer to various Members of Parliament, the object undoubtedly being to bring political influence to bear for the purpose of upsetting my decision.

If those were five cases taken at random - or even if they were selected by Mr. Outtrim from a great many - I think that the publication of his statements justified me in paying a visit to the Postmaster-General at his office, in order to ascertain from him whether this sort of political influence was to continue or to cease.

Senator Glassey

- The honorable and learned senator went to the Postmaster-General to influence him in another way.

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Senator DOBSON

- Then the Deputy Postmaster-General of Victoria winds up his statement by saying -

The foregoing are instances of the manner in which political influence is now being exercised, and, unless the evil be immediately checked, the inevitable result will be that communications of all kinds - instead of going through the officer who, like myself, is paid a high salary for maintaining the discipline and organization of the department - will go direct to the Minister, my position will be belittled, and an increasingly large amount of clerical work will fall on the Federal office.

Then he says -

I think that I am justified in making a complaint on the subject, in order that public attention may be drawn to it ; and I feel convinced that the effect will be what it was on a previous occasion of a similar character, when I was thanked time after time by Members of Parliament for saving them in many instances from the unwelcome importunities of public officers, who were found in the majority of cases not to have any rights in the claims in which they had invited the sympathetic offices of Members of Parliament.

We all know now, from the correspondence, that Mr. Outtrim was called upon by the Postmaster-General to explain his action. I would say at once that I presume that Mr. Outtrim's action was irregular, and it would have been better if he had continued to make his complaint - which he had made before - to his Minister as to the disorganization and embarrassment which this political influence, if continued, would bring about. But, sir, I also deem it to be my duty to quote a paragraph which I read in the Melbourne Punch, which had some good cartoons upon the subject. It was to the effect that, though Mr. Outtrim had made his statement out of order and in an irregular way, it was far more effective than if he had done it in the regular way. When Mr. Outtrim was called upon for his defence and explanation, he simply told the Postmaster-General that on a previous occasion when such interference had occurred from members of the State Parliament he took a similar course, and that on that occasion his Minister not only did not object, but thanked him for what he had done, and that Members of Parliament also thanked him for the action he had taken. Further, he stated that his action was effective, because the interference on the part of Members of Parliament practically ceased. He said also that he believed he was doing good for the service, and that it was out of pure regard and devotion to the service, and in order that he might be able to carry on his duties with proper discipline and organization, and with that responsibility which it is absolutely impossible to observe if Members of Parliament are to interfere - that it was for these high and proper reasons that he made his statement to the press, and thereby, if honorable senators like to say so, committed an irregularity for which he has been, I think, very gravely and unjustly punished.

Senator Charleston

- What punishment has he received ?

Senator DOBSON

- A very unjust reprimand, given in a most ungenerous manner. Mr. Outtrim goes on to point out that he had brought this matter of political influence under the notice of his Minister before, and he reminds him that in the papers connected with the line repairers' protest he had made the following statement : - I think it will be establishing a most unhealthy condition of things if the staff be allowed, as in this instance, to openly seek the aid of Members of Parliament to upset everything in the shape of discipline and good management. I respectfully place on record my earnest protest against the system now obtaining of active interference in connexion with the organization and discipline of this department, for which I am held responsible by Act of Parliament.

The assistant line repairers have for some time past openly violated the public service regulations in this matter, and yesterday an officer succeeded in obtaining cancellation of instructions to temporarily relieve at a country office by invoking the aid of the Minister of another Commonwealth department. Success in this respect soon becomes known, and if such conduct be continued the maintenance of discipline will become an impossibility.

Then the Postmaster-General, having read Mr. Outtrim's explanation, sends a memo. to his secretary in these words : -

Let me have a short report on the instances of alleged political influence relied upon by the Deputy Postmaster-General, Victoria, in explanation of the action taken by him.

That was on the 3rd September. On the 5th September my honorable and learned friend writes another memo to Mr. Scott as follows : -

Let me have a full report on the whole matter.

I do not wish to know what took place between the Postmaster-General and Mr. Scott between the 3rd and the 5th September, but it is quite evident, to my mind, that Mr. Scott got it into his head that a full report from him was necessary, in order to help the Postmaster-General out of any little difficulty into which he had got by failing to attend to Mr. Outtrim's complaint before, that political influence was embarrassing him in the performance of his duty. Mr. Scott then sat down and wrote a report to help the Minister, who had called for it. When I have dealt with one or two cases, I shall turn again to Mr. Scott's report, and show honorable senators, as undoubtedly I can show, how unjust, ungenerous, and inaccurate he has been in dealing with the case of the gentleman whom he refers to as his subordinate.

Senator Charleston

- Is the honorable and learned gentleman pleading Mr. Outtrim's case?

Senator DOBSON

- Necessarily I am defending Mr. Outtrim, but I have admitted already that he committed an irregularity.

Senator Ewing

- Is he not a civil servant?

Senator DOBSON

- I have admitted that Mr. Outtrim has done wrong.

Senator Lt Col Cameron

- I rise to a point of order. Cannot we hear Senator Dobson's statement without this interruption ?

The PRESIDENT

- I will ask honorable senators not to interrupt.

Senator DOBSON

- I thank Senator Cameron for his protection, but I should like to answer the suggestion that I am here to plead Mr. Outtrim's case. I am not here to support any one. I am here to do justice to all civil servants.

Senator Sir Josiah Symon. - The honorable and learned senator is dealing with the case as a matter of public principle.

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Senator DOBSON

- Exactly. I am admitting that Mr. Outtrim did wrong ; but considering that he pointed out to the Postmaster-General and Mr. Scott what was going on, and that instead of notice being taken of his complaint, he was bombarded with more letters from Members of Parliament, and in that way prevented, practically, from carrying out even one order, I desire, as a public citizen, to thank him for his courage, although he did commit an irregularity. I am going to point out where I think Mr. Scott has treated Mr. Outtrim. in a most ungenerous manner. Before doing so, however, I must refer to one or two of these cases. The first is that of a man named Sheehan, who applied by letter for a transfer to a purely clerical division on the ground of ill-health. Mr. Outtrim decided to transfer him temporarily to Nhill, the operator there having died. Mr. Sheehan is not a married man, and therefore his removal from town would not occasion him very much trouble. He had written the day before to the Postmaster-General saying that he desired clerical duties owing to ill-health, and he was ordered to Nhill, where he would have to perform general duties and very little telegraphic work, which' interfered with his health. Then he appears to have gone to Sir George Turner, who wrote to the Postmaster-General asking what could be done with Sheehan, as he did not want to leave town, and there were others who were willing to go. That letter was referred by Mr. Scott to the Deputy Postmaster-General, who made the following minute : -

Mr. Tanner, Nhill, died on Monday last, and the Postmaster wired yesterday for a relieving operator to be sent at once. In the ordinary course the manager of the Electric Telegraph-office instructed Mr. Sheehan to proceed to Nhill on relieving duty by first train this morning (7th August). He did not do so, but waited upon me this morning and asked that some one else should be sent, as he was afraid if he went to Nhill he would be kept there. I told him that it was my intention to recommend him for permanent transfer, seeing that he had just applied for a change of duties on the plea of ill-health. Mr. Sheehan is a single man, and can therefore offer less objection to transfer to the country than a married man. He has had a good deal of absence on the plea of sickness. He has given some trouble lately in connexion with departmental matters, and has - most improperly, I think - consulted a lawyer and threatened a writ against another officer over what was purely a matter of official discipline.

Senator Drake

- What is the honorable and learned senator quoting from ?

Senator DOBSON

- From Mr. Outtrim's memo, relative to Sheehan's transfer to Nhill. That was another case in which the Deputy Postmaster-General of Victoria brought the matter under the attention of the Minister, but did not set it out in his defence. I am pointing it out for him. He stated -

I would point out that if officers are allowed to object to go relieving in times of emergency, and to employ successfully political influence to set aside the perfectly legitimate instructions of responsible officers, I cannot hold myself responsible for the efficiency of discipline or organization of this department.

Senator DRAKE

- I cannot find any reference to that matter in the printed paper before us.

Senator DOBSON

- It all appears there. The minute continues -

As directed verbally, I have cancelled Mr. Sheehan's instructions to proceed to Nhill.

Honorable senators will see that in Mr. Scott's report, in answer to Mr. Outtrim's defence, he says that in four out of five instances given in the Argus of the 2nd

September, political influence had nothing whatever to do with the decisions. On looking at the papers, however, what do we find ? I must read, first of all, what Mr. Scott had to say about this matter. When the case went to him he wrote as follows : -

In my opinion the conduct of Mr. Sheehan in disobeying the direct instructions given to him to proceed to Nhill for the purpose of taking temporarily the place of a deceased officer was most reprehensible. I cannot see that any valid reason has been advanced against his transfer, and fully agree with the remarks of the Deputy Postmaster-General, Melbourne, that such behaviour if allowed would be subversive of all discipline, and would make the efficient management of the department almost impossible. Mr. Sheehan's previous record does not warrant any special consideration.

Senator DRAKE

- That was approved by me.

Senator DOBSON

- However Mr. Scott may have changed his opinions in order to write the report which he was requested to forward to the Minister, it will be seen by this that, in the first instance, - he, as well as Mr. Outtrim, was against the Postmaster-General in this matter. Both deprecate the political influence used.

Senator Drake

- Not at all, I approved of the recommendation in that case.

Senator DOBSON

- I do not think the Postmaster-General has grasped the gravity of the occasion. He did approve of the recommendation, and the man received instructions to go to Nhill on the 7th August. Sir George Turner's letter is dated 7th August. Mr. Scott's memorandum, confirming what Mr. Outtrim had written and condemning Sheehan's conduct as reprehensible, bore the same date. Whether he saw Sir George Turner's letter or not I do not know, but on the 8th August my honorable friend approved of what had been written. His initials are to be seen on the face of the papers. One would think that in these circumstances Sheehan would have left for Nhill on the following morning, 9th August.

Senator Sir Josiah Symon

- In spite of that report, however, Sheehan triumphed in the long run.

Senator Drake

- Oh, no, he did not.

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Senator DOBSON

- The Postmaster-General is again wrong. Both officers having agreed that Sheehan's conduct was reprehensible, and that he should go to Nhill, and the Postmaster-General having indorsed that opinion on the 8th August, one would think that Sheehan would have proceeded to his work on 9th August. He did not do so. The papers remained in the office of the Postmaster-General for upwards of a month, and it was not until the 9th September - Mr. Outtrim's statement having appeared in the press on the 2nd September - that they were sent down to the Deputy Postmaster-General. Then Mr. Outtrim, not knowing what to do, in view of the fact that a month had gone by since his recommendation was made, and - that during that time Sheehan had triumphed by reason of political influence, wrote back - " Is this an authority for the transfer of this man?" That was on the 10th September. On the same day Mr. Scott replied - " Yes I take it so," and Sheehan proceeded to Nhill on the 10th September when he ought to have gone on the 7th August. These facts show that Mr. Scott has stated in the most inaccurate manner that the cases referred to by Mr. Outtrim were not affected in the slightest degree by political influence. As a matter of fact Sheehan defied the Deputy Postmaster-General for five weeks. It is natural to suppose that but for Mr. Outtrim's statement in the Argus, he would have triumphed completely and that he would not have gone to Nhill. It is a most flagrant breach of discipline in the case of an order for a temporary transfer. I do not think the Postmaster-General could have understood at the time the true purport of these papers ; I do not think that he recognises now their full effect. He has a great amount of business to discharge. We all know that to manage so great a department when Parliament is not in session is a very difficult matter, and I pity my honorable and learned friend, as well as all other Ministers who have to



attend to the business of large departments and also put in an appearance in Parliament. When the Postmaster-General becomes possessed of all the facts, and sees the embarrassing extent to which Mr. Outtrim has proved the extent of political influence in his department, I am sure he will be one of the first to follow the ' example of the Minister for Defence, Sir John Forrest, who published in the press yesterday morning, the very statement which I have been pleading for from the first, and which will absolutely put a stop to political influence. The paragraph is headed " Political pressure," and is as follows : -  
In sharp contradiction of the Postmaster-General's declaration in regard to political

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influence comes the subjoined general order issued by the Minister for Defence : - "The Minister considers it necessary to call attention to the fact that the use of outside influence to support applications for personal advantages or to represent complaints is contrary both to the discipline of the naval and the military forces and the public service, and that the only proper course is .to apply through the recognised channel to the Minister. Any attempt to obtain favorable consideration to requests or grievances by other means will prejudice the application, and will be severely dealt with."

This is what I have pleaded for from the moment I began to discuss the Civil Service Bill. I have asked that Ministers shall decline to see Members of Parliament, and shall insist upon the civil servants carrying out the regulations. I have contended that if that is done, organization and discipline may be maintained at a high level, and there will be no occasion any longer to dread political influence, and there will be no occasion for the clause to which I have objected in the Public Service Bill. The only other case I desire to refer to is the case of the line repairers' assistants. A line repairer's assistant was sent to a place called Seymour, and on the 27th of June last Messrs. Reid and Brown, line repairer's assistants, requested an interview with the telegraph engineer in reference to the matter. I do not think the interview came off, but the engineer wrote a memorandum justifying the transfer, and saying that there would be no block in promotion. He stated also that since the reclassification under which Seymour was put down as a line repairer's post, and not as an assistant line repairer's post, many things had happened to alter the conditions. The post had been rendered far less important, and the engineer thought it was just and right to send a line repairer's assistant to it. I should say that the reason the line repairer's assistant had to go was that the line repairer who had been at Seymour for fourteen or seventeen years desired to come to the city to learn more of his employment so that he could take charge of a gang when his time came. The only reason, therefore, for the transfer, which was a temporary one, was to enable a man to come to town to learn more of his business. The matter came before Mr. Outtrim with the complaint of the line repairers' assistants and the memorandum of the engineer justifying what had been done. The memorandum from Mr. Outtrim on the subject is that he declines to interfere in the matter, as the line repairers have sent in an appeal and he has nothing to do with it. Then the matter has to come before Mr. Outtrim again, and he suggests that the whole matter should be referred to the committee of electrical engineers who were then meeting. The meeting of electrical engineers took place and they came to the decision that practically the line repairers' assistants had no cause of complaint and the committee wanted the transfer carried out. The Postmaster-General, I think, has among the papers the decision at which the committee arrived. One would have thought that that would have ended the matter. The committee of electrical engineers decided that the right and proper thing was being done, and that the men had practically no cause of complaint. Mr. Scott, who again treated Mr. Outtrim with gross injustice, deals with the subject in this way - In the explanation referred to, Mr. Outtrim makes no further mention of the first four instances put forward in his statement to the press, but he quotes the fifth, that of Mr. Miller, which is a decision - no decision having yet been arrived at by the Postmaster-General - and two others not previously mentioned, namely, that of the line repairers' assistants (in which they were informed that the ground of complaint could not be admitted, and that no action would be taken in the direction asked for by them). That is the whole of Mr. Scott's comment upon the line repairers' assistants protest, and it is absolutely contrary to the fact. It is perfectly true that in a precis of the cases given and appended to this report he goes on to say -

Subsequently, further representations were made by the line repairers' assistants, that the position at Seymour had been graded by there classification Board as that of a line repairer of the first grade, and that the line repairer's work at that place had recently been increased. These representations were supported by several Members of Parliament.

The case was reconsidered by me, and, in view of the fact that there was no vacant position in Melbourne to which the line repairer at Seymour could be at present transferred, I recommended the Postmaster-General to cancel the transfer, as the proposal to transfer officers from the country to Melbourne, in order that they might be trained for city work, could not, in the absence of vacancies, be generally applied without increasing the expenditure of the department unduly. This recommendation was approved on these grounds.

Therefore, so far from political influence not having interfered in this matter, we find that when the thing was decided by Mr. Outtrim, by Mr. Howard, and by the committee of electrical engineers, Mr. Scott again reconsidered the matter, owing simply and entirely to the pressure and influence of Members of Parliament. He goes on to impute to Mr. Outtrim the intention, which is quite wrong, of generally appointing repairers' assistants to take the place of line repairers, and thereby increasing the expense. That, of course, is most ungenerous, because it is an inaccurate imputation. Mr. Outtrim never professed to make a general practice of it. There is his memorandum showing that only in one case was it done before, and in that case it was only done to oblige one of the line repairers himself. It is clear, therefore, that Mr. Scott is absolutely exaggerating what Mr. Outtrim has done. Although the matter was decided by these three tribunals, the line repairers' assistants made another protest - not signing their names, but simply signing as "line repairers' assistants," and nobody knows whether the protest represents the views of two or a dozen or thirteen of them. This protest is indorsed by four Members of Parliament, and on the day the protest went in three Members of Parliament each wrote a separate letter to the Minister representing the case of the line repairers' assistants, and the fourth Member of Parliament wrote on the sixth day after the protest went in. Here are four Members of Parliament absolutely writing all about the fact that an assistant line repairer had been sent to an up-country place, to which town men refused to go simply in order to relieve temporarily a man who wanted to come to town to learn his work. This is the action of which Mr. Outtrim complains, and, I think, most rightly.

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Senator Charleston

-Were they Federal, or State members, who wrote?

Senator DOBSON. - Federal members ; but I am happy to say that, in the whole of the correspondence, so far as I have read it, I have not seen the name of one member of the Senate. I should like to point out that, in whatever I say about Members of Parliament, I wish it to be recollected that I am speaking only for myself. Every man must be the keeper of his own conscience. I desire to say here, now, that I regard everything done affecting the position, salary, advantages, and promotion of the civil servants as a judicial act, and, if that judicial act has decided, either in favour or against the civil servant speaking for myself, I think that for me to go to the Minister to try to alter that decision - the decision of the court appointed to try and decide the matter - would be wrong, and that, if I succeeded, I could not do so without doing injustice to somebody. In this particular case, the unfortunate man who expected to come to town to learn his work, was kept six weeks, while Members of Parliament were exercising their influence on behalf of the assistant line repairer. He had resigned the post of secretary of a friendly society, which was bringing him in £14 a year. He had packed up the whole of his furniture, and put his property into the hands of an auctioneer to sell for him, and I presume he will have to pay for the auctioneer's advertisements. This man has to suffer all this because the Postmaster-General has allowed a decision to be altered at the instance of Members of Parliament. Here is a judicial act, deciding that a line repairer's assistant shall be transferred to a certain place, and here influence is brought to bear and the judicial decision is revoked. If honorable senators can justify that, while I may have respect for their feelings and conscience, I must utterly abhor and detest their policy. To my mind, it is absolutely wrong to act in that way, and I do not think it can be done without injustice. I would ask my honorable and learned friend, who is going to pay this man the £14 a year he has lost, and who is going to pay him for the auctioneer's advertisements ?

Senator PEARCE

- He might have been breaking the regulations by taking employment outside of the service.

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Senator DOBSON

- Honorable senators will see also that there is in this a question of the officers as against the taxpayers. These line repairers' assistants try to make out that this small place should have a line repairer at - £160 a

year, and not a line repairer's assistant at £126 a year, and it will be seen that the reversal of the decision is against the interests of the taxpayers. We cannot move in a matter of this kind without doing wrong or injustice to somebody. The last case I have to refer to is that of a man named Miller, a very high official in the Post-office department. It appears that he was fined £5 for giving a certificate of character or something of the kind to a dismissed civil servant. I should imagine that £5 was rather a heavy fine unless this high official gave the dismissed civil servant a character that was absolutely contrary to fact, misleading, and untrue. Of course if he did that it is a very grave offence indeed. I cannot tell honorable senators exactly what the facts are, because the Postmaster-General has not yet laid the papers upon the table ; he still says that the case is sub judice. Let me ask the honorable and learned senator if he will kindly tell us what he is doing in the matter. I have already pointed out that, under the Act, the Deputy Postmaster-General has the power to fine up to £5. He dealt with Miller's offence, and fined him £5. Then Miller sends in a proper appeal, and in a proper manner through Mr. Outtrim, but in order to back up his case he takes very good care to get type-written copies of all the correspondence, which he sends to one or two Members of Parliament. They are supposed to see the Minister, who under the Act has to decide the appeal from the fine of £5. I am told by my honorable and learned friend that this matter is now going to a board. Whether it is the Victorian Civil Service Board, or some special board appointed by the Cabinet, I cannot tell honorable senators. But here is a man who appeals against a fine of £5 imposed for what Mr. Outtrim says is a flagrant breach of the regulations ; here is the Minister in whom is the right to say at once whether the fine shall be inflicted, remitted, or reduced, and yet the whole of this time the Postmaster-General is waiting doing nothing, and saying that the case is still sub judice, and that it has to go to a board. If we are to make much of our civil servants like this, if we are to let them imagine that they have nothing to do but see a Member of Parliament to break the Act, to upset the regulations, and practically to escape the very just punishment of their want of discipline, we exalt the civil servants into a position of power in the State in which they never should be. They ought to be treated justly and fairly, and as Mr. Outtrim points out, the humblest of them should have the right of appeal in some way or other, but when the right of appeal is laid down it should be adhered to, and they should not depart from it, or violate the regulations of their service. I want my honorable and learned friend to tell me why he cannot decide a simple matter of this sort. His officer tells him that it is a most flagrant case, and here it has remained sub judice for the last six weeks. In conclusion, I express the hope that my honorable friend will not encourage us to see him upon matters of this sort. I hope that he will see at once that it is the duty of the civil service to obey, and conform to the regulations: and that it is not helping him or his officers to organize the discipline in their department if Members of Parliament are allowed to interfere, and try to get decisions reversed. I am quite sure that if the honorable and learned senator persists in his present course he will surely bring about the disorganization of his department, and embarrassment for himself. But if on the other hand he will simply reverse his policy and follow that of the Minister for Defence, he will bring about the higher, purer national life to which we all looked forward when we formed the Commonwealth of Australia.

Senator DRAKE (Queensland - Postmaster-General). - I deprecate the discussion of this subject now for the reason I gave before - that the one case which seems to be regarded as the most important is still undecided, and that is the case of Mr. Charles Miller, which the Deputy Postmaster-General of Victoria speaks of in his letter of explanation as being -

in my mind an inexcusable breach of the regulation.

It will be noticed that whereas in the communication to the press there were five cases of supposed political influence mentioned, in Mr. Outtrim's letter of explanation to me only one of them is mentioned. I think that should make it perfectly clear that the case which was prominent in his mind was that of Mr. Charles Miller. I am not going to discuss the merits of that case. Senator Dobson has stated two or three times in his speech that Miller was fined by the Deputy Postmaster-General. I find from the report furnished to me by the Secretary to the Postal department that he was reprimanded and fined. I am not quite sure, but I think that he asked for an inquiry by a board - at all events, he appealed : but after what has taken place I certainly do not feel, even if I have the power, that I should be right in deciding that matter. Then comes the question of the appointment of a board. If the Governor-General in Council decided to appoint a board, I presume that it would fall to me to recommend the names, which would be also unsatisfactory. What I have done is to request the Prime Minister to communicate with the State

Premier and ask whether there will be any objection to the members of the Public Service Board of Victoria acting as a board for this purpose.

Senator Playford

- Why could not the Minister have done it himself ?

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Senator DRAKE

- For . this simple reason : that before the papers came properly before me this action had been taken of communicating this matter and others to the press. Senator Dobson and some others seem to think that a private Member of Parliament is the only channel of political influence. It is far from being so. Surely political influence, in itself is not a bad thing? When people talk about political influence in a bad sense, surely they mean the warping of the policy of an administration from its proper course through political influence ; in fact, the improper use of political influence. Political influence, I take it, is what we are all endeavouring to exercise, and in comparison with the political influence of a single Member of Parliament, what is the political influence of the press ? I wonder sometimes how people can overlook this as it appears to. have been overlooked by the Deputy Postmaster-General of Victoria. He sends this matter of Mr. Charles Miller to me because the man had appealed, and he says -

In order that the matter should be dealt with in a strictly impartial and fair manner, I refrain from putting even a comment on the case when sending the appeal papers to you.

Mr. Millersends a type written copy of the papers to a Member of Parliament, who sends it to me. I send it for inquiry and report to the Deputy Postmaster-General. I want this to be clearly understood, because some persons apparently have been running away with the idea that I have in some way been acting over the head of that officer. I am sure that there is not a single instance in which papers coming to me with regard to Victorian matters have not been sent straight away to him to report upon. So that really the course which he says is the correct one, and the course which has been adopted in some cases by Members of Parliament, is more a matter of form than of substance. If a communication to me is sent through the Deputy Postmaster-General, he presumably makes his comment on it if he desires to do so; if it comes to me I send it down to him to report upon, so that really it comes to practically the same thing.

Mr. Millersent this type written copy through a Member of Parliament to me, and I sent it to the Deputy Postmaster-General. That is complained of by him ; and speaking of civil servants seeking political influence, he says in his communication to the press -

As a permanent head, of course I can use no such influence to uphold my decisions.

What he does is not to go to a single Member of Parliament to exercise political influence in that way, but to make statements to the two big newspapers published in Melbourne with the knowledge that they will be printed, and probably will be the subject of leading articles and paragraphs, and that by addressing in that way hundreds of thousands of persons, he will move Members of Parliament to get up and make the thing public, and use their influence also upon individual members.

Senator Glassey

- That is exactly what is taking place.

Senator DRAKE

- It is exactly what is taking place with this case of Mr. Charles Miller undecided. It has got to be sent to a board, and it ought to be sent to a board without any comments. Granting that Mr. Miller has done wrong in sending a typewritten copy of the papers to a Member of Parliament, surely the Deputy Postmaster-General has done very much worse in invoking the aid of the press, and practically making this question a general subject of public discussion.

Senator Charleston

- Did the Member of Parliament attempt to influence the Minister's mind in any way?

Senator DRAKE

- Not in the slightest degree. The paper came to me. I think the member's name was written on it, and if not, I wrote on it - " Presented by soandso," and sent it to the Deputy Postmaster-General.

Senator Major Gould

- Did he send it to the Minister through the post, or did he present it?

Senator DRAKE

- I could not answer that question on the spur of the moment. I get a great number of these papers, and I

cannot remember.

Senator Charleston

- No undue influence was used ?

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Senator DRAKE

- None whatever. It might have been wrong for the officer - I do not want to judge him one way or the other - to send these papers to me, but what I did was to send them on to the Deputy Postmaster-General, and it seems to me perfectly clear that the action which has been taken by the latter in making this communication to the press is of the same nature as, but worse in degree than, that which he reprobates in the case of Mr. Miller. The practice which seems to have obtained down here in the General Post-office of using the press as a medium for attacking a Minister or an administration, or seeking to carry out the particular views of the persons communicating with the press, is certainly very wrong indeed. I want honorable senators to understand that it is not new. The Deputy Postmaster General says he did the same thing two years ago - in fact, he seems to consider that half a justification and that because he did it two years ago it is right. The same thing has been going on ever since I have been carrying on the administration in Melbourne. Attacks upon my administration have appeared almost daily in the press, and from the nature of them one can see perfectly clearly that the information on which they are based has been supplied at the General Post-office in Melbourne. I do not generally keep these things, but I took off my table yesterday a paper which has been lying there for quite six weeks, and it has been lying there for the simple reason that it is one of the cases in which I did not take the recommendation of my secretary, and probably I was wrong. Generally when I do not take his recommendations I have a doubt as to whether he is not right and I am wrong. This is an article which appeared in the Age of the 21st August, and I propose to quote it, not because it is exceptionally severe, but only because of the very clear evidence, which any one can see, that the information was supplied at the General Post-office, Melbourne. This is how it reads -

It is said that papers go to the central office from Melbourne alone at the rate of a dozen a day, and come from it at the rate of less than a dozen a week. When to this is added the work from the other five States, some idea can be got of the block which is imminent. A few months more, and all progressive work will be stopped while the Postmaster-General is working off his arrears. The block is already so bad that the State administrations are seriously handicapped, and are proceeding with necessary acts, waiting on an indemnity- from the central office when it finds time to give its authority. There are actually in existence a great many Orders in Council complete in everything but Mr. Drake's signature, which he cannot find time to affix. The central office has taken over all questions of transfers of officers, as well as new appointments, and even deals with the granting of leave of absence throughout the continent - the most routine of all work, for leave is only withheld in extreme circumstances of misconduct or special business. It has begun the usual public service practice of building up the importance of its office. Later on the officials will demand an increased staff to cope with the work and increased pay for themselves. That the work is being better done by the officers in the States does not trouble them. Furthermore the administration of the federal office is being constructed upon very dangerous lines. An intense centralization is aimed at, which in much abler hands than Mr. Scott's could not fail to result in a lax control, a heavy expenditure, a half-hearted service, and disaster. What has the central office to do with the construction of four and a half miles of telephone line at Berringa or Port Darwin ? The chances are that no one in that office knows that there is such a place as Berringa. If the central staff chooses it can do valuable work, overlooking the expenditure and administration of the State deputies. It can then secure the Commonwealth against extravagance or bad work. Instead of doing this, the central officials have chosen the path of weak men, and burdened themselves with routine work that can be better done at the place of origin. Senator Drake will have to decide at once that his central office must confine itself to federal work properly so called, otherwise the Commonwealth will be forced to provide a great central staff, or Senator Drake himself will be smothered in an avalanche of unimportant departmental papers. The recommendation of Mr. Scott was this-

A great deal of the information communicated from time to time to the press respecting the working- of the department can only have been obtained from the officers of the General Post Office, Melbourne. This should be stopped, and I recommend that the Deputy Postmaster-General, Melbourne, be called upon to

report by whom the information has been supplied in this instance.

The recommendation is type-written, but the words "in this instance" are added with the pen. I may say this, unless what I have stated should give rise to misapprehension : that I am quite confident that the person who communicated that information was not the Deputy Postmaster-General. It was another officer. But, still I quote that to show that this practice of communicating information in the way described from the General Post-office, and using it in order to base upon, it accusations against the central administration, is a practice that has been going on. If the Deputy Postmaster-General himself is to be allowed to communicate with the press expressly for the purpose of bringing forward his points, I do not see how we can refuse the same right to every other officer of the department ; in which case we shall have utter chaos in the department, "With regard to the influence that is exerted through the press at the instance of officers, I think it is undesirable, especially under present conditions. It has to be remembered that we are now a Federation, and that the Post and Telegraph department is the Post and Telegraph department for the whole of Australia, and not for the State of Victoria. I take it that it is not my duty in administering the department to attach more weight to the views, opinions, and criticisms of the newspapers in one State than to the views, opinions, and criticisms of the papers of every other State. As it is quite impossible for any one administering a department to take notice of all the complaints that are made in the press of all the States, I think the proper line is not to take notice of any complaints that reach my ears, or the ears of the principal secretary, through the medium of the press. Now I will follow Senator Dobson with a few words about the two cases that he mentioned as being cited in the explanation by the Deputy Postmaster-General. First, I would point out this - it was mentioned by Senator Dobson, but I wish to refer to it again - that of the five cases that were communicated to the press by Mr. Outtrim, the Secretary informs me, as the papers show, that in four if political influence was attempted to be used it was unsuccessful, and had no effect. The other case, the fifth, is the case of Mr. Charles Miller. When I asked for an explanation the Deputy Postmaster-General referred to Miller's case, and incidentally also to the line repairer's case,, as well as to that of the officer who was required to go to Nhill. The latter case is that of Sheehan. The facts are, in the main, as stated by Senator Dobson, but I think that he omitted a very important circumstance. The first I knew of the case was when I received a note from my colleague, Sir George Turner, in which he asked me not to send the man away until I had had an opportunity of speaking to Mr. Outtrim about it.

Senator Glassey

- What a crime that was !

Senator Lt Col NEILD

-Col. Neild. - Here are two Ministers actually communicating with one another !

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Senator DRAKE

- Perhaps I had better quote Sir George Turner's letter -

Dear Sir, - A telegraph operator named Sheehan has been directed to proceed to Nhill.

He is anxious to remain here, and says there are others willing to go. Will you ask Outtrim to look into matter ?

Yours very truly,

George Turner

I sent that letter at once down to my Secretary, after having initialed it, and it appears amongst the papers. On the same day - I think some time in the afternoon - Mr. Robert Harper, a member of the House of Representatives, came to see me about the case. He also asked me not to send this young man away to Nhill until I had had an opportunity of seeing the papers. Mr. Harper gave me some reasons which led me to suppose that there had been a misunderstanding in connexion with the case. I telephoned down to Mr. Scott asking him to stop the man from being sent away that afternoon, and to let me have the papers the first thing in the morning. The first thing the next morning I got the papers and went through them with Mr. Scott, and I thoroughly agreed with him in his recommendation that the officer was entirely in the wrong and that his refusal to proceed to Nhill was most reprehensible. Mr Scott said in his minute -

I cannot see that any valid reason lists been advanced against his transfer, and fully agree with the remarks of the Deputy Postmaster-General, Melbourne, that such behaviour, if allowed, would be

subversive of all discipline, and would make, the efficient management of the department almost impossible. Mr. Sheehan's previous record does not warrant any special consideration.

R.S., 7-8-01

Senator Major Gould

- What date was that?

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Senator DRAKE

- The 8th of August. No doubt I did an act that will send a thrill of horror through the veins of the orthodox circumlocutionist, because, seeing that I was then occupying one room in a building in Spring-street, and that my staff was three-quarters of a mile away at the General Post-office, Melbourne, it occurred to me that if I sent the papers to the Post Office, at the time Mr. Harper came to see them they would not be there ; so I kept the papers at my office, and wrote immediately to Mr. Harper, asking him to come and see them, I conveyed to Mr. Scott verbally my decision that the man was to go to Nhill, and I have every reason to believe that Mr. Scott communicated that to Mr. Outtrim the same day. I may add that Mr. Harper did not come over to see the papers that day. but when he did see them he agreed with me. He at once admitted that he had been misinformed, and that my action in connexion with the case had simply been this : that in order to prevent the possibility of what might be an irreparable wrong I had caused the man to be detained 24 hours, until I had had an opportunity of looking into the case. I may add that that is what I shall do in every such case. As to the matter of the line repairers, the point that appears to me to be most important in connexion with the case is the very point which through inadvertence Senator Dobson appears to have entirely overlooked. What happened was that I, on the recommendation of the Deputy Postmaster-General, allowed this man Ryan to come down from Seymour to Melbourne, and then ordered an assistant line repairer to go to Seymour. The Line Repairers' Association made representations to me against sending this man, on the ground that it was a position that should be occupied by a line repairer, and not by an assistant line repairer. I referred the matter to the electrical committee of the department, who decided that there was no reason why an assistant line repairer should not go, and the man was ordered to proceed. What took place then was this - and this is the important point : A question was raised as to whether, under the recommendations of the Classification Board appointed, I think, by Act of Parliament in Victoria, Seymour had not been graded as a first class station. If that were so, it was held that if I sent an assistant line repairer there I should be setting aside the decision of the Reclassification Board. I acted under those circumstances, exactly on the lines that I have laid down for myself all the way through. That is to say, when a question arises in regard to a recommendation by a Public Service Board, or a Reclassification Board, or any body of the kind, if I can possibly avoid it I will not deal with the case until there is a corresponding board with similar authority under the Commonwealth to tell me whether I am doing right or wrong. It may be said, perhaps, that my action was wrong, or that it was right. It is just as easy to say the one as the other, and just as difficult to prove either. At all events the action I then took was simply in accordance with the line of policy I have laid down for myself ever since I undertook the administration of the Post-office-

It is the line of policy which I expressed to the Senate when I moved the second reading of the Post and Telegraph Bill, and which then apparently met with the approval of the whole Senate. I quoted incidentally the instructions I gave to the Deputy Postmasters General on the day when these departments were transferred. If I am not wearying the Senate I should like to read now what those instructions were, because I want to convince the Senate in connexion with this line repairer's case that I acted strictly in accordance with the line of policy ] had laid down for myself. This is the minute I wrote to the Deputy Postmaster-General on the 1st March -

Referring to the proclamation dated twelfth ultimo notifying that the Postal and Telegraph departments of the several States will be transferred to the Commonwealth on 1st March you are aware that the Commonwealth Constitution Act provides that, pending the passing of a uniform Postal and Telegraph Act, the existing Acts of the several States, and of course the regulations thereunder, will continue to operate from 1st March. It is my intention to carry on in other respects (until the further legislation is obtained) the postal and telegraph services as nearly as possible on existing lines. The permanent heads are requested and hereby authorized to deal with and decide all routine and formal or unimportant matters, and also cases of emergency admitting of no delay, without reference to me. In other than formal

matters the cases dealt with to be scheduled and forwarded to me, say, once a month, for confirmation - thus satisfying the requirements of the audit officers in regard to expenditure. In important and urgent cases other than those needing immediate action as mentioned, above, the particulars to be wired to me wherever I may be, with a precis of each case and a recommendation. In other cases, such as petitions for new post and telegraph offices, mail lines, and other additional postal or telegraphic facilities, extra staff, filling up vacancies, &c, the papers, should the cases not be specially urgent, to be forwarded to me wherever I may be, accompanied by a precis and recommendation. It is my particular desire that the strictest economy, having due regard to the efficiency of the service, be observed in the administration of the several departments. In the cases of those States where Public Service Boards now exist, the department will pass from the control of those boards, but it is my desire that the provisions of the Public Service Acts and regulations thereunder are to be observed and acted upon as closely as practicable. Except in cases of routine, formal or unimportant matters, and cases of emergency as hereinbefore provided for, all matters relating to appointments, increases of salaries, removals and dismissals, are to be referred to the Minister as hereinbefore. James G. Drake, Postmaster-General of the Commonwealth.

These instructions have generally been carried out, and I think with very satisfactory results. In the case of the line repairer required to fill up the Seymour vacancy, what I did was this : When I found out that I was dealing with the act of a Reclassification Board I decided that, rather than run the risk of doing something that might be contrary to law, or of setting up an inconvenient precedent which would bind me subsequently, I would simply restore the status quo. I sent the man back. There was no reason why that should not have been done. He was brought down here as an act of grace to learn some of the duties of a line repairer, which could not be acquired at Seymour. When the difficulty arose I considered that there was no hardship inflicted in sending this man back, and allowing the matter to stand over until there was proper authority to decide it. If he has suffered any wrong it will be a simple matter to give him compensation. At all events, it is a matter utterly insignificant in comparison with the more important question, which I consider I dealt with on proper lines. I think I have referred pretty well to everything mentioned by Senator Dobson. I must say that I am still strongly of opinion that it is right for a Member of Parliament to bring any case of complaint, or what he may consider to be wrong dealing, before the head of the department. I shall be prepared always to give the most respectful consideration to any such representations that are brought before me.

Senator Dobson

- The Postmaster-General has not touched the question of the regulations under which these men are bound.

Senator DRAKE

- I do not think the regulations are intended to stand between a man and justice. If a man sees that an injustice is being done to him he has a right to come to the Minister. I do not think that any regulations were ever intended to prevent a man from getting justice.

Senator Major Gould

- Do not the regulations provide for civil servants approaching the Minister through the heads of their departments?

Senator Glassey

- The head of the department is the very man who may inflict the injury.

Senator Major Gould

- When, the head of the department neglects his duty it is time for the officer aggrieved to go to the Minister direct.

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Senator DRAKE

- Before I resume my seat I should like to refer to another case which a Member of Parliament brought under the notice of the Minister after it had been decided by a superior officer in the department. It is a Tasmanian case. Some letters containing valuables had been stolen from a post-office in Tasmania. Suspicion fell upon a postal clerk. He was suspended by the Deputy Postmaster-General of Tasmania, who arranged for a police inquiry. The police inquiry was "held, and the evidence taken seemed to confirm the suspicion of the man's guilt. The Deputy Postmaster-General then dismissed him.



Senator Clemons

- Would the Postmaster-General mention the post-office at which this occurred?

Senator DRAKE

- It occurred at the Queenstown Post-office. Then a member of the House of Representatives - I do not see why I should not mention his name - Mr. King O'Malley, brought me a letter from a firm of solicitors in Tasmania expressing a strong belief in the innocence of the man who had been dismissed. I read the letter, and my Secretary read it. I did not tell the Member of Parliament that he had no right to approach me, but upon the recommendation of my Secretary, I ordered the Chief Inspector of Victoria to go to Tasmania, and make another inquiry into the case. He did so, with the result that it was proved that the man who had been dismissed was absolutely innocent. It was shown that the robbery had been committed by two messenger boys who were dismissed. One of them has since admitted his guilt. This is the first opportunity I have had of publicly thanking Mr. King O'Malley for bringing me that information. I think that, instead of being blamed, he is to be felicitated upon having been the means of preventing what would have been a gross miscarriage of justice. I have nothing more to add, except to say that what has taken place in connexion with this matter - the communications in the press, and the speeches that have been made in the Senate - will not cause me to deviate by a single hair's breadth to the right or to the left from the line of policy that I have laid down for myself. Perhaps- I should say, in regard\* to Senator Dobson's motion, that I have from the first expressed my willingness to give all information not only to him, but to any honorable senator who asks for it. If an honorable senator desires information about any case he can come and see the papers for himself. If he thinks that there is any portion of them which, in the interest of the public, should be laid on the table of the Senate and printed, I shall have no objection to that course being followed.

Senator Dobson

- Will the honorable senator give the return I have asked for

Senator DRAKE

- I will give Senator Dobson any return, if he can show that it will be productive of a useful purpose. My only reason for deprecating the motion which stands on the notice-paper is that it concerns a case which is at present sub judice. If Senator Dobson wants the information for any useful purpose, then a motion is unnecessary. If he requires it for any other purpose, then it is mischievous. I shall not ask the Vice-President of the Executive Council to postpone any business in order to enable the motion to be brought forward.

Senator STANFORTH SMITH

- Until the present Civil Service Bill becomes law, and while the civil service continues in its present chaotic condition, I think that a Member of Parliament is justified in laying before a Minister any case of flagrant injustice.

Senator Sir John Downer

- And afterwards as well.

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Senator STANFORTH SMITH

- I am not going into the ex parte statements that have been made by Mr. Outtrim, and which have been trumpeted forth by Senator Dobson, because, in my opinion, they have been refuted absolutely in the speech just made by the Postmaster-General. I intend to bring forward some other cases in regard to which the Postmaster-General has been "approached." I hope that by doing so - more especially as I was the Member of Parliament who approached the Minister - I shall not shock the susceptibilities of Senator Dobson ; I hope I shall not shatter that ideal which he conjured up to himself when he said he- was happy to think that no honorable senator had approached the Minister in regard to postal matters. I have approached the Postmaster-General on three separate occasions in regard to members of the civil service engaged in the State I represent. I saw him on the first occasion in reference to- a civil servant named Wilson, who had been ordered to leave Perth for an up-country station. That officer was secretary to- the Telegraph Association in Perth, and the Deputy Postmaster-General of Western Australia was adopting exactly the same tactics in regard to him as he had pursued on a previous occasion when an endeavour was made to form a Civil Service Association in Kalgoorlie. In many cases the civil servants there had not been given leave of absence for six years, and they met to form an association in order to

rectify some of their wrongs. They held their first meeting, but before they were able to assemble again they were transferred to the four corners of Western Australia. Shortly after I arrived in Melbourne, Wilson was appointed secretary of the newly-formed association in Perth, and almost immediately afterwards he was informed that he was to be transferred to Broome, or Mount Malcolm, or some other out-of-the-way place. A system of transferring men in their turn is in force in connexion with the Western Australian service, and it was clearly proved that it was not Wilson's turn. I laid this matter before the Postmaster-General, and pointed out that I believed an injustice was being done. He took down my complaint, and said - "I will make the fullest investigation, and do whatever is right." The result of the investigation was that Wilson remained in Perth, and he is at present secretary of the Post and Telegraph Association there. If it had not been for the timely aid of the Postmaster-General that association would have been broken up just as the attempt to form one in Kalgoorlie was frustrated. I visited the Minister a second time to ask him to recognise the association. He agreed to do so, and it has been certainly to the advantage of the service itself. On the third occasion I saw the Postmaster-General in regard to a post-office for Laverton, in Western Australia. These are the only cases in which I have waited upon the Minister. I made no secret of my interviews with him, and reports of them appeared in the press. I consider I was perfectly justified in taking that action, and it would have been a very great hardship if there had been any rule to prevent me adopting such a course until we have a Federal Civil Service Act. When we have a commissioner and inspector who will go round and see that no flagrant injustice is being done, the necessity for these interviews will no longer exist. I should like to ask whether Mr. Outtrim is a civil servant, or whether he is some superior person who is not amenable to discipline? I think his conduct was a most scandalous breach of discipline. There has been no instance brought forward in this discussion which in any way equals his conduct. If an officer in his high position can go to the press and make a number of ex parte statements, then a man in a lower position should be able to do the same, and make public any grievance under which he thinks he suffers. It was undoubtedly Mr. Outtrim's duty to lay his complaint with Mr. Scott, who is the head of the department, or else with the Postmaster-General himself. In my opinion, he has received very lenient treatment indeed. If he is not going to be amenable to discipline, I sincerely hope that his services will be dispensed with on the next occasion upon which he offends. Senator Dobson spoke of Mr. Scott authorizing or insisting upon Mr. Outtrim doing certain things. But from the letters written by Mr. Outtrim it appears to me that that gentleman has got the extraordinary idea that he is going to run the whole of the civil service, at any rate, so far as the Post and Telegraph department is concerned. It seems to me that he is suffering from a certain amount of pique because he did not receive a position which another officer has obtained, and he therefore finds it necessary to run to the press to complain of breaches of discipline on the part of other members of the service, when he is himself the greatest sinner.

Senator Dobson

- There is not one word to justify such an unjust remark.

Senator De Largie

- I think it is quite correct.

Senator STAINFORTH SMITH

- Is it not true that the Deputy Postmaster-General of Victoria has gone complaining like a child to the press instead of going to his superior officer or to the Postmaster-General with his complaint? He had no right whatever to do that, and if it had been a lower official who had done such a thing, he would have been instantly dismissed, and probably should have been dismissed. Are we going to have one law for those high in authority and another for those receiving small salaries? consider the explanation of the Postmaster-General most satisfactory, and he has shown that on more than one occasion an injustice would probably have been done if he had not himself been timely in the assertion of his authority.

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Senator Sir JOHN DOWNER

- Every one of us who has heard the discussion which has taken place to-day will agree that we shall complete these arguments with the result of having a much higher opinion of our Postmaster-General than we had before; because in reply to an attack in respect of discipline he has given an answer, calm, dignified, conclusive. The honorable and learned senator has been friendly in his method of expressing himself - although there might have been almost reasons for expressing himself strongly - generous to a

degree, and utterly conclusive. For my own part, when I saw that the Deputy Postmaster-General of Victoria had placed himself in communication with the press, instead of in communication with his superior officers, I admit that I felt astounded. But it being explained to me, as he explained it in his subsequent despatches, as being the usage of the State, I thought he might perhaps be acquitted under the First Offenders Act, or something of that description. The offence was atrocious, and there can be no question or argument about it. Without referring in the slightest degree - I will not say to the Secretary, Mr. Scott, but to the Postmaster-General - he seeks an interview with the representatives, not of one paper, but of both papers, and he gets the whole account of his grievances put in, following what I have been told, but do not believe to be true, is the recognised constitutional usage of the State of Victoria, that the press is the responsible power, and not the Government of the State.

Senator De Largie

- There is much justification for it.

Senator Sir William Zeal

- There is no justification for it at all. We hear things of Victoria that we do not know ourselves.

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Senator Sir JOHN DOWNER

- I am glad to hear that. I knew the statement was not true, and I only mentioned it so that my honorable friend, who knows all about it, could contradict me. The Deputy Postmaster-General of Victoria was mistaken in his appreciation of the position, and very properly I think, was immediately called over the coals by his superior officer, and was most kindly and thoughtfully treated, by being excused for the greatest offence that a superior officer could commit. I frankly admit, from my experience of superior officers, that whether in the Army or anywhere else, the higher we get them, the more undisciplined they are - strong on discipline for every one under them, weak on discipline when the shoe happens to pinch themselves. However, the Government took a stand, although a weak one. If they had dismissed this officer they would have done right. No, they did not ; they forgave him, and now he is continuing the offence. I say, unhesitatingly, that this informal motion to-day, which has practically the effect of a motion of reflection upon the Government, is a continuation of the great breach of discipline which the Government so generously forgave. I see no possible excuse in anything I have heard for any reflection that has been made upon the action of the Government. The complaint is that this fine ether in which Post-office upper officials move, must not be intruded upon by the grosser influences of Members of Parliament. What are Members of Parliament supposed to be? I admit it is only a theory, but still it is one we must keep up a little. We are supposed to be the selected of the people of Australia. We are supposed to be not only the best obtainable, but absolutely the best. I say it is a theory that in some instances we may be disposed to disagree with ; but that being the theory, and we being those selected by the people of Australia as being the best of Australia to whom the whole liberty of Australia is given, we, on matters peculiarly within our knowledge, with high reputation, presumably true to every man, are not to be allowed out of the depths of our experience and the extent of our wisdom, to go and give a friendly word of advice to officers administering a department - to officers who are at the same time to be moved by all sorts of lower influences working amongst them coming from here, there, and everywhere, and from favoritism amongst themselves and a disposition to promote this, that, and the other. We are never to be allowed to go to the Deputy Postmaster-General and say, " You were rather mistaken about this man. I think he is so and so " - explaining the circumstances and perhaps convincing the officer ; but I must confess that in most of the instances in which I have done anything of the kind I have been convinced that I was wrong. All this is to be prevented, and the Postmaster-General is to do just what he likes, and no one is to know anything about it, unless we can subsequently bring a motion before the House, take up an afternoon with it, and waste the afternoon - as we are doing now - on a matter which might be cleared up by a few friendly . words and an equally friendly reply.

Senator De Largie

- This afternoon has not been so much wasted.

Senator Sir JOHN DOWNER

- I do not think the afternoon has been wasted in this case, because it has given us an opportunity of knowing that the Postmaster-General knows his duty, of knowing also the strong principles upon which he is proceeding, and the manner in which he is prepared to carry them out. 1 withdraw that remark about

this being a waste of time. I think it has not been a waste of time. I think it has been a benefit to us, because it has enabled us to see that the Postmaster-General has brought to his work a full understanding of the immense responsibility of his position in managing a highly difficult department - a full understanding that he has not got to manage the department in Victoria only, but in Australia - that he is not going to submit to have any one man, or any body of men, at the head of affairs, but that he is himself the head of affairs, on whom rests the responsibility which he is willing to take. As to this general proposition that no Member of Parliament is entitled to speak to the head of any civil service department, I repeat that it is impracticable. I say that if we promised not to do it, we would not carry out our word because it would be done. No one has used less influence in this direction than I have, but no one knows more about how it is used, and so far as I know, not abused. In all my experience of the kind, Members of Parliament have gone to Ministers with a perfectly fair and open mind, to put forward facts which they thought the Minister would not know if they did not go to him, and they have come away satisfied, although they may have come away empty, too. I very much deprecate this discussion, although it has given us the great satisfaction of knowing that the Postmaster-General understands his duties, and we are satisfied with him.

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Senator Major GOULD

- I do not think Senator Dobson need feel any regret at having introduced this matter, because in the first place it has given us an opportunity to discuss publicly a matter that has been ventilated in the newspapers, and upon which there has been considerable comment. When a matter of this kind comes forward, it is well that the whole thing should be ventilated, and that there should be an opportunity for the public to know where the real merits of the case lie. Senator Drake, in his address this afternoon, has, I am quite sure, allayed apprehension in the minds of a great many people by stating that he has not allowed himself to be unduly influenced by pressure from Members of Parliament. I think it is a distinct benefit that he should have had this opportunity of placing himself right before the public. At the same time we cannot hide from our eyes the fact that there is and always will be a tendency for a certain amount of political influence to be wielded, if possible in the interests of officers of the various departments under Government control. It is desirable, not only in the interests of the public servants themselves, but also in the interests of Ministers, that they shall not be placed in such a position that Members of Parliament will imagine that they can influence decisions one way or the other. I have undergone the experiences of a Minister, both before and after the Public Service Bill became law, in the State in which I then resided, and I can assure honorable members that the relief was something immense not only to Ministers but to members themselves in being freed from the ceaseless importunity of a certain class of public servant, and persons interested in their welfare, to endeavour to induce the Minister to do that which his better judgment would not justify. It is all very well to say that the Minister should not give way, but we know that many Ministers will give way, when they find very much pressure brought to bear on them by a number of Members of Parliament. It is perhaps natural, because they are dependent upon the support of Members of Parliament, and a Minister who strongly resists this sort of pressure gets into disrepute with members, and in that way brings his colleagues into disrepute. It is not right that a state of affairs should be allowed to exist under which pressure of this character may be used for the purpose of influencing Ministers. I should like to say, with regard to two cases upon which stress has more particularly been laid by the Postmaster-General in his reply, that while we have no reason to\* complain of his action, there are one or two things that are unexplained. The honorable and learned senator tells us that he determined Sheehan's case on the 8th August, and yet we find that this man was not made to obey the decision of the Minister till the 9th of September following. There is a period of time of from four to five weeks between the time of the decision come to by the Minister, and the time it was carried out. There must be some reason for that. It may be that the papers were lying waiting inspection by the member interested, but that would not be a sufficient explanation. It occurs to one that where a decision has been arrived at by the Minister it should certainly be earned out within a reasonable time. It naturally raised doubts in the mind of the public to find that in this case, brought under the notice of the department in the month of August, mentioned in the papers on the 2nd September, that it was not until a week after that date that the decision arrived at by the Minister, almost a month previously, was carried into effect. I should have liked the Minister to have explained that. Although Miller was entitled to have

his case referred to the Minister at the head of his department, yet before a decision was arrived at, he obtained type-written copies of the papers and forwarded them to a Member of Parliament, with a request that he would interview the Minister. I ask honorable senators what the intention was in dealing with the case in that way? Were the papers sent to the Member of Parliament in order that he might unduly influence the Minister? Was Mr. Miller dissatisfied with the right given to him in the regulations to have his appeal heard by the Minister without some interference by a Member of Parliament? It was distinctly wrong for him to take such a course as he did. If the member simply sent on the papers without comment for the consideration of the Minister, or handed them to him without making any comment or attempting to influence him, he cannot be blamed for what he did. But it shows the undesirable course which will be pursued unless a stringent method be adopted in dealing with all complaints. If the right of appeal to the Minister is denied by an officer, that officer should be dealt with very promptly, and means taken of bringing the matter under the notice of the Minister with a view to make an inquiry as to such denial. But such a thing as that does not appear to have taken place. While it may be even possible for an official to place on the papers a minute of an unfavorable character to the appellant, still the Minister's decision is guided, not by that minute, but by the evidence which had previously come before the head of the department, together with such further evidence as can be adduced either for or against. That would be a perfectly legitimate course to adopt. If we want to remove the Minister from this unpleasant position, and save honorable members from the importunity which is brought to bear upon them by their constituents, we should have some system such as is proposed by the Government in the Public Service Bill. Senator Dobson told us that he had opposed certain provisions in this Bill, and said that he thought, notwithstanding his statement to-night, he was in the correct position. He has given us some strong evidence why we should insist on a provision being made of the character indicated by that Bill for the regulation of the public service. The Postmaster-General alluded to a case in which, by the intervention of Mr. King O'Malley, a gross act of injustice was avoided. We are glad to know that that was the case; but that would not apply here, because when a man leaves the service he is outside the regulations, and he can bring an action against the Crown for wrongful dismissal, or take such other action as he may deem best. Supposing this officer had been reprimanded or fined, still he would have had his right of appeal, and then it would have been the duty of the Minister to have made an inquiry. I assume that new facts were brought to his knowledge, as the officer could not have been dismissed without the approval of the Minister and his colleagues by means of an Executive minute. At first it probably appeared to the Minister, from the reports, that the case was all right, but further circumstances were no doubt brought under his notice. That, however, does not prove the necessity for Members of Parliament approaching a Minister in cases where officers are dissatisfied. There are the regulations under which officers can approach the Minister. When an officer finds that a Minister does not do justice he can make an appeal to the Parliament, in which the matter will be discussed, and every step taken to see if a wrong has been done, and that it is set right. I am very glad this matter has been brought forward, because it has given the Postmaster-General an opportunity of explaining the circumstances of the case, and enabled us to accentuate the necessity for protecting Ministers, Members of Parliament, and the public generally against the attempted use of undue influence.

Senator Playford

- The Postmaster-General wants no protection, he says.

Senator Major GOULD

- No; but other Ministers may not be so strong.

Senator Sir FREDERICK SARGOOD

- A few evenings ago I incidentally referred to some information in the newspapers, and made some, perhaps, rather strong remarks. I spoke on the information which was then before the Senate. The explanation of the Postmaster-General has considerably modified my views. Had I known then what I know now, I should not have felt justified in making those remarks. But still the main fact remains that the public service regulations have been violated. The Deputy Postmaster-General of Victoria committed a breach of the regulations in giving this information to the press, however strong the temptation may have been and notwithstanding the fact that he had done so previously, not only without censure, but, as he states, with commendation by his Minister. We may just as well, in his defence or excuse, try and ascertain what was the cause of his committing this distinct violation of the regulations. Where the

Minister is to blame was in having allowed the officers of the department to violate the regulations over and over again by not adopting the proper and legal mode of approaching him. If, when these applications were first made to the Minister other than through the proper channels, he had nipped the thing in the bud, as, I am glad to say, the Minister for Defence has done, we should have heard nothing about these cases, and this long discussion would not have been necessary. The position laid down by the Minister for Defence in his minute is absolutely correct, namely, that it is contrary to the discipline of the public service to have recourse to Members of Parliament, and that the only proper course is to apply through the official channel to the Minister. That, to my mind, is the proper course, and I venture to think that even the Postmaster-General will not take exception to it. If, when the first question was asked by Senator Dobson, the Postmaster-General had intimated that his opinion was in accordance with that of his colleague, the whole of this difficulty would have been avoided.

Senator Dobson

- But he absolutely repudiates his colleague's policy.

Senator Sir FREDERICK SARGOOD

- In regard to his present statement there are two distinct questions. One is as to the action of Members of Parliament, and the other is as to the action of public officers. Certainly it is within the power of members to approach a Minister on any subject, but whether it is wise for the Minister to listen to complaints made by an officer through Members of Parliament is very questionable. In the vast majority of cases, such complaints are not well founded, and the Minister would be justified in calling the attention of the member to the regulation which absolutely prohibits an officer from taking that course. If the member still insisted upon discussing the case, I do not see very well how the Minister could refuse to hear him. But immediately after that, his proper course would be to call upon the officer who broke the regulation, for an explanation. I believe that good will arise out of this discussion, but I am very much afraid that the statement of the Minister as to what he intends to do' with applications coming through Members of Parliament, will tend to very materially weaken the discipline of the public service.

Senator HIGGS

- To judge from the expression on the countenances of honorable senators, they think that the discussion tells against the proposal to appoint a public service commissioner. I would draw their attention to the pile of papers which the Minister has indicated that he had to go through in one case, and ask whether they wish him to devote his time to that work, when it should be occupied in dealing with matters of federal policy.

Senator Charleston

- How often does a case like that arise 1

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Senator HIGGS

- The Minister has stated that he has had many cases, although he has only been in office a few months. I was very glad to hear Senator Drake say that he will not pay much attention to what appears in a section of the press. The Deputy Postmaster-General of Victoria has been led to make this mistake because some of the politicians here, in past years, have been afraid of the Age. It seems to be a kind of censor. I admit that the press, so long as it goes straight, should govern the country--

Senator Glassey. - What?

Senator HIGGS

- I mean that if the press goes straight it may govern the country.

Senator Glassey

- What is the press ? Simply an individual writing leading articles, and dictating the affairs of a country !

Senator HIGGS

- - My honorable friend must know of the very great influence which the press exercises throughout the Commonwealth. Unfortunately, that influence is sometimes exercised in the wrong direction. Very often the Age uses its very great influence in the wrong direction, and many people who are now on their knees to a gentleman named Mr. Syme, should rise.

Senator Sir William Zeal

- I do not think the honorable senator ought to bring this into the discussion.

Senator HIGGS

- It has a great deal of bearing on the question, because the Age has in very many ways been attacking the administration, and endeavouring to belittle Members of this Parliament, especially of the Senate, and to that I take very great exception.

Senator Ewing

- It is not of so much importance to us as the Bunbury Herald.

Senator HIGGS

- Probably that is the reason why some of us are so outspoken. If the Age were published in our own State we might not be so candid. I am very glad to say that I am in that independent position that I do not care a snap of the finger for Mr. David Syme or the Age.

Senator Sir William Zeal

- What has Mr. Syme to do with us ?

Senator HIGGS

- I am offering a few words of friendly criticism to a newspaper which has endeavoured to belittle the Senate. The Age has even taken away from us the little title which was given us by courtesy.

The PRESIDENT

- Does the honorable member think that that has anything to do with the question 1

Senator HIGGS

- I admit that you, Mr. President, have allowed me a great deal of latitude, and I will not pursue the subject any further. I have to congratulate the Postmaster-General on his very able reply. I think that Senator Dobson presented his case in a very clear manner, but the reply of the Minister was a crushing one. Still, my opinions are not at all changed with regard to the appointment of a public service commissioner who will have these matters to deal with.

Senator Sir WILLIAM ZEAL

- I think that this debate has shown, at all events, that honorable senators should not talk about public questions affecting particular localities until they have acquainted themselves with the whole of the facts connected therewith. It is an extraordinary fact that no Victorian senator has been asked to express any opinion whatever about the cases that have been referred to. As the principal parties connected with these cases have been living in Victoria. - some of them for upwards of half-a-century - the probability is that some of the members representing this State would have been asked to express an opinion about it, if there had been any real grievance.

Senator McGregor

- That is the complaint.

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Senator Sir WILLIAM ZEAL

- There is no complaint, so far as I am concerned at all events ; and I must say that the statement of the Postmaster-General has, to my mind, been an absolutely fair one, and one which has dealt justly and honestly with the matter. Surely, it should be beyond our consideration that a line repairer at a small place called Seymour is brought to Melbourne, and an assistant line repairer is sent to take his place. That such a matter should take up the time of this Senate, and that three hours should be wasted in discussing the case, is ridiculous. One thing I will say : That honorable senators should be very careful how they interview the Minister, unless they are absolutely satisfied that the case they are asked to advocate is correct and just. If they do that none of these difficulties will arise. If the Postmaster-General, representing as he now does the whole Commonwealth, is to be subjected to importunities from all the States, it is evident that it will take up all his time to listen to them, and that no opportunity whatever will be left to him for Executive work. In this instance no doubt some friction has arisen through a meritorious officer from another State having been appointed to take up the supreme position in the Post-office for the Commonwealth. But such difficulties will arise in every case where a high office is filled, and we should endeavour to the best of our ability to do away with this friction, and to get the officers to work amicably and peaceably with each other.

Senator Higgs

- That is what the Age is doing !

Senator Sir WILLIAM ZEAL

- It appears to me that the honorable senator is like Mr. Dick, in one of Dickens's novels, with whom " King

Charles' head " was always cropping up.

Senator Higgs

- The Age will cut off the honorable senator's head unless he is careful !

Senator Sir WILLIAM ZEAL

- So long as I do what I think is right I am independent of all the newspapers in existence, and I shall not be prevented from saying what I think ought to be said because it may run counter to any journal. I urge Senator Dobson to accept the suggestion of the Postmaster-General that he should take these papers and read them and judge for himself whether his complaints are ill-founded. If that is the case, and if the honorable senator can show the Senate afterwards that there has been any unfairness, he will have no stronger supporter in the Chamber than I shall be. But, until that has been proved, I feel bound to support the Postmaster-General in maintaining the discipline of the department, and in endeavouring to make the changes that are rendered necessary by the transference of control from the State to the Commonwealth. I think that the Postmaster-General has made a very fair, candid, and just statement to the Senate.

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Senator MCGREGOR

- Before Senator Dobson replies, I should like to say a word or two in connexion with this pernicious thing called political influence. To a very great extent I agree with what has been said by the Postmaster-General, that political influence is only reprehensible when it is exercised in an unjust cause. I have now had seven or eight years' experience in connexion with politics, and to a certain extent I had some experience before that time, but I have never to my knowledge found that influence exercised to any extent in a wrong direction in the State from which I come. No doubt that is the reason why South Australia is justly called "the model State." From the remarks that have been made at different times, one would be led to believe that in Victoria for the last twenty years the heads of departments - I mean the Ministerial heads - could always be recognised by the crowds of Members of Parliament and clients who followed them to exercise whatever influence they could in favour of certain individuals. Therefore I did not wonder when in the newspaper which has been so ably defended by Senator Zeal, the Age, there was published the interview which took place between the representative of that journal and Mr. Outtrim ; because, if that interview was true, it was nearly time something was done, not only in the interest of the poor unfortunate individuals who had to come to this Parliament asking it to intercede on their behalf, but in the interests of Members of Parliament themselves. It has been said by Senator Sargood that Members of Parliament in Victoria were relieved of a very great amount of difficulty by the establishment of a Public Service Board in that State, and it has been said by Senator Gould that in New South Wales the same result followed. But it is strange to me that it has been necessary in some of the other States to establish such a board ; and it also seems strange that with the extensive influence exercised by both the Age and the Argus in Victoria, such a condition of things should ever have existed. What kind of Members of Parliament have they had in Victoria! Have they been elected at the will of the people or at the dictation of some other institution, when they have not had backbone or intelligence enough to make inquiries into the cases that they were supposed to investigate, so that before they went to the Minister they might be certain whether there was anything in the cases or not? I hope that as far as the Commonwealth is concerned, the day will, never come when a Prime Minister may not take up the case of any one who is treated unjustly in the Commonwealth, it does not matter by whom. It is all very well for some honorable senators to say that subordinate officers have a legitimate channel through which to appeal, and that they can act through the heads of their departments, and thus go right to the Minister. But in one instance quoted here, it has been mentioned that it was necessary to send type-written copies of evidence to the Minister. Was that because the civil servants in Victoria had no confidence in the heads of departments from whom they were appealing ? Certainly not. If they knew they were going to get fair treatment it would not have been necessary to send type-written copies of evidence to the Minister.

Senator FRASER

- Perhaps they might want to get more than fair treatment.

Senator MCGREGOR

- I have a better opinion of the honorable senator than to think that he would unfairly treat any one ; but is it not an evidence of suspicion and mistrust on the part of a subordinate when he has to supplement his appeal to his Minister by a type-written copy of the evidence taken at the trial ? I hope that when the



investigation of the Miller case takes place, it will be inquired into by an intelligent board - not, as the Postmaster-General said, by the board that now exists in Victoria. We have had enough evidence lately in the Age to show that everything is not right even with that board, which is the very body that made the first inquiry, and decided in a certain direction from which the whole difficulty has arisen. It would be a very wrong thing if that board was again directed to inquire into a case that it had already had something to do with. Again, it has been said by some honorable members that the difficulty that has arisen in other cases will be got over under the Public Service Bill, and it has been urged that these instances show the necessity for the appointment of a commissioner to take the burden from the shoulders of the heads of departments, such as the Postal department. But, if similar cases arose under the commissioner, the same difficulty would exist, because the head of the department would still have to go through the bundle of papers, only his task would be multiplied about ten-fold. The discussion has shown that in the Postmaster-General we have a gentleman who has given such evidence of his firmness in the administration of his department that neither a King David, nor an office goat, will ever have any influence over him, and that, no matter what officer in the civil service appeals to any newspaper in Victoria, the same justice will be done to every subordinate. I am glad the debate has taken place, because it has given honorable senators reason for greater confidence in connexion with the administration of the Postal department.

Senator EWING(Western Australia).I should like to say a very few words upon the matter that has arisen. The aspect to which I should like to address my remarks is the regulation that exists in Victoria in which it is said that no officer shall make any communication, directly or indirectly, to any person not officially entitled thereto. From that regulation a lesson may be gathered for the civil service generally - not only for junior officers, but for Mr. Outtrim himself. I think he will realize that the newspapers of Victoria or elsewhere are not entitled to the communications which have been made to them from time to time. We have seen civil servants through the newspapers throughout Australia - not only in Victoria - endeavouring to get into positions and to get their wrongs, as they considered them, righted by giving information to the press. Even the very men who have condemned such actions have done the same thing themselves. Mr. Outtrim has gone to the press, and yet he complains of civil servants interviewing Members of Parliament. Surely a Member of Parliament is entitled to receive the communication of a civil servant. If an officer has a grievance - if a public wrong is being committed - surely the man above all others who is entitled to be communicated with is a Member of Parliament.

Senator Charleston

- The regulations which the honorable and learned senator has read would permit of that.

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Senator EWING

- The Act provides that no officer shall make any communication directly or indirectly to any person not officially entitled thereto. My judgment leads me to the conclusion that a Member of Parliament is entitled to this information, and that the newspapers of the States are not. No doubt Mr. Outtrim has been led into an error by the condition of things which has existed so long in the State of Victoria. He has shown that he obtained his object previously by the influence of the press ; that he went to the press instead of the Minister in charge, in order to secure the abolition of political influence. His custom has been not to make complaints of undue influence to his Minister but to go to the Age or the Argus. That custom is no doubt the outcome of local conditions. It is the practical result of the thralldom in which the press appears to hold the Parliament and people of Victoria. In my opinion no civil servant has a right to make any communication to the press. So far as I am personally concerned, I am happy to say I do not care a snap of the fingers for the Argus or the Age, or for any other paper in Victoria, and the sooner the civil service of Victoria realize that, when they have any complaint to make, they should go to the Minister, the better it will be. I take it that Senator Dobson, in moving the adjournment of the Senate, really desired to deal not so much with the particular case under consideration, as with the question of principle. I have seen it stated that Mr. Outtrim refuses to see Members of Parliament on matters of routine or the discipline of his department. If he does, then I think he is guilty of impudence. He is the servant of this country, and whether he is guided by the representations of the representatives of the people or not, he has a right to listen to them. No honorable member could for one moment accede to the proposition which he lays down, that he will refuse to listen to the representations of Members of Parliament with regard to the

conduct of the department over which he presides. His contention is that these complaints should have been made through him to the Minister.

Senator Sir Frederick Sargood

- Certainly.

Senator EWING

- Then he is the permanent head, and he is clearly the proper person under the Minister to receive the complaints of Members of Parliament. He refuses to see them, however, and, backed up by those wretched papers, the Age and the Argus, he has succeeded apparently in reducing the legislators of Victoria to such a condition that they have given up the right which the people placed in their hands.

Senator Fraser

- They have never given up their rights.

Senator EWING

- Then Mr. Outtrim states what is not true. He set out in his communication to the Age and the Argus that the present conditions of affairs existed years ago ; that Members of Parliament waited on him with complaints, and constantly made requests \ but he says - " I got the support of the Age and the Argus, and what was the result 1 The result of it was that I got rid absolutely of the influence of Members of Parliament in the conduct of my department."

Senator Sir William Zeal

- He should have got the support of the BunburyAdvertiser ; then he would have been all right.

Senator EWING

- I think that the position is perfectly clear. Mr. Outtrim says - "I do not want the influence of Members of Parliament. I am going to do what I think is right in my department, and I am not going to be influenced by them.

I am not going to hear their complaints." Apparently so miserable was the public spirit of the public men of Victoria, that he was able, by using the lash of the Age and the Argus, to reduce them to a state of subjection. He says that he did so. Senator Zeal, no doubt, was one of those public men who, prior to that, humbly went to Mr. Outtrim.

Senator Sir William Zeal

- I never called upon Mr. Outtrim three times in my life.

Senator McGregor

- Because he would not let the honorable senator call upon him.

Senator Sir William Zeal

- Senator Ewing should go to the BunburyAdvertiser.

Senator EWING

- No doubt Senator Zeal will admit that the visits he refers to were made by him before the Argus and the Age laid on the lash.

Senator Sir William Zeal

- I distinctly deny it.

Senator EWING

- Mr. Outtrimsays that none of the brave Victorian Members of Parliament have ever dared to come to him since the Age and the Argus lashed them. That is what he did with Senator Zeal and Senator Sargood and the rest of the Victorian legislators. No doubt Senator Zeal sees the degrading position which he occupied in the past.

Senator Sir William Zeal

- I suppose that the honorable and " learned senator is speaking from experience.

Senator EWING

- I speak from the experience of Victorian legislators as personified by the honorable senator. I do not know whether he is ashamed of the position he took up in the past.

Senator Sir William Zeal

- I am ashamed of the honorable and learned senator.

Senator EWING

- Judging from his interjections, Senator Zeal is heartily ashamed of himself. I am very glad indeed to see that this debate has had at least one good result. It has taught some honorable senators, who are now

interjecting to a considerable extent, that at the dictation of the press of Victoria they should not give up the rights which the people have placed in their hands.

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Senator DOBSON

- I certainly do not feel any regret for having brought forward my motion. I am disappointed, however, with the tone which the debate has taken. If the tone of the debate and the cheers of honorable senators correctly represent the feeling of the Senate, the Postmaster-General stands in an absolutely inconsistent position in regard to the Bill which he is now fathering ;he is in a position of absolute antagonism to his colleague the Minister for Defence. Before we proceed with the Public Service Bill, I think the Senate will have to come to a conclusion as to whether it is still of the same mind.

The PRESIDENT

- The honorable and learned senator must not discuss that Bill now. I have permitted indirect references to it, but it must not be discussed.

Senator DOBSON

- I see what you mean, Mr. President. I only desire to point out to my honorable and learned friend the Postmaster-General, that the course which he insists upon pursuing, as he has a perfect right to do, is absolutely inconsistent with the principle of the measure he is asking us to pass for the protection of the civil service and for the express purpose of keeping out that political control which to-day he is welcoming with open arms. The matter is so plain to me - I see there is such inconsistency in the attitude of the Postmaster-General - that no matter how many honorable senators may be against me I cannot alter my opinion on the point. I think we shall hear more of it before the matter is done with. The Postmaster-General is absolutely antagonistic to Sir John Forrest.

Senator Higgs

- Not at all.

Senator DOBSON

- If the Minister for

Defence is going to have the courage of his opinions, and will adhere to his written order in regard to his branch of the public service, we shall have one Minister in one Chamber saying one thing in regard to the administration of his department, and another in another Chamber saying something directly opposite. The Minister for Defence has to deal with naval and military officers, but they are nevertheless members of the public service. I do not regret having brought forward this matter. Honorable senators have not really come to any mind upon the point. If I may say so, their minds are in a state of wobble.

Senator Major Gould

- They will straighten up on clause 5.

Senator DOBSON

- I do not think that clause 5--

The PRESIDENT

- The honorable and learned senator must not discuss the Bill.

Senator DOBSON

- The Postmaster-General utterly ignores the position of those officers who have broken the regulations and the terms of service. We are told by him that he does not believe these regulations were ever intended to be carried out.

Senator Drake

- I did not say that.

Senator Keating

- The Postmaster-General said he did not believe the regulations were intended to stand' between an officer and justice.

Senator DOBSON

- Is not the Public Service Act intended to deal out justice to the service ? Are not the regulations under which we are supposed to be working intended to give justice? All we say is that justice should be obtained in an open manner, and that civil servants should not get Members of Parliament to squeeze Ministers into giving what they desire. Senator Zeal appears to me to be quite out of touch with the whole debate. He seems to think that some representative of Victoria in the Senate should have been consulted

about this matter, and he also appears to be of opinion that the position taken up by the Postmaster-General is wholly satisfactory. No honorable senator ought to know better than a representative of Victoria that since 1883, when political influence had brought about a state of chaos, which, I have been told again and again, not merely bordered upon, but was absolute corruption and unworthy of the dignity--

The PRESIDENT

- I do not think the honorable and learned senator is in order in stating that the Parliament or the Administration of Victoria are corrupt.

Senator Playford

- The honorable member says they have been so in the past.

Senator Sir William Zeal

- I deny it.

Senator DOBSON

- I withdraw the remark, Mr. President, but there has been a great deal of discussion on what has taken place in Victoria in the past. We have been told that a great many of the best men set themselves to work as far back as 1883 to devise an Act and regulations to shut out the very thing which Senator Zeal seems to ignore.

Senator Sir William Zeal

- Legislators are quite as pure in Victoria as they are in Tasmania.

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Senator DOBSON

- I am not talking about the purity of one side as against another. My honorable friend does not seem to know what we have been discussing.

Senator Sir William Zeal

- It has been a waste of time.

Senator DOBSON

- I do not know that we have had one discussion yet which has not been a waste of time in the opinion of Senator Zeal. On this occasion there has been no waste of time. I hope the discussion will enable us to decide whether political influence is to continue or not. If it goes on it will aggravate that chaotic state of the civil service which Senator Smith says exists at the present time.

Senator Drake

- Oh, no ! The honorable senator did not say that.

Senator DOBSON

- Senator Smith said . that since the departments were transferred to the Commonwealth they have been in a chaotic state 1

Senator Drake

- No.

Senator DOBSON

- I would point out that the Postmaster-General seems to be as brave as a lion in adhering to his inconsistent position. Here is a simple question of a man being fined. £5 in accordance with the Act. The Postmaster-General is the man who should decide the question under the Act, but he is holding it over for a month, and is going to ask a Public Service Board or some specially appointed board to deal with it.

Senator PEARCE. - The Postmaster-General gave very good reasons for it.

Senator DOBSON

- I do not understand the position taken up by Senator Drake. I thank him for his plain, manly, but inconsistent statement. I thank him for his kindness and courtesy in dealing with the matter. If I have not been equally kind and courteous to him in reply, I am very sorry for it, because I have a very great respect for and appreciation of the honorable and learned senator. I can say of him, in much the same words as Tyndall applied to Gladstone - "I love the Postmaster-General, but I abhor and detest his policy with regard to the public service."

Motion, by leave, withdrawn.

SERVICE AND EXECUTION OF PROCESS BILL

Vice-President of the Executive Council

Senator O'CONNOR

presented the following report of the committee appointed to draw up reasons for the disagreement of the Senate with certain amendments made by the House of Representatives in the Service and Execution of Process Bill: -

As to amendment No. 5 -

Because the substitution of . 1 mile for 5 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 the 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.

Reasons adopted.

#### EXCISE BILL

In Committee(Consideration resumed from 27th September, vide page 5330) :

Postponed clause 65 -

All tobacco, cigars, cigarettes and snuff manufactured in a factory shall be put up in packages of the prescribed weights and sizes.

Vice-President of the Executive Council

Senator O'CONNOR

- It will be remembered that I agreed to postpone clauses 65 and 66 in order to consider the question of whether cigars and cigarettes should be brought under the provision of these two clauses. The Minister for Trade and Customs and myself have come to the conclusion that the representations made in that respect are worthy of attention, and that there is no necessity for including cigars and cigarettes. I move - That the words " cigars, cigarettes" be omitted.

Amendment agreed to.

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Senator PLAYFORD

- Is there not a provision in one of our Acts which says that imported cigars shall be imported in certain defined packages, and is it not fair that manufactured cigars should be dealt with in a similar way ?

Senator O'CONNOR

- There is a provision that cigars shall be imported in certain sized packages. The reason for that is that it would be impossible to carry out Customs inspection at all on ships if these highly dutiable articles were allowed to be brought in in small packages. It is necessary that they should be imported in packages or parcels of a certain size. This deals with a different case altogether and representations have been made on the matter which we think ought to be given effect to.

Clause as amended agreed to.

Postponed clause 66 -

The manufacturer shall mark upon every package of manufactured tobacco, cigars, cigarettes or snuff, his name and address, a consecutive number of the gross weight of the package, and the net weight of the contents, before it is removed from the factory. Penalty : £20.

Senator O'CONNOR

- There were two matters in respect to which I agreed that some further consideration should be given to this clause. It was pointed out that it would be rather a hardship to apply the provisions of the clause to cigars and cigarettes, and that to require that the name and number of the manufactory should be placed

upon these goods would interfere very largely with the trade because a number of these manufacturers manufacture for persons who sell under a different trade name. I think it will be admitted at once that under a Bill of this kind we do not want to interfere unnecessarily with trade. It seems to me that the ideal Excise Bill would, while it protected the revenue, interfere in the least possible degree with the ordinary operations of trade. There is no necessity to include "cigars and cigarettes" in this clause, and I move - That the words "cigars, cigarettes" be omitted.

The clause will then only apply to the manufacture of tobacco or snuff, and in the case of those articles there is no objection to the names and numbers being placed upon the package. I shall propose a new clause 66a to follow clause 66, and to deal specially with the marking of packages of cigars and cigarettes. There is a previous clause which provides for the collector furnishing to each manufacturer the number of his factory, to be called the factory number, and the number representing the State in which the factory is situated, to be called the State number. All that we require in the case of cigars and cigarettes is that these numbers shall be marked on the packages for the purpose of identification.

Senator PLAYFORD(South Australia). - This is an amendment to enable people to make cigars out of anything, and then pop them into boxes labelled Manilla or Havana, and purporting to have come from those places. The striking out of the words "cigars and cigarettes" will assist in the perpetration of that class of fraud. We know that such frauds are perpetrated now, and that cigars manufactured in Germany for instance, are brought into the States in boxes on which Spanish names and pictures are placed, and with the smallest of marks, "Made in Germany," on the bottom of the box, and not on the top. The South Australian Customs officers some time ago seized a number of these cigars, and said they would not allow the importers to clear them unless they put the words "made in Germany" clearly on the top of the boxes. The importers said they would not do any thing of the sort, and the result was a law suit and a great deal of trouble and dissatisfaction over the matter. The object is unmistakably to deceive the consumer, and the German manufacturer makes these cigars of cabbage leaves with perhaps a little tobacco amongst them, and they are put up in boxes which lead to the impression that they come from Havana. By striking out these words we shall be assisting the manufacturers of cigars in the Commonwealth to adopt similar tactics with similar results.

Senator O'CONNOR

- I do not think the honorable senator has realized the effect of the new clauses I propose to insert. He will find that under the new clause 66a the manufacturer has to mark every package of cigars with the factory number, and the State number, under a penalty of £20.

Senator Playford

- It depends upon which side they are marked.

Senator O'CONNOR

- That is to be "as prescribed," and we may be sure that the regulations will be framed in such a way as to require that the number shall be plainly marked, and so that any one can see what the meaning of the numbers is. That should meet the honorable senator's objection.

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Senator HIGGS

- There is another side to the case put by Senator Playford. It may be that those who are so very anxious to run round and get Spanish cigars should be taken down. In Australia, as in other places, a prophet has little honour in his own country. No doubt honorable senators have heard of the case of the poor Australian teacher of music who could not get a fair chance because his name was not Professor von Winklestein I dare say they also remember the case of a very fine baritone, whose name was, according to the bills, 'Signor Verdi,' but who was popularly known as Bill Green. If his own name had been printed on the bills, he would not have been appreciated half so much as he was under the name of Signor Verdi. Very likely that has a good deal to do with the desire of our cigar manufacturers to put Spanish and other names on their boxes.

Senator MCGREGOR

- It is well known that there is a prejudice in favour of anything foreign, and against anything local. There are plenty of people in Australia who, if offered a box of the best cigars made here - for instance, a box of Waratahs - would not smoke them, but who, if offered the same cigars in a box containing a few Spanish pictures, and the word Havana or Manilla printed on them, would smoke them and praise them up to the

sky. That is exactly the difficulty which the local manufacturer has to contend with. The German manufacturer sends his cigars here branded in that way, and with the words "made in Germany " printed on the bottom. Is it fair to put our own manufacturers in a worse position than the outsiders ? Put them in the same position. Put on them no handicap which is not called for, and give them a fair show to do the business. If a man travels in the country with cigars or cigarettes a great deal depends on his first order, and, in some measure, on the brand of the article. AVe ought to be as considerate as possible to our manufacturers. We ought to give them no further opportunity to mislead than we give to the outsider. There are persons who are silly enough to go into a shop, and who, when they are told the price of an article, say - "Oh, 7s. 6d. is too cheap." When the same article is brought from another direction and is offered at 15s., they exclaim - "That will do; that is the very thing." These are things which occur daily. These prejudices against Australian productions exist, and, therefore, our own manufacturers should be placed in no worse position than others.

Senator Sir JOSIAH SYMON

- I am sorry to hear the sentiment applauded that, because there are certain facilities which, unfortunately, foreigners may have for palming off their goods amongst the consuming public as the goods made by somebody else, and under another brand, therefore we should give equal facilities for doing the same wrong to our own people. That is a very patriotic, although it is not exactly a high moral sentiment.

Senator Higgs

- They allow the same privileges with regard to wines.

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Senator Sir JOSIAH SYMON

- That is where my honorable friend is entirely mistaken. They insist on having, as ought to. be, a statement in regard to the wines " bottled in South Australia," and every label bears the name of the vineyard and the name of the grower. Why should not that rule be applied to cigarettes and cigars % It could be applied with at least as much reason and as much force to those articles as to any other commodities which are produced, and which may give facilities for misrepresentation. Under this clause I quite agree that it may not be necessary to put the weight, measurement, find so on on the box ; but why the name of the maker should not be PUt on I cannot understand. Supposing that cigars and cigarettes are sold by small tobacconists, the customers do not understand what these marks mean. A factory number and a State number are prescribed for. That is essential, and probably to the wholesale buyer it conveys exactly what we desire. But the consumer knows nothing about these marks. He asks for a box of Egyptian cigarettes, and he is handed a box of colonial made cigarettes, perhaps a great deal better than the others, but still not what he asks for. Again he wants Havana or Manilia cigars, and he is handed a box which has simply two symbols or numbers which do not indicate who the maker is, and convey no information to a buyer. It is not the wholesale merchant, but the ultimate buyer I who is to be protected. If any package is 1 so made up as to be calculated to deceive any one that is an offence, and the Bill gives the right to stop the use of the means by which that fraud is perpetrated. We ought in this Bill to protect the public against the possibility of such a thing being done by unscrupulous persons.

Senator O'Connor

- Is not that a matter of State legislation ?

Senator Sir JOSIAH SYMON

- In one sense no doubt the sale by these people of tobacco and so on would be a State matter; but if in this Bill we do not insist on the name and address of the maker being given, we offer facilities for misrepresentation and deceit on the part of the retail buyer with regard to his customers. I can quite understand the undesirability of providing that the gross weight and the net weight shall be indicated. It would be absurd to put on a packet of cigarettes that it weighs a couple of ounces. In addition to the factory number and the State number, the name and address of the manufacturer should be placed on the box in a plain and conspicuous form and then none would be liable to be misrepresented by cabalistic numbers being there, which convey no information to the minds of the customers.

Senator Sir FREDERICK SARGOOD

- The amendment appears to me to be quite correct so far as the clause goes, but the clause which is to

be proposed will not meet fully the case I brought under the notice of the Minister last week, when I read a letter from practically all the manufacturers of Sydney strongly urging the introduction of a provision similar to that in the Canadian and the American Acts, to prevent the refilling of boxes bearing well known brands with inferior articles. That will not be fully met by simply having the number on the box.

Senator O'Connor

- Why not? We can have the numbers put in any size and in any position we like.

Senator Sir FREDERICK SARGOOD

- Supposing that you take a box bearing a well-known brand, and it is marked number one or number two, that will not fully enlighten the ultimate buyer. The wholesale man and the retail man will know, but the consumer will merely know that it is number one or number two of some brand. The provision in the Canadian and American Acts can easily be added, and thus carry out the desire of all the manufacturers in New South Wales and prevent fraud. These amendments, so far as they go, are undoubtedly right.

Senator O'CONNOR

- This legislation follows the lines of the Canadian and American Acts. As the Bill was introduced it provided that in regard to cigars and cigarettes, as well as tobacco and snuff, the name and address of the manufacturer should be put on each package. As regards tobacco and snuff there is no objection to that being done, and it will cause no interference with the course of trade. That is preserved in this clause, but I propose to omit cigars and cigarettes, and deal with them separately. On what principle ought we to deal with them? We ought not to lose sight of this fact: That our only right to legislate in regard to these matters in an Excise Bill is that we should interfere with trade only so far as is necessary to protect the revenue. If we lose sight of that principle we begin to interfere with the fair, legitimate operations of trade, which we have no right to do. It is said that my proposal is not sufficient, but I take it that it will be more regular to discuss it when it is proposed I believe there is a general consensus of opinion that cigars and cigarettes should not come within the provisions of clause 66, but should be dealt with in a separate way.

Amendment agreed to.

Clause, as amended, agreed to.

Senator Sir FREDERICK SARGOOD (Victoria). - I move -

That the following new clause be inserted, to follow clause 39: - "Licence Fee. - The annual fee for licences are as specified in schedule 8, computing as from the 1st January, and when by reason of the time of the granting of a licence it will not continue for a full year the amount shall be reduced proportionally."

The intention is merely to insert in the Bill a clause which has been put in the Distillation Bill. There is no clause in this measure that will provide for the payment of an annual licence-fee for a portion of the year. It is necessary to have such a clause.

Senator O'Connor

- What the clause provides for would be done as a matter of course, but there can be no objection to making it clearer.

Clause agreed to.

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Senator O'CONNOR

- I move-

That the following new clause be inserted, to follow clause 50: - "Every manufacturer is responsible for the safe custody of all material and excisable goods in his factory, and for the observance of this Act within his factory."

This is a clause similar to clause 37 of the Distillation Bill. It is necessary to make the manufacturer responsible, as of course he ought to be, for the condition of his factory, and for the custody of all the material and excisable goods therein. Their safe custody is, of course, very necessary, because the only check on the collection of the proper amount of duty is in insuring that no more than the proper amount of material is used in the manufacture. Certainly the manufacturer, who is responsible for the factory, should also be made legally responsible for the condition of these things.

Senator PLAYFORD (South Australia). - I think there should be a clause imposing some penalty upon the manufacturer, provided he does not look after these matters properly. There should be some means of punishing him. This new clause provides no such means. Practically it is only saying what is already the



law. It would be well to go a little bit further, and provide for any such penalty as the collector may inflict. Senator O'CONNOR

- In the first place I would draw the attention of the committee to clause 119, which really provides a penalty in case it should be thought right to proceed under this new clause. In reality, however, the object of the clause is to make it perfectly clear that when there is any contravention of the measure, even by a servant of the manufacturer, the manufacturer himself shall be responsible. In the first place, there is the penalty ; and in the second place it is not the intention of this clause to create an offence, but really to make the manufacturer himself responsible for every infringement of the " measure in his factory. To make it perfectly clear that he is responsible there must be a clause of this kind. Otherwise it might, in the case of a store in which material is kept and which is not provided with a proper lock and key, be said that the manufacturer is not personally liable. Here we practically say that it is no excuse for the manufacturer to state that he puts some one in charge. He himself must be responsible, and is liable for any breach of the measure.

Senator Sir JOSIAHSYMON (South Australia). - This clause will, I think, have no effect, except as a sort of placard or notification to a manufacturer who is engaged in the 'manufacture of excisable commodities, as to the extent of his responsibility. I deprecate the clause if that is all it means. If, on the other hand, it is intended to impose a direct liability upon the manufacturer he should not only have notice that that obligation rests upon him, but there should be an adequate penalty ; so that quite apart from the commission of the offence by a servant in respect of whom the manufacturer would be liable, he should also be penalized if he does not keep his eyes open and exercise that care which he ought to exercise in the custody of excisable goods. If the clause is not intended to create an offence of that kind, to which a penalty would be attached, but is merely to carry into effect a rule of law that the manufacturer shall be personally liable for the acts of his servants and agents, we ought to say so in direct terms. There should be no possibility of misapprehension as to what the clause means. If there is no necessity for personal supervision on the part of the manufacturer there need not be a penalty in respect of it. If on the other hand it is intended to create an offence there should be a penalty. I therefore move -

That after the word "manufacturer" the following words be inserted : - " shall be liable for the acts of his servants and agents, and."

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Senator O'CONNOR

- I would point out to the honorable and learned senator who has moved this amendment, and who, I am sure, has no other object in view than to make this legislation as clear as possible, that there would be rather a difficulty in the way of carrying out his proposal. No doubt every manufacturer is made responsible for the act of his agent or servant by the clause as it stands. 'It is quite clear that if the goods are not in safe custody, or if the material is not in safe custody, and if the excisable goods in his factory are dealt with in any way contrary to the Act, or if the observance of the Act is not strictly adhered to, he is made responsible under the clause. To add to that general liability a provision that the manufacturer shall be liable for the acts of his servants, seems to me to be imposing a liability which it is very hard to estimate. I do not think it is necessary. We are obliged to insert a very large number of onerous and stringent provisions in revenue measures, but we do not want to make them more onerous or stringent than is absolutely necessary. If there is one principle which we ought to follow more than another, it is that we should not impose more liabilities upon a manufacturer for the acts of his servants than is absolutely essential.. The safe custody of all material and excisable goods contained in a factory ought to be the responsibility of the manufacturer, who is the owner and the person benefited. For the observance of the Act within his factory, the manufacturer should also be liable. That is clear. We have provided for that, and where is the necessity for going beyond it, and providing that he shall be liable for the acts of his servants and agents ? If we put the clause in that form, it may give rise to a question as to the meaning of clauses in which that particular expression is not used. Take the Distillation Bill, for instance. That measure provides that every distiller is responsible for the safe custody of all material. It describes the material, and goes on to provide that every distiller is responsible "for the observance of this Act within his distillery." That has been inserted deliberately, and passed by the Senate. Its effect on the whole is to make every distiller responsible for the safe custody of these materials.

Senator Sir Josiah Symon

- I am willing to leave the clause as it stands.

Amendment, by leave, withdrawn.

Senator PLAYFORD(South Australia). - My objection to the clause as it stands still remains. It is all very well to make a statement in the clause that the manufacturer is responsible, but to what extent does that responsibility go? Excisable goods are placed in his custody. Portion may consist of goods which are given to him duty free for the purpose of being made into some excisable article. Take the case of tobacco. A quantity of leaf is given duty free to the manufacturer for the purpose of being manufactured into tobacco, and it disappears. In that event how is the man to be punished 1 There is a provision for a penalty of £10 in one clause, but hundreds of pounds worth of dutiable goods might disappear from a factory, and 'in that case such a fine would be absurd. My first suggestion was that we should leave the fixing of the penalty within the discretion of the head of the department. We cannot provide a hard-and-fast penalty, but when a man makes away with excisable goods or material which ought to have paid duty he should be punished according to the quantity of excisable goods that disappears.

Senator Sir FREDERICKSARGOOD (Victoria). - My difficulty in dealing with the question of a penalty is that it is utterly impossible to tell what quantity of excisable goods may disappear. It seems to me that the matter comes practically under clause 119 and clause 123. The first named provides a penalty of £10, while in clause 123 it is provided that -

If any penalty hereby provided shall be less than three times the value of any goods in respect of which the offence has been committed the maximum penalty shall be thrice the value of the goods.

Surely that is enough, if the clause applies.

Senator O'Connor

- It does apply, undoubtedly.

Senator Playford

- But we provide no penalty at all.

Senator Sir JOSIAHSYMON (South Australia). - On looking at the clause again I do not think that any penalty would be applicable to it. One cannot possibly lay an information against a man for not being responsible for the safe custody of all material and excisable goods. So far as the latter part of the clause, as to the observance of the Act in the factory, is concerned, the manufacturer would be liable to the penalty at to the non-observance of the Act in the particular matter involved. We cannot attach a penalty to the first part of the clause, for that is a mere general statement of the duty of the manufacturer to take care of the goods in his factory, while the provision in the latter part of the clause depends upon the nature of the offence. The clause after all amounts to very little. It is simply a notification.

Senator Playford

- How can we punish the manufacturer?

Senator O'CONNOR

- I have an answer to that question. What the honorable senator really wants to know is this : Supposing goods disappear in large quantities from a factory, who is responsible ? No doubt we make the owner responsible, no matter who carries them away. We make him liable under clause 58, which provides that - All excisable goods manufactured shall until delivery for home consumption or exportation to parts beyond the seas, whichever shall first happen, be subject to the control of the Customs, and shall not be moved, altered, or interfered with, except by authority, and in accordance with this Act.

Penalty : £100.

Senator Playford

- That relates to all excisable goods.

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Senator O'CONNOR

- Whether they are moved away by a servant or not, then by virtue of this new clause the owner is liable, and can be proceeded against. There are several other clauses dealing with the matter. We have to look at the particular offence in order to see whether the owner is liable or not.

Senator Sir Josiah Symon

- We shall want a new clause if we desire to fix a penalty.

Senator O'CONNOR

- Clause 53 provides -

No excisable goods shall be removed from a factory without an entry made and passed authorizing their removal.

Penalty : One hundred pounds.

There are several clauses which cover excisable materials, but I am not able to find them at the moment. Senator Playford will see, however, that the reason for inserting this clause is not so much to create an offence itself as to provide, in the case of all offences, that the manufacturer himself shall be liable.

New clause agreed to.

Senator O'CONNOR

- I move-

That the following new clause be inserted to follow clause 60 : - 60A. Excisable goods and goods liable to duties of customs may in prescribed cases and subject to the prescribed conditions be delivered free of duty, or subject to such duty as may be prescribed for use in the manufacture of excisable goods.

Part VI. deals with " payment of duty, removal of excisable goods from factories and excise control," and I propose to insert this clause at the end of it. The clause is intended to remedy what undoubtedly is a defect in the Bill as originally introduced. Honorable senators will be aware that in the making up of certain goods, such as tobacco, dutiable articles are employed. I understand that in the manufacture of tobacco a certain quantity of sugar and spirits and flavouring essences of different kinds are employed.

Senator Clemons

- By way of adulteration ?

Senator O'CONNOR

- No ; in the ordinary course of legitimate manufacture. In going through the Customs they would be liable to pay duty, and on being incorporated with an excisable article, they would pay duty again when excise is levied. It seems reasonable that there should be some such provision as this, making the matter subject to the Minister, that is to say, the Executive. There may be certain cases in which it would be right and fair to allow a remission of duty, or to allow goods to come in free of duty, or at a prescribed rate, when they are to be used in manufacture. That course may be adopted with perfect safety, because the goods are practically made in bond. There should be some provision to prevent persons who are manufacturing these goods from being called upon to pay duty twice. Similar provisions exists in the State Acts, and the clause has been drafted upon them.

New clause agreed to.

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Senator O'CONNOR

- I move-

That the following new clause be inserted, to follow clause 63 : - 63a. The collector shall furnish to each manufacturer the number of his factory to be called the factory number and the number representing the State in which the factory is situated to be called the State number.

If honorable senators will follow me through these clauses they will see what is the system adopted by the Government in dealing with the manufacture of cigars and cigarettes. The operation of this clause and of clauses 66a and 66b which we propose to insert will be this : That every collector must furnish the manufacturer with the factory number and State number. Every package of cigars must contain the factory number and the State number, which will be placed upon the packages in any form that may be prescribed by regulation. There may be figures at certain dimensions placed in certain positions upon the packages, and figures of such size and position as to indicate at once to every person connected with the excise office or connected with a trade what is the particular factory. So far as the revenue is concerned that will be quite sufficient for the revenue officers. They will know the number of the State and the number of the factory, and it will be exactly the same thing as if the name of the manufacturer of the goods were placed upon the packages. There will be State registries for the convenience of registration, and the number will indicate to the customs officer in what State the factory is situated. This legislation follows the legislation of Canada. Section 261 of the Canadian Act of 1886 provides -

All boxes containing cigars shall have stamped, burned, or impressed into them, or indented in a legible and durable manner the register number of the manufactory where they are made, the number of the inland revenue division in which the manufactory is situated, and the number of cigars contained in each box ; and such stamping, indenting, burning or impressing shall be done in such manner as is determined

by the department of inland revenue.

I have not the section of the United States Act before me, but it is section 3397 of the revised statutes as amended by the Act of 1st March, 1879, and it permits the branding, stamping, or marking to be done by stamping, indenting, burning, or impressing, while as to the mode of doing it the law requires that it shall be done in a legible and durable manner, and the factory number, the number of the district, and the number of cigars must be printed in plain Arabic figures. The reason that provision is adopted in both of those Acts and suggested in this Bill is this : As the trade is carried on at the present time a number of these manufacturers are manufacturers for other persons ; for instance, for a tobacconist carrying on a business with a well-known name, the manufacturer of the cigars puts them up in boxes and packages with the tobacconist's mark and brand upon them. That is a perfectly honest and legitimate method of carrying on business, and to compel the manufacturer to put his name upon them would be to destroy at once the goodwill of the trade mark or brand under which the business has been created. We do not want to do anything of that kind which might interfere with the ordinary legitimate operations of business.

Senator Glassey

- What should we gain by it?

Senator Clemons

- Might not a brand of tobacco be of great advantage in the sale of tobacco 1

Senator O'CONNOR

- The honorable and learned senator is right. The argument would apply to a tobacco, but we are dealing with the matter in a practical way, and I understand there is no objection whatever in the trade to the name of the manufacturer of tobacco being placed on it, while it has been pointed that it would be a great inconvenience to the trade to have that principle carried out in regard to the manufacture of cigars and cigarettes. In dealing with a matter of this kind we ought to be practical, and should not interfere with trade any more than is necessary. Senator Glassey put a very pertinent question, to me just now when he asked what we would gain by it. So far as the question of revenue is concerned we should gain nothing by it, and all our care is to identify where the packages comes from. We want to know where to go in order to get at the persons responsible for the excise. Something has been said as to the possibility of fraud being carried out under this provision, if we do not insist upon having the name of the manufacturer put on packages of cigars and cigarettes. The question of preventing fraud, for the protection of persons purchasing goods put up in a fraudulent way, is altogether beyond the scope of our duty in dealing with the protection of the revenue. It should be done if it is necessary to protect the revenue, but if that is not so we should not only be going beyond our duty but beyond the scope of our jurisdiction, and we might come into conflict with State legislation dealing with this matter. A State has a perfect right to deal with this matter in any way it thinks fit and the different States may deal with it in "different ways. If we went beyond our powers the State law would overrule our legislation.

Senator Clemons

- How can the honorable and learned member say that it is beyond our power to deal with excise?

Senator O'CONNOR

- I do not say so, so long as we adhere to the provisions which are necessary for the collection of excise ; but if we are going, for instance, to make some provision punishing a person for using some fraudulent method of conducting the sale of tobacco, or some method of adulteration of tobacco - unless it is necessary for the protection of the revenue that we should stop such adulteration - we may go beyond our powers.

Senator Clemons

- The Commonwealth has power with regard to trade marks, and that practically covers this matter.

Senator O'CONNOR

- That may be, but it altogether depends upon what particular question may arise. The Commonwealth can only legislate in regard to a number of these matters when the subject is handed over to them, and until it does legislate the State retains possession of the field. I have made a somewhat fuller explanation than I generally do in regard to these matters, because it has seemed to me that it is very important that we should deal with this in a practical way, interfering with business as little as possible while protecting the revenue. This proposal, will protect the revenue, and will not unnecessarily interfere with trade. It follows the well-known lines adopted in Canada and the United States, the Legislatures of both of which

countries have had to meet the question of State rights as we have.

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Senator PLAYFORD

- We are discussing three new clauses, and the principle laid down by Senator O'Connor in his speech was that we should do no more than protect the revenue in cases of this sort. If that is so, why is it that in clause 66 we compel the man who happens to make tobacco or snuff to mark every package with his name and address 1 Surely we ought to compel the man who makes cigars and cigarettes to do the same as the manufacturers of snuff and tobacco. We have broken through the principle laid down by Senator O'Connor in more than one direction. For instance, we have prevented the introduction of exhausted tea. It is not to be excluded on the ground of doing no more than protecting the revenue. We might just as well get the duty of 3d. or 4d. a lb. We cannot say that it is injurious to health, because it has had most of its evil properties taken out. With regard to margarine and other articles, this principle has been departed from. If we do not impose this condition, the danger of fraud will be greater, in the case of cigars and cigarettes, than in the case of tobacco and snuff. I do not think we ought to do anything to make easy the perpetration of fraud on the public. Why do we compel a tobacco maker to put his name on the case 1 Surely it is done to prevent fraud.

Senator O'Connor

- For the purpose of identifying the maker of the tobacco.

Senator PLAYFORD

- Then he might just as well put the number on the case. We know how frauds are committed on the public in regard to cigars. If manufacturers will make a good article, and sell it under their own names, they will get a trade even in cigars and cigarettes. Why should they make an inferior article and palm it off in the name of a supposed superior article made in foreign parts 1 In clause 66 1 shall move that the name and the address and the factory number be printed on the package, and the public will then be protected from the frauds now committed against them, and no man who makes a good article need be ashamed to print his name.

Senator Sir FREDERICK SARGOOD

- The honorable senator has not dealt with this question from a commercial point of view. He is not quite right in saying that a manufacturer need not be ashamed of his article, or that this amendment will tend to facilitate fraud. The reason why the manufacturers object is that the middleman naturally does not want the retail buyer to know where he gets his goods from. That is a very important objection.

If the name of the manufacturer was put on the article, the middleman would go elsewhere ; he would very likely deal with imported goods. Again, supposing that there are three men in the trade in one street, if they all have the same cigars, with- the name of the manufacturer on the boxes, the first thing they will do will be to cut the prices. That would end disastrously to the manufacturer, for all three would cease to buy from him. Then the honorable senator asks why, if the name is put on tobacco it cannot also be put on cigars. I believe that the position of the trade is very different. Tobacco is made by large, well-known firms, who have their own special brands ; they will only sell to the middleman on a distinct understanding - and even a bond is entered into - that the tobacco will not be sold under a certain price, and in the event of any middleman breaking the agreement they absolutely refuse to supply any more tobacco to him.

Senator Playford

- They can do that with cigars.

Senator Sir FREDERICK SARGOOD

- No ; because, as a rule in the States cigar-makers are small men, and therefore are not in a position to dictate the same terms as large American and other firms. What we want is to secure that these cigars shall be sold and bought on their merits. Supposing that one manufacturer turns out three brands - Anchor, Crown, and Royal - although the cigars are practically the same the public are not injured. What advantage can it be to the public to know who make a particular cigar. What they want to know is, is it of good value, and worth smoking ? If they once get a taste for a certain flavoured cigar they get into the habit of asking for that brand, but whether it is made by Brown, Jones, or Robinson, does not matter one iota to them. If the name and address of the cigar manufacturer be placed on the boxes, it will kill the manufacturing trade.

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Senator CLEMONS

- I cannot follow the argument that this clause is necessary for the sake of protecting the revenue. I do not suppose that the customs duties on cigars and cigarettes will yield less than the excise duties, nor do I believe that the consumption of those articles in the Commonwealth will be interfered with whether this clause is inserted or omitted. The object of the clause is obvious. It aims at encouraging the manufacture and the consumption of home-made cigars and cigarettes. But in attempting to secure that end, what is asked of us is to legislate so that we may assist manufacturers in, practically speaking, cheating the general public.

Senator Sir Frederick Sargood

- It is not so.

Senator CLEMONS

- In the Commonwealth the manufacturer of cigars and cigarettes is accustomed to send out under perhaps ten different brands to ten different middlemen exactly the same cigars and cigarettes. These cigars and cigarettes, being distributed through ten different channels, masquerade under separate identities, as if they were distinct cigarettes and cigars. They come from the same factory, are made in precisely the same way, and are of the same quality. But when they are carefully distributed through ten middlemen, they appear to the poor deluded public as ten different varieties. If that is necessary, in the interests of the manufacturer, then he can still be served if we insist upon his name and address being branded on the boxes, reserving, of course, if you want to keep up the cheat, the right to use a dozen different brands for the same article.

Senator Drake

- What does it matter, if they are all of equal quality?

Senator CLEMONS

- This distinction will be clearly drawn, that the purchaser will know who is the manufacturer ; but evidently so afraid are local manufacturers of the fact leaking out that they make certain articles that they do not want their names to appear under any circumstances. If that is not, to a certain extent, attempting to cheat the public, I do not know what is ; and if it is not, to a certain extent, being ashamed of their own product, I cannot conceive what else it is.

Senator Keating

- It is not being ashamed of their own product. It is to overcome an unwarranted prejudice.

Senator CLEMONS

- Certainly, they are afraid to compete on level terms. The cigars and the cigarettes which come from abroad bear some indication of their place of origin, and have in every case, I think, a particular brand. Our local men are afraid to face that situation. We are asked to legislate so as to assist them in cheating the public. I cannot see why we should be asked to pass the clause.

Senator Higgs

- The honorable senator is not on the Government benches.

Senator CLEMONS

- I am really astonished that an ardent protectionist like Senator Higgs should ask for the fact to be concealed that the articles have been manufactured here. Surely he and his fellow ardent protectionists should welcome an opportunity of buying the locally made article. If we do not allow the manufacturer to say - " I made this article, this is Australian born," Senator Higgs and his friends will not be quite sure that they are not buying an imported article. If they want to stimulate local manufacturers at the expense of their pocket and palate, they ought to ask that the manufacturer shall impose his brand on his boxes. Let us be quite certain that we are spending our money on an article that is made in Australia.

Senator PEARCE

- I shall support the Government on this clause, especially after the last speech.

Where ignorance is bliss,

Tis folly to be wise, is an old couplet which might very well be applied here. If a man can enjoy his cigar in blissful ignorance that it is a local article, we should not disturb his contentment. There is a good deal of force in the argument of Senator Sargood. We all know that a prejudice against a local article does exist. We should not go out of our way in any Excise Bill to give such prejudiced persons the information as to where the goods were made. It is not the province of the Government to advertise local firms, or to give

such information to the smoker. Undoubtedly the provision in the Bill does safeguard the collection of excise revenue, and that is all we are concerned in. It is not our duty to supply the information as to where the goods were made when we know that the local article in most cases is as good as, and in some cases better, than the imported article. It is not the province of the Legislature to remove the prejudice against a local article by advertising the name of the manufacturer.

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Senator Sir JOSIAH SYMON

- It certainly is very startling to have an argument, such as that we have just listened to, addressed to us - that there is a prejudice against a local article, and therefore that we are to conceal the fact that it is a local article, and have it sold either under an erroneous description, or by playing on the ignorance of the buyer. I should have thought, agreeing as I do with Senator Pearce very largely, that the Australian-made article certainly in some commodities with which I am acquainted is very much superior to the imported article. But then I think we ought for that reason to take every possible opportunity of not only magnifying these qualities, but of making it known that such qualities belong to the Australian-made article. It is for that reason that I shall support a condition imposing on a manufacturer the obligation of putting his name and address upon the manufactured article. He will have to put it on tobacco, and on other manufactured commodities, and why not on boxes of cigars and cigarettes? It is not that we are seeking to legislate directly to put a stop to misrepresentations made by retail dealers, who, when asked for a particular imported article, may say to the purchaser, "This is the thing you want," so that the buyer will not have an opportunity of checking it. The dealing with that should remain a subject for local legislation. But when we are seeking, for the purpose of excise, to identify the product of the manufacturer, there is no reason why we should limit the means of identification in such a way as to offer facilities to sellers to deceive the public. In the case of tobacco we compel the manufacturer to put on the package his name and address and also the weight and measurement. The weight and measurement provision would be inapplicable to cigars and cigarettes, but we should put upon the boxes containing them the name and address of the manufacturer. It is from that point of view that I believe that, just as "good wine needs no bush," we need not be ashamed of our manufactures.

Senator GLASSEY

- I am sorry I cannot agree with my honorable friend Senator Playford, whose extensive experience in connexion with excise and customs matters we all fully appreciate. There is one point that the honorable senator seems to have overlooked when urging that the name of the manufacturer should on all occasions be put upon packages of cigars and cigarettes. I draw a very wide distinction between a manufacturer of tobacco and a manufacturer of cigars, cigarettes, and snuff, because as a matter of fact snuff is generally made from fragments of tobacco. I have myself "snuffed" for many years, and happen to know something about it. But there is a very wide distinction between the manufacture of snuff and tobacco and the manufacture of cigars and cigarettes. The manufacturer of tobacco, as a rule, is a man of means. He must, at any rate, have reasonably large appliances. He must have a factory, and must buy upon a fairly large scale. But in many instances manufacturers of cigars and cigarettes are not men of large means, though they are thoroughly competent to produce a first class article.

Senator Playford

- Why not put their name on it ?

Senator GLASSEY

- I will endeavour to point out a few reasons why, generally speaking, it would be a mistake to compel a considerable number of manufacturers of cigars and cigarettes to put their names upon the packages. If a man is a manufacturer in a very small way, and it becomes known that he is not a man of great commercial standing, and is not possessed of all the modern appliances for carrying on operations, a prejudice is at once raised against his productions, and he has little chance of succeeding. In Brisbane I know of cases where men have been carrying on the production of cigars and cigarettes, and had succeeded in producing a first-class article ; but if it became known that they were not men of commercial standing a prejudice would be raised against the articles they produce.

Senator Playford

- Not if they produced a high-class article ?

Senator GLASSEY

- Yes. If one of these manufacturers sent a number of boxes into a wholesale warehouse it would be asked - "Who is this man?" If it was known that he was carrying on business down a little alley, occupying only one room, there would be a prejudice against him, and it would be considered that his goods were not worth purchasing. Consequently, to that extent, he would be deprived of his living. There is no necessity for imposing this condition ; and as it will have an injurious effect, I hope it will not be imposed.

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Senator EWING

- I do not think the arguments which have been urged by Senator Glassey are legitimate in connexion with this clause. We in this Commonwealth have nothing to do with the trade of a State. But I do agree with the honorable senator that this clause is quite sufficient. The reason why I agree with it is that the object of an Excise Bill is merely to protect the revenue, and the proposal of the Government will be quite sufficient for that purpose.

Senator Drake

- It is the very best protection.

Senator EWING

- I do not see anything that will do it better. I admit that' Senator O'Connor might in regard to other clauses have seen the strength of the arguments he has advanced to-night. We have passed with regard to wine, regulating the class of spirits that can be put into it, provisions which are not properly the subject of Commonwealth legislation, but we have no right in connexion with this Bill to perpetuate the wrong we have done. The provision of the Constitution which gives this Parliament the control of finance and trade, means the whole trade of the Commonwealth, and does not, the constitutional authorities say, justify us in picking out any particular trade and imposing restrictions on it. We must leave the trade of the various States to be regulated by those trades themselves, and the power given to us by the Constitution does not justify us in imposing such conditions as are now advocated upon any particular trade in any particular- State. I therefore think that the clause proposed by the Government is strictly in accordance with the constitutional position that should be assumed in connexion -with this Bill - that we should only impose such conditions as are necessary for the protection of the revenue.

New clause agreed to.

Amendment (by Senator O'Connor) proposed -

That the following new clause be inserted, to follow clause 66 - 66a. The manufacturer shall mark upon every package of cigars or cigarettes the factory number and the State number before the package is removed from the factory.

Penalty : £20.

Senator PLAYFORD

- I fail to understand the argument that has been used in favour of the clause we have just passed. I do not see why we should not in this Bill insert a provision to prevent fraud. We are told in the most definite manner that the people who are manufacturing cigars and cigarettes very often carry on business in single rooms, and 16 e it is suggested that in consequence of that there may be a prejudice against an excellent article. If the name and address of the manufacturer are not to be put upon the box we know exactly what will follow - that false labels will be put upon cigars and cigarettes, which will possibly be sold as articles coming from other parts of the world.

Senator Ewing

- If that is done, the persons can be punished under the laws of the States.

Senator PLAYFORD

- If lean be shown that such persons will be punished under the State laws it will obviate the necessity of an amendment.

Senator Keating

- They can be punished in three different ways.

Senator PLAYFORD

- Possibly Senator O'Connor may be able to enlighten me on that point.

Senator O'CONNOR

- Before I answer Senator Playford's question I should like to refer to the argument used by Senator Clemons a little while ago. The honorable and learned senator seemed to sniff, in that most



unaccountable way that our honorable friends opposite have, some attempt to introduce protective provisions under the cover of this clause.

Senator Clemons

- No, I did not, really.

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Senator O'CONNOR

- I thought the honorable and learned senator said so. Whether that is so or not, he suggested that this clause would in some way or other induce the people of the Commonwealth to buy the home manufacture instead of getting the imported article. The honorable and learned senator objects to the processes of trade as now carried on. That is to say, one manufacturer may make up an article and supply it to one retail dealer to be sold by him as the "A" brand; he may sell the same article to another manufacturer as the "B" brand, and may sell it to another as the "C" brand, though the article is precisely the same under different names. Senator Clemons thinks that we should take some measure under this Bill to prevent that being done; but there is nothing to prevent its being done in Germany. There is nothing to prevent a German manufacturer making up half-a-dozen different articles, and selling them to different retailers, who would put their own labels on them. Articles which are really the same may thereby be sold under a dozen different names. "Whether that is done here or abroad, what does it matter? If Senator Clemons' view were carried out, we should handicap our own manufacturers by preventing them from carrying on what, I submit, is a perfectly legitimate trade operation, whilst the same trade operation might be done with impunity by importers.

Senator Clemons

- I would not do that at all.

Senator O'CONNOR

- That absolutely follows. If the honorable and learned senator's view were carried out we should hamper and restrict the operations of our own manufacturers in regard to the retail trade. There is no intention under this clause of protecting our own manufacturers, but at least we should not put our own trade at a disadvantage in comparison with the importing trade. Some objection has been raised by Senator Playford and others to the operation of the trade we are dealing with. In the first place, let me say that it is our business here to deal with questions practically. We have to deal with the wine trade, the beer trade, and the distilling trade, so far as we can, without causing injury or disturbance to existing methods of carrying on business, and we have to make our laws operate so as not to cause unnecessary loss to any person. Surely that is practical legislation; and there is the difference between debating - society legislation and legislation carried on by a Parliament which is responsible to the people, and has to deal with practical affairs. If in dealing with the cigar and cigarette trade we find that there is in existence a method of carrying on business whereby manufacturers supply articles to sellers who put their own brands and labels on them, why should we interfere with that practice?

Senator Clemons

- I do not want to interfere with it. Let them do it.

Senator O'CONNOR

- But we should interfere with it by compelling the manufacturer to stamp his name on the packet. It is impossible that a man who has been selling these articles under a particular trade name could any longer sell them in that way if the honorable and learned senator's idea were carried out, because, in addition to that trade name, there would be upon the article an additional trade name which the "purchaser would not be familiar with. I dare say that in the course of years the public would get to know that the old mark, plus the new mark, meant the same thing, but that might take years to bring about, and in the meantime there would be an interference with business, which means money and employment to the people. Why should we do that if we can avoid it? It is that very reason which, no doubt, has operated in America and Canada to bring about the legislation to which I have referred. Identifying by the name of the manufacturer interferes with existing trade operations, while identifying by number does not do anything of the kind. If we can carry out the object of identifying by number without interfering with trade, why should we not do it in that way instead of the way suggested, which by taking upon ourselves some duty of preventing fraud or the possibility of fraud, does not do the revenue any good, and does the persons carrying on this business a great deal of harm? I submit that what I have said is an absolute answer to

Senator Clemons. Senator Playford seems anxious that there should be some provision to prevent such a fraud as he has suggested being carried out. There is. If a person sells a box of cigars, and says they are a particular make, and they are not of that make, it is a fraudulent sale, and the price cannot be recovered, or if the price has been paid it can be got back again.

Senator Ewing

- It is a false pretence, too.

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Senator O'CONNOR

- It may be a false pretence or it may not, and it is true that the remedy suggested by the honorable and learned member might exist in certain cases. I am dealing, however, with ordinary trade operations and the great bulk of cases, and I say that nobody can have any doubt that if a person sells an article warranting it to be of a certain quality or character, which it is not, the purchaser is entitled to recover the money paid for it, or, if he has not paid the money, he is not bound to pay it. I take the illustration, already supplied by some honorable senator, of a box of cigars which has the name of Havana branded upon it, and is sold as a box of Havana cigars, though the cigars may have been made in Brisbane, Melbourne, or Sydney. In such cases it is quite clear that the person who buys the cigars on the representation that they were made in Havana can get his money back. We do not want to have to resort to a Revenue and Excise Act to provide the remedy to which every man is entitled who has been fraudulently treated.

Senator CLEMONS

- I desire to correct a few misapprehensions of the Vice-President of the Executive Council with regard to what I said. The honorable senator said that I seemed to be afraid that there was going to be a difference between excise and customs. I say now that I sincerely hope the present Government will not make the excise duties heavier than the customs duties, or they will treat the local manufacturers very unfairly. But, unless they do that, the revenue will gain by foreign goods being sold instead of local goods. I cannot, therefore, see how any loss of revenue can occur, unless the excise duties are made higher than the customs duties.

Senator O'CONNOR

- On that question will the honorable and learned senator permit me to say that under the bookkeeping clauses of the Constitution a State is to be credited with revenue according to the country in which the article is consumed, and we must be able to follow the excise in that way. The excise to be charged will not be charged in the country of manufacture, but in the country of consumption. The honorable and learned senator will see that we require the particulars and details of manufacture to be identifiable in order to trace the Excise in that way.

Senator CLEMONS(Tasmania). - I was only dealing with the question of revenue. Revenue will be derived by the Commonwealth on the sale of cigars and cigarettes whether they are manufactured here or abroad, only the revenue is called excise when derived from manufactures made here, and customs when derived from goods from abroad. In most civilized countries the customs duties exceed the excise duties, and I hope they will in the Commonwealth. On the other question Senator O'Connor entirely misunderstood me. American tobacco is manufactured by some one who trades as "Williams," and it is sold in different brands- "Williams' Victory," "Williams' Lucy Hinton," and so ad infinitum. I have no objection to the clause being so framed that we shall be able to buy "Dixon's A." "B." "C," and so on ad infinitum. I should like to see Dixon or any local manufacturer have an equal opportunity with American manufacturers.

Senator O'Connor

- Why not call Dixon "No. 5" instead of "Dixon"? 16 e 2

Senator CLEMONS

- Why make a distinction between Williams and Dixon 1 If this question is going to be reduced to the exact condition of equal treatment between local and foreign manufacturers, I agree with Senator O'Connor. I only ask the honorable and learned senator to go no further; while he wants to go a great deal further. What is suggested is that whereas the public may buy the foreign article under various names, when they buy the home manufactured article they are never to buy it knowing that it is made at home. I do not object to this trade trick, which most of us know is going on, whereby the manufacturer in the Commonwealth sends his goods out to the consumer through twelve different channels by twelve

different names. I do not object to that so long as it is quite understood that the article is made here. We are told that to make that clear would be to interfere with the sale ; but I do not think that is a strong argument. If people in the Commonwealth are in the habit of buying cigars called " Amy " cigars, is the sale of the cigars to be stopped merely because you say that they are manufactured by Dixon or Cameron. If they are worth buying, they will still be worth buying, although the public know that they are made in the Commonwealth. Though it may surprise some honorable senators to hear the statement nothing would please me more than to see our manufacturers thriving, and if a manufacturer produces a good article the very fact that that is known is an asset and a help to him, and he can say that if people buy his goods they will be getting a good article.

Senator Pearce

- There is nothing to prevent him putting his name on the goods.

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Senator CLEMONS

- I hope the honorable senator will not use that argument when he is legislating to keep out the name. I see no reason why we should do this seeing that where a good article is made the very fact that such a man makes the article is often a great inducement to the public to buy it. Senator Sir Frederick Sargood appealed to us seriously to legislate for one or two classes, either for the manufacturer or the middle-man. The honorable senator used arguments which were no doubt very good from the manufacturer's or the retailer's point of view, but to me they seemed extraordinary, because they all aimed at fooling the consumer. It does seem extraordinary to say that it is positively desirable to keep people in ignorance. Are we going to so legislate as to keep people ignorant of matters which, to put them on no higher plane, concern their pocket 1

Senator Higgs

- Some one has said - "You cannot fool the people all the time."

Senator CLEMONS

- I do not want to fool them at all, but Senator Higgs, if he votes for this amendment, is going to try to fool them, and he justifies it by saying that they ought to be fooled. We have no right to legislate to deliberately deceive the public, and I appeal to honorable senators to object to legislating as we are doing here solely in the interests of two classes, who represent a ridiculous minority. Senators here who are proud to call themselves democrats are going to legislate distinctly for two classes, the manufacturer or retail seller, while they are ignoring the interests of the majority of the people. I suppose that, though voting for this, they will still call themselves democrats, but I can see no trace of democracy in any such legislation. I am going on the contrary to consider the interests of the majority, and I shall do that by trying to see that they shall not be kept in ignorance.

Senator PLAYFORD(South Australia). - We do not by this compel the manufacturers to deceive anybody at all, because they are at liberty to put what labels they like on their goods. We are, however, still leaving it open to them to commit fraud, and I think that is a mistake. It would be a great deal better in the interests of the manufacturers themselves if they would agree from the very first to put their names plainly and unmistakably upon their goods. By so doing I believe they should increase their sale and should get a good name, which would be much to their advantage. I introduced a protectionist Tariff in South Australia in 1887, and I know there was a very strong prejudice against locally manufactured tobacco. On that occasion I gave the local manufacturer of tobacco the advantage of a protective duty. I anticipate and expect that when the present Government announce their Tariff, it will be found that a similar state of things shall prevail here, and the local manufacturer of cigars and tobacco will have something in his favour that will be an encouragement for him to go on with his manufacture. After the commencement of the protective legislation I initiated, factories were established in Adelaide, and there was at first a prejudice against the local manufacturer, but the local manufacturers - to their credit be it said - from the start put their names upon the packages of their goods. They have been making an excellent article, and the result is, that if, to-day, you ask Dixon or Cameron, or any of the big manufacturers of tobacco for their opinion, they will say that the name of the manufacturer should be on the articles manufactured. They will say that they have built up their reputation and their name, and any one wishing to enter into competition with them should be obliged to put their name on their goods, and should not be allowed to deceive the public. So far as I know, there are very few manufacturers of tobacco in Adelaide or in Melbourne, but

there is a little factory in Brisbane, to which Senator Glassey has alluded, and where he says the cigars are made in one room and the tobacco in another. I am confident that if the local manufacturers will place their names on the articles they manufacture they will never have cause to regret it. They may have a little prejudice to overcome at first, but in the long run they will find that honesty is the best policy. I can see that the majority of the committee are against me, and I shall not, therefore, move any amendment.

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Senator GLASSEY

- I must again differ from my honorable friend, Senator Playford, who seems to labour under the delusion that a good article will sell, while at the same time he admits that when the local manufacturers of tobacco in Adelaide commenced their business they had a very great prejudice to meet, though they were ultimately able to overcome it. The reason they were able to overcome that prejudice was because they had means to stand for a time against it, but I am contending in this matter for a number of small men, who are carrying on operations, in some instances in their own dwellings, and with the aid of their own families, who manufacture a first class article, but who have not the means to stand against that prejudice to which Senator Playford has referred. A first-class article does not always sell. I speak as a salesman of nine years' experience in the wholesale trade. I have seen these prejudices against local articles shown, ! and I know what they mean to a small firm just commencing business. Suppose that two or three men leave a firm like Dixon's or Cameron's, for whom they have been working for years, and start operations on their own account and produce a first-class article. They send the article into the warehouse, either through an agent or on their own account. When a person comes in to buy, he picks up a few samples and asks - " Whom does this belong to." The merchant is not bound to give the information. He is protected, because he knows the manufacturer and the revenue does not lose anything. Who will suffer if the articles are not bought ? Unquestionably the small manufacturer will suffer from the existence of this prejudice. Again, suppose that a first-class article is produced by these workmen on a limited scale, and that it comes into competition with the product of the firm for whom they previously worked. What does it mean ?In some instances, possibly not in all, the big tobacco firm will say to a businessman - " If you purchase these articles from that firm we cannot supply you." That is done every day in commercial life. Unless small men have the means to withstand this prejudice, they must go to the wall. Often, as a commercial traveller, I have heard men say, "If you purchase from so and so we cannot supply you." A business man will say - "It will not pay me to quarrel with the bigger firms. We shall have to tell the beginners that we cannot buy from them any longer." In the interests of the small men it would be very unwise to oppose the proposal of the Government. What can we possibly gain if we insist upon some provision rather than this one?

New clause agreed to. .

Amendment (by Senator O'Connor) agreed to -

That the following be inserted as a new clause : - 66b. The marking of packages shall be plain and clear and in distinct characters, and shall be effected by cutting, burning, or oil paint.

Senator WALKER

- I move -

That the following be inserted as a new clause to follow clause 118 : -

Whoever being an officer either divulges or makes known any particulars concerning the process of manufacture of excisable goods or any matter relative thereto, shall be dismissed and be liable to a penalty not exceeding one hundred pounds (£100), or to be imprisoned for a term not exceeding six months, or to both such penalty and imprisonment.

It will be remembered that on Friday last a division was taken on an amendment to omit from clause 80 the words -

And every stage of process in the making of excisable goods.

The amendment was defeated by fifteen to twelve. Senator Sargood mentioned a very remarkable case where an excise officer, who, in the course of his official duties had discovered a trade secret, divulged it to another man with whom he entered into partnership to the injury of the other. Since last week Senator Gould has received a communication from a large manufacturing firm in Sydney, who say very truly that although my clause might be very useful up to a certain point, they would very much have preferred if clause 80 had been framed on the same lines as clause 46 of the Beer Excise Bill and clause 59 of the

Distillation Bill, in which these words do not occur.

Senator Major Gould

- They were taken out in committee.

Senator WALKER

- If Senator O'Connor is willing to recommend the recommittal of clause 80, and to support the excision of the words objected to, I shall refrain from pressing this clause.

Senator O'Connor

- I would prefer to do that rather than have this clause carried.

Senator WALKER

- I think that the retention of the words will leave an opportunity for a dishonorable excise officer to take advantage of a secret of trade. It has come to my knowledge that a large manufacturing firm in Sydney has had a trade secret for 40 years. The members of the firm and an old employe' of 40 years' standing are the only persons who know that trade secret, and they argue very truly, as there probably will be an excise duty on the article they manufacture, it is ridiculous that they should have to show its component parts when those very parts will probably already have paid customs duty. Surely, when we have an excise duty on an article it ought not to be necessary to have an excise or customs duty on the component parts of the article. Senator O'Connor has already told us that in our legislation we should endeavour to deal practically with questions, and interfere as little as possible with the secrets of trade.

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Senator O'CONNOR

- I have a very strong objection to a clause such as that which Senator Walker proposes. I think he will recognise at once that it is undesirable to put an officer in the position he proposes to put him, that is to say, if no matter under what circumstances he divulges or makes known any particulars concerning a process of manufacture, he is not only to be dismissed, but is to be liable to a penalty not exceeding £100.

Senator Walker

- I am quite willing to accept any reasonable amendment.

Senator O'CONNOR

- I do not say anything about the punishment, because I agree that if a man discloses a trade secret he ought to be very severely punished. My honorable friend puts the proposal in a way which, he will admit at once, cannot be carried. It may be that an officer, in reporting to his superior or to the department, may have to disclose some proceedings which may happen to be connected with the process of manufacture, and it is very doubtful whether he would not lay himself open to punishment.

Senator Dobson

- Put in the words, " Except in the course of his duty."

Senator O'CONNOR

- I presume that Senator Walker will be willing to consent to an amendment of that sort. I think the general experience is that if you put upon an officer the feeling that he is carrying out his duty under the risk of incurring a penalty, or of being subject to imprisonment or dismissal, you very often take away from him the proper exercise of his discretion. An officer whose living lies in his carrying out his duty, is not likely to run any risks unnecessarily and if you make the discharge of any portion of his duty a risky thing for him, you will thereby put him in a false position in regard to the duty he has to perform. He is in a factory, and his duty is all the time to see that th'ere is no defrauding of the revenue. In the case of a perfectly honest factory there might not be much difficulty ; but, even there, there must always be a straining on the part of the manufacturer to see that the excise paid is as little as possible, and a straining ' on the part of the official to see that it is as much as possible, and between them they arrive at what is fair. But we can easily understand that if the officer happens to be enthusiastic in the carrying out of his work, and goes one inch short of what he ought to do, he is practically in the hands of the manufacturer and his assistants. There is one officer who has his statement to make and the interests of the manufacturer are on the other side. Under these circumstances, we are very apt indeed to put an officer in a position in which he may rather neglect to do his duty than run the risk of carrying out his duty if there is a punishment of this sort hanging over him. I do not mean to say that that settles the question. I admit that we ought to interfere with the business of these manufacturers as little as possible. I quite recognise that

there may be a danger in the disclosure of these secret processes. I would very much prefer, as possibly it may be reasonable to meet the case put by the honorable senator, to amend clause 80 by leaving out the words " and every stage of process." It is true that the Government defeated an amendment to omit those words, but reflection, with additional information, has convinced me that something ought to be done in the way of making it almost impossible that there should be this unfair treatment of trade secrets. If the honorable senator is willing that clause 80 should be brought into the same form as the corresponding clause in the Beer Excise Bill, I shall consent to recommit it. I consent to that alteration, because I think the power in th clause without those words will be quite sufficient for all the purposes of protecting the revenue. It is not only my view, but the view of the officers, that there is no necessity for the words " the protection of the revenue." I ask the honorable senator to withdraw his amendment, and I consent to have clause SO reconsidered with the view to make the amendment I have suggested.

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Senator Major GOULD

- If Senator Walker were to withdraw his new clause, and the sense of the committee were to be against him in regard to his amendment in clause 80, it would be perfectly competent, I think, for him to submit the provision again with regard to the punishment. I am very glad that Senator O'Connor is satisfied to omit the words from clause 80, because it will then be brought into conformity with the corresponding clauses in other Bills. I have received a letter, as Senator Walker has stated, but I do not propose to trouble honorable senators with the observations which have been made to me with reference to this clause 80, because it is all in the way of carrying out the proposal which Senator O'Connor seems perfectly satisfied to consent to.

Senator WALKER(New South Wales). - I ask leave to withdraw the clause. We all hope that manufactories will increase in the Commonwealth. The danger would be all the greater if there was not that alteration made which Senator O'Connor is now willing to make in clause 80. So far there have not been many instances of much harm having been done from telling trade secrets, but that danger will increase with the increase of manufactories.

Amendment, by leave, withdrawn.

Senator O'CONNOR

- move-

That the following be inserted as a new clause to follow clause 128 : - 128a. In any Excise prosecution where the penalty exceeds one hundred pounds and the excess is not abandoned the defendant within seven days after service of process shall have the right in manner prescribed to elect to have the case tried in the option of the prosecutor either in the High Court of Australia or in the Supreme Court of the State in which such prosecution has been instituted, and thereupon the proceedings shall stand removed accordingly, and may be continued as if originally instituted in the court to which they are so removed. This clause is in exactly the same terms as clause 237 of the Customs Bill. I think it is a very proper provision to insert.

New clause agreed to.

Motion (by Senator Drake) proposed -

That the Bill be reported, with amendments.

Amendment (by Senator O'Connor) proposed -

That all the words after "that" be omitted, with a view to insert in lieu thereof the words, "Clauses 15, 43, 60a, 80, 114, and schedule 10 be reconsidered."

Amendment agreed to.

Motion, as amended, agreed to.

Clause 1 5 (Time for compliance with this Act).

Senator O'CONNOR

- I move-

That the following words be added at the end of the clause - "but during such period every unlicensed person who manufactures excisable goods shall comply with this Act as if licensed, and the premises on which he manufactures excisable goods shall be deemed a factory."

This amendment is necessary, because in regard to any goods as to which excise is imposed, the excise will be imposed, whether in regard to a licensed manufacture or an unlicensed manufacture. The

amendment is only to make it certain that provisions of this measure will apply.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 43 -

No manufacturer shall manufacture excisable goods at any other place than the factory specified in his licence, or shall manufacture in his factory excisable goods to a greater quantity than allowed by his licence.

Penalty: £100.

Senator O'CONNOR

- I move-

That after the word " licence," line 5, the following words be inserted : " or, except by permission, sell by retail any excisable goods in his factory, or at any place within 50 yards thereof."

This amendment will bring the clause into line with a similar provision in the Beer Excise Bill. It is quite clear that there should be a prohibition against a manufacturer selling by retail at any place within a certain distance of his factory, except by permission.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 60a (Goods for use in manufacture).

Senator O'CONNOR

- This clause enables regulations to be made. It is intended to apply to all goods coming under excise. I find that a mistake has been made in inserting the clause after clause 60 instead of after clause 23. I therefore move -

That the clause be numbered 23a, and be transferred to follow clause 23.

Amendment agreed to.

Clause 80-

Officers shall at all times have complete access to every part of any factory, and may examine, take account of, and note all vessels, utensils, material, and excisable goods in the factory, and every stage of process in the making of excisable goods, and may examine and take copies of or extracts from, all books and accounts required to be kept by the manufacturer in relation to the factory or the making or sale of excisable goods.

Senator Major GOULD

- I move -

That the words, " and every stage of process in the making of excisable goods " be omitted.

This amendment is intended to make the clause conform with the Distillation Bill and the Beer Excise Bill.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 114.

Sell or offer for sale any excisable goods, upon the pretence that such goods are excisable goods upon which Excise duty has not been paid.

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Senator Major GOULD

- I move -

That the word " excisable " be omitted. The amendment will render a person liable to a penalty of £100 who offers for sale goods which are excisable, but on which excise has not been paid. As the clause stands it would not apply to all goods which are dutiable but have not paid duty. The seller might not be liable to a penalty, because the goods, having been smuggled, were not excisable, but dutiable goods. If we omit the word " excisable," however, we render the person liable if he offers for sale goods, whether excisable or not excisable, if they are subject to duty and duty has not been paid upon them.

Senator O'CONNOR

- I have no objection to this amendment, which simply extends the power of the excise officers. The amendment brings the clause into conformity with the Customs Bill.

Amendment agreed to.

Clause as amended agreed to.

Schedule 10 (Tobacco regulations).

Senator O'CONNOR

-I move-

That the following new regulation be inserted, to follow regulation 8 : -

Delivery Book. 8a. Every manufacturer shall keep in his factory in a form approved by the Collector, a delivery book in which he shall enter daily the following particulars in relation to all tobacco, cigars, cigarettes, and snuff removed from his factory : -

The date of removal.

The weight of the tobacco or snuff removed.

The number of cigars or cigarettes removed.

The names and addresses of the persons to whom the tobacco, cigars, cigarettes, or snuff are delivered.

The addition of this new regulation will bring this new schedule into conformity with a similar schedule in the Beer Excise Bill applying to a brewers' book.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported with amendments.

DISTILLATION BILL

Bill read the third time.

BEER EXCISE BILL

Bill read the third time.

PUBLIC SERVICE BILL

In Committee (consideration resumed from 20th September, vide page 5049) :

Clause 5 -

For the purposes of this Act the Governor-

General may from time to time appoint some fit and proper person to be Public Service Commissioner and not exceeding six fit and proper persons to be inspectors. The commissioner shall submit for the consideration for the Governor-General reports as to any matters requiring to be dealt with by the Governor-General under this Act. . . Each inspector shall exercise during the pleasure of the commissioner such powers duties and authorities of the commissioner or inspectors as the commissioner thinks fit to assign to him.

Upon which Senator Pearce had moved, as an amendment -

That the word "commissioner," line 12, be omitted, with a view to insert, in lieu thereof, the words "Governor-General."

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Senator PEARCE

- On further consideration, I think it would meet the case better if I were to withdraw my amendment with a view of moving the omission of the words " during the pleasure of the commissioner." That part of the clause would then read -

Each inspector shall exercise such powers, duties and authorities of the commissioner or inspectors as the commissioner thinks fit to assign to him.

By the amendment I propose we should leave the determination of the question as to whether the commissioner should have the power to suspend an inspector until we come to that part of the clause which deals with them, and it would at the same time be clearly stated that the commissioner should have power to define what the duties, powers and authorities of the inspectors should be. That, I think, is all that is necessary. As it at present stands, the clause provides that an inspector shall exercise his powers and duties "during the pleasure of the commissioner." Subclause (4) of clause 5 provides that the Governor-General may in the case of the illness, absence, or suspension of an inspector appoint some person to act as deputy inspector, and clause 6 provides that the Governor-General may suspend the commissioner or an inspector. It seems to me that there is a confusion of authority, because we find later on that notwithstanding this the causes of suspension must be laid before both Houses of Parliament, who must uphold the suspension, and if they do not uphold it the officer suspended is restored to his office. Then, under sub-clause (5) of clause 6, we find it provided that the commissioner may at any time suspend an inspector for any of the causes for which an officer of the administrative division is liable to be



suspended, and then similar action is to be taken with regard to the inspector as if he were an officer of the administrative division. That means that he is to be dealt with by a board provided for under clause 47 dealing with offences by officers in the administrative division. There seem to be two distinct methods of dealing with the suspension of inspectors, one method under which Parliament is called upon to approve, and the other under which the suspension is dealt with by a board under clause 47. I do not know whether the Postmaster-General will take the amendment I now propose as raising the whole power of the commissioner to suspend.

Senator Drake

- I think it does.

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Senator PEARCE

- I am pointing out that we have in the Bill two methods of dealing with inspectors, and the committee should decide whether that is advisable or necessary. It seems to be that it is inadvisable. Surely a recommendation from the commissioner to the Governor-General in Council for the suspension of an inspector would be sufficient, because as a general rule the Minister would act upon his recommendation, and the advantage of that course would be that the causes of suspension would have to be laid before Parliament. Either that course should be followed or we should follow the other course proposed, and let the commissioner suspend with the approval of the Minister, and let the case be dealt with, not by Parliament, but by the inquiry board provided for under clause 47. For myself I prefer that the suspension should rest with the Governor-General and the inspector should not be at the risk of being suspended by the commissioner. These officers are not in the same position as the permanent heads of departments. They are appointed for a term and in a special manner. Seeing that they are appointed in a similar manner to the commissioner what reason can be given for laying down a special or double method of treatment for them when we find that only one method of treatment is laid down for the commissioner? It may be said that if we excise these words "during the pleasure of the commissioner," there will be no power given to the commissioner to control these inspectors, but even with the omission of those words the clause will still provide that each inspector shall exercise such powers, duties, and authorities of the commissioner or inspectors as the commissioner thinks fit to assign to him. We can imagine that where an inspector does not satisfactorily carry out his duties, if the commissioner recommends that he should be suspended and gives good reason for the suspension, the inspector probably will be suspended. Why should we provide that the inspector should carry out his duties only "during the pleasure of the commissioner," when that will give the commissioner the power to suspend an inspector at any time? It seems to me that the commissioner and the inspectors are really joint officers for carrying out inquiries into the conduct of the public service and reporting to the Governor-General. If that is so, why should one section of this inquiry board be given the power to suspend the other section of it? Why should the commissioner at the seat of government be given the power to suspend an inspector in Western Australia? In my opinion, it is giving the commissioner too much power, and an entirely unnecessary power, because he can do all that is required by reporting to the Governor-General that the suspension of a particular inspector is necessary. If that is done, we shall have the safeguard that Parliament, which is practically responsible for the appointment of inspectors, shall hear the causes of their suspension and shall ultimately decide whether the suspension is to be upheld. Under the provision in clause 47 the board provided for is to be constituted of officers of the administrative branch, and under that method of dealing with inspectors we shall have inspectors tried by a board, over which they may have exercised their powers of criticism and suggestion. I can quite believe that under certain circumstances such a tribunal might be not only a partial, but even an absolutely unfriendly tribunal. I think the committee should consider whether the powers of suspension in the case of inspectors should not be defined distinctly to be the same as those in the case of the commissioner, and for the reasons I have given.

Amendment withdrawn.

Senator PEARCE (Western Australia). - I move -

That the words "during the pleasure of the commissioner," lines 9 and 10, be omitted.

That will leave the power of suspension in the hands of the Governor-General, while at the same time it will conserve to the commissioner the power of assigning to the inspectors their powers, duties, and authorities.

Senator HIGGS

- As a rule I find myself in perfect accord with Senator Pearce, because the honorable senator does not arrive at his conclusions in a hasty way, but on this occasion I cannot agree with him at all. To allow these inspectors to look to the same authority as the commissioner for dismissal would bring about a state of affairs in which there would be considerable differences of opinion, and the public service would suffer.

Senator Glassey

- We would have seven commissioners; that is what the amendment would mean.

Senator HIGGS

- I can see clearly the symmetry of the clauses, and I consider the plan proposed an eminently just one. In certain cases the Governor-General, which means the Federal Ministry, will have power to dismiss an officer of the public service.

Senator Pearce

- Under clause 6 he has power to suspend the commissioner as well.

Senator HIGGS

- Certainly, and I think that is right, because the Federal Ministry and Parliament should be above the Public Service Commissioner. But under the scheme of the Bill the Public Service Commissioner is to be, so far as his duties go, the supreme head, and these inspectors are to be under him. They are to be his officers, and in order that he may get his work done thoroughly these officers must know that if they decline to carry out his orders he has the power to at once suspend them. That is a very necessary power if there is to be any discipline in that particular branch of the service. What a round-about way it would be to provide that the Public Service Commissioner must report an inspector to the Governor-General before he could secure his suspension. The members of the Ministry might be scattered to the four corners of Australia, the Governor-General might be in some remote part, and for weeks, and perhaps months, this inspector is to be permitted to be in office, while his chief disagrees with action he has taken or is under the belief that he has neglected to do his duty. It would be quite a mistake to give these inspectors any idea that their chief has not full control over them if they do not choose to do their duty. Injustice by the commissioner is provided against by clause 47, quoted by Senator Pearce, which provides for a thorough investigation of the case by a board of inquiry. Again, I think it would be a very great mistake that Parliament should be continually bothered with a discussion of the merits or demerits of any particular inspector, in case his chief finds reason to disagree with his action or inaction. Parliament has higher work to do, and I hope we shall not be troubled during our career with many cases of the kind in which the Public Service Commissioner reports that any of his inspectors are at fault.

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Senator Major GOULD

- It does not appear to me that there would be any necessity for such an amendment as Senator Pearce has suggested, even if the honorable senator wants to deal with clause 47. It is very evident, as has already been pointed out by Senator Higgs, that the commissioner is to be regarded as the head of the service, subject, of course, to Parliament, and these inspectors have certain duties to perform that are assigned to them by the commissioner. The omission of the words "during the pleasure of the commissioner," might place the commissioner in the position of being unable to alter the work he had assigned to all inspectors. He assigns certain powers to the inspector. For instance, he may require the inspector to inspect a department in a State, but in the course of the inquiry he may see fit to recall him and send another man to discharge that duty. Therefore, it is well to have a provision such as this in the clause. It can be retained in the clause, and at the same time the object which Senator Pearce desires to attain can be achieved quite simply and easily. I do not, however, think it desirable to place the inspectors in a position which will make them quite as powerful as the commissioner, who is responsible to the Government for the recommendations which are made as to promotions or appointments. The duty of the inspector is to report to the commissioner such facts and circumstances as he may have been enabled to glean by an inquiry into the career of an officer or an investigation into the merits or fitness of an applicant for employment. On these reports the commissioner to a great extent will base his recommendations to the Governor-General. If an inspector misleads the commissioner, the latter should have power to deal with the former, subject of course to whatever may be done by the Governor-General in Council. If we say that the moment an inspector is suspended his case has to be brought before Parliament instead of being

dealt with in the ordinary way by the Governor-General after a board has sat and inquired into the matter - we shall give Parliament an undue amount of work, and will put the inspector in such a position that he will not be a subordinate to "the commissioner as he ought to be. I should be very glad to omit the provision for the removal of inspectors being placed in the hands of Parliament and to leave them subject to the control of the commissioner, and, if suspended, to be dealt with after a board of inquiry has been appointed. As it stands, there are two contrary methods provided. In the first place, an inspector can only be removed under clause 6 -

The commissioner or any inspector may be suspended from his office by the Governor-General, but shall not be removed from office except as hereinafter provided.

It is next provided that the Minister shall cause a full statement of the ground of suspension to be placed before Parliament, and then it will be necessary for Parliament to take action, if he is to be removed from his position, but if it fails to take such action, the inspector is restored to his position. But when we come to clause 47 we find that he is placed in the same category as administrative officers, and the commissioner can suspend and send him to a board of inquiry. Then what happens ? The Governor-General may dismiss him. On the other hand, we find that if the Minister wants to take action he has to come down to Parliament. There are two opposing directions in the Bill.

Senator Drake

- I do not think they are inconsistent.

Senator Major GOULD

- It is undesirable to have a double course of procedure. I would sooner see the whole power placed in clause 47 instead of providing for an appeal to Parliament. Supposing that an inspector is unjustly or improperly treated under clause 47, it is at once open to a member of either House to bring the matter before Parliament, and to have it more fully investigated. You cannot take away from Parliament the power to say finally whether a man shall be dismissed or not. If there is a strong case made out, here is Parliament to deal with it at once. If a man is dismissed under clause 47 as it stands, Parliament can be invoked. But when it can be invoked after a thorough inquiry before a board, there is no necessity to have clause 7 dealing with the inspector, and we had better confine ourselves to clause 47.

Senator Pearce

- Does the honorable senator notice that clause 47 provides that the commissioner may appoint the board ?

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Senator Major GOULD

- The commissioner may appoint a board consisting of three persons. It holds an inquiry and makes a recommendation, which has to go to the Governor-General in Council before the matter can be finally determined. If the Minister finds that there has been any impropriety committed in the investigation, he can hold his hand and say - " I am not going to make a recommendation of dismissal. I am not satisfied with the result of the inquiry. The board was wrongly constituted, and it improperly received or rejected evidence. It arrived at a finding, which on the evidence submitted is wrong." If the Minister does not take that course of action, and there is still ground of complaint, there is Parliament to deal with it. Instead of having one commissioner and six inspectors, I would prefer to have three commissioners and allow them to deal with these cases, because it would avoid to a great extent this bug-bear which certain people appear to fear - of what they term club and social influence. If we had three commissioners, we should have a stronger safeguard against the possibility of either political or social influence being exercised. Three commissioners would guard the service against the exercise of such influence to a much greater extent than one could. If we have but one commissioner, we should still place him in a supreme position with regard to every public servant, as a great responsibility is cast upon him. I would urge members not to do anything which would interfere with the free and unfettered exercise of his judgment and of the powers which we are deliberately placing in his hands. It would be very much better to leave the clause as it stands. I hope that later on a provision will be made to place the inspector in a subordinate position. Of course it would be but slightly subordinate, and it would only be on a very grave occasion that a commissioner would take steps to suspend an inspector. The commissioner is dependent on the inspector for the faithful performance of his duties, therefore an inspector should not be placed in such a position that he could snap his fingers in the face of the commissioner. The commissioner should be his

head, but if he tries to use improper influence the inspector should stand up against it, and if suspended and dealt with unjustly by a board of inquiry, no Minister would sanction it, but if a board of inquiry and a Minister did, no Parliament would approve.

Senator Sir FREDERICK SARGOOD

- The committee has agreed to the appointment of one commissioner and six inspectors, and the clause provides for a salary of £1500 to the commissioner, and a salary of £800 each to the inspectors. That at once indicates that the intention is to make the inspectors subordinate to the commissioner. I do not see how it is possible for the department to work unless that idea be carried out, and to that end it is provided in this subclause that the inspectors shall not do just as they like and discharge what duties they like, but that they shall do as instructed by the commissioner, clearly showing that he is to be the head of the department, and that they are to be necessarily subordinate to him. I support the omission of the words because I do not think they are wanted. The question as to the suspension comes up properly in the next clause. This clause will not be weakened in the slightest degree by the omission of the words, because it will then read -

Each inspector shall exercise such powers, duties, and authorities of the commissioner or inspectors as the commissioner thinks fit to assign to him.

The commissioner can assign to an inspector the duty of going down and inspecting a department in a week, and returning in a week, and in the middle of that inquiry he may assign to the inspector another duty. I think the retention of the words may rather mislead. At first as I read them they appeared to me almost to give the power of suspension. Clearly it is not intended to do that, but I do not see that they are wanted.

Senator Higgs

- It strengthens his hand.

Senator Sir FREDERICK SARGOOD

- I do not think that they strengthen his hand one iota. On the other hand I do not think they will do much harm except that they tend to mislead. I would rather that a distinct power should be given to the commissioner to direct the inspectors to do whatever work he wants as he wants it, and when he wants it.

Postmaster-General

Senator DRAKE

. - I hardly think that this is a proper place to discuss the status of the inspectors. If these words are omitted, it will be necessary to alter the clause, in order, practically, to bring it to the same thing as it is now. The expression " during the pleasure of the commissioner " does not refer, I take it, to suspension at all.

Senator Charleston

- That was the interpretation I placed on it.

Senator DRAKE

- What it means is that the inspector has to perform such work as may be assigned to him during the pleasure of the commissioner. That is to say, it is in the commissioner's pleasure at any time to change the duties which have to be performed by the inspector.

Senator Sir Frederick Sargood

- Could he not do that without these words ?

Senator DRAKE

-No. If the words are omitted we shall have to alter the end of the clause, so as to read - such powers, duties, and authorities, as the commissioner may from time to time order him to perform

As we should get the same result, what would be the advantage of the alteration ? Surely the meaning of the provision is that the inspector has to perform such powers and authorities, as the commissioner may from time to time order him to do. The duties of the inspector are subject to subclause (1), which says that he has to perform the duties as they are assigned to him by the commissioner. The real question which Senator Pearce desires to discuss, and which will have to be discussed and decided, is what status is to be occupied by the inspectors. I have had a consultation with the Minister for Home Affairs, upon whom will devolve the administration of the Act, and he informs me that there is no misunderstanding or confusion, that the powers which are given to the commissioner have been expressly designed with the intention, of making the inspectors clearly subordinate to the commissioner, so that there never will be

any question of a conflict of authority.

Senator Dobson

- As the inspectors have no power, there cannot be a conflict.

Senator DRAKE

- But they will have power if the alteration is made which Senator Pearce proposes.

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Senator Dobson

- I do not think so.

Senator Playford

- They can only have such duties and authorities as- the commissioner may assign to them. \*

Senator DRAKE

- Senator Pearce desires to remove from the commissioner the power of suspension so as to place an inspector more nearly on a level with the commissioner. That desire is shown by the very words he used. He spoke of the inspector as joint officers. He said that if he carries his amendment as he desires, and removes from the commissioner the power of suspending an inspector, then he will have put them more in the position of joint officers. He also spoke of them as constituting a board, and referred to one section of the board suspending Another section. Clearly, what he contemplates is to put the inspectors much more nearly on a level with the commissioner than they are under the scheme of the Bill. "What I think the committee has to decide is whether we shall have six inspectors, who shall be very nearly on a level with the commissioner, or whether we shall have one commissioner and six inspectors, who will simply be his officers, subordinate to him, to go through the States and to collect information for him. It is a clear-cut issue. If honorable senators desire the inspectors to occupy that subordinate position, then we must allow the power of suspension, as is provided in the Bill. If, on the other hand, they want to elevate the status of the inspectors, to bring them more nearly on a level with the commissioner, and practically to constitute a board of any number up to seven, then, of course, the proposal of Senator Pearce to remove the power of suspension will be the correct one.

Senator CHARLESTON

- It seems to me, according to the interpretation of Senator Drake, that the point we are discussing would come in better under clause 6 than under this clause, because he clearly states that if we strike out these words we shall not alter the effect of the clause, as the sub-clause does not provide for the suspension of the inspectors. I presume that Senator Pearce read it as I did, as really meaning that the inspector should exercise his duties during the pleasure of the commissioner - that is to say, that the commissioner, if he was dissatisfied, could suspend him. That is what I thought it meant ; but now the Postmaster-General tells us that that is not the meaning at all. He says that what is meant is simply that the commissioner shall be able to say .to an inspector - " You have been long enough in a certain district, and I shall now send you to another district."

Senator Pearce

- Could he not do that if these words were left out 1

Senator CHARLESTON

- I think so. If the words are left in, it will only tend towards confusion. I think it would be very much better, in the interests of the Bill and the harmony of the service, that the words should be struck out j because the very thing we are discussing is dealt with in the next clause, which provides that the commissioner may suspend any inspector. That is to say, the Bill provides that any commissioner or inspector may be suspended by the Governor-General, and then it goes on to say that the commissioner may at any time suspend any inspector. That is what Senator Pearce objects to. But the opportunity for discussing that will come when we are dealing with the next clause. Seeing that the Postmaster-General has clearly told us that the words Senator Pearce objects to do not mean in any way the suspension of an inspector, but rather the power of changing his duties, I see no reason why the words should remain in the clause. When a man is holding office at the pleasure of another, it means that he can be suspended by that other person.

Senator Drake

- That is holding office, but this is performing certain duties.

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Senator CHARLESTON

- If I am performing certain duties and have to perform them during another person's pleasure, that means simply that I hold office during his pleasure. The Postmaster-General would do wisely to allow the words to be struck out in order to avoid confusion.

Senator HIGGS (Queensland). - I think the question before the Senate is the status of the Public Service Commissioner. The committee have decided that there shall be one officer of this kind, and honorable senators who have bravely fought that battle and been beaten should now give it up. They should concede that we have already decided, to have one Public Service Commissioner. Those who are contending that the inspectors should be under a different authority from the commissioner are taking up the position of those who desire that the commissioner shall have some one else in authority rather than him. The point which I saw when Senator Gould was speaking - and it is a very important one - is this : Having decided that we are to have one Public Service Commissioner, we look to that officer to see that the service is well manned. If we remove these inspectors from his control he will be able to shift his responsibility on to them, and say, if anything goes wrong - "It is not my fault, but the fault of the inspectors." We want to be able to say to the commissioner - "You have full authority over these inspectors, and can suspend them at any moment." If the inspectors are only to be allowed to be suspended by the Governor-General, whereupon the case will come up before Parliament, and be fully discussed, and where the decision may be reversed, there may be some hesitation about suspending an inspector.

Senator Charleston

- Sub-clause (5) of clause 6 provides for a suspension of the inspector.

Senator HIGGS

- But Senator Pearce's object is to take that power away. I think it is far better to allow the clause to remain as it is. Any inspector who accepts a position under this measure knows that he is under the complete authority of the commissioner. I think that the words "during his pleasure" indicate that.

Senator DRAKE

- I will look into this clause, and see if it can be amended so as to carry out the same purpose without any ambiguity.

Progress reported.

ADJOURNMENT

Elections and Qualifications Committee - Privilege - Public Service Bill

Senator CHARLESTON

- I wish to ask a question of the President. It is whether you, sir, can inform the Senate when we are likely to receive the report of the Elections and Qualifications Committee ?

The PRESIDENT

- I have no control whatever over the committee.

Senator HIGGS

- I do not know whether I am in order or not, but I wish to refer to a matter of privilege.

The PRESIDENT

- No ; no matter of privilege can be referred to on the motion for the adjournment.

Senator Lt Col NEILD

- I should like to ask the Postmaster-General when the Public Service Bill is likely to be proceeded with, with some degree of continuity. If I am not out of order, I should like to give my reasons for asking the question.

The PRESIDENT

- I think the honorable senator is out of order.

Senator Lt Col NEILD

- These continual postponements are most wearisome.

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21:59:00

Senate adjourned at 9.59 p.m.