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1901-06-20

Senate.

The President took the chair at 2.30 p.m.

PETITION

Senator Sir FREDERICK

SARGOOD presented a petition from the Presbyterian Church of Victoria praying that the Senate -would pass clause 54 of the Post and Telegraph Bill, and would not allow the Post office to be made use of by gambling institutions.

Petition received and read.

QUESTIONS

PARLIAMENT HOUSE

Senator Lt Col NEILD

-Col. NEILD. - I beg to ask the Postmaster-General, without notice, if he will lay on the table of the Senate tomorrow the proposed agreement between the Government of Victoria and the Commonwealth Government with reference to the occupancy of Parliament buildings, in which we are now met? I ask the question because I see that the proposed agreement has been laid before the State Houses of Parliament, and therefore I assume that it is available.

Postmaster-General

Senator DRAKE

- The agreement will be laid upon the table of the Senate as soon as it is available.

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Senator MCGREGOR

- I should like to ask the Postmaster-General without notice, whether, in view of the inconvenience imposed upon, and the dissatisfaction expressed by, a few Victorian Members of Parliament in regard to the occupancy of this building by the Commonwealth Parliament, the Government will enter into negotiations with the South Australian Government with a view to obtaining accommodation in the commodious Parliament buildings of that State, and thus enable the Commonwealth Parliament to get rid of the present " carpet baggers " who live here, and follow their own bent?

The PRESIDENT

- The honorable senator ought not to argue the matter.

Senator DRAKE

- The expressions of dissatisfaction to which the honorable senator refers have not yet reached me.

HANSARD

Senator STANI FORTH SMITH

-I beg to ask the Postmaster-General, without notice, what is the reason for the delay in issuing the corrected copies of Hansard, and when they will be ready for distribution ?

Senator DRAKE

- The answer to the honorable member's question is as follows : -

The delay has been caused by the many difficulties in the way of the Government Printer of Victoria in carrying out the great amount of additional work that has been placed on him. The revised issues are now being printed and will shortly be circulated.

I may add that it is in contemplation to make some alteration in the system, which will probably result in giving satisfaction.

Senator STANIFORTH SMITH

- Have any copies of Hansard been sent to the newspapers or to the public libraries?

Senator DRAKE

- I do not know. If the honorable senator will give notice of his question for to-morrow, I will answer it.

PRIVILEGE

Money Bills

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Senator EWING

-

I move -

That the Senate is of opinion that the inclusion of such items as the first item of Division 22 of the schedule to the Appropriation Bill is contrary to the provisions of the Commonwealth Constitution Act. In proposing this motion, I might well repeat the words that were used yesterday by Senator McGregor, when he said that no doubt it was the duty of members of the Senate to place the interests of the Commonwealth of Australia before the interests of the various States. With that statement I am absolutely in Accord ; but I feel that we have also a further duty to perform, and that is to see that while serving the Commonwealth to the best of our ability, we do not allow the rights of the States to be lost sight of altogether. Consequently it has seemed to me desirable that I should move the motion that appears on the notice-paper in my name. The idea is not at all original on my part, because it was discussed at considerable length in the debate upon the Bill which has now been called an Appropriation Bill by the Government, but which at an earlier stage was called a Supply Bill. The matter was brought up by Senator Best, but it seemed to be more or less lost sight of in the course of debate. The object I have in view is rather to assert the rights of the States than to prevent the passage of the Bill in question. We realize that the item to which my motion refers has regard to money that has been spent ; and consequently I feel certain that the members of the Senate do not wish to prevent the passage of the Bill unless that be unavoidable. But as a representative of one of the smaller States, I am extremely desirous of asserting the right of the Senate to amend all appropriations of moneys, except those for the ordinary annual services of the Government. The Constitution Act provides, in section 03, that the Senate shall have equal powers with the House of Representatives in all matters saving those directly specified ; and one of those matters is that the Senate shall have no power whatever to amend a Bill for the purpose of appropriating money "for the ordinary annual services of the Government." But the Constitution leaves to the Senate the right to recommend alterations even in regard to a Bill of that kind. The next section, section 54, provides that -

The proposed law, which appropriates revenue or moneys for the ordinary annual services of the Government, shall deal only with such appropriation.

The object of inserting that Section clearly was that the rights of the Senate to amend should not be allowed to be infringed by the inclusion by the Government of any items in the Appropriation Bill which are not " for ordinary annual services " of the Government. It therefore becomes the duty of the Government to divide the expenditure which they are incurring into two classes, and to deal with that expenditure in two Appropriation Bills. Whether that duty is easy or difficult of performance it is not for us to consider. One of these two Bills the Senate has no power to amend, and the other it can amend. It has been suggested to me that it could not possibly have been the intention of the members of the Federal Convention to cast upon the Government the duty of bringing in two Appropriation Bills. Some of the learned gentlemen who were members of the Convention have told me that such certainly was not their intention. But what we have to consider is - what are the provisions of the Commonwealth Constitution Act ? I have heard many gentlemen especially members of the legal profession, arguing for hours and hours with the intention of achieving a certain object, and when they have framed a provision which they thought would attain the end in view, they discovered that they had done something absolutely different to what was intended. Some of the members of the Convention may have been of opinion that they were not giving the Senate the power which has been given to it. But in my humble opinion what we really have to consider is what are the terms of the Act which the people of Australia accepted. There are small States in this union. The whole of the Commonwealth Constitution from beginning to end was a matter of compromise. We were face to face with this position when the Commonwealth Bill was framed - that some of the States of Australia were numerically all powerful. In the House of Representatives those larger States could absolutely dominate the smaller States. Realizing that the power of the purse was really the power of government, it seemed desirable, in considering the powers of the Senate as distinguished from the powers of an ordinary Upper House, that more power should be given to that body than any Upper House of any Australian Parliament previously possessed. As far as I am concerned - and I think my honorable friends Senator De Largie, Senator Pearce, and Senator Staniforth Smith are in the same position - when addressing the electors of "Western Australia upon the desirability of coming into the union as an original State, we urged upon them the necessity of doing so because of the great powers given to the Senate. We said to the electors of that State - " If you lose this opportunity of

obtaining equal representation in the Senate, which will have more powers than any Upper House in any British-speaking country except the Senate of the United States of America, you will lose the opportunity of securing a protecting influence for the smaller States." As far as Western Australia was concerned this was pointed out as one of the redeeming features of the Constitution. Western Australia knows perfectly well that in the House of Representatives she has practically no representation. She has only five members out of a very large number. She realizes that the voice of Western Australia must be a very small voice in the House of Representatives ; and when the cry was raised throughout the State that "you are about to be dominated by the larger States, and your interest will always be made subservient to the interests of the numerically powerful States," our reply was, "How can that be when Western Australia is equally represented in the Senate, and when the Senate has the extended power given to it under this Constitution?" Is it to be urged for a moment that we should take away from the smaller States the rights given to them by the Constitution, merely because it was the intention of certain members of the Federal Convention that they should not get those rights 1 What are those rights ? I have moved to strike out an item under the heading of " Military and naval demonstration in connexion with the opening of Parliament in Melbourne, - and the Royal receptions in Melbourne, Sydney, and Brisbane, £43,500."

Senator Drake

- The honorable senator has not exactly moved to strike it out 1

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Senator EWING

- Ho ; I beg the honorable senator's pardon ; but I have moved a motion which disapproves of its inclusion. Now, my object in moving in regard to that item was that I thought there was a clear-cut line of demarcation between it and an item of ordinary annual expenditure. What is the meaning of the word " ordinary " 1 " I have brought a dictionary into the chamber, which I can refer to if any honorable senator has any doubt about the meaning. Some people will tell you that we are to give some extraordinary construction- to those words in the Constitution of Australia. The Constitution of Australia is an Act of Parliament, an Act of the Imperial Parliament, to which the ordinary rules of construction apply. What are those rules of construction ? That plain words - and it is not often that so many lawyers use such plain words - shall receive their ordinary meaning unless that ordinary meaning leads to an absurdity - to a conclusion which is altogether inconsistent with the other portions of the measure under consideration. I use "ordinary" as I am speaking now. What does it mean? That which occurs from time to time; which is a matter of frequent occurrence; not a matter 'which may not happen for years and years again. Can it be alleged for one moment that this is an ordinary item 1 Can it be alleged that it is an annual item ? " Webster " says that annual means occur-, ring year after year, occurring every year. That which does not occur every year is not annual. The item to which I have . called attention is for neither the ordinary nor the annual service of the Government. What I take to be the meaning of the section in the Constitution Act is . that the Senate cannot amend an Appropriation Bill which has for its object the appropriation of money for the continual services of the Government. The salaries of all officers who have permanency of position come under the head of annual expenditure; but the building of a post-office is an entirely different matter. Say .that we were going to spend £100,000 upon additions to the Melbourne Post-office, this amendment would enable the Senate to express an opinion upon the item ; and it was the intention under the Constitution that the smaller States should have a hold on the purse-strings in order that they might demand a return of as much revenue as was consistent with the proper administration of affairs. I think clearly that was the object. The Senate was not to interfere with the ordinary Government of the community. It -was not to interfere with the payment by the Government of those usual sums that a Government year by year is called upon to pay ; but when it comes to a question of expenditure which is in its nature new, an expenditure which is the creation of the Government, the matter assumes a different aspect. For instance, the Government need not have spent this money unless they had chosen. They need not build a post-office unless they choose.

Senator Stewart

- They would have been horribly disloyal if they had not spent it.

Senator EWING

- Perhaps the honorable senator is right, but I think it clearly comes under the same class of item as expenditure upon a new post-office. May I put the position of the smaller States of Australia ? There are

four small States, speaking relatively, and considering them from a numerical point of view. Queensland-  
Senator Drake

- -No, Queensland is one of the big States, taken numerically.

Senator EWING

- Queensland has how many representatives in the other House ?

Senator Drake

- - Nine.

Senator EWING

- Queensland has 9,- Victoria 23, New South Wales 26, Western Australia 5, Tasmania 5, and South Australia 7. So that it is manifest that one of those larger States could outvote the other States of the Commonwealth. Therefore, if it was suggested to spend £100,000 in Melbourne or Sydney on new works, and they refused to give anything at all to Tasmania or Western Australia, what would be the position of those smaller States if the Senate had no power over an expenditure of the kind ?

Senator Glassey

- The Senate can reduce.

Senator EWING

- If the contention of the Government is right, if they are right in including this item, the Senate can suggest an alteration. But what position does that put us in? Suppose we object to £10,000 being spent in New South Wales. We might strike out the item ; but then we should have to sacrifice the whole Bill.

Senator DAWSON

- Stop the pay of the civil servants.

Senator EWING

- It seems to me that it is unreasonable and unfair to endeavour to put the Senate in a position that I submit it was never intended under the Constitution to occupy.

Senator Best

- It is not denied that we have an absolute right to amend any public works Bill.

Senator EWING

- A public works Bill, yes ; but the honorable senator will see that if an item occurring only once is ordinary annual expenditure, then the building of a post-office is ordinary annual expenditure.

Senator Dobson

- No, one is a question of policy.

Senator Playford

- This is an unforeseen incidental expenditure.

Senator EWING

- Therefore it cannot be ordinary annual expenditure

Senator Playford

- This kind of expenditure is always included in the Estimates.

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Senator EWING

- Of course it is always included in the annual Estimates, but we have never had a position such as exists here to-day. It is included because there was never any necessity for division into two classes of the expenditure of the public money. There was one Appropriation Bill, but this Commonwealth Act contemplates that there shall be two, and the question is, what is to go into one and what into the other] It seems to me that if we are to adhere to the reasonable, and strict, and fair definition of what is ordinary annual expenditure, we depart from the Constitution in including this item in this Bill. It is not for us as senators to give away one bit of the rights of the States to which we belong. We are bound by the Constitution, whether it be bad or good, and it does not lie in the mouths of senators who happen to represent the people to give away the people's rights. The question is what are the people's rights 1 'Now, the real issue that I wish to put to the Senate is this - This item, as Senator Playford suggests, is an extraordinary expenditure. Therefore, it is not ordinary ; and has no right to be here. That, I think, Senator Playford will admit. If it is extraordinary, it cannot be ordinary. It is an occurrence which arose from the conditions under which we found ourselves, and it is not an annual expenditure.

Senator Stewart

- Incidental, like postage.

Senator EWING

- Well, it was incidental to the visit of the Duke of York.

Senator Dobson\_\_

And the opening of

Parliament. Could we not call it ordinary expenditure in an extraordinary year ?

Senator EWING

- I am afraid that Senator Dobson, in his desire to retain this item, has been led to give to plain words an absurd construction. We cannot get away from the meaning of these words. Senator Drake is a lawyer, and I would ask him whether he can quote any authority to show that we can give to words, when they have a plain meaning, not inconsistent with the other portions of the Act in which they are used, another and an absurd construction.

Senator Drake

- I do not propose to go to the dictionary for the meaning of the word "ordinary."

Senator EWING

- Most senators evidently know the meaning of the words in question, but for the benefit of Senator Drake I will read the meaning - "Annual" means a thing happening or returning yearly.

Senator DAWSON

- What is the meaning of "yearly"?

Senator EWING

- It means annual. Now, what is "ordinary" ?

Senator DAWSON

- Commonplace

Senator EWING

-" According to established order, settled, regular."

Senator Drake

- Is that all ?

Senator EWING

- Such as "ordinary forms of law." So that it is even plainer than Senator Drake thought. There is not even a long description of what the words mean. "Annual" means occurring year after year, and "ordinary" means that which happens time after time. I do not propose to detain the Senate any further, but I would submit to honorable senators that this is a very important matter, particularly to the smaller States, because if we allow without protest an item of this kind to pass, then I think it is almost certain that in the future it will be pointed to as an instance of our recognising the right of the Government to include such items in Appropriation Bills.

Senator Sir Josiah Symon

- Or any other item.

Senator EWING

- Or any other items. There is, I think, with regard to this item, a clear-cut distinction. I do not for one moment want to bring about any difficulty with the House of Representatives, but I do want to make clear what is the position of the senators representing the smaller States. I am certain that no one here desires to bring about a collision with the House of Representatives, but I think that in this Bill itself we have some evidence, slight though it may be, that the members of the House of Representatives are not quite prepared to give us that which we believe to be our rights.

Senator Playford

- Do not say that.

Senator Drake

- Look at the way they have behaved.

Senator EWING

- I read speeches made - I will not say where-

The PRESIDENT

- I do not think the honorable and learned senator should refer to that matter.

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Senator EWING

- -Very .well, sir. Even in this Bill itself there is some evidence that we will require to assert our position. I hope that I am endeavouring to do so in a respectful way. I personally think that it is not necessary for us to ask the House of Representatives to give us any concession whatever. All that we are entitled to, all that we want, is our right as senators, and if we get that, then, whether we like it or not, whether it be consistent with our view of the law or not, we ought, and we must, be satisfied with it. I simply wish to place the view that I have formed in this matter before the Senate, and to suggest that, particularly to those smaller States, it is of very great importance indeed that the power over the purse, which, in a limited sense, the Senate has been given, should be preserved to the utmost.

Postmaster-General

Senator DRAKE

. - I must congratulate the honorable and learned senator upon the admirable way in which he has stated his case. I am very pleased that he has taken the course of fixing upon one particular item in this Bill. Of course it will be open for me, if I choose to do so, to fix upon any other item in the Bill and see how his argument will apply to it. I quite agree with the honorable and learned senator also that it is perfectly right that we in the Senate should see that the rights of this Chamber are always preserved. We have this advantage, I think, that having a written Constitution, those rights are absolutely fixed, and I think, therefore, that we cannot be placed at any disadvantage, even if on some occasion the exact line of demarcation between the rights of the two Chambers is not preserved, simply because it could not create a precedent, and would in no case bind either House on any future occasion. I will say this at the outset, that we should bear in mind in discussing this matter that the other branch of the Legislature has behaved, I think, very well towards this Chamber up to the present. We had a Bill sent up which, as was pointed out, was defective in some respects. That Bill was sent back to the other House with a respectful message. As soon as the defect was pointed out to the Government, they took steps to introduce another Bill. The House of Representatives assented to that Bill at once, and sent it back to the Senate.

Senator Charleston

- They could not do otherwise.

Senator DRAKE

- Admitting that the Senate was perfectly in the right, we ought at all events to remember that that right was absolutely recognised. I hope that in this matter, and always in the future, we shall be animated by the same spirit, the same fair desire to act strictly correctly towards one another. The motion submitted by Senator

Ewing raises the question what is an ordinary annual service. It rests entirely upon that basis. Senator Ewing considers that he has a very strong case, and he bases his contention to a very great extent upon the dictionary meaning, of the word "ordinary." We know that there is hardly a word in the English language that is not capable of various meanings," and we all know that the word "ordinary" bears a very different meaning according to the occasion and the circumstances under which it is used. What we want to find out is this : not what is the dictionary meaning of the word, but what the word "ordinary" means in the Constitution in the place where it is used - "ordinary annual services." We can turn back if necessary to the debates which took place in the Convention when this Bill was being framed, and we see there that there was a renewal of the conflict that has been going on for ages in England between the two Houses as to the relative rights of the two Houses with regard to Supply and the power of the purse. The clause that we have under our consideration certainly departs from the practice of the British Constitution in giving to this Chamber greater powers on all occasions either of amendment or of suggestion. With one class of Bills we have the power of amendment not possessed by the House of Lords, and in the other class, where we have not the powers of amendment, we have the power of suggestion, which may be of very considerable importance at times. Still, I think that we were following upon the lines of the British Constitution even when we departed from it, and if we want to know first of all what was the feeling in the minds of the framers of the Constitution, and consequently in the minds of the people of (Australia when they adopted the Bill, we have to go back in the first place to find out what is the practice in the House of Commons and the House of Lords in regard to this subject.

Senator Best

- Would that affect the question if it were inconsistent with the wording of the Constitution 1

Senator DRAKE

- Certainly not; because we have departed from it in giving to this Chamber powers of amendment and suggestion which are not possessed by the House of Lords.

Senator Lt Col NEILD

-Col. Neild. - -This Chamber stands on an entirely different basis.

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Senator DRAKE

- Exactly; what we want to know is, what is the meaning of "ordinary annual services"? In May, 10th edition, page 517, we find what are "the ordinary sessional Estimates." May sets forth that -

The ordinary sessional Estimates are presented in three parts or divisions, comprising the three brunches of the public service - the army, navy, and civil services - and each Estimate contains first a statement of the total grant thereby demanded, and then a statement of the detailed expenditure thereof, divided into sub-heads and items. These Estimates should embody the total amount of the expenditure which is required for each financial year ; and accordingly, by way of example, when an increase over the demands made by the annual Estimates for the army and navy was requisite, revised or additional Estimates were presented, specifying the wants ultimately found necessary for those services.

That corresponds with our ordinary supplementary Estimates. Then May goes on to say-

Besides the ordinary sessional Estimates for the service of the current year, to meet the requirements of the Executive Government, Estimates for grants on account for supplementary grants, and for excess grants, are presented during each session ; and occasionally an application is made for a vote of credit to cover extraordinary naval or military charges, or for such other object of exceptional expenditure as may have arisen during the session.

These are all comprehended under the ordinary sessional Estimates. We are trying to discover what is the correct constitutional meaning of "ordinary annual services," and I am showing now what "ordinary annual services" mean in the House of Commons, according to May. Then we have exceptional grants. I quote now from May, page 524. What are exceptional grants -

An exceptional grant may be required to meet the cost of an Imperial undertaking which forms no part of the current service of the year, such as the £20,000,000 granted to facilitate the abolition of slavery in the British colonies, loans to foreign countries and to Ireland, or the grant for the purchase of the Suez Canal shares.

These are all exceptional grants. Parliamentary authority has to be obtained for these exceptional grants. May continues -

Demands also for pecuniary aid are made by a message from the Sovereign bearing the sign- manual ; the object of these messages being usually to obtain a grant for the maintenance of the dignity and well-being of the Crown, or for the reward of men who have rendered distinguished service to the Empire. According to the practice of the House of Commons then, the ordinary annual services include all the expenditure that is necessary for the purposes of the army, the navy, and the civil service, and exceptional grants that are outside the ordinary annual services include such items as £20,000,000 to facilitate the abolition of slavery in the British Colonies, loans to foreign countries and to Ireland, or the grant for the purchase of the Suez Canal shares.

Senator Major Gould

- And also for fortifications and works according to the footnote.

Senator DRAKE

- Yes; I had overlooked the foot-note. Special votes for fortifications and works also come under this heading.

Senator Ewing

- Is this not a special vote?

Senator DRAKE

- The ordinary Estimates in the House of Commons include all the expenditure required for the year for military purposes, and I am prepared to show that the particular item which Senator Ewing has objected to is part of the military expenditure of the Commonwealth.

Senator Dobson

- The large expenditure incurred in connexion with the great naval review, on the occasion of the visit of

the German Emperor, was charged to the ordinary services of the year.

Senator Lt Col Neild

- Our Constitution is not governed by the House of Commons practice.

Senator DRAKE

- -That is a different argument. Senator Ewing has based his whole case upon the meaning of the words "ordinary annual services." I am showing now, on the best authority, what are considered ordinary annual services in Great Britain. That is a great point. Now, I understand, that Senator Lt.-Col. Neild - who is probably going to speak - wishes to change the ground, and he says that they may be ordinary annual services according to the practice in Great Britain, but that they are not in the same position under our Constitution.

Senator Lt Col: Neild

- That is only a little flank movement to assist the general advance.

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Senator DRAKE

- I turn now to Quick and Garran's Commentaries on the Constitution, to see what is the opinion expressed there on the subject of the ordinary annual Appropriation Bill. It is stated there that - The Senate is precluded from amending proposed laws, appropriating revenue or money for the ordinary annual services of the Government.

Public expenditure may be divided into and considered under three separate headings -

The cost and expenses of maintaining the ordinary annual services ;

Fixed charges on permanent appropriations :

Extraordinary charges and appropriations:

Now, under the heading of ordinary annual expenses we find the following -

The ordinary annual expenses include the various public departments manned and equipped to carry on the general work of the Government departments, such as customs and excise, post and telegraph, lighthouses, lightships and quarantine, naval and military defence, the money to pay for which is voted by Parliament from year to year.

Senator Ewing

took this ground, I think, that the ordinary annual service meant simply moneys appropriated for services which had already been sanctioned by Parliament. If that were so, we could not have any Appropriation Bill at all here yet, because as we are commencing the Commonwealth there is not a single item in the Bill that has been included in a Supply Bill before.

Senator Ewing

- I never said that.

Senator DRAKE

- I have heard it argued that it should simply include items of recurring expenditure, and if that were so, there' would not be a single item that would stand the test. However, to continue this passage -

At the beginning of each session a message from the Crown, especially addressed to the House having the initiation of Money Bills, demands the annual grant of aids and supplies for the services of the year, intimating that the Estimates will, in due course, be laid before the House, specifying the amount required with full particulars and items of expenditure.

That of course refers to the ordinary Supply Bill, but we are not dealing with that now. The passage goes on -

During the session Estimates are laid before the House, showing all the details of expenditure for which provision is required. The Crown is responsible for the preparation of these Estimates, which are presented through its Ministers.

Senator Ewing. - On what page does that appear ?

Senator DRAKE

- On page 669.

Senator DAWSON

- That does not apply to us, because we are under a different statute.

Senator DRAKE

- I am endeavouring to show the Senate what is the meaning of the term "ordinary annual services" as



used in the Constitution, and Senator Dawson may not be aware that I am now reading from the Commentaries of Quick and Garran on our own Constitution, and not from May. At page 674 there is a chapter headed, " The ordinary annual services," and " tacking " is referred to as follows : -

The Senate is forbidden by section 53 to amend a proposed law appropriating revenue or money for the ordinary annual services of the Government. This section is intended to prohibit any attempt on the part of the House of Representatives to embody in the annual Appropriation Bill provisions irrelevant and foreign thereto - a course which would prejudice the right of the Senate to amend or reject such provisions.

Senator Ewing

- What authority is given for that?

Senator DRAKE

- Quick and Garran.

Senator Ewing

- But they do not quote any authorities for that opinion.

Senator DRAKE

- No, they are simply stating what has been a recognised constitutional practice for nearly 200 years.

Now, take the 53rd and 54th sections of the Constitution. I submit it is very clear from both these authorities - the authority of May with regard to the practice in the House of Commons, and the authority of Quick and Garran regarding our own Constitution - what the meaning is. It is intended that this Chamber should only have the right of suggestion in the case of Bills appropriating the necessary money for carrying on the Government of the country, the army and navy, and the civil service. That will cover not only what I should call recurring expenditure - expenditure for the payment of the civil servants - but all votes that are necessary for the carrying on of the Government from year to year. Now, it has been pointed out that this item does not appear from year to year, but there cannot be anything in that contention, because in the case of this Bill there is not a single item that would stand that test ; they are all new items in the sense that they have not appeared before.

Senator Best

- What about the £10,000 item ?

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Senator DRAKE

- In the ordinary course there will be a certain sum appearing one year for a particular purpose, and in another year there will be an entirely different sum put down for quite a different purpose. These items at any rate constitute the expenditure required for carrying on the services of the Government, and if the rule were to hold good, that in every case an amount which was required for some particular service or an item that had not occurred before was to go down in a separate Bill, nearly all the amounts appearing in the Estimates with the exception of the salaries of the civil servants would have to be put in a separate Bill. Now, I think I can show by illustrations that the honorable senator's contention could not be really upheld.

Senator Best

- The honorable and learned gentleman has dealt with the military item, and it may be with effectiveness. But what about the £10,000 item on page 7 for expenditure in connexion with the opening of Parliament and the royal reception ?

Senator DRAKE

- That is a part of the ordinary expenses of the Government. Next year there will probably be something else. We may have some great foreign potentate coming here next year, and if he is to be entertained and an amount is placed on the Estimates to cover the expense, that could be questioned in exactly the same way as the item to which Senator Ewing has taken exception. I would remind honorable senators that when they are arguing on principle it is just the same whether the amount be £1 or £1,000,000. Supposing the Czar of Russia were to come to see us next year, and the Government entertained him, and spent £40 or £50, does any one contend for one moment that it would be necessary to put that item in a separate Appropriation Bill?

Senator Ewing

- Then the Government could put anything in, according to that argument.

Senator DRAKE

- No. I have shown, by reference to what takes place in Great Britain, what the exceptions are and what particular votes it would be necessary to have placed in separate Bills because they involve questions of policy. I contend, however, that these items which have been referred to here are required to carry on the Government, and I repeat that the amount is entirely irrelevant. If it is necessary to put an item of £40,000 in a separate Appropriation Bill we should have to put an item of £4 in a separate Bill if it came under the same rule.

Senator Charleston

- Why not ?

Senator Sir Josiah Symon

- £5 for a Union Jack, for instance.

Senator DRAKE

- If we adopt such a principle as that it will be impossible for the other Chamber ever to decide what amounts will require to be included in separate Appropriation Bills.

Senator Major Gould

- Might it not be a question of policy as to whether the troops should have been brought here to take part in the celebrations.

Senator DRAKE

- I do- not think so.

Senator Major Gould

- But might it not be regarded so ?

Senator DRAKE

- No ; and I will show you what I mean by that. If the contention of Senator Ewing is right in regard to this item of £43,500, it would certainly be equally correct with regard to the miscellaneous items on page 9. We have the item for the draping of the Custom house on account of the death of Her late Majesty the Queen. Does Senator Ewing claim that that item should go into a separate Appropriation Bill?

Senator Ewing

- Yes !

Senator DRAKE

- Then our position will be this : The particular item here that is challenged is one for £43,500. Supposing that we send this Bill back to the other Chamber with a message stating that we will not pass it because the item of £43,500 should be dealt with under a separate Appropriation Bill, and supposing the other Chamber say, "Well, we will withdraw the item and send the Bill back again " ; supposing, further, that the Bill does come back to us without this item, Senator Ewing. may take a similar objection to this item of £90 on the ground that it also should be included in a separate Appropriation Bill. The Bill would have to be returned again to the other Chamber with a similar message to that which accompanied the objections to the item for £43,500. But how long could such a thing as that go on ? How would it be possible if we were to adopt a principle of the kind that the honorable and learned senator has suggested for the two Houses ever to work amicably together, and how would the other Chamber know what are the particular items which it is considered should be dealt with in separate Appropriation Bills ?

Senator Charleston

- Cannot they distinguish between extraordinary and ordinary? The very items are pointed out to them.

Senator DRAKE

- Does the honorable, senator, Mr. Charleston, agree that the £90 should be included in a separate Bill ?

Senator Charleston

- I do.

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Senator DRAKE

- Then we would find a number of other items, down to such small amounts as, perhaps, £6, which would come within the same category.

Senator Ewing

- We are not suggesting that the Government should bring up a separate Bill for each item.

Senator DRAKE

- No; but senators are objecting to particular items, on the ground that they should be brought into a

separate Appropriation Bill. Senator Ewing has taken exception .to this item of , £43,500.

Senator Ewing

- For the sake of the principle only.

Senator DRAKE

- Are we going to discuss the Appropriation Bill and send it back to the other Chamber, saying that this item and that and the other should be brought in under separate Bills 1 I submit that section 54 refers to "tacking" which has been practised in Great Britain, and in some of these States, and which should not be allowed. We know what " tacking " means. It means that when a measure is brought forward involving a large expenditure of public money, the Government cannot get it passed by tacking it on to the Appropriation Bill proper. We know that a Bill involving a change of policy requiring the expenditure of public money must be presented to this Chamber in such a way that it can be amended. We have the cases quoted from Great Britain to show what items must be included under separate Appropriation Bills, such as the vote for the freeing of the slaves, and the vote for the purchase of Suez Canal shares, and loans to foreign bodies. We had a case in Victoria where the Payment of Members Bill was tacked on to the Appropriation Bill in order to prevent the Council from amending it, and there are other cases which I could easily instance to show what section 54 is aimed at. Supposing it were intended to increase the payment of members of the Legislature, that would be a matter that would have to form the subject of a separate Appropriation Bill in order that it might be dealt with and5\* if necessary amended. Supposing again that a scheme for establishing old-age pensions were brought up, involving a large expenditure of money, that would clearly be a matter that should be dealt with in a- separate Appropriation Bill.

Senator Charleston

- Supposing the money had been spent and then put in the Appropriation Bill.

Senator DRAKE

- Of course the Government might do that, but no question of that kind can arise in this case, unless senators are prepared to contend that this, money has been illegally expended. We know that the money has been expended, but no one will contend that it has been illegally expended.

Senator Charleston

- "We could pass it under separate Bills.

Senator DRAKE

- All the money has been expended in the carrying on of the ordinary services of the country, and in the strict sense of the term it is ordinary annual expenditure. I submit that this is the only rule that Ave can adopt in dealing with such items.

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Senator Sir JOSIAH SYMON

- I entirely follow the view that has been so amply submitted to the Senate by the Postmaster-General. Probably his remarks may be regarded as exhaustive ;but at the same time I dare say we are all agreed, as Senator Ewing said, that on an important matter of this kind, when we are on the very threshold of our proceedings in connexion with the procedure of the Commonwealth Parliament, and particularly in regard to the Senate itself, which is founded on an entirely new basis under the Constitution, it is well that every possible light should be thrown on the questions that are raised. I think the Senate will feel that this motion involves a very important consideration, not merely in relation to the large sum which has been chosen from among the items in the schedule to the Supply Bill, but because the motion of Senator Ewing covers a large number of other petty items in the schedule. Amongst others, it covers those that have been alluded to by the Minister in illustrating how ridiculous it would be to ask for a separate Appropriation Bill on these items on the ground that they only appear once, and are not recurring items from year to year, as the salaries of the officers of the various departments may happen to be. I should like to say first of all - and ' it has been said before - that we ought to abstain in every way we can from using provocative language, or language that may lead others who are just as interested in the development of this Constitution as we are to suppose that we are only inviting them to "come on" and have a constitutional struggle. Therefore, if some expressions used in another Chamber seem to us to violate that salutary rule, the dignified course for this Senate is to pay no attention to them until they are brought before us in such a way as to involve an infringement of our just rights and privileges. It is the corporate body, the House of Representatives, with which we have to deal, and not the irresponsible utterances of any particular

member of that House. The second matter which I think should be referred to is, that Senator Ewing alluded to some members of the Federal Convention as having drawn back, so to speak, from the language of the Constitution which they shared in framing, and as saying that although the words employed might bear a particular meaning, that is not what the Convention meant by them. I beg leave to say, as one who had the honour of a seat in that Convention, that we meant every word we used. We did not mean them in the restricted technical sense perhaps, but we meant them in the broad constitutional sense which the language of every constitutional instrument has to bear.

Senator DAWSON

- Why make the Constitution say "shall" at one time and "may" at another ?

Senator Sir JOSIAH SYMON

- I do not think it is appropriate that interjections of that description should be used now, because we are all satisfied that this is a matter that should be discussed on the loftiest plane we can reach. I say again that the Convention intended the language of the Constitution to have full effect given to it, but that it should not be restricted in its interpretation by any verbal narrowness of construction or any rigidity of interpretation, such as would be applied to an ordinary statute in an ordinary law court. I think Senator Ewing has been a little led astray - first by the fascination of the dictionary meaning of the word "ordinary," without sufficient regard to the constitutional interpretation that has been so lucidly expounded by the Postmaster-General ; and secondly by those rigid rules with which practising lawyers are more or less familiar, which are very inelastic, and which though applied to the interpretation of ordinary Acts of Parliament, should never be applied to the interpretation of a working Constitution. That that is so is, I think, plain from a book which has been very courteously handed to me while the discussion was proceeding. It is a book by Mr. Lefroy, a very learned barrister, who has devoted great study to the interpretation of the Canadian Constitution, and associated With that the interpretation of every cognate Constitution. He lays down this proposition, which, applicable as it is to the British North America Act, is infinitely more applicable to our more purely and strictly Federal Constitution in Australia. He says, on page 21 of his book -

Courts of law must treat the provisions of the British North America Act by the same methods of construction and exposition which they apply to other statutes of a similar character ; that is to say, statutes conferring constitutional charters. The British North America Act cannot be construed in a rigidly technical manner.

That is the case in regard to interpretation in the law courts. But even by the law courts, bound as they are by technical rules, which not infrequently work the gravest injustice, a constitutional instrument is not interpreted by those rigid rules but by the application of those wider principles which govern the judgment of statesmen rather than the judgment of lawyers. That course has always been adopted, and its application to the Constitution of the United States of America is finally expressed in the first volume of Bryce's The American Commonwealth, when its author is dealing with that illustrious Judge, Chief Justice Marshall, who did more than the Convention or any other body of men in the United States to expound, to make workable, to throw light upon, to illuminate that Constitution upon which ours is largely founded.

Senator Best

- And to develop it.

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Senator Sir JOSIAH SYMON

- -And to develop it. On page 339, vol. I., of Bryce's. book, honorable senators will find the statement I am about to read, and they will see that Chief Justice Marshall, though trained in the interpretation of statutes by those rigid technical rules to which I have referred, brought to bear upon the interpretation of the Constitution of the United States of America, not only a high degree of legal and judicial knowledge, but also the ripened judgment and wider capacity of the statesman. This is. what Bryce says -

The cases which will arise as to the construction of these general words cannot be foreseen till they do arise. When they do arise the generality of the words leaves open to the interpreting Judges a far wider field than is afforded by ordinary statutes, which, since they treat of one particular subject, contain enactments comparatively minute and precise. Hence, although the duty of a court is only to interpret, the considerations affecting interpretation are more numerous than in the case of ordinary statutes, more

delicate, larger in their reach and scope. They sometimes need the exercise, not merely of legal acumen and judicial fairness, but of a comprehension of the nature and methods of government, which one does not demand from the European Judge, who walks in the narrow path traced for him by ordinary statutes. It is therefore hardly an exaggeration to say that the American Constitution, as it now stands, with mass of fringing decisions which explain it, is a far more complete and finished instrument than it was when it came fire-new from the hands of the Convention. It is not merely their work; but -the work of the Judges, and most of all of one man, the great Chief Justice Marshall.

Now I-nsk : are we in this Senate, not even being a court of law, which might consider itself fettered by rigid rules, to sit in judgment on this question according to a narrow dictionary interpretation of the word "ordinary," or according to the application of narrow technical rules which might govern the interpretation of these words in an ordinary statute ? I reply : nothing of the kind. If it would be wrong for a court of law, fettered and trammelled as it is by its own technical rules, how much more wrong would it be for this Senate, in seeking to make easy the administration of this great new system of government, to adopt any such course ? The contention of Senator Ewing may really be summarized in this way. His contention is, that an item cannot be for the ordinary annual services if it occurs only once. I should like to know whether there is any constitutional authority for such a proposition as that! We all know from our experience of the State Parliaments that every year there are carried through upon the Estimates items which will only appear for that year, but which are treated as part of the ordinary expenditure for the ordinary purposes of government. What does our Constitution say ? The expression has been used more than once by my honorable and learned friend Senator Ewing that the Constitution uses the words "ordinary annual expenditure." But that is not the language of the Constitution. The expression of the Constitution is "moneys for the ordinary annual services." It is not the ordinary expenditure occurring year by year ; it is to make provision for the "ordinary annual services" -that is, the services which the Government ordinarily undertake in the discharge of their daily duties. . That is what it means, and nothing more. Suppose, to take the Postmaster-General's illustration, that the Czar of Russia came to visit us in Australia, and the Minister for Home Affairs - I suppose it would be in his department - choose to buy a Russian flag. I hope there are not many of them in Australia - or at least that they are not looked upon with veneration. Then, according to the contention of Senator Ewing, a special Appropriation Bill would have to be brought down, because the Czar of Russia might not visit us again for the next 50 years. Accordingly, the expenditure could not be treated as part of the ordinary services of the year.

Senator DAWSON

- Suppose the reception of the Czar cost £1,000?

Senator Sir JOSIAH SYMON

- That makes no difference.

Senator Glassey

- Where is the difference in principle?

Senator Sir JOSIAH SYMON

- There is no difference in principle whatever. It is clear that, putting it merely as a matter of money, the expenditure will only occur within the year when it is spent. If the Minister, in the discharge of the duties of his department, had to spend a certain amount of money in connexion with the opening of Parliament, or in paying for the drafting of special Bills, or by way of an honorarium for the preparation of our draft standing orders - an expenditure little enough in all conscience - should we require a special appropriation for that? Surely such an expenditure is in the ordinary competency of the Minister in charge of the department ; and that is what our Constitution means - that it is "ordinary annual" expenditure. It would not be "ordinary annual" expenditure according to the technical interpretation of Senator Ewing, but it would be clearly money for the "ordinary annual services" of the Government. Surely, if expenditure of that kind is incurred, whether it is £5 or £5,000, it ought to be voted in Committee of Supply, and be included in the Supply Bill or Appropriation Bill, and should be dealt with the same as any other item of expenditure that ought to be introduced in Committee of Supply - in the House of Commons, to take the Imperial procedure - or that should be specially moved in committee of the whole. That is the test : either that it ought to be introduced properly and constitutionally in Committee of Supply, and passed through an Appropriation Bill, or else that it ought to be specially dealt with. I will give my honorable friend an example of the difference between two items. One being a marriage portion, which could only occur once-

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Senator Best

- It might occur several times.

Senator Sir JOSIAH SYMON

- Occur once in the particular instance referred to ; or once at a time. The other is an annuity, which, although it occurs from year to year, is to be subject to special legislation and appropriation. I am sorry I have not the latest edition of May, but I will quote now from page 620 of the 7th edition : -

Although every grant of money must be considered in a committee of the whole House, it is not usual to vote in the Committee of Supply such grants as do not form part of the supplies for the service of the current year. Any issue of money out of the Consolidated Fund for any extraordinary purpose, for salaries created by a Bill, or for any other charges of whatever character, not being for the service of the year, after the Queen's recommendation has been signified, is authorized by a committee of the whole House, to whom the matter is specially referred ; and on their report the Bill is ordered, or clauses inserted in a Bill already before the House. As an example of this distinction, the proceedings upon the Queen's message in 1857, relating to the approaching marriage of the Princess Royal, may be referred to. The marriage portion, which was paid out of the revenue of the year, was voted in the Committee of Supply, Just as this is - but the annuity out of the Consolidated Fund, in a committee of the whole House.

That was an exceptional provision.

In adopting this course, former precedents, as well as the proper rules of the House, were consulted ; and in later cases the same course has been followed.

Now, I say the Government in this instance have adopted the course which, according to May, is that which, upon an investigation of all precedent and a consideration of the constitutional position, ought to be followed. Is this money- -that is the question - an expenditure which the Government undertake in the ordinary discharge of the services of the year - the services which they are bound to render to the country 1 I say it is unquestionably ; and that the test, if we want a further constitutional test, is whether it ought properly to be voted in Committee of Supply Can there be a doubt that this was properly voted in Committee of Supply, and that it properly appears in an Appropriation Bill? If not, what possible infringement is there of the powers and privileges of the Senate 1 I myself rather doubt whether this motion is a matter of privilege at all, but still it is the most convenient way of bringing the matter up for discussion. It may be discussed, no doubt, with more freedom than it would be under other circumstances, and it enables us to come to a direct conclusion on a clear cut question with regard to expenditure which may be incurred from time to time. I, for one, am as resolute in the attitude I take up with regard to the powers of this Senate, its equality upon all matters of substance, even in regard to Money Bills, except as to the matter of procedure, as any member of the Senate. In the Convention we were all agreed, I think, finally that these enlarged powers should be retained by the Senate, and we should all be on the alert to prevent any possible infringement or curtailment of our privileges. In this particular case it seems to me that if we adopt this motion we think ourselves aggrieved by a construction which depends not upon a large and constitutional view, but upon a narrow, a dictionary, or a technical legal interpretation of words which are not in the Constitution, because the word used there is " services " and not "expenditure," and which, if they were in the Constitution, would be controlled by the ordinary constitutional usage applicable to all representative institutions.

Senator BEST

- I think the Senate is indebted to my honorable friend Senator Ewing for bringing this matter formally before us, because it certainly does enable us to discuss the various phases of this highly important question ; and it not only makes the Senate alive to its duties and responsibilities, but it has likewise the effect of indicating to members in another place what the views of members of the Senate are. Now, I want honorable senators to realize, as I am sure they do, that we have a joint responsibility with the other branch of the Legislature of making the federal machinery work as smoothly as possible. That is a grave and important responsibility that we should never neglect to remember.

Senator Charleston

- This very discussion is for that purpose.

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Senator BEST

- Quite so ; that is why I am urging it, and we also have to endeavour to discover exactly what the rights of this Senate are, and likewise what the rights of the other Chamber are. Now, I am of the opinion that the other place has no anxiety or desire whatever to encroach upon the rights of the Senate, and I am equally certain that the Senate has no desire or anxiety to . encroach upon the rights of the other Chamber. Therefore, we are placed in this position, that we are now struggling to ascertain exactly what our respective rights are, and whatever they are they certainly should be maintained.

Senator DAWSON

- Why not settle them by a conference ?

Senator BEST

- That was a suggestion I made before, and it is a suggestion I urn going to renew.

Senator Glassey

- 'What is the necessity for it ?

Senator BEST

- Now, my honorable and learned friend Senator Ewing picked out one item and laid particular emphasis upon it. I refer to the item on page 12 -

Furnishing and alteration of offices, Victoria Barracks, Melbourne, £725 -

And he argued from that that if we were going to pass this item we should be practically committing ourselves.

Senator Ewing

- The item of £43,000 was the one.

Senator BEST

- I thought my honorable and learned friend referred to the item of £725, and I understood his argument to be that, if we agreed to an item of that kind, practically we should be committing ourselves to the inclusion in Supply Bills of even such items as the construction of post-offices in Melbourne or Sydney at a cost of possibly £100,000. Well, now, I think it is most definitely laid down, as far as the .Constitution is concerned, that so far as public works and new works are concerned, we have the right of dealing with the Bills in a co-ordinate capacity with the House of Representatives.

Senator Charleston

- "Where is that laid down 1

Senator BEST

- Because the Constitution confines us to the ordinary annual services of the year, and the construction of new works would not come within the ordinary annual services. It was because of the great difficulty I felt in this matter that I intimated as I did to the Senate last week that there were some two or three items in this Supply Bill which certainly were on the border line. The two items which arrested my attention at once were the £10,000 for the opening of Parliament, and the £43,000 for the military display.

Senator Charleston

- That was extraordinary expenditure.

Senator BEST

- - .The point is this - that in that connexion the Treasurer himself referred to these items as extraordinary items. I cannot quote from Hansard, as I might be pulled up by the President, but still we are aware of the fact that these items were referred to as extraordinary items.

Senator Playford

- Not in .,the -sense that they ought not to appear in the Bill, but in the sense that they would not occur again.

Senator BEST

- -I ask, are they or are they not extraordinary items.

Senator Playford

- They are unusual.

Senator BEST

- The word used in another place was " extraordinary, " and I am confining myself to that. Having regard to the actual wording of the Commonwealth Constitution Act, the -Senate may not amend " proposed taxation or appropriate revenue or moneys for the ordinary annual services of the Government. There is not the slightest doubt we must take the very broad interpretation of those words to be that "ordinary"

means "extraordinary."

Senator Sir JOSIAH SYMON

- " Ordinary" means usual.

Senator BEST

- I am referring to. the broad interpretation that was referred to by my honorable and learned friend Senator Sir Josiah Symon. The view I then held was that these were extraordinary items,, but perhaps, as has been suggested, they are ordinary items of an extraordinary year.. The only difficulty about that interpretation is that the Commonwealth Act itself does not contemplate language of the kind. However, we are face to face with the matter and there is not the slightest doubt that the Senate has to resolve exactly what its rights are in that connexion. I say these are border line cases, and as I pointed out on a former occasion, if -we pass them without some degree of protest, it is quite possible that on some other occasion there maybe included a sum, as I illustrated the other day, of, say, . £100,000 for the purpose of constructing certain new works, and not for any matter of a ceremonial character.

Senator Ewing

- Or for entertaining visitors.

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Senator BEST

- The items referred to largely partake of that character. After giving the .matter the fullest consideration, and consulting. authorities, I have come 'to the conclusion that these really must be regarded -as unusual items, but incidental to the annual services of the year. I was exceedingly anxious on this point, because at this juncture we have to realize that -we are creating a precedent, and we cannot let items of an extraordinary nature pass at least without some comment, because, if we do, there will be a possibility of encroachments being made unwittingly upon our rights which may lead to greater and greater encroachments as appropriation 'Bills come up.

Senator DAWSON

- The honorable senator recognises that the items .are extraordinary, but he is willing to back down.

Senator BEST

- I am not backing down. I have had an opportunity of consulting authorities in the meantime, and have given the matter the very best consideration I possibly could, and I do not think this- Chamber would be justified in entering upon a conflict with the other Chamber in this connexion. I do not consider our case is strong enough for that. My personal anxiety and the anxiety, I am sure, of every senator is to avoid conflict with the other Chamber.

Senator Ewing

- But it will not make a conflict.

Senator BEST

- This is what I am afraid of.

Senator Ewing

- But it cannot. That is why I adopted this method.

Senator BEST

- If I felt that we were absolutely firm and strong and right-

Senator Charleston

- It does not matter about being strong as long as 'we are right.

Senator BEST

- If I felt that we were absolutely right -then I would say that we should not shirk the conflict; but that is precisely the point that I am not satisfied upon.

Senator Charleston

- Then why protest if the whole thing is correct?

Senator BEST

- Because these, items are certainly on the border line, and we have to take notice of them. If we did not do so, then there might be an encroachment made upon the basis of our passing these items. .The position I -want to make absolutely clear is that if T felt beyond a doubt that we were right in this action, then I should say it would be our duty to undertake the responsibility of a struggle on the matter. On the other hand, if we are not; - while I think there is great strength in much of the ' argument that has been



urged - if we are not absolutely certain in our position, then I- fear we might injure our-cause and our Constitution rights by attempting a constitutional struggle on items in connexion with which there is room -for so much doubt. I feel that, under the circumstances, a reasonable course to pursue would be to pass this Bill, as it is an urgent one, and then to request the other House to grant a conference for the purpose of laying down -some satisfactory lines in regard to items of a- character such- as. have been suggested. and which will, no -doubt, recur from time to time.

Senator DAWSON

- According to the honorable and learned senator, the interpretation clause of the Constitution Act should be altered

Senator BEST

- I do not think so. I say, with considerable doubt, after consulting authorities, that I am afraid these items do come within a broad interpretation of the Constitution Act. At the same time I am going to urge upon the Senate, in view of the grave difficulty of the matter, that we should have a conference with the representatives of the other House, with the object of coming to an understanding, and with the object and design" of avoiding any conflict where, I am sure, conflict is desired by neither Chamber.

Senator Glassey

- Where is the necessity for a conference at the present time 1

Senator BEST

- My honorable friend will bear in mind what I have said ; that I urge that this Bill may be passed, but that as there are items in it arresting our attention, and as similar items will from time to time recur, we should have some common understanding with the other House as to what items might and might not be included in Bills of this character. I would .urge this upon the serious consideration of the Senate, because I am -sure it is -the individual desire of every honorable senator that we should avoid struggles.

Senator FRASER

- I only desire to 'say a few words. But for section 54 of the Constitution Act there could be no such contention as that which Senator Ewing urges. It is section 54 which enables Senator Ewing or any other honorable senator to raise such a contention. This section was put in the constitution to avoid " tacking." I remember very well that it was put in with that object in view. In times gone by we have had trouble through " tacking."

Senator McGregor

- If the wind is against us -we are bound to " tack."

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Senator FRASER

- My honorable friend is always interesting and nice, but sometimes he is a little bit annoying. That is very seldom,' however, because the honorable senator is so agreeable in manner that one cannot be angry with him. No doubt under a very strict reading of the Constitution it may appear that there is perhaps a slight irregularity in dealing with this matter in the way proposed. No doubt if a huge amount of money was to be spent it might cause the Senate to make a suggestion, but we would not do so in trivial matters.

Senator Charleston

- Principle is principle.

Senator FRASER

- If the Government proposed to spend £1,000,000 or £2,000,000 in building a .Federal Parliament House it would be a very proper subject for a message to the other House saying that it was too much.

Senator Charleston

- I hope we should have power to amend in such a case.

Senator Sir Josiah Symon

- Certainly we would.

Senator FRASER

- We have full power to amend in cases like that. We have full power to make suggestions in regard to the matter under discussion.

Senator DAWSON

- But not to amend. '

Senator FRASER

- :We have no power to amend.

Senator Sir Josiah Symon

- We can amend by suggestion.

Senator FRASER

- My honorable and learned friend puts me right in the use of the technical phrase. In regard to this expenditure, we have the full power of suggesting an amendment. The money has been spent, however, and I think that it has been rightly spent. Therefore, I, for one, will support the Government in regard to it. In my opinion, it is not an infringement of the Constitution Act or of the right of the Senate.

Senator HARNEY

- I listened with great interest to Senator Ewing, and I with other honorable senators think that we ought to be thankful to him for having taken advantage of this point to enable us to discuss our constitutional rights. I must say that I should have been glad, since this is the first occasion on which the point has arisen, had I been able to agree with Senator Ewing I kept an open mind. I listened to what Senator Sir Josiah Symon had to say, and I must say that I am now perfectly satisfied that the item is correctly put in the Estimates. The point seems to me to turn upon the word "services." It is the "services" that must be "ordinary annual," and not the expenditure upon the services. For instance, the upkeep and maintenance of our various administrative departments are "ordinary services." Now while it will be necessary year after year to provide for those services, there may be very unusual items cropping up in one year, which will never appear subsequently. Who can say, for instance, that it is not an ordinary annual service to open Parliament, and who can say that it is a departure from that service to open it with laurels and gaiety. The ordinary annual services of a man's household include a Christmas Day and a birthday, and they may include the entertaining of a friend. Will any one say, however, that because this year I entertain in my house a friend that I will never entertain again, therefore the expense I am put to in connexion with it does not occur in my ordinary annual domestic service. If honorable senators keep it clearly before their minds that it is the services that are "ordinary annual," then there will be no confusion, because we can lay our fingers upon those things, which for the upkeep of the Commonwealth must recur year after year. If the Estimates in dealing with these things put in items that are appropriate to them then, the mere fact that these items are now and then of an unusual character, that they appear this year, and will not appear perhaps for a hundred years hence, does not alter their classification from being items in the "ordinary annual services."

Senator Stewart

- What about building a new Parliament House?

Senator HARNEY

- The distinction there would be this. The building of an entirely new Parliament House would not be within the "ordinary annual services" any more than the building of a new private house would be within the annual upkeep of one's house. Such sums as are appropriate and necessary to keep up Parliament House, to beautify it a little, to do something with the object of seeing that the various offices in it are made comfortable, to build another office - all this would come within the category of the maintenance of Parliament, and therefore would be ordinary annual expenditure.

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Senator DAWSON

- What about the expense of shifting the furniture from Mr. Speaker's room ?

Senator HARNEY

- That is an ordinary annual expenditure because, although we will not have to shift the furniture, I hope, again, still the shifting of the furniture falls within that class of duties which it is necessary to discharge in the upkeep of Parliament.

Senator Lt Col NEILD

-Col. Neild. - I think that was a little "Mason-ic" function.

Senator HARNEY

- I heard the Postmaster-General say, in reply to Senator Ewing, that the mere fact that we had a written Constitution should make us a little more lax in these matters. I hope the honorable and learned gentleman will excuse me for saying that I entirely disagree with him.

Senator Drake

- I did not say that; I said our rights, are safe.

Senator HARNEY

- There is no doubt that as long as we have our rights projected in print under this Constitution they cannot be destroyed by any precedent, but they can be seriously hampered, because a precedent will always be taken advantage of by those who know it is wrong, but who can turn it to their own ends, or by those who, being incapable, or not having the time or the energy to study the question, will accept that as right which has been done by their predecessors. If we, at the opening of our Parliament, neglect to scrupulously differentiate our position from that of the other House, it will be much more difficult for us to assert our rights hereafter. I think there is every excuse for us being captious and critical at this stage in everything we do. Remarks are floating about in the press - I know I should not have mentioned that - but remarks are going about that we are merely spoiling for a fight in the Senate. All those who have at heart the spirit of the Constitution must know, however, that if our federal union is to work smoothly at all it can only be done by making the two Houses run as nearly as possible abreast. Having regard to the way in which the Constitution is drafted, our only chance of coining up to our proper position side by side with the House of Representative is by taking advantage of every elastic element in the Constitution ' to stretch forward our rights. There are many such elastic elements, and, if we lose no opportunity of asserting what we believe to be our rights, we shall establish a group of precedents and customs such as are in the British constitution, that will, so far as the

Senate is concerned, give it the co-ordinate jurisdiction, which by the technical construction of the Act, it would be denied.

Senator CHARLESTON

- I regret that so many honorable senators have spoken in such a way as to lead one to suppose that those who are taking the side of Senator Ewing are anxious for a struggle or a conflict between the two Houses. I think there has been a little bit of lecturing on the part of some honorable-, senators in regard to this matter.

Senator Ewing

- Some honorable senators are very fond of lecturing.

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Senator CHARLESTON

- We are at the beginning of our career and we are anxious, especially those who are associated with the smaller States, to have our position clearly defined, particularly on financial matters. We can see, as has already been pointed out, that in the other House the smaller States are completely out-numbered, and that this is the place where the powers and privileges and rights of the States must be conserved. I think, therefore, that at this early stage we are entitled to discuss matters in such a way as to lead us to a fair and just consideration of our position. Now, I am very grateful to Senator Ewing for having raised this question,, and I think we ought to know at this stage what is understood by " the ordinary annual services of the Government." I understand the Government to be practically the executive committee of both Houses of Parliament, to whom we have delegated certain powers, and to whom we have given certain rights in connexion with the management and control of the various departments. In order to carry out their duties they must incur certain expenditure, which must recur annually. The services rendered will be annual services, and we need not enter into very serious discussion of these matters, because they may be disposed of as fair ordinary expenditure. The Government practically present to us a statement of what it costs them to manage the departments for the year in the ordinary way, including the payment of salaries and so forth and if we attempted to amend or alter their statements we should very materially interfere with the practical management of our executive committee, because the wages must be paid, as has been already agreed upon. But when it comes to a matter which is not usual - and the Government may, perhaps, for some self-glorification incur a large expenditure - we should have that expenditure brought before us as a separate item, and not have it included amongst the ordinary items that must be passed,-' so that we may pay our accounts as honest people. This special item may be one involving, a matter of policy, and we must have the right to challenge, or even to refuse to pay, if we consider the expenditure has been unnecessarily incurred. Therefore it is quite clear that if this Senate is to have any control whatever over the expenditure, and the right to review any unusual items, they must be presented to us under special Bills, and not in the ordinary Supply or Appropriation Bill. In such case we can deal

with the actions of our executive committee; and can condemn them, or otherwise, according to the way in which we think they have conducted the affairs of<sup>1</sup> the Commonwealth. Some honorable senator has suggested that practically a new post-office might be built, and the money expended set down as an item of ordinary annual expenditure.

Senator Dobson

- No, it could not<sup>1</sup>; that is a question of policy.

Senator CHARLESTON

- Well, that has been argued, and if we are to agree with the view taken by several honorable senators, it would be possible for the Government to build a post-office; and- to contend that the expenditure was necessary to enable them to carry on the ordinary work of government.

Senator Ewing

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- The same thing might apply to the building of Parliament' Houses; -as being necessary for the carrying on of the business of the country.

Senator CHARLESTON

- Yes. I quite agree with honorable senators who have stated that we are dealing now with a matter of principle, and not with the question of amount, because it does not matter whether the amount is a farthing- or £100,000. The question is whether we are right in contending that all things out of the ordinary way should be submitted to us under separate Appropriation- Bills, so that we may have an opportunity of expressing our opinion as to whether the expenditure has been justifiably incurred- or not. We do not desire to interfere with the expenditure necessary for the carrying on of what may be- termed our household, affairs, but we have a right to call the Government to account for- any extraordinary items of expenditure. I know it is said that this Senate cannot make or unmake Ministries, but we can take up such a position that we can compel them to retire unless they carry out the wishes of. this Senate, as well as those of the other House.

Senator Drake

- It depends upon how many guns we carry.

Senator CHARLESTON

- That does not matter,, because we can block the Government business, and thus force our opinions upon them. We have had quotations made from: that very high authority, May, but the quotations may not be applicable to our circumstances- at all, because in Great Britain they have to deal with a very different condition of- things. We are not like the House of Lords, . but we represent different States, and have a perfect right to watch and safeguard, the interests of the States, and see that no combination of any parties in the other branch of the Legislature shall be able to force expenditure upon us that we have no desire to incur. I think it was also urged that the whole of the items were extraordinary, because we had no " service prior- to this. I grant that that is correct; but the services for which -we are now providing will be annual after this,? and we are now appropriating moneys for the year. Salaries have to be paid out of the moneys we are. now providing, and I contend therefore that, although we- did not exist before, and therefore there are no precedents for our present expenditure, we are still dealing with the annual service, inasmuch as we are anticipating, services which are to be rendered to us during. the year. I contend, therefore, that we have the right to criticise and.' amend, if necessary, any extraordinary expenditure that may be incurred by the Government.

Senator Sir John Downer

- But is this extraordinary<sup>1</sup>!

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Senator CHARLESTON

- I am inclined to think that the question raised by Senator Ewing is upon an extraordinary item of expenditure. We know perfectly well that it "was incurred honestly in order that we might conduct the opening of Parliament with something like eclat, and we would doubtless pass the item without any question. Some one has suggested, however, in connexion with the transference of troops for the opening of Parliament, that perhaps on some other occasion the Minister of Defence may desire to remove troops from one State to another to the injury of one or other of the States, and that the expenditure involved might be brought down in an ordinary

Supply Bill and placed beyond any question.

Senator Sir Josiah Symon

- Would not that be part of the ordinary expenses of the year?

Senator CHARLESTON

- I say the troops might be moved for some special reason which might inflict an injury upon an individual State, and therefore I think that we should have an opportunity of reviewing the action of the Ministry. We are indebted to Senator Ewing for having referred to this very important matter. It has been suggested that the Czar might pay us a visit, and that the Executive might decide to go into a large expenditure, to have the streets illuminated and decorated, and have troops gathered here from all the States. If the expenditure were brought down as an item in an ordinary Supply Bill we should not be able to say anything about it, and I ask whether that would be a right thing; I say no. We might desire to condemn the Ministers, or we might wish to reduce the amount of expenditure, and we certainly should have the right to amend the Bill containing such an item.

Senator Drake

- But supposing that the expenditure were moderate instead of heavy ?

Senator CHARLESTON

- It does not make a bit of difference whether it is moderate or heavy.

Senator Drake

- That is what I think.

Senator CHARLESTON

- The principle is the same and the point is as to whether the Executive have a right to spend this money without coming to tell us what they have done, except in such a way that we cannot object to their having done so. We are told that this provision in section 54 has been placed in our Constitution to prevent any "tacking," but I have pointed out that the Post-office might be tacked on to such a Bill as this, and we should have no right to say anything about it;

Senator Sir Josiah Symon

- That is all prevented by section 54.

Senator CHARLESTON

- I say that, according to the arguments of honorable members, there is practically no difference in an item for the building of a post-office and that which we are now asked to pass as an item of ordinary expenditure.

Senator Ewing

- Senator Sir Josiah Symon says that the items in the Bill may include amounts for services ordinarily performed.

Senator Sir Josiah Symon

- But it would not be an ordinarily performed service if a Ministry built a new Parliament House or a post-office.

Senator CHARLESTON

- But it might be claimed that the money was spent in order to enable the Ministry to carry on the annual services; and, after spending the money, they might put it into a Supply Bill as ordinary annual expenditure. We should then be expected to pay and say nothing. The honorable Senator Best spoke as if he were desirous of making a protest only. I have no desire to make a protest unless I think there is something wrong. If the Government have done right, why should we protest? We should only protest if we believe that the Government have done wrong, and that the items to which we take objection are not ordinary annual expenditure. I protest not with a desire for conflict, but with a desire to place ourselves in a correct position in our relationship with the other House, and so that we may know fully our powers in dealing with the finances. We have connected with the Senate at least two of the ablest constitutional lawyers in Australia, who were members of the drafting committee of the Federal Convention that framed the Constitution. I refer to Senator O'Connor and Senator Sir John Downer, who with Mr. Barton composed the drafting committee of the convention. We must be largely influenced by the opinions of these gentlemen. Senator Sir John Downer is fortunately with us to-day, and he has given a great deal of thought, not only to the words used in the Constitution, but to what the Convention intended these words to express. I trust that we shall hear his opinion before the debate closes. I am extremely grateful that

Senator Ewing has brought the question forward, and I am quite sure that the discussion will not be a waste of time, because it will place us in the position of knowing clearly what our attitude ought to be in future.

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Senator Sir JOHN DOWNER

- I do not, like several honorable senators who have preceded me, feel particularly obliged to Senator Ewing for having brought this motion forward, because I do not think there is any substantial question in it at all. In connexion with every man's finances he may reckon up what he expects to have to spend during the year, but he will always find, no matter how careful he may be, some unexpected and unforeseen item which crops up and which makes his expenditure greater than he expected. These extra items of expenditure, however, it is as certain as death that he will have to pay. He may be a "good boy," and yet these unexpected demands upon his purse will occur. In every Government, every Treasurer who is framing his Estimates always has to allow for unexpected and unforeseen items. He uses his intelligence as far as he can, and thinks that in the ordinary course of things he may have to provide for a certain amount of hospitality. He thinks, perhaps, he may have to entertain 50 or 60 guests. But it turns out that he has to expend money for the entertainment of 500 or 600, or even 1,000. In that case there comes in such unexpected and unforeseen expenditure as that to which I have referred. There are such items in the Estimates of every State, as far as I know. The item to which Senator Ewing has called attention is ordinary expenditure, although- it may not be annual expenditure. There is no one who is more determined to stand up for the principles of the Constitution than I am ; no one who is more determined to resist inroads upon the terms of the Constitution, and to assert the rights of the Constitution : no one who is more resolved to insist that we have the power of removing Governments when the time comes, and of asserting in ways that are not expected at the present moment - quite apart from the notions of the old constitutionalists - the powers of this Senate. But at the same time I hold that we can only be strong as we are right and just.

Senator GLASSEY

- And where we have a case.

Senator Sir JOHN DOWNER

- Exactly ; and it is because I respect the Constitution that I will be no party to asserting a right that I do not believe has any substantial existence. As far as concerns the important matter brought forward by Senator Ewing, I believe that we have no right in the world to say that this is not "ordinary annual" expenditure. It does not alter the circumstance that the expenditure may not occur more than once in 20 years. I put the familiar instance - which is really not my idea, but that of Senator Playford - of the unforeseen and unexpected expenditure which we always have in every Treasurer's Budget, and I hold that this particular expenditure would come under that category, and be unforeseen and unexpected expenditure.

Senator Sir Josiah Symon

- In this world "the unexpected always happens."

Senator Sir JOHN DOWNER

- My honorable and learned friend is quite right. As I began by saying, one has only to think of one's own ordinary concerns. The frugal man maps out his expenditure, and desires to make it go as far as he can ; but he always takes it as a matter of course that there will be other items that he cannot foresee but which will have to be taken into consideration. If we are going to assert our rights upon matters of this kind, I fancy we shall be likely to get into trouble. Let me give another example. We live under a Constitution at the head of which is a King. I hope that the King will come to see us some day or other. Could it be said, if His Majesty choose to come and visit us, that the expenditure in connexion with his visit would be extraordinary expenditure?

Senator DAWSON

- Of course it would.

Senator Sir JOHN DOWNER

- Does the honorable senator think that any expenditure of that kind would be an extraordinary expenditure? If so, I disagree entirely with his view. I say that our Constitution consists, among other things, of a King, and if the King came to visit us, the expenditure in connexion with the visit of His

Majesty would not be extraordinary expenditure. It might occur extraordinarily seldom, but when it did occur it would be expenditure within the very lines of the Constitution, and would be ordinary expenditure.

Senator Harney

- His coming would be extraordinary, but the expenditure would be ordinary.

Senator Sir JOHN DOWNER

- My honorable and learned friend is quite right. Therefore, I hope we shall not seek an undue conflict with the other Chamber upon a matter which is really free from doubt, but that we shall agree that under the circumstances expenditure relating to the visit of His Royal Highness the Duke of Cornwall and York was expenditure ordinarily within the terms of the Constitution.

Senator DAWSON

- It was not " annual " expenditure.

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Senator Sir JOHN DOWNER

- The honorable senator does not want it to occur annually, does he? It is "ordinary" expenditure properly included within the regular Estimates.

Senator DAWSON

- Let the honorable and learned senator look at section 54.

Senator Sir JOHN DOWNER

- That section was put into the Constitution Act very cautiously. It was inserted to prevent tucking on to the Appropriation Bill items or Bills which had no special relation to the subject. I say that I never stood up for our rights more strongly than I am doing now, when I stand up for the rights of both Houses and for the rights of the Constitution. There is no tacking here at all. It is "ordinary " expenditure in the best sense of the word. We can only expect to maintain our rights, which, I am prepared to assert on every opportunity, by being just and true to the rights of the other branch, of the Legislature.

Senator Sir FREDERICK SARGOOD

- When the Bill, which is the subject of this motion, was first introduced and circulated, my eye naturally caught the two or three items which have been discussed. At first sight they appeared to me to be out of the ordinary course; but looking into the matter more closely, I felt that it was not worth while to raise the question. But, when my honorable and learned friend, Senator Best, brought the matter up, bearing in mind that he graduated in another place, where he has been in the habit of looking at things from a different point of view to that which he now takes, I felt that the matter was worthy of grave consideration. I have been enabled since then to look at the subject afresh, and also to obtain reliable advice ; and I can only say that the result of my inquiries so far is that I am quite unable to support the motion of Senator Ewing. If he is right in his contention, where is this to end ? We shall be perpetually at loggerheads with another place as to any item, large or small, coming within the designation of " ordinary annual services." I see no end to it. Then again we have to bear in mind what the object of the section is. It was not intended in any way to interfere with ordinary expenditure fairly incurred by the Government in connexion with matters arising during the year, whether that expenditure was exceptional or not. It was inserted, I believe, wholly with the view of preventing a tack being made, and for no other purpose. In fact, I can conceive of no other purpose than to prevent tacks, from which we in Victoria have suffered severely in the past, and in connexion with which the Legislative Council has had to fight for its very life. But the expenditure in question does not seem to me to entrench upon what may seem to be the rights of this House under section 54. The section is very debatable, and whenever we come into collision with another place upon it let us, at all events, select our ground. Let us see that we are on good solid ground. Differences may arise by-and-by, and when they do arise - I hope it will be a long time before they do - I hope they may be settled by a general conference, conducted in good spirit. I say this because I am convinced that both Houses ought to have simply the best interests of the country at heart. But do not let us unnecessarily rush into a conflict. Moreover, by letting this matter go by, we do not in any way alter our position under the Constitution Act - not in the slightest degree. Some may say that this expenditure comes under the 54th section, which would have enabled us to deal with the subject in a different way than if it came under section 53. I must confess that from the first passing of the Constitution Act I have never seen any great difference between matters that take place under section 53 and those under section 54. I fancy section 54 was put in as a sort of compromise to meet the idiosyncrasies of some

members of the Convention. Under section 53 the Senate can suggest an amendment, but under section 54 we can make an amendment. But an amendment sent down from this Chamber to another place is after all only a suggestion.

Senator Sir John Downer

- I never thought there was much difference.

Senator Sir FREDERICK SARGOOD

- I do not think there is.

Senator Sir John Downer

- Both sections are equally powerful, in my opinion.

Senator Sir FREDERICK SARGOOD

- I do not care under which section the Senate acts.

Senator Sir John Downer

- As long as the Senate is legislating I do not care under which section it legislates.

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Senator Sir FREDERICK SARGOOD

- It is legislation, whether effected by way of amendment or by way of suggestion. An amendment is a suggestion for an alteration, which the other House can adopt or not as it thinks fit. Do not let us make a mistake this time. I would strongly urge Senator Ewing not to press this motion. I think it would be very much better for the Chamber that the proposal should be withdrawn. Do not let us even take a vote upon it. Keep our opinions and our minds perfectly free to assert at any future time the rights of the Senate. I have no doubt when the occasion arises the Senate will stand to its guns.

Senator STEWART

- I intend to support Senator Ewing in this matter. I must confess that after listening very patiently and closely to the various utterances in opposition to Senator Ewing I have not heard anything which has tended to convince me that he is in the wrong. Now, a number of honorable senators have given the instance that in every man's annual expenditure some unforeseen item is continually cropping up. But that does not apply in this case. We are dealing now with an individual who may be supposed to have supreme control over his own finances. We are dealing with a partnership. We have six individuals to deal with, six States, . and each of them has to be consulted in these matters. Now, in the House of Representatives, the State of New South Wales has twenty-six votes, Victoria twenty-three, Queensland nine, South Australia seven, Western Australia five, and Tasmania five. With regard to the ordinary annual services of the Commonwealth, full power is placed in the hands of the House of Representatives. What are the ordinary annual services ? It appears to me that upon this point the whole question hinges. My reading of it is that it means the usual expenditure necessary for the carrying on of the business of the Commonwealth for the year. Section 53, which has been quoted very often, says - "The ordinary." What is the meaning of that ? The usual. The payment of wages of officers ; the purchase of material necessary for carrying on business.

Senator Harney

- It does not say the expenditure must be ordinary, but that the service on which the expenditure arises must be ordinary.

Senator STEWART

- What is a service? If honorable senators will look at section 69 they will see that it says - "On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth, the following departments of the public service in each State become transferred to the Commonwealth : - Post, telegraphs, and telephones.

Naval and military defence.

Lighthouses, lightships, beacons, and buoys.

Quarantine.

I take it that what has been handed over to the House of Representatives is the ordinary expenditure in connexion with those services.

Senator Drake

- But there are other services.

Senator STEWART



- The ordinary expenditure, the expenditure absolutely necessary to keeping all the services in going condition. Take the case of a private railway company for instance. We know the general manager of a railway company has authority to pay the wages of the men who are engaged in carrying on the business of the railway, but if any extraordinary works are necessary, such as the purchase of new locomotives, the purchase of new rolling-stock, or the extension of lines, the directors have to be consulted. The power of the general manager goes no further than the ordinary expenditure incurred in carrying on the usual business of the company. Now that is our contention with regard to the Commonwealth. We say that the power of the House of Representatives ends with the ordinary annual services. I was very much amused by the way several honorable senators dealt with this question. They seem to think that this expenditure of about £140,000- it was about £140,000, although it is set down at £43,000 in the Estimates - falls under the heading of ordinary annual expenditure, while the erection of a post-office, they contend, would not. Well, I say that if the contention of honorable senators is correct, the House of Representatives could vote a million sterling for the erection of a post-office in Melbourne. They could do so with the assistance of members of the House of Representatives for New South Wales, and they could claim that the expenditure was necessary to the conduct of the business of the post-office.

Senator Playford

- Not for that year.

Senator STEWART

- Why not? The post-office was wanted in that particular year.

Senator Glassey

- It would take at least three years to build such a post-office.

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Senator STEWART

- It does not matter. The post-office was wanted in that particular year. The business of the country could not be carried on without the post-office. Why, the building in which the business is carried on, is only, a tool in connexion with the business.

Senator Harney

- That is a permanent work, as distinguished from a temporary work.

Senator STEWART

- Well, I wish to point out to the honorable senator that no work is permanent. If we are to believe the geologists the earth itself is not permanent. We cannot therefore talk about permanence. I know that honorable senators will use every endeavour to get out of the hole in which they have placed themselves, but they cannot do it. If we adopt the principle on the present occasion in regard to this expenditure in connexion, with the visit of the Heir Apparent to the Tin-one ; if that can by any method of reasoning be brought within the category of our ordinary annual services, then I say the erection of post-offices or custom houses, or the erection of any house or place in connexion with any of the services of the Commonwealth, comes under the same category.

Senator Dobson

- Was it not the duty of the Government to give our Royal visitors a fitting reception ?

Senator STEWART

- I am not making any comment on the duty of the Government with regard to giving the Royal visitors a fitting reception.

Senator Harney

- Was it not their ordinary duty?

Senator STEWART

- Honorable senators may try and get me away from the point. I will not discuss, whether it was proper or improper to entertain the Heir Apparent. I am merely dealing with the question raised by Senator Ewing, and trying, to point out that if this Senate abandons the position which has been given to it by the Constitution on this occasion it throws open the flood gates to a series of invasions of the rights of the smaller States.. I say if we abandon the position which has been given to us by the Constitution we place ourselves, so far as the expenditure of money is concerned, entirely at the mercy of the two larger States. If the States of New South Wales and Victoria choose to unite and form an alliance they can imitate the examples of the various State Parliaments, and can concentrate as large an expenditure of public money

as possible within the confines of the capitals. I say this specific section in the Constitution was placed there for the very purpose of preventing such a thing happening, and here we have senators abandoning their duty in the fashion we have seen this afternoon. Now, some honorable senators have talked about a conflict between the two Houses. We have heard a great deal about English precedent, what they do in the House of Commons, and what "May" says, and what some other person has said. These things have nothing whatever to do with our circumstances. The House of Lords is an entirely different House from this. This House represents the States in a federation. This House has been elected by the people. The House of Lords has not been elected by the people. It is only an interloper in the operations of Government. It has no standing such as this House has. This House stands firmly on the rock of the Constitution.

Senator Sir William Zeal

- The Constitution was voted by the House of Lords partly.

Senator STEWART

- We know very well that no Act can pass Parliament without the consent of the House of Lords, but surely the honorable senator does not claim that we occupy the same position as the House of Lords. Will the honorable senator's son---

Senator Sir William Zeal

- I have not got one.

Senator STEWART

- Would the honorable senator's son, if he had one, sit in this House by the divine right of hereditary succession. If he had a son, and desired him to sit in this Senate, that son would have to go before the electors of some State and receive their mandate before he could put in an appearance here.

Senator Harney

- This Senate is much more exclusive than the House of Lords.

Senator STEWART

- I say we ought to throw the precedents so far as Great Britain is concerned on one side. They do not apply. We exist under difficult circumstances.

Senator Sir Josiah Symon

- The precedents are only used to explain the meaning of the expression "annual services."

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Senator STEWART

- I do not think the present precedents do explain the meaning. I listened to Senator Sir Josiah Symon very closely, and I admired the ingenious method in which, the honorable and learned gentleman twisted a phrase to suit himself. He said he was not appearing as a lawyer, but giving us some of his statemanship, but he did not appear to me to apply the telescope of the statesman to the phrase, but the microscope of the lawyer. I do not use the word disrespectfully, but he twisted the phrase to suit the interpretation he wished to have placed upon it.

Senator Playford

- No.

Senator STEWART

- That was my impression, and as he spoke "I said to myself "That is extremely ingenious." I envied the ability the honorable and learned gentlemen brought to bear on the question.

Senator Drake

- The honorable senator would do it if he could.

Senator STEWART

- With regard to the question of conflict between the two Houses, I have heard members of another place say that they were not going to allow the Senate to do this and that, and I have heard members of the Senate say they were not going to allow the other place to sit upon us. I do not think that sort of thing is at all desirable or necessary. As I said before, we are not here in the position of the House of Commons and the House of Lords, between whom there exists a mutual jealousy and hatred. Each of the Houses in this Parliament is elected by the people of the Commonwealth. The duties, rights, and privileges of each House are laid down in the Constitution. I was going to say they are clearly laid down, but, if they were we should not have had this discussion this evening. I attribute the muddiness of the Constitution in this

particular to the presence of so many lawyers in the Convention. We had a number of lawyers there, and they brought all their legal wit and subtlety and learning, combined with their statesmanship, to bear in framing the Constitution.

Senator Sir William Zeal

- And they succeeded admirably.

Senator STEWART

- They succeeded admirably in making confusion worse confounded. We have one honorable senator who occupied a seat in the Convention, but who could not tell us what the Convention meant. We do not care two straws what it meant. All we care is as to what is written in the Constitution, and I say the phrase admits of no other interpretation than this - "The current expenses of the services handed over by the States to the Commonwealth."

Senator Harney

- That ends it.

Senator STEWART

- So far as I am concerned it does. I am sure the honorable and learned senator who has just interjected thought that when he had spoken that was an end to the matter. Probably when I sit down I will find it is not by any means finished. In any case I intend to support Senator Ewing. I think his contention is a very fair and reasonable one. As a senator from one of the smaller States, and as one who has witnessed a great deal of presumption on the part of the more thickly populated portions of the different States in regard to public expenditure and matters of that kind, I can assure the Senate that I am going to see, as far as I am able, that the more populous States do not spend the public money out of the Federation without the senators from the different States having something to say on that expenditure.

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Senator DOBSON

- I thought some moments ago that the debate would have terminated. All the honorable senators seemed to speak on one side. While they gave Senator Ewing credit, as I do, for performing a great service in bringing the matter forward, they all seemed to come to the conclusion that the Bill is right in its present form. That is the conclusion I have arrived at. It appears to me that the more Senator Drake went into his argument in support of the Bill the more he established his case. But the more Senator Ewing went into the arguments which influenced him the weaker his case became. The honorable and Earned member tells us that the erection of a post-office may be put into a Bill of this sort and be called one of the annual services of the Government. I cannot take any such view of the matter. The construction of new post-offices in the States whatever may be the amount of the cost will have to depend on the revenue we have to expend. It will be in every way a question of policy, and will be brought up in a Public Works Bill consisting of that and scores of other items. I do not consider that any expenditure that has been pointed out here is a question of policy at all. It is a question of administration. Honorable senators all admit that it was the duty of the Government to give our Royal visitors a fitting reception. If they admit that, it simply becomes a question of amount. They have conceded the principle. They admit that it may have been an extraordinary event ; but it was an ordinary expense, forced upon the Government by the loyalty of the Commonwealth to the throne, that we should give the Duke a fitting reception, a reception that I hope we did give him. Are honorable senators going to argue that £20,000 would have been a fitting expenditure but that £43,500 was not. I cannot conceive how any such argument could be adduced. I regard the matter as a question of administration for the Government. They have spent the money in advance. They knew it was their duty to have this reception, to collect these troops from all parts of the Commonwealth, so that the defence forces of the States should be properly represented, and it appears to me that we cannot say now that this expenditure does not belong to the ordinary services ; that these are items which we have a right to amend. "When a Bill comes before us for building post-offices I shall be only too happy to join with my honorable friends, Senator Stewart and Senator Ewing, in insisting upon the expenditure, and any other expenditure of the character, being put in a separate Bill, which the Senate would have a right to amend, and not merely the power to suggest amendment.

Senator Charleston

- Supposing they put it down as ordinary expenditure?

Senator DOBSON

- I would join then with my honorable friends in striking it out and in refusing to discuss it at all, until 'it was brought before us in a proper way, and not in a Bill appropriating revenue for the ordinary annual services. If this is not the ordinary expenditure of an extraordinary year, it is the ordinary expenditure in connexion with an event happening at the beginning of the Commonwealth. I deem it my solemn duty to do everything that I can to make this constitutional machinery of Government work in the spirit of the Constitution ; but if we carry Senator Ewing's motion to its logical conclusion, we will find that if we pass it we will get into considerable difficulty; that we will not make the machine work, but absolutely clog the wheels, and I do not know what the result would be. Supposing we pass a resolution, and supposing we have a separate Bill sent up to us with the whole details of that expenditure of the £43,500 in a schedule to the Bill, The moment we looked at it we would find that a number of these items were ordinary - not according to our side, because we believe they are all ordinary expenses - and probably would be ordinary expenses . Do you mean to contend that we ought to have had no guard of honour for the Duke, no band, or no procession?

Senator Ewing

- That is not the question at all.

Senator DOBSON

- It appears to me that it is the question, that it is the whole question. As I understand it, honorable senators have conceded the principle by saying in reply to my interjection that they regarded it as the duty of the Government to give a fitting reception to the Duke.

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Senator Ewing

- It is a proper, but not an ordinary expenditure.

Senator DOBSON.- It is carrying out the duty of the hour. Does not every honorable senator see that the duties of the Government in spending money must be far greater in the first year of the opening of Parliament, when His Gracious Majesty the King sent his son here to open it for us. Do they not see that this is an extraordinary event, but that it must still come in the ordinary annual services of the first year of opening Parliament? Supposing we carry the motion, who is to decide, on this question of border line, what are really ordinary, and what are extraordinary services, so that they shall be put in a separate Bill? It appears to me that the precedents which Senator Drake read to us, and which Senator Sir Josiah Symon brought before us, conclusively show that we are on sound ground in dealing with this Bill without requiring any items to be put in a separate Bill. According to May, the extra naval and military expenses are ordinary services of the year. I happened to be in England at the time the enormous expense was incurred in having a naval review on the occasion of the visit of the German Emperor. Those expenses were put into the ordinary services of the year. When any event takes place in any State of an extraordinary nature, and has to be attended to by the Government - either visitors have to be entertained, or some extraordinary expenditure has to be gone into - that arises from carrying out the ordinary services and functions of the Government. I cannot see myself what all this discussion is about, but I think it was wise to have the discussion, as it appears to me that we have rather beaten out the subject. I think we should not in any way try to bring about a contest with the other House, but really wait till we have something on which we can rest more firmly.

Senator PLAYFORD (South Australia). My honorable and learned friend, the mover of the motion, appeared to look upon the question from purely a technical point of view, but the two honorable and learned senators who followed him, the Postmaster-General and Senator Sir Josiah Symon, looked 'upon it' - from a higher stand-point altogether. They regarded - it - more - from - a statesmanlike view of the matter. I - look at the question - from an old Treasurer's standpoint; as one who has had something to do with the finances of the country, and as one who therefore knows what these words convey to a man who has occupied a similar position, and to the financial authorities in the different Parliaments. "When I heard Senator Best making his speech which brought about this question, I told him that he was barking up the wrong tree. I told him that he had made a mistake, and that from a Treasurer's standpoint this was undoubtedly - an ordinary service for the year, or, as the words are, "Moneys for the ordinary annual services of the Government." I should have treated them as such as Treasurer in the State of South Australia, and I believe other Treasurers would treat them so, because they come under a heading well "known to all Treasurers - " Incidental and unforeseen expenses." These are expenses which constantly

crop. up. They are always put in the ordinary annual statement of ' the Treasurer, and voted subsequently by Parliament. Ministers who take upon themselves to spend the people's money without the authority of Parliament upon these unforeseen and incidental matters make themselves liable' to hostile criticism, and may be turned out of office if they have done anything wrong. Ministers universally take upon themselves the responsibility ' for actions such as this if anything -unusual occurs in the country. If we have two or three ships suddenly arriving with a lot of small-pox patients on ' board, we at once incur, very likely, unforeseen expenses in connexion with quarantine. If we have a distinguished visitor, and it is necessary and proper and courteous' that we should spend some little sum of money in entertaining him, Ministers take the responsibility of doing so. They place themselves in this position, that if Parliament -says to them, "You have- done wrong in expending this money without our authority," they can be turned out of office.

Senator Charleston

- Not by. the Parliament, but by the House of. Assembly.

Senator PLAYFORD

- We cannot possibly punish . Ministers .in any other way. In this case I will guarantee the money has been spent. All that you can do in matters -of this sort is to say -to 'Ministers, "Your yearly expenditure was extravagant," ".and if it is thought desirable, to censure them accordingly, or else turn - them out of office altogether. Every one will admit that these items of expenditure are warranted. As an old Treasurer, I say they undoubtedly come within the category of ordinary services of the Government. Of course they are extraordinary in one sense, and some honorable senators, looking at them from that point of view, consider that they ought not to be included in this particular Bill. I will point out that they -are not extraordinary in the sense that a Treasurer looks upon them. .Expenses of this kind must "crop up, and the Treasurer has to meet them. Both in England and throughout the colonies he places them in the next Estimates as the ordinary expenditure of the Government, ;and he .gets a vote of Parliament.

Senator Ewing

- Because there is no necessity to separate them.

Senator PLAYFORD

- I think the honorable-and learned senator will find that the difference between ordinary and what may be called extraordinary expenditure has been very clearly laid down in the passage which was quoted by Senator Sir Josiah Symon. The ordinary expenses of the Government are those expenses which appear in the Estimates, and which are considered in Committee of Supply.

Senator-Sir Josiah Symon. - The separation is just .as necessary under the .English system .as under -our system.

Senator PLAYFORD

- Yes : and the extraordinary expenses are those which the Government .desire to incur, and which are dealt with in the committee of the whole House. With reference, to the conference which has been-suggested by Senator Best, I think it would be a great mistake to ask for a conference.

Senator Best

- I do .not mean upon this Bill, but upon border line, items.

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Senator PLAYFORD

- I think there will be very few border line items. I think -we shall do well to wait and see if the other Chamber will treat us :fairly, as I think they will. If we think they are going to trench upon our privileges, then . it will be time enough to cry out. I do not. think Ave ought to suggest to the other branch of the legislature the merest possibility of their doing anything that would trench on our privileges. I am sure they will not do it willingly, any more than they did it in sending this Bill up to us in the .first instance. That action resulted . from one of those inadvertences which show how difficult it is for people to understand the meaning of words. They sent up this Bill as a Supply Bill, but it was never a Supply Bill, and because they chose to consider it as a Supply Bill in another place, they sent it up here as a- Supply Bill without the details with which a Supply Bill should have been accompanied. In all cases in Victoria they send up as part of" the Supply Bill the whole of the Estimates that are voted by Parliament, and if the Treasurer had not got it into his head that this Bill was a Supply Bill, they might have sent it up in the ordinary way as an Appropriation Bill, because it was purely an Appropriation Bill up till the end of the financial year. The financial year ends on the 30th June, and it- was an Appropriation Bill up till the end of the year

containing all the necessary items of the Estimates, and the whole confusion arose through calling it a Supply Bill, which at the same time contained no items of expenditure. The Supply Bill is a Bill based on the Estimates of the previous year, and I have a little Bill here which shows exactly what it means. This is an Act to apply out of the general revenue the sum of £400,000 for the services of the three months ending 30th September, 1899, and it provides that no appropriation shall be made out of the sum mentioned in excess of the rates voted for similar establishments for the year ended 30th June, 1899. There were no items before the House of Assembly where the Bill was initiated and sent on to the Legislative Council, and there could be no items; and although it may be said that every Appropriation Bill is a Supply Bill, and every Supply Bill is an Appropriation Bill, yet treasurers and financiers in Parliament know what is meant by a Supply Bill as distinguished from an Appropriation Bill. They are different things altogether, and the terms have their own meanings attached to them, and it is because honorable senators have looked at the 'technical meanings of the words "ordinary annual services of the Government" that they say that this expenditure is quite extraordinary. If honorable Senators will just look through the various items they will see where that view will lead them to, because there are dozens and dozens of items which are not required for the ordinary services of the year. I have just looked over a number of these miscellaneous items, and I notice that there is one for expenditure in connexion with the Federal Postal Conference in Melbourne. That might be regarded as extraordinary. There are three items under the head of the Treasury, and then there are items for the draping of the Customs house, and so on. These are all ordinary expenses of the year, from the point of view of the Treasurer; but to the man walking in the street they might seem extraordinary. They are not extraordinary, however, from the view of the men who drafted this Constitution. I was one of those who made the first draft in 1891, and I know that in putting in words to the effect we 'did - and there were a good many old Treasurers there - we had it then plainly in our mind that the Senate was not to have included in the ordinary Appropriation Bill for the year any expenses which ought to be voted separately. We intended that there should be no tacking on of Bills, such as happened in connexion with the Darling grant, when because one of the Houses would not pass it, it was tacked on to the Appropriation Bill for the year. The provision made in section 54 was primarily for the purpose of preventing backing, and in order to give to the Senate the right to say whether they would agree to vote money for new works. Some honorable senators who have spoken about a post-office being built, and the vote for the expenditure being included in an ordinary Supply Bill, cannot have had any considerable amount of experience in the working of Parliamentary institutions in this country. We could not do any such thing as that in our State. Any proposal for the building of a post-office would have to be brought in in the ordinary way and would have to be voted upon as a separate matter. After the two Houses had agreed that the post-office should be erected, items might appear on the Estimates afterwards for first or second instalments of the votes necessary for the erection of the post-office - that is in the event of the cost being defrayed out of revenue - but before that, the two Houses would have been consulted and have expressed an opinion upon the matter.

Senator Charleston

- But supposing the post-office only cost £150?

Senator PLAYFORD

- I am not going into any such refinements as that, because we can refine things down to an absurdity.

Senator Charleston

- But we are dealing with the principle.

Senator PLAYFORD

- Bother the honorable senator's principles, if they are so petty as that. We are constantly throwing principles to the wind when questions are of such a petty nature. A considerable amount of stress has been laid upon the point that this Senate is here for the purpose of protecting the interests of the smaller States, and that extended powers, beyond those given to ordinary Legislative Councils or Upper Houses in regard to finance, were given to the Senate with that view. I admit all that, but before we attempt to assert our privileges we should make quite sure that we are in the right, and that we shall not place ourselves in the wrong in any degree. It is like being on the border line, as the honorable Senator Best has mentioned. If we are going to make any objection to what is done by another branch on the ground that they are trenching upon our privileges, we should take precious good care that we are in the right. In this case we shall be undoubtedly in the wrong if we attempt to take any action, because the House of

Representatives have sent up the Bill exactly within the lines of the Constitution, and within the lines laid down for the ordinary annual services of the year. I shall oppose the motion.

Senator EWING

- Before withdrawing the motion I hope honorable senators will not think I am encroaching too much on their time if I make a few remarks. My object in withdrawing the motion is to insure that there shall be no danger at all of the Senate, even in the face of the strong opinion of the eminent authorities we have heard, doing something that it may later on regret. We do not want to do anything now because some of the senators think this is on the border line, whilst others think that these are certainly extraordinary items and do not come under the head of ordinary annual expenditure. In answer to Senator Sir Josiah Symon and Senator Playford, I would like to say a few words. They have charged me with having taken a technical lawyer's view of this question, but I have taken an ordinary common-sense English view of this matter.

Senator DAWSON

- Then why not stick to the motion?

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Senator EWING

- Because I have reason to believe it will be lost, and I fear the consequences of its being lost. Honorable senators will quite appreciate the standpoint from which I say that. We might, some day, be sorry for what has been done to-day, and so strongly do I feel that my contention is right that I do not wish to expose the Senate to any danger of placing itself in the position in which I believe we should find ourselves if this motion were lost. I was just saying that Senator Sir Josiah Symon and Senator Playford have charged me with having taken a technical view, but they have been compelled by the special arguments they have raised to rely on technical matters to sustain their position. My arguments were the outcome of the plain English meanings of the words. Senator Sir Josiah Symon's were the outcome of their legal construction, whilst Senator Playford's view was the outcome of the meaning given to the words by their use from a Treasurer's point of view ; and I would now ask who is placing a technical construction on the words? I submit that I have done that which the honorable Senator Sir Josiah Symon thinks he has done, and if any one has risen to the level of the statesman as distinguished from that of the pettifogging man who stands on technicalities, it surely is not the honorable Senator Sir Josiah Symon, who has descended to the purest technicalities, and I deny to him that credit for a statesmanlike view which he has arrogated to himself. He is the technical man in this matter, and although I do not mean to presume that I am a statesman, or anything approaching it, I contend that I have taken a reasonable, common-sense view of the question. I deny distinctly to Senator Sir Josiah Symon that little praise which he has indirectly so kindly administered to himself . In withdrawing this motion, I say again that I have no doubt whatever that this item is not "ordinary annual expenditure." It cannot be contended that the expenses connected with a military and naval demonstration for the purpose of entertaining the Duke and Duchess of York and our distinguished visitors from other parts of the world come under "ordinary annual services," but here again the honorable

Senator Sir Josiah

Symon splits straws when he says that I am distinctly technical. He told me that I was using the word "service" as distinguished from "expenditure," but I would ask what are the services of the Government

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The services are what the honorable

Senator Stewart

has pointed out. Those departments that are handed over to the Commonwealth of Australia, and those that are created under it, are "ordinary annual services," and they are all the services necessary for carrying on the business of the Commonwealth in an ordinary way. But if the Government can entertain the Duke of Cornwall and York and other illustrious visitors, and the citizens of the Commonwealth, then they can come down to Parliament to-morrow with an item of £100,000, and claim that this is "ordinary annual expenditure."

Mr. President,

I have no hesitation whatever in adhering to the position which I believe to be correct ; and it is because I am so firmly convinced that I am in the right, and that if this resolution is negatived it will mean that the

Government can build a post-office without allowing us to amend the item for the expenditure of money for such a purpose, that I hold to my view.

Senator Sir Josiah

Symon says that the true construction is - such works are as necessary in the ordinary conduct of the departments.

Senator Sir Josiah Symon

- Will my honorable and learned friend permit me to state that I did not say such works as are necessary in the ordinary conduct of the departments, but such expenditure as the Minister would incur in the ordinary course of his administration during the year ?

Senator EWING

- I used different words from those ; but I submit they mean exactly the same thing. However, I accept the suggestion of the honorable and learned senator. A Minister might find it absolutely necessary for the working of his department to construct a new telegraph line hundreds of miles in length. He might find it necessary to spend £100,000 upon the post-office in Melbourne. He might find it necessary for the purpose of carrying on his department to build post-offices throughout the length and breadth of the Commonwealth of Australia. Senator Dobson says that on the day expenditure for a post-office is put in such a Bill he will protest. ' But if we negative this motion it will be too late for him to protest. Senator Dobson must either take up one position or the other. He says that if the Government include a new work, though it is connected with the department and absolutely necessary for carrying on the work of the department, he will protest. But what is the use of protesting when we have given away our opportunity ? In order that the Senate should not hereafter have to test the right of contending with an extravagant Government in entertaining the people of the Commonwealth, and so putting itself in a better position, politically, with certain sections of the public it is the duty of the Senate to keep a firm hold over expenditure of this kind. It is extraordinary expenditure as distinguished from what we all recognise as ordinary expenditure. If the framers of this Constitution did not mean " ordinary annual " why did they put in the words " ordinary annual " ? Why did they not say "the service of the Commonwealth," if they meant the service of the Commonwealth ? If these words were only inserted in order to make a complication, I certainly cannot say much for the discretion or the wisdom of the framers- of the Constitution. But I believe that words inserted in an Act of Parliament are really intended to have their ordinary meaning. When I say a thing I ought to be responsible for the language I use; certainly a Constitution ought to be accepted as meaning what it says. Feeling as I do that this is not an ordinary annual expenditure, I shall withdraw my motion, because I fear that it will be defeated if I go to a division, and because I believe that its defeat would mean that Senator Dobson, in the days to come, would find that by fighting against this resolution he would have given his vote in order to prevent him doing that which he says he would do under certain circumstances.

Motion, by leave, withdrawn.

CHAIRMAN OF COMMITTEES

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Post-' master-General

Senator DRAKE

. - I move -

That until permanent standing orders are adopted by the Senate, Senator Dobson do take the chair in all committees of the whole Senate.

I think that honorable senators are aware of the position in which we stand with regard to the Chairman of Committees. Through some misunderstanding, Senator Dobson was appointed Chairman for only one Bill. It will be necessary to appoint a Chairman of

Committees in connexion with the Supply Bill. I may mention, incidentally, that I expect soon that a report will be presented from the Standing Orders Committee. All I ask the Senate to do now, however, is to appoint Senator Dobson to take the chair until the Supply Bill is disposed of..

Senator Sir JOHN DOWNER

- I have not the least objection to Senator Dobson taking the chair, but I understood he objected to do so. If Senator Dobson says that he entirely agrees with the motion I will not say very much more about it. I expected that a report from the Standing Orders Committee would be presented.



The PRESIDENT

- There is a report ; I have it here.

Senator Sir JOHN DOWNER

- What is the object of postponing the consideration of the report of the committee? Are we to have a Chairman of Committees or not? If we are not to have one, let us settle that question, and if we are going to have one let us decide whom we are going to appoint. It appears to me that it is not very useful to continue putting in the chair a senator who distinctly objects to it.

Senator Sir Josiah Symon

- Senator Dobson consented to take the chair the other day.

Senator Sir JOHN DOWNER

- Senator Dobson said, on consenting to take the chair, that he would rather remain where he was. Is it not better to decide whether we are to have a Chairman of Committees or not before we proceed further ?

The PRESIDENT

- I have here a report from the Standing Orders Committee, and if I do not lay it on the table at once, it is because I am requested by the Postmaster-General not to do so. The honorable gentleman has informed me that he wishes to proceed with the Supply Bill, and he wants to have a Chairman of Committees appointed in order that the Senate may go into committee upon that Bill. The Minister thought that if I brought up the report of the Standing Orders Committee, and he moved its adoption now, it might take a long time to discuss. That was my object in keeping back the report until after the motion was disposed of.

Senator Sir John Downer

- Then I will say no more.

Question resolved in the affirmative.

STANDING ORDERS

The PRESIDENT

- I have to bring up the following report from the Standing Orders Committee : -

The Standing Orders Committee have the honour to report to the House that they have arrived at the following resolutions : --

That they recommend that the prayers adopted by the House of Representatives be adopted by the Senate.

That they recommend the appointment of a Chairman of Committees of the House for the session.

That they recommend that the quorum. of the Committee be reduced to four.

C. BAKER,

Chairman

President's Room, 20th June, 1901

Motion (by Senator Drake) proposed -

That the report be printed and considered to-morrow.

Senator Sir JOSIAH SYMON

- The question may be raised as to whether it is within the competency of the Standing Orders Committee to bring up a report on a matter not remitted to them. What has been remitted to the committee is that they shall recommend, to the State what standing orders should be adopted. I am. not saying a word as to the necessity or otherwise of appointing a committee.

Senator Harney

- A number of the standing orders depend upon whether we are to have a Chairman of Committees or not.

Senator Sir JOSIAH SYMON

- A bald recommendation has been made to the Senate by the committee. I do not point out this in a hostile spirit. One of the points that will have to be dealt with in connexion with this question is, whether the Chairman of Committees shall have a right to vote as a member of the committee, as under the Constitution Mr. President has a right to vote as a member of the Senate; or whether the Chairman shall only give a casting vote when the voting of the committee is equal.

The PRESIDENT

- That will be provided for by the standing orders. It is impossible for the Standing Orders Committee to

draw up standing orders unless they know whether . there is to be a Chairman of Committees or not. If there is to be no Chairman of Committees, probably one-third of the standing, orders will have to be altered. The committee must know before we can go on.

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Senator Sir JOSIAH SYMON

- That certainly is a very forcible consideration, and I am glad if the remarks I have made have no other result than to elicit that' expression from you, sir. I am only pointing out to the Minister that the question whether there is to be a Chairman or not is not all that we have to deal with. We shall have to settle the point whether we give the Chairman the vote he is entitled to under the Constitution, or whether he shall be deprived of that vote.

Senator Sir John Downer

- We cannot take away his vote if he has one.

Senator Sir JOSIAH SYMON

- Of course, the Senate can do it. A provision to that effect was put in the draft standing orders. It arose on the draft standing orders, which absolutely took away his vote.

The PRESIDENT

- I would point out that we are only discussing the question of when we shall consider this matter.

Senator Sir JOSIAH SYMON

- That is what I was referring to - whether it is better to raise the question now or at some other time.

Senator WALKER

- I would ask the representative of the Government to make this an order of the day for Wednesday. My reason for that is that some of us have made arrangements to go away on Friday, and we ought, if possible, to have a full House to deal with such an important matter.

Senator MCGREGOR

- If there is time to discuss it to-morrow, well and good. If not it could, in the ordinary way, be postponed. I do not think any senator has any reason to complain. Everybody has treated everybody else with the utmost consideration, and I believe we will all be able to get away home to-morrow.

Senator Sir FREDERICK SARGOOD

- The difficulty could be met by a simple resolution that, in the opinion of the Senate, it is desirable and necessary to appoint a Chairman of Committees.

Senator Lt Col NEILD

- We are really anticipating . a vote that may come before us in a few minutes in reference to the item of the salary of the Chairman of Committees, It will then be within the competency of the Senate to make a recommendation or suggestion to the other House to omit the item.

The PRESIDENT

- This discussion is irregular. The question is whether we shall consider the report of the Standing Orders Committee to-morrow or on some other day.

Senator DAWSON

- I would point out that I think the motion that has been submitted to the Senate is a bad one in principle. It is a double-barrelled motion, similar to a motion that a Bill be printed and the second reading be made an order of the day for to-morrow.

Senator Drake

- That is according to the practice that has been followed under these standing orders, and very likely the Standing Orders Committee will take note of the honorable senator's objection.

The PRESIDENT

- I will put it in two motions if the honorable senator wishes.

Senator DAWSON

- Undoubtedly it should be put in two motions. Some senators may not desire that a Bill should be printed, while others may not want the second reading taken at the next meeting. of the Senate. While a senator may not object to this report being printed he may object to it being considered on a particular date.

Senator Major Gould

- Move an amendment then.

Senator DAWSON

- I have no wish to move an amendment, but I think it would be more convenient that the matter should be taken in two motions.

Senator WALKER

(New South Wales). - For the reasons I have stated I move as an amendment -  
That " to-morrow " be omitted with a view to insert " Wednesday. "

Amendment agreed to.

Question, as amended, resolved in the affirmative.

SUPPLY BILL (No. 2)

Second Reading

Postmaster-General

Senator DRAKE

. - We have already heard so much of this Bill, and have had so many discussions upon it, that I think it is hardly necessary for me to do more than formally move the second reading. Though it has not been before us for a second reading before, we have really been several days discussing its provisions. It is merely for the purpose of appropriating from the consolidated revenue a sum of £491,882, and it takes the form of an ordinary Appropriation Bill. I move -

That the Bill be now read a second time.

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Senator Major GOULD

- The question that has been raised by Senator Lt. -Col. Neild's contingent notice of motion is one to which some consideration should be given at the proper stage. I would like, however, to direct attention to one or two things that have happened since this Bill was before the Chamber last week. At that time a message was sent to the other House with the original Bill, requesting that it should be returned to us in a certain amended form. So far as I can see, the Bill has not been returned to us in an amended form, but it has been laid aside, and another Bill has been sent to this House.

Senator Lt Col Neild

- A new Bill.

Senator Major GOULD

- A new Bill, lock, stock, and barrel. So far as this Chamber is concerned, I think it would not have been an unreasonable thing to have expected a message in reply to our message, even if it had only been to the effect that, upon consideration of the matter, another Bill had been introduced which would be forwarded to us in the usual way. I think that would have been the means of allaying a certain amount of possible irritation or friction. The Bill we returned has been thrown aside, our message disregarded, and a new Bill introduced.

Senator Drake

- Is there any precedent for a message being sent from one Chamber to another explaining the reason why a Bill has been laid aside ?

Senator Major GOULD

- The usual course is, when a message is sent from one Chamber to another, for a message to be sent in reply if it demands a reply. Our circumstances are entirely different to the ordinary circumstances that exist in regard to messages between the two Houses. I believe it was an unusual course, so far as the practice hitherto pursued is concerned, for a Bill on the second reading to be sent back to the other Chamber requesting certain amendments or additions, but I think it would have been conducive to amicable relations between the two Houses if a message had been sent to us in reply. I will not raise the question as to whether the other Chamber acted rightly in putting the Bill on one side and passing another Bill. It might be that that was the only course of action open to the Government, and after the disclaimer in the other Chamber of any desire to interfere with the rights or privileges of the Senate, I would not for a moment assume that the present action has been taken through anything but inadvertence, but I certainly do think it would have been a courteous thing to have returned a message to this Chamber.

Senator DAWSON

- I suppose any honorable senator could move for a committee to discover the loss of the Bill ?

Senator Major GOULD

- Any honorable senator could do that, but I do not suppose it would be worth while. I am very glad to find

that the Bill comes before us containing the whole of the items for the various departments for which moneys are required to be voted, and while I recognise in so far as certain Bills are concerned that we have no right to amend them beyond the power of suggestion, Still. I hope the Senate will assert that right on future occasions, and will insist that in Supply Bills we should be furnished with the same information that is furnished to the other Chamber when they are called upon to deal with a BUI of this nature. In regard to Appropriation Bills after the House has gone into committee to consider the question of Supply, the Bill is introduced, founded upon the report of the committee, and it does not embrace the particular items, but merely the gross amounts for the services under particular heads.

Senator Sir Frederick Sargood

- Every detail goes in in our State.

Senator Major GOULD

- In the Supply Bill?

Senator Sir Frederick Sargood

- In the Appropriation Bill.

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Senator Major GOULD

- I think it should be clearly understood that we should have the whole of these particulars placed before us in exactly the same way as they are placed before the other Chamber, in order that we may have as full an opportunity of dealing with the various items that come up for consideration. I am induced to make these remarks, because I observe there is a feeling that that should not be done, and therefore it is well that we should make our position perfectly clear. I also notice that we are now asked to pass a BUI containing the words "for the purpose of appropriating the grant made by the House of Representatives," while the Bill which was originally introduced contained the words "be it enacted by the King's most excellent Majesty by and with the advice and consent of the Senate and House of . Representatives of the Commonwealth of Australia as follows." It would have been much more satisfactory had the Bill contained the preamble originally inserted.

Senator Drake

- That was objected to.

Senator Major GOULD

- I understand that Senator Lt. -Col. Neild has given a contingent notice of motion on that matter, so that we will have a further opportunity of dealing with it, and I will reserve my further remarks.

Senator Sir JOHN DOWNER

- When the Bill goes into committee I hope the Senate will strike out the preamble. I think it is a direct and intentional attack upon our rights. It says, "for the purpose of appropriating the grant made by the House of Representatives." That is an assertion that has no foundation under the Constitution.

Senator Major Gould

- There is a motion on the paper dealing with that matter.

Senator Sir JOHN DOWNER

- Then I will wait until the motion comes up for consideration.

Senator Sir JOSIAH SYMON

- There is one point which we will lie' bound to discuss on Senator Lt. -Col. Neild's motion, and that is whether this Bill is in any way in. the proper form. I point that out now because it appears to me that probably it would be a derivative discussion on the motion that is about to be put. Of course the. only purpose of this measure is to provide the funds for making good a grant that has been sanctioned by the House of Representatives, or by the Parliament. This Appropriation Bill does not make a grant. The Appropriation Bill merely provides funds, out of which the grant is to be made, therefore I invite the attention of Senator Lt.-Col. Neild, and also of other honorable senators to this point, that his motion must go a little further and must have more extensive ramifications than are merely involved in dealing with the preamble. If this is to be a legislative grant in which the Senate take part, the word "grant" should be used in the measure as well as " make good the grant." If we have the right to join in making a grant by legislative act under our Constitution, then the Bill by which that grant is to be made, and by which the funds to meet it are to be provided, must so express it. Therefore clause 1 is not in form, because all we are to do under clause 1 is to assent to the money coming out of the consolidated fund to meet the grant

already made by the House of Representatives. If the Senate is agreed upon it we shall have to strike out all the words to which attention has been directed, and we will have to amend by suggestion clause 1 so as to make the grant a legislative grant and not merely a grant of the Committee of Supply of the House of Representatives, for which we are invited to find the funds. It is an important distinction ; the mere striking out of the words will not preserve our position. The grant is made by the Committee of Supply in the other House, and then a Supply Bill is introduced to provide the money making good the grant. It is merely to that Bill that an ordinary Upper Chamber is invited to give its assent. Our position is different. We must join in the grant. That is the contention we make. Under the Constitution we are entitled to be consulted as to making the grant as well as to merely providing the money for the purpose of making it.

Senator DRAKE

- Can we amend 1

Senator Sir JOSIAH SYMON

- We can suggest. I am not suggesting that we should deviate from the Constitution. I merely say that in considering the amendment-

Senator Sir John Downer

- Let us takeout the first line and a half.

Senator Sir JOSIAH SYMON

- I agree with that view. The clause-

The PRESIDENT

- Would it not be better to discuss this on Senator Lt.-Col. Neild's motion t

Senator Sir JOSIAH SYMON

- Yes ; &gt; but I would point out to Senator Lt.-Col. Neild-

The PRESIDENT

- Is that not anticipating the debate ?

Senator Sir JOSIAH SYMON

- I do not want to do that, but I want to show the honorable senator that his motion must have a much larger scope.

Question resolved in the affirmative.

Resolved

(on motion b)'

Senator Drake)-

"

That the standing orders be suspended to enable the Bill to pass through all its remaining stages without delay. instruction to committee.

Question. - That the President leave the chair, and the Senate resolve itself into committee of "the whole for the consideration of the Bill proposed -

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Senator Lt Col NEILD

.- - I move the contingent motion, of which I have given notice -

That it be an instruction to the committee on the Supply Bill that they have leave to make the following suggestion in relation to the frame- work of the Bill, namely, to leave out the words : - "For the purpose of appropriating the grant made by the House of Representatives."

In moving the motion, of which I have given contingent notice, it is scarcely necessary for me to. go over ground which has already been covered a good many times by other honorable senators in uttering assurances that I have no wish to enter into any conflict, any more than other honorable senators have, in relation to the other House, on the matters which have been, and still are, matters of difference between the two Chambers. They are not subjects for quarrel or for disputation. There is merely an anxious desire that the statute rights which the Constitution has given to us, and which are being applied for the first time in the history of the Commonwealth, should be strictly observed, with due regard for the important consequences that must inevitably follow any deviations from the letter and intent of the Constitution, which was arrived at as a kind of compromise between widely divergent interests existing throughout Australia. I feel also that a good deal has already been accomplished in this connexion by what has taken place. In the original Bill that was here last week, but which no longer exists, all kinds of crudities were

discovered by its authors. These crudities have not only been discovered, but publicly acknowledged, and an effort has been made to get rid of them by reason of the introduction of an entirely new measure. It is perhaps hardly worth while comparing the two measures to see where the difference exists. There is no difference perhaps so great as 111 at which is disclosed by the new preamble or framing clause of the Bill.

Senator DAWSON

- They have not even got the word "whereas" in the new one.

Senator Lt Col NEILD

- I dare say even that important word has passed away. On more than one occasion I have been pictorially represented in the role of the American colonel, to whom the coon in the tree says, "Don't shoot, I'll come down." Last week, however, the Ministry did not even allow me to load my gun. I had only to intimate that I proposed to do so, when the Ministry climbed right down. I wish that they had remained down. They cut out the whole preamble an hour or two after I had given notice of motion for an instruction to the committee that we did not want it.

Senator Best

- They heard the honorable senator was coming.

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Senator Lt Col NEILD

.- The coon came down, but he had not the good sense to stop down ; he must bark up another sapling, and it happened to be the wrong one. The consequence is that a Bill has been sent up from which this royalistic grovel, as I have heard it described, is omitted. I am personally a strong royalist, but I did not like the extraordinarily worded preamble that we had in the first Bill. While these words have been left out, however, other words have been put in that are, to my mind, equally objectionable with the others, as relating to the authority of this Senate in connexion with money matters. The Senate does possess authority in connexion with money matters, as provided within the four corners of our Constitution, and the limitations that exist are after all of a small character when we compare the powers of this Chamber with those that attach to the House of Lords, or any Upper House in the Australian States. I do not think that I ought to be tempted to make a speech that I easily could make on this subject. It would be a simple matter, indeed, to indulge in large quotations from responsible authorities. It would be easy to introduce a great number of arguments in favour of the omission of the words to which my motion applies - words that take to themselves or that imply that the sole right of giving Supply is in the hands of the other House. I say a lengthy speech might readily be made. There is even scope for showing research ; but I believe the Senate is sufficiently at one to make any lengthy remarks unnecessary. I shall content myself with a short speech, and point out the words to which I object in the Bill. They are these -

For the purpose of appropriating a grant made by the House of Representatives.

No one proposes for one instant to question the absolute right of initiative which the other Chamber possesses. The absolute right is acknowledged by the Senate as existing under the Constitution, but I submit with a great deal of diffidence, and at the same time with some degree of confidence, that the sole right of initiative does not necessarily imply the sole right to give or to grant, and that the Senate possesses the most complete right to join in the grant. -The other House has recognised this by sending to us the details of the sum of money mentioned in the Bill. There can be no question that the Senate has power to join in the grant to the Crown. That being admitted, it is wrong that we should accept a Bill containing in the language of its frame-work a practical expression that Supply rests solely with the other Chamber. For that reason I am moving the motion for an instruction to the committee to limit the expression. Possibly in one of the standing orders that we look at occasionally, and find that they contain wonderful things, we might discover that this course is unnecessary. I am not quite sure whether the instruction- is necessary. According to the standing orders I am inclined to think that the motion might have been moved in committee without any instruction at all. The "South Australian practice is thus laid down in Standing Order No. 406-

It is an instruction to all committees of the whole House to .whom Bills may be committed that they have power to make such amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill ; but if any such amendments shall not be within the title of the Bill they shall amend the title accordingly, and report the same specifically to the House;

That seems to me to include the power to make any amendments the committee pleases, and it is unquestionably the practice of the House of Commons for instructions with reference to the frame-work of a Bill, to be given by the Chamber before the committee sits. What I have proposed therefore is in accordance with the practice of the House of Commons, and certainly not at all in opposition to the standing orders adopted by the Senate. With reference to the remark of Senator Sir Josiah Symon as to alterations that will be required later on in clause 1, I venture to think those matters need not be the subject of an instruction at all. They can be dealt with by the committee. It will, therefore, not be necessary for my motion to be amended in order that the words to which exception is taken shall be dealt with. I do not think that anything more need be said in view of the temper of the House upon the subject - a temper that, as I have already said, implies a desire to do that which is right and lawful, and to avoid as far as possible any friction or any ground for quarrel or misunderstanding between the two Houses of the Legislature, both 'of which I feel sure are anxious to achieve the best results that are capable of being produced under the Constitution.

Senator DRAKE

(Queensland - Postmaster-General) - I am sorry that the great efforts that have been made by the Government and the House of Representatives to send up this Bill in an altered form in order to meet the suggestions which have been made by this Chamber, have not filled

Senator Lt.-Col.

Neild with a spirit of thankfulness.

Senator Lt Col Neild

.- Why? What does the honorable senator want ?

Senator Major Gould

- The Senate has only asked for what it is entitled to.

Senator DRAKE

- Senator Lt.-Col. Neild has previously expressed his disapproval of parts of the old Bill, and we sent it back to the House of Representatives, who have removed the objection. Now, Senator Lt.-Col. Neild finds another objection. I certainly had hoped that when the Bill was sent up in this new form no fresh objection would be taken.

Senator Lt Col Neild

- Because I dislike arsenic it is no reason why I should rejoice at being offered strychnine.

Senator DRAKE

- We are now met with an objection of a different character altogether, and while I think the amendment is not one that would affect the Bill vitally, I am inclined to the opinion that there are some difficulties in the way of which probably Senator Lt.-Col. Neild has not taken full account. The motion asks that it be an instruction to the committee on the Bill to make the suggestion that the words' "for the purpose of appropriating the grant made by the House of Representatives" be left out. I understand him to mean that in committee a suggestion is to be made that the Bill be sent back with the request that those words be omitted. The request is to be made under the power we possess in accordance with section 53 of the Constitution. That power is to request by message the omission or amendment of " any items or provisions therein." I would ask Senator Neild whether he considers that the part to which he takes exception constitutes an item or a provision?

Senator Major Gould

- Certainly a provision.

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Senator Lt Col Neild

- It must be something, and what is it if it is not either an item or provision ?

Senator DRAKE

- It may be neither one nor the other. The way I read that section of the Constitution Act, and the way it was understood by the Senate when discussing the Bill last week, was that in accordance therewith the Senate had a right to ask for the items. By that was meant "the amounts of expenditure to be voted by means of this Bill. It occurred to me whilst Senator Lt.-Col. Neild was speaking that it seems a difficult thing to say that the provision giving the Senate power to request the omission or amendment of "any items or provisions" is to be taken to mean that we may request by message the alteration or amendment

of- the wording of the Bill.

Senator Best

- We have a right to send a message for any purpose.

Senator DRAKE

- We can send a message, but this particular power of suggestion that Senator Lt.-Col. Neild is referring to, as clearly indicated by his motion, is with reference to the omission of certain words from the Bill.

Senator Lt.-Col. Neild suggests that the Senate in committee could exercise its power of suggestion by suggesting the omission of the words to which he takes exception.

Senator Lt Col Neild

- Perhaps the Minister will explain why the Government altered the preamble when it was previously objected to ?

Senator DRAKE

- The House of Representatives have power to make any alteration in the Bill.

Senator Lt Col NEILD

-Col. Neild. - They made it because they knew the preamble was not acceptable to the Senate.

Senator DRAKE

- They made the amendment not in consequence of any suggestion from this Chamber. Though Senator Lt.-Col. Neild had put a notice on our business-paper no suggestion was sent out from the Senate.

Therefore it was not in consequence of a suggestion from this Chamber that the alteration was made in another place. We have nothing before us to show that the view that was taken with regard to the preamble by the Government or by the House of Representatives had anything to do with the proposal of Senator Lt.-Col. Neild. However, I wish to point out that to my mind it is questionable whether the section of the Constitution which is relied upon, gives the power to- suggest an alteration of the frame-work of the Bill.

Senator Playford

- It would be perfectly competent in the State of South Australia.

Senator DRAKE

- But section 53 did not come from South Australia. . .

Senator Playford

- Yes it did.

The PRESIDENT

- The section is taken from the practice in South Australia.

Senator DRAKE

- We do not get it from South Australia.

Senator Playford

- We certainly do. I proposed it in the Conference on federation years ago.

Senator DRAKE

- It does not matter where the section came from - we find it in the Constitution. Whether it had its origin in South Australia or not, it is quite sufficient for us that it is in the Constitution. Is there not a great difference between the power of suggestion and the power of amendment! From one point of view it has been urged that there is not much difference, because both a suggestion and an amendment have the same effect. But is not the "difference this - that in a Bill we have no power to amend ? The grant made by the House that has power to originate ; and that House alone has the power to amend. Is not that implied? ;

Senator Lt Col Neild

- No.

Senator DRAKE

- The honorable senator supported his view with an argument that this is no argument at all. He said that no grant can be made without the concurrence of this Chamber ; that is to say, that no money can be voted without the concurrence of this Chamber. A Supply Bill cannot get through the English Parliament without the concurrence of the House of Lords. So that the mere fact that . a Bill cannot be passed without being agreed to by this Chamber does not show that we are on an equality with the other Chamber in respect to making a grant.



Senator Lt Col NEILD

-Col. Neild. - Does the Minister suggest that the House of Lords would be competent to deal with the items of an Appropriation Bill in the manner that we are authorized to do ?

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Senator DRAKE

- No : but I say that when the honorable senator tries to support his argument by saying that a Supply Bill cannot get through without the concurrence of this Chamber, it is fair to reply that no Supply Bill in England can become law without the concurrence of the House of Lords. Yet, there is no doubt that in Great Britain the Commons are the sole source of supplies. \

Senator Sir Frederick Sargood

- Where is the power to grant mentioned in the Constitution ?

Senator DRAKE

- The two Chambers must concur in order that the provision may become law. This shows that the power does not exclusively rest with the House of Commons.

Senator Major GOULD

(New South Wales). - I am sorry that the question should have been raised by the representative of the Government as to our power to make suggestions of the character indicated, because I take it that that is not by any means the most important question we desire to decide at the present time. Of course, I admit at once that we must have the power before we can make a suggestion, but I think the manifest interpretation of the section relating to the matter covers any portion of the Bill which may be under the consideration of the committee. Let me point out that if that were not the case it would be within the power of the other Chamber to place in a measure of this character any sort of claim that they might see fit, a claim that they would know could not be sustained, a claim which was manifestly wrong, and which might even be put in for the purpose of flouting the Senate, supposing there had been a difficulty between the two Houses. It must appear at once that that would never be within the power of the other Chamber. If, for the sake of argument, we could not make such a suggestion as this, this House would be reduced to the position of being compelled either to tacitly acknowledge the claim of the other Chamber or else to take upon itself the very serious responsibility of rejecting a measure that might be urgently necessary to carry on the public service.

Senator Drake

- Did not we send back a measure last week with a message?

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Senator Major GOULD

- We must send back the Bill with a message ; but I submit that that would not assist us in the way in which we are entitled to claim assistance at the present time. Now, the clause to which exception has been taken - "for the purpose of appropriating the grant made by the House of Representatives " - has evidently been inserted by the other Chamber with the distinct object of claiming the right to make grants in this particular way, and they have done that with a view of our simply assenting to the claim that they have the absolute right of making the appropriation. Now, I am perfectly convinced that members of this Senate do not consider that the other Chamber has any exclusive right of this character at all.

Notwithstanding the forms or orders they may go through for the purpose of considering what amount of money shall be voted, we are not bound by anything that they may do in that particular way. The wording of the Constitution Act clearly shows how laws are to be passed -

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth.

And the earlier portion of the A.ct says -

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, the Senate, and the House of Representatives, and which is hereinafter called the Parliament or the Parliament of the Commonwealth.

Now, it is laid down quite clearly under our Commonwealth Act that the Parliament, and the Parliament alone, can legislate and pass laws for the peace, order, and good government of the Commonwealth, and I contend that that construction goes to the extent of voting supplies just as it applies to any other matter, and that it is necessary that the Parliament shall make the grant, whatever it may be, for the services of

the year. The only provision that would stand against the Senate in connexion with matters of this kind is that laws appropriating revenue, or imposing taxation, shall not originate in the Senate, and of course we have no power to amend those measures, except by means of suggestion. Those are the only limitations that are placed on the Senate in dealing with any measure that may be dealt with in the Parliament of Australia. Such Bills cannot be initiated in the Senate, and the Senate cannot amend them, although it can make suggestions, which practically amount to very much the same thing, because it shows the will and opinion of the Senate. It has been contended that we must look to the rule that exists in the old country under the Parliament of Great Britain, and follow the course that is laid down there. I submit that that is a contention that cannot be maintained. In that case, as we know, there is no written Constitution whatever ; the Constitution has been gradually built up year after year, and generation after generation, by precedents that are laid down and claims that are made and admitted. If any one will take the trouble to look into May, he will see it pointed out most clearly how this power came about.

Senator McGregor

- The honorable and learned senator is only whipping a dead horse.

Senator Major GOULD

- But it is just as well to state reasons, so that members in another place may know some of the reasons which actuated us in the course we have taken.

Senator Drake

- Do they read our debates ?

Senator Major GOULD

- - Possibly they do not ; but it is well that they should know some of the reasons which actuate us. It is pointed out clearly -

That no tallage or aid shall be taken or levied without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land ;

And then again that -

The lords spiritual and the lords temporal voted separate subsidies for themselves, and from the reign of Edward I. the clergy, as a body, granted subsidies, either as a national council of the clergy in connexion with the Parliament, or, at a later period, in convocation, until the surrender or disuse of their right in the reign of Charles II.

So that in the first instance this aid was given by the different branches of the Legislature for the purpose of carrying out the services that were necessary. Then we find May goes on to say -

At length, when the Commons had increased in political influence, and the subsidies voted by them had become the principal source of national revenue, they gradually assumed their present position in regard to taxation and supply, and included the Lords, as well as themselves, in their grants."

So that clearly in the first instance they had no power, and did not presume to have exclusive power to deal with taxation and supply- It was only gradually, when they found their strength was such that they were able to demand this power, that they demanded it, and gradually the power was conceded to them by the House of Lords, although I believe there is no absolute resolution or Bill affirming that they have the exclusive right. But it has grown up by means of precedent after precedent, until now it is looked upon as an absolute condition of the Constitution, that the matter of supply is exclusively in the hands of the Commons, and that the Lords have only the power to give or refuse assent, but that they have no power of granting. And they do not grant. We can see the difference that exists between the Commons and Lords and the two branches of our Legislature. The Lords are men who are not elected by the taxpayers of the country. They are men who are simply called to that House, or their ancestors having been called there, the power to sit descended from father to son. They represent the people in no way whatever, and their position has become weaker and weaker as the strength of the Commons grew greater and greater ; but here we are in this position - the men in this Senate are in their positions by virtue of the votes of the electors, just as much as are the gentlemen in the other Chamber. We appeal to the same electors ; we do not represent exactly the same constituencies.

Senator Lt Col Neild

- In Tasmania and in South Australia the conditions of election to the two Houses were identical.

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Senator Major GOULD

- Though we do not represent exactly the same constituencies, we appeal to the same electors, and the same reasons, no doubt, actuated the people in sending us to this Chamber as actuated them in sending the representatives to the other Chamber, although the representation here is not placed on the same basis of equality as it is in the other Chamber, because we are called upon to represent States as our constituencies instead of electorates. In that way, some senators represent more electors than others, and there is not the same equality. We know perfectly well that this equality of representation of States was given to the smaller States, in order that they might feel that they would not be overweighted, and that their wishes and desires should have the same attention as the wishes and desires of the larger States - that, in fact, they should not be swamped and overridden. It was thought that by this means the smaller States would have an amount of representation which would be adequate to protect their interests whenever they were unfairly dealt with, or whenever it was thought they were being unfairly dealt with by the legislation proposed in another Chamber. But that by no means takes away from us, the position that we are as much the representatives of the taxpayers in matters of this kind as are members of the other House. We have the right of veto. We can say - "You have sent us this Bill, but we will not vote a single sixpence" - and the other House cannot do a single thing to compel us to vote any sum, unless by reason of arguments that will convince us we are doing what is wrong and improper. There is no power of bringing the Senate to book as Legislative Councils have been brought to book by making "additional nominations. We stand in an entirely different position. "We are returned by the people of the country, and we can say - "If you think you are voicing the views of the people, and we are not, we are prepared to go before our electors, and answer to them for whatever course of action we take." The fact of the double dissolution absolutely strengthens our position, and recognises our power - our right to stand strongly and firmly. I am quite sure if honorable senators will take the trouble to look into history, and the reasons that existed for laying down the practice that exists in the House of Commons, they will find that the reasons and practice there can have no applicability to our circumstances. We are acting strictly under a statute which gives us certain powers, which restricts us only in certain respects, and we are doing only what is right and proper in insisting on our co-ordinate rights with the other House in dealing with matters of supply. The argument has been used by some honorable senators that the House of Representatives had a right to include in the Bill something to show what they claim. They are not content to rely simply upon the provision of the Constitution which speaks for itself, but they unnecessarily and purposely insert this particular provision that this Act is only for the purpose of appropriating a grant made by the House of Representatives.

Senator Dobson

- If they use any word at all it should be "originated."

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Senator Major GOULD

- That would be another thing altogether. That would show that they had no right to make the grant themselves. They only initiated the grant, and we had to join with them in order that the grant should be made effective. These words were inserted in the Bill in committee. The Bill as submitted to the House of Representatives commenced : - "Be it enacted by the King's most Excellent Majesty, and the Senate and the House of Representatives," and it did not contain the words that were taken exception to by Senator Neild.

It has been urged that the House of Representatives had to put this provision in to show what is their construction of the Constitution. The first clause of the Bill provides that there shall and may be issued and applied for or towards making good the supply granted to His Majesty a certain sum. That would assume that supply had been granted by some - other body than the body that was passing this measure. Those words in themselves would have been objectionable, because they would still have raised the issue that the House of Representatives had the right of granting the supply for the service\* of the State, a condition that we do not admit for one second. When that clause comes on for discussion it will be possible to amend it by omitting the words "issued and applied for, or towards making good the supply." The clause would then read - "There shall and may be granted." Then that would show clearly that the money was voted by both Houses of Parliament. I contend that it is only the Parliament that can make the grant and not the one House simply with the assent of the other House. Both Houses must concur in whatever is done, and although we cannot initiate the Bill here or amend it, we must be parties to the

grant. I think it should be shown perfectly, clearly, and distinctly what is the position that we take up in this connexion. Of course, if there were any question at all whether our contention was correct ; if we were taking this action only" to try on something we would be in a wrong position ; but whenever the Senate puts its foot down in connexion with matters of this character, it should be put down with a determination not to raise it again unless it is absolutely convinced that it has made a serious and grave error. As far as I can read the Constitution and consider the way in which the practice has arisen in the old country, I fail to see that we are on anything but the most substantial ground when we take up the position that Ls proposed by

Senator Neild,

by eliminating the words referred to, and also eliminating the words in the first clause later on in order to show clearly and conclusively that while we recognise that such Bills can be initiated only in the other Chamber, and that we have the power of suggestion only, yet we claim the same right, power, and authority to make the grant as does the other Chamber.

I believe we stand on a rock when we take up that position. Now is the time when we must take up our position one way or another. While precedents will not alter our Constitution, they will weaken our arguments in favour of the Constitution, and if this Senate allows encroachments on its powers, depend upon it, they will be regarded as the construction we place upon the Constitution Act - it will be assumed that we recognise that the other Chamber has the power of making these grants. We shall find the greatest difficulty in getting behind such admissions when once they have been made by us. I do not want to have any unnecessary friction with the other Chamber. I want to fairly and honestly concede every right they are entitled to under the Constitution ; but, while I believe in conceding that, I believe we have a right to demand everything that belongs to us, and that we should be prepared to adhere to our rights, and stand by them, and not give way under any circumstances whatever, save when we have been convinced that we are not entitled to make the claims made by us. Until we are convinced in that respect it is our duty, as Members of the Senate, and as Members of the first Federal Parliament, to see that the Constitution Act is construed fairly and honestly, and with due regard to the privileges and rights of both Chambers of the Legislature.

Senator MCGREGOR

- I move-

That the Senate do now divide.

Question resolved in the affirmative.

Original question resolved in the affirmative.

In Committee :

Clause 1 -

There shall and may be issued and applied for or towards making good the supply granted to His Majesty for the service of the period ending the thirtieth day of June One thousand nine hundred and one the sum of Four hundred and ninety-one thousand eight hundred and eighty-two pounds out of the Consolidated Revenue Fund, for the purposes and services expressed in the Schedule to this Act, and the Treasurer is hereby authorized and empowered to issue and apply the moneys authorized to be issued and applied.

Senator Lt Col NEILD

- I move -

That it be suggested to the House of Representatives that the clause be amended by omitting the word "granted" inline 2.

Senator Major Gould

- I have an amendment to move before that is put forward.

Senator Lt Col NEILD

- Perhaps the honorable and learned senator will allow me to say that I think that the omission of the one word " granted " would meet the difficulty.

Senator Major Gould

- I think the proper course would be to omit the words in lines 1 and 2 : - "Issued and applied for or towards making good the supply. "

So that the clause would read -

There shall and may be granted to His Majesty.....

Postmaster-General

Senator DRAKE

. - I recognise from the debate that has taken place, although I did not divide the Senate, that there is a considerable feeling in favor of sending back with this Bill a suggestion in regard to a certain alteration. The alteration that was mentioned just now by Senator Major Gould, it seems to me, would destroy the measure altogether as an Appropriation Bill. It is a Bill to apply out of the consolidated revenue a certain sum, and these two words, "issued and applied," are the very essence of it. The contention in the Senate whether we join with the other House in making the grant, is one thing ; but this is a Bill to apply the money, and is quite another thing. The two words that show that this is an Appropriation Bill are the words, "issued and applied." We are not joined in this Bill. We cannot be said to be joining with the other House in making a grant, but what we are doing is making a provision for the issue and application of the money. We must have an Appropriation Act. If we are going to deal simply with the question of granting, we are going back again. I am not suggesting this course myself. I only want to point out that we shall be putting ourselves in a wrong position if we destroy this measure as an Appropriation Bill, and we shall do that if we strike out these words, and simply cause it to be a Bill making a grant.

Senator Major GOULD

- I quite realize the force of the contention raised by the honorable and learned senator. I think it would meet the objection that has been raised, if we were to omit the word "and" between "issued" and "applied," line 1, and to insert after the word "applied" the words "and granted."

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Senator Drake

- We should grant first, and afterwards appropriate.

Senator Major GOULD

- Then I would amend the clause so as to make it read -

There shall and may be granted issued and applied to His Majesty for the services of the period ending

....

Senator DRAKE

- I think that we should very carefully consider this matter. It does not do to make these amendments in great haste. If this proposal were adopted, the clause would read very peculiarly -

There shall and may be granted issued and applied to His Majesty ....

We do not apply it to His Majesty.

Senator Best

- Well, strike out "His Majesty."

Senator Drake

- No, I should not like to strike out "His Majesty."

Senator Sir JOSIAH SYMON

- May I be permitted to make a suggestion ? The object which senators have in view is to get at the principle which we are endeavouring to apply to the financial powers of the Senate. So far as the phraseology is eventually concerned, of course that will be subject to revision and adjustment. I suggest that the amendment should be in this direction : -

There shall and may be granted, issued, and applied for and towards the supply of His Majesty for the services of the period ending 30th June, and so on.

Senator Sir John Downer

- Strike out "granted" and see how that would do.

Senator Sir JOSIAH SYMON

- That would not do, because the point we insist upon is the right of the Senate by legislation to join in the grant; otherwise we are only beating the air. The change that has been made under our Constitution is, as pointed out by Senator Major Gould, that instead of grants being made by way of supply to the Crown by the House of Representatives they are now made by legislative enactments, in which the Senate is entitled under the Constitution to join. That is the whole object, and the way to do that, it seems to me, is to put in the word "granted." Then the Senate, as well as the House of Representatives, grants the supply.

Senator Sir FREDERICK SARGOOD

- I fail to see any necessity whatever for putting in the word " granted." I would simply strike out the word "granted" in line 2. That is the amendment I intended to suggest. It is just as well to make as few alterations as possible. If my suggestion were adopted the clause would read -

There shall and may be issued and applied for and towards making good, the supply to His Majesty. . . .  
Senator Sir JOSIAH SYMON

- May I point out that if we do that, we are simply abandoning the position which it is suggested we should take up by adopting Senator Lt.-Col. Neild's amendment. What is it we are struggling for, rightly or wrongly ? We are struggling to have co-ordinate powers with the House of Representatives to make grants to the Crown. If honorable senators desire that clause 1 should stand in its present form, there is an end to it. The ordinary Supply Bill, as it stands now, imports that the grant has been already made by the House of Representatives, and that we have no control over it. If we leave the clause as it stands we are in no better position than the House of Lords, who after the grant has been made by the Commons, is merely asked to concur in that grant being made good out of the Consolidated Fund. The object of a Supply Bill is not to make the grant. That is made by the Commons in Committee of Supply. Then when the grant is made, that is embodied in the Bill which goes up to the House of Lords without any details whatever. We are in a different position here ; we are entitled to change the items, to strike them out, to alter any of them by amendment in the form of suggestion. We are in that position, and therefore the power of making alterations in the items composing the expenditure to which the supply is to be devoted, imports the power of granting. If the House of Representatives has voted £10,000 in items, and we have power to strike out £5,000, that implies that we have power to make ' a grant to that extent. Our concurrence in the grant is necessary, as well as in the source from which the money is to come. It is of no use our striking out, as it has been proposed we should do, when the preamble is considered, the words -

For the purpose of appropriating the grant made by the House of Representatives, if we leave clause 1 as it stands.

Senator Sir Frederick Sargood

- I propose to strike out the word " granted " in clause 1.

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Senator Sir JOSIAH SYMON

- Then the honorable senator has no. grant. Is or is not this Senate to make a grant?

If it is, then the word " granted " should be in the legislation. The only change that has been made under this Constitution is that the granting of the supply is to be an act of legislation concurred in by the two Houses. That is the point, the essence' of the Constitution ; that legislation, whether in the nature of a money grant or anything else, is. not to take place by the action of one House only. What I would suggest is that we should be simply beating the air if we were to strike out the portion of the preamble which states that the grant has been made by the House of Representatives, while we leave the same thing in substance in clause 1. If we strike out the word "granted," as suggested by my honorable friend, Senator Sir Frederick Sargood, we still leave it in, not expressly, but by implication, because the only effect of the clause is to indicate the source from which the money is to come to make good the grant of another House. If we left- out the words "issued and applied," that would be simply giving our concurrence, as the House of Lords would do, to the source from which the money is to come to make good the grant made by another House.

The CHAIRMAN

- Does the honorable and learned senator move any amendment ?

Senator Sir JOSIAH SYMON

- There is an amendment already before the Chair, I understand.

The CHAIRMAN

- No; it has not yet been formally moved.

Senator Sir JOSIAH SYMON

- I do not wish to interfere with my honorable friends who have charge of this matter. As I have said, the whole proceeding is novel, and no one can be blamed if the exact language is not as we would put it if we sat in calm deliberation for an hour or two. The substance of it is, that we desire to see that the Senate has the concurrent right to grant the money as well as to indicate the source from which it is to come. I

would indicate that by inserting the word "granted" between "may be" and "issued," line 1, we then raise the point which we wish to affirm. Strike out, if you will, the subsequent word "granted." If you insert the word "granted" before the word "issued," that will show that we join in the grant.

Senator Sir John Downer

- "There shall be granted."

Senator Sir JOSI AH SYMON

- I am obliged to my honorable and learned friend for the suggestion. It would be better to put in the word "granted" after the word "shall," line 1.

Senator BEST

- I think we are agreed as to what we are endeavouring to achieve, and that is to secure an acknowledgment that the Senate has the right to grant equally with the other House. I was going to suggest that that would probably be achieved in this way. The clause reads -  
There shall and may be issued and applied for or towards making good the supply granted to His Majesty  
. . . , "

After the words "His Majesty," I would suggest the insertion of the words "By the Senate and the House of Representatives."

Senator Sir Josiah Symon

- That is very good. I will withdraw my suggestion in favour of it.

Senator Harney

- But we have never granted it.

Senator Major Gould

- That presupposes that we have granted it.

Senator Harney

- We cannot say we have made a grant when we have not done so.

Senator BEST

- We want to claim an acknowledgment. I quite admit the fiction and tradition as it appears here ;. but if we desire to secure an acknowledgment, I think we can keep to the wording of the clause, and at the same time secure our acknowledgment by the insertion of the words to which I have already referred.

Senator Sir Frederick Sargood

- Put in the word " hereby " before the word " granted."

Senator BEST

- That will meet the difficulty.

Senator DRAKE

- Of course Senator Sir Josiah Symon cannot move an amendment. What I understand he intends is to make a suggestion. If the course proposed to be taken by the honorable and learned senator be adopted, I think we are going outside the title of the Bill.

Senator Sir Josiah Symon

- We can alter the title.

Senator DRAKE

- No ; because the Bill has passed its second reading.

Senator Major Gould

- We can alter the . title in committee. The title is always the last matter dealt with in committee.

Senator DRAKE

- According to the practice to which I have been accustomed, you cannot so amend a Bill in committee as to take it outside its title.

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The CHAIRMAN

- That is provided for in our standing orders also.

Senator Lt Col Neild

- Standing Order No. 406 contains the following provision : -

But if any such amendment shall not be in accordance with the Bill, they shall amend the title accordingly.

Senator DRAKE

- The purpose of the Bill is to apply money out of the Consolidated Revenue. It is not necessary for any

purpose the Senate has in view that we should insist on putting in the Bill the words that the Senate grants the money. It is sufficient if we take from the Bill all claim from the House of Representatives that they are solely granting it. The object may be attained by the omission of two lines in the enactment clause and then making the clause read somewhat as follows : -

There shall and may be issued to His Majesty and applied for the service of the period ending 30th June, 1901. "Would not that meet the case 1

Senator Sir Frederick Sargood

- There is no grant then.

Senator DRAKE

- This Bill as it comes to us is a Bill to issue and apply. By suggesting the alteration I have just recommended we shall not raise the question about granting. What is objected to by the Senate is an assertion of another place that they have made the grant. If that is excluded from the Bill there is no cause of offence. There would be no assertion that the money is granted. If we pass a Bill issuing and applying the money everything necessary is done. It is not necessary to go out of our way to provoke a contest over this matter. I would so alter the measure that there is no assertion on the part of the House of Representatives that they have made this grant exclusively ; and surely we may allow it to go without making the assertion that the Senate has made the grant. There can be no loss of honour or dignity to either Chamber in adopting the suggestion I have made. We then carry out the intention of this Bill by making it an Appropriation Bill, and say nothing as to the way the money is granted.

Senator Sir FREDERICK

SARGOOD (Victoria). - The suggestion of the Postmaster-General would be a very good one if the word "granted" were not in clause 1.

Senator Drake

- That word would not be in clause 1 if my suggestion were adopted.

Senator Sir FREDERICK SARGOOD

- The Minister states that this is a Bill to apply ; but the Bill itself in clause 1 says it is a Bill to grant as well. What we require is to state that the Supply is " hereby " granted. That term, will get over the whole difficulty. The insertion of the one word " hereby " is all that is necessary.

Senator Sir JOSIAH

SYMON (South Australia). - I may say at once that I withdraw my suggestion for putting in the word "granted," and unhesitatingly adopt the suggestion putting in the word "hereby." That gets over the whole difficulty, and is a courteous recognition of the very large powers possessed by the House of Representatives.

Senator Drake

- But is it correct?

Senator Sir JOSIAH SYMON

- Yes, because our contention is, with regard to the powers of the Senate, that grants of money are not now made in Committee of Supply, but by legislation in which this Chamber concurs.

Senator Playford

- There is no objection to the insertion of the word " hereby."

Motion, by leave, withdrawn.

Motion (by Senator Sir Frederick Sargood) agreed to -

That it be suggested to the House of Representatives that the clause be amended by the insertion of the word " hereby " after the word " Supply," line 2.

The CHAIRMAN

- I shall put the seven departmental divisions of the schedule separately. .

Divisions 1 to 7 agreed to.

Senator Sir JOSIAH

SYMON (South Australia). - I think there is some confusion as to the way the divisions of the schedule have been put. Some honorable senators wish to have an opportunity of speaking upon the items in the subdivisions.

Senator Major GOULD

(New South Wales). - Under the heading "Minister of External Affairs " there are a number of subdivisions



- ten of them. They are called divisions in the Bill'.

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The CHAIRMAN

- If any honorable member desires to discuss any item we have passed, the schedule must be recommitted. .

Senator Lt.-Col..

NEILD (New South Wales). - I think that in future the more convenient practice would be to put the schedule as- a whole, and then let any honorable senator speak with regard to any item.

Recital -

For the purpose of appropriating the grant made by the House of Representatives : Be it enacted by the King's Most Excellent Majesty and the Senate and -the House of Representatives of the Commonwealth of Australia as follows : -

Senator BEST

- As has been mentioned by various honorable senators who have addressed themselves to this subject, we are anxious to give to the House of Representatives everything to which that House is entitled. In other words we do not desire in any way to derogate from their powers. So far as I can understand, the great point made in the other Chamber was that it is necessary that there should appear upon the face of this interim Appropriation Bill, as I may call it, the fact that the Bill had its origin in the other Chamber.

Senator HIGGS

- I have to ask Senator Best to give way to me for a moment. I understood that you, sir, were putting the ordinary divisions of the schedule separately, and not the seven departmental divisions. Division No. 1 appeal's in the Bill on page 3, under the heading of " The Senate." I do not think that you put division No 2, "House of Representatives." Instead of doing that you put what I may call the chapters, or the parts of the schedule dealing with the separate departments of Ministers separately.

Senator Keating

- The Chairman pointed out at the time that he was putting the schedule in seven divisions.

The CHAIRMAN

- We cannot undo what we have done without recommitting the schedule.

Senator HIGGS

- What appears to me to be curious is that the Senate has been spending a great deal of time about its right to discuss the items in the schedule, and then, when we had the opportunity of discussing them, we put through the whole schedule in about three minutes.

Senator Harney

- We were only asserting a principle.

Senator BEST

(Victoria). - The proposal that is intended to be carried out is that we should strike\* out the words "for the purpose of appropriating the grant made by the House of Representatives." We know that those words were specially inserted by the other Chamber. As the other Chamber are desirous that -there should be disclosed upon the Bill the fact that it originated in the House of Representatives, I would draw the attention of the Committee to the fact that we could adhere to the Constitution, and at the same time say, on the face of the Bill, what has actually taken place. Section 56 of the Constitution says -  
A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

I think that when we strike out the words which it is proposed to omit, we should in fairness substitute something to the following effect : -

Whereas His Excellency the Governor-General, in pursuance of section 50 of the Commonwealth of Australia Constitution Act, has, by message to the House of Representatives, recommended that an appropriation be made out of the consolidated revenue for the purposes of the Estimates of Expenditure for the period ending the 30th .June, 1901.

The effect of that will be that upon the face of this Bill we give another place everything to which they are entitled in this regard. The claim they have made is that the origination should be disclosed, and that object may be disclosed in the words of the Constitution itself.

Senator Lt Col NEILD

- I suggest that Senator Best is practically proposing to supply words to fill a blank that has not yet been created. It would be more convenient for me to move the omission of certain words, and then, if the blank is created, the suggestion of Senator Best can be more conveniently considered than at the present juncture.

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Senator Sir JOHN DOWNER

- I suggest that the Constitution speaks for itself. The best way of preventing misunderstanding is to strike out the words "for the purpose of appropriating the grant made by the House of Representatives." We do not want any quibbling. We do not need to send to the other House a message that in order to prevent misunderstanding we suggest the recitation of the words of the Constitution Act. The origination of the Bill need not appear upon the face of it. The origination comes from the Commonwealth Constitution Act and (nothing else). We do not need to put in words with which the other House may disagree, and which may give rise to a conflict between the two Houses. All we need to do is to strike out debatable words and leave the Constitution, to speak for itself.

Motion (by Senator Lt.-Col. Neild) proposed, -

That it be suggested to the House of Representatives that the recital be amended by the omission of the words " for the purpose of. appropriating the grant made by the House of Representatives. "

Senator DAWSON

- I would like to know from you, Mr. Chairman, whether, if this amendment be carried, and these words be left out, it would not make the Bill a Supply Bill, in which case the Senate would be able to amend it ?

Senator Playford

- It makes no difference.

The CHAIRMAN

- The difference between an Appropriation and Supply Bill is at the present moment so complicated that I hardly feel called upon to decide the question.

Motion agreed to.

Senator BEST

(Victoria). - I would urge upon the committee to consider the suggestion I have made. "We cannot but be aware that the claim that was made by the other Chamber was that the origination of this measure in that Chamber should appear on the face of it, and as the Constitution Act provides that a message is necessary, the recital that that message has been sent to the House of Representatives would practically grant to the other House all that they were entitled to have placed on the face of the measure. I think it would be wise for this Chamber to take that step, but if it is not deemed acceptable I will not press it. I suggest that we should recite before the words " be it enacted" that a message in terms of section 56 has gone to the House of Representatives.

Senator Lt Col Neild

- How does the honorable and learned senator know it has gone ?

Senator BEST

- In accordance with the terms of the 56th section, it must have gone. According to that section, we are aware that this Bill could not have originated in the House of Representatives, unless a message preceded it.

Senator Sir Frederick Sargood

- Has the honorable and learned senator never known a mistake in a message]

Senator BEST

- We are not dealing with mistakes, we are dealing with facts. According to the terms of the Constitution it is necessary that a Bill of this kind should be preceded by a message, and I suggest that we should make that fact appear on the face of the Bill. That indicates the origination, which is all that the other place is entitled to, and I submit that an amendment of that kind by way of suggestion should be included.

Senator Sir FREDERICK SARGOOD

- I do not know that there would be any objection to the proposal, although it would be novel. But I say that we are not officially seized of the fact that this message has been delivered. I recollect perfectly well a case in which a Bill of this character came to the Legislative Council, when it was found that a message

had not been received in another place. Assuming that the House was inclined to make such an alteration, I think it would be advisable not to send it down as a suggestion, but rather to let the other House put it in. The Minister would convey to his colleagues no doubt what he believed to be the view held by members of the Senate.

Senator HARNEY

- I am quite satisfied that what Senator Best proposes should be done. If it has happened on previous occasions that the conditions precedent to the passing of a Bill have not been carried out, that makes it doubly necessary for us to see that the body of the Bill contains a proclamation that the conditions precedent have been fulfilled. We have the power to pass this Bill only if it comes before us according to the Constitution. The Constitution says the Bill is improperly before the House unless the appropriation has been recommended by a message from the Governor-General.

Senator Keating

- Why not assume that this provision has been complied with 1

Senator HARNEY

- We might of course assume that everything has been rightly done, but Senator Sir Frederick Sargood has told us that within his experience these things are not always rightly done.

Senator Sir William Zeal

- When did that happen 1

Senator Sir Frederick Sargood

- Six or seven years ago. .

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Senator HARNEY

- I think the force of the honorable and learned senator's suggestion lies in the fact that for the first time this House has co-ordinate power in the granting of Supply. We have no direct intercourse with the Governor-General, and do not know that those things have been done that should be done. It is, therefore, imperative that we should have a declaration on the face of the Bill that everything has been done that puts us in a constitutional position to pass the Bill.

Senator Sir JOSIAH SYMON

- I think that if we reflected we should be inclined to come to the conclusion . that the other Chamber might resent our setting them right on the constitutional steps they have taken to properly do their part in the granting of supply. As a matter of fact we are acting in the dark in endeavouring to lead them into the light. Why should we suggest to them something that has been fully in their minds ? The very underlying argument is that they have done this thing rightly, and that the message has been delivered, and if we put these words in we assume either that the message has not been received, or that the other House did not know their duty. Now, I think that, instead of making matters better we should make them very much worse by introducing anything of the kind. It is enough for us to protect our own constitutional rights, and to make no more suggestions than are absolutely necessary. I hope the amendment will be left as it is.

Senator Sir FREDERICK

SARGOOD (Victoria). - Might I state in regard to this question that I have been informed, on good authority, that when the Estimates were submitted a message was forwarded ; but that so far as this Bill is concerned, there has been no message. I can recollect more than one instance in which Bills have been introduced into the Assembly, and it has been afterwards found that they ought to have been introduced by message.

Senator Sir William

Zeal. - My experience of the State Parliament is that everything is done constitutionally and properly, notwithstanding the assertion of

Senator Sir Frederick

Sargood.

Senator Sir JOHN

DOWNER (South Australia). - It is because I think everything has been done constitutionally and properly that I think it is a very unnecessary thing to be quibbling about whether it has been done constitutionally and properly. Of course it has been done constitutionally and properly, or else we would not consider it. I, therefore, object to the insertion of unnecessary words which will only assert something which we are

already agreed upon.

Motion agreed to.

The CHAIRMAN

- We are now working under the standing orders of South Australia, and, where there are no standing orders, under the practice of that State, and it is my duty to put the question as follows : -

That the Bill be returned to the House of Representatives, with a message containing a schedule of certain suggested amendments which the Senate requests the House of Representatives to make in the Bill, and that the committee have leave to sit again on receipt of a message from the House of Representatives returning the Bill.

Senator Lt.-Col.

NEILD (New South Wales). - I do not think that the preamble has been put, although words have been omitted.

Senator Drake

- There is no preamble.

Senator Lt Col NEILD

- But there was a proposal to insert certain words. Even if the words were omitted that leaves the preamble still not put as amended. Then there is the title. I have indicated that a word requires to be inserted there to conform to the first clause.

The CHAIRMAN

- The practice appears to be to leave the Bill in committee and not to deal with the title until we have received a message from another place.

Senator Lt Col NEILD

- I am not referring so much to the practice as to the standing order. Standing Order 406 gives authority to amend titles in committee.

The CHAIRMAN

- That will be done when the measure comes' back from another place, and we shall keep the Bill in committee for the purpose.

Senator Lt Col NEILD

- The standing order says -

If any such amendments shall not be within the title, of the Bill, they shall amend the title accordingly and report the same specially to the House.

I therefore desire to insert the word " grant " before the word " apply."

Senator DRAKE

- According to the standing orders under which we are working, the practice is to report the suggestions, and then the Bill is sent, with the suggestions, to another place, and the committee sits again as soon as the suggestions are received back. That is the time to consider whether an alteration of the title is necessary.

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Senator Major GOULD

- If we sent the Bill down, and the suggestions were agreed to, we should then have to amend the title in order to make it cover the Bill as it had been amended. What the honorable senator proposes now is to alter the title so that it will conform to the proposed amendments, and if they are agreed to there will be no further need to make any alteration. Otherwise, if the House of Representatives agree to the suggestions we shall have to alter the title.

Senator Lt.-Col.

NEILD (New South Wales). - I beg to move -

That it be suggested to the House of Representatives that the title be amended by inserting the words "grant and" before the word "apply."

The title would then read - "An Act to grant and apply out of the Consolidated Revenue." That will bring the whole of the title into line.

Senator Sir Josiah Symon

- The Minister, I understand, is of opinion that the title would be inconsistent with the enacting part of the Bill. If he does not think any alteration is necessary, then it need not be made.

Senator Drake

- I do not desire any alteration . I prefer that it should go as it is. I still think that under the title we are not justified in making this a granting Bill.

Motion agreed to.

Senator Charleston

- Am I now in order in moving that the Bill be recommitted ?

The CHAIRMAN

- The honorable senator is not in order in moving that now.

Senator Charleston

- I am in order, I submit, in moving that certain clauses be reconsidered. The Chairman will find that Standing Order 294 says -

A clause that has been passed or amended, and passed again on the same day cannot be considered and amended, but whenever it is moved that the report be brought up, the reconsideration of any clause may be considered as an amendment.

The CHAIRMAN

- That standing order refers to a report on the whole Bill.

Senator Charleston

- Then when shall I be in order in moving to reconsider what we have done? I certainly do think that we have passed the schedule on a misunderstanding.

Senator Lt Col NEILD

- The honorable member will be in order on the final motion that the report be adopted.

Senator Charleston

- Do I understand that the Bill is left in committee?

The CHAIRMAN

- The report which I have to make expressly leaves the Bill in committee, and asks leave to consider it again after we have received a message from another place.

Senator Charleston

- I am desirous of reconsidering the schedule before we send the Bill to another place. I do think we have passed it under a misunderstanding. We have passed for instance in one division the whole of the Estimates for the Minister for External Affairs. I notice that subdivision 1 provides for a Chairman of Committees at so much per year.

The CHAIRMAN

- We cannot go back to consider that now. I have pointed out that Standing Order 294 refers only to the final report of the Bill. The honorable senator is not allowed to intervene now with his motion.

Senator Charleston

- Then there is no power to go back and reconsider what we have done ?

The CHAIRMAN

- Yes ; the Bill will be left in committee, and the report asks leave to sit again in committee when the Bill comes back from the other House.

Senator Charleston

- Can we suggest amendments in the Bill then ?

The CHAIRMAN

- On the final report of the Bill I presume that effect can be given to the standing order to which the honorable member refers.

Senator Charleston

- Suppose the suggestions are adopted by the other House.

The CHAIRMAN

- We should still have to consider the Bill in committee.

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Senator Sir Frederick Sargood

- I would point out that a message has to be sent to another place suggesting certain amendments. The House alone can send the message. The committee cannot do so. The Chairman must report to the President, and the House will send the message.

Senator Sir JOSIAH

SYMON (South Australia). - It is quite clear there must be a gap somewhere. Suppose we send this back to the other House with a message respectfully drawing their attention to these suggestions, and that they adopt the suggestions, and the Bill comes back to us. We can surely have no power to make additional amendments, and again ask the concurrence of the other House. I am not with the honorable senator who desires to make further amendments, but suppose any honorable senator does desire to have the schedule reconsidered, it would be impossible to have it done. We cannot possibly send back a further schedule of suggestions, and go on in a kind of see-saw ; there must be some period at which the Senate brings its suggested amendments to an end. That period ought, I think, to be now.

The CHAIRMAN

- If Senator Charleston desires to suggest an amendment, it might perhaps be considered now.

Senator Playford

- The only time it can be done is when the President takes the chair, and the Chairman reports to the President that the committee have suggested amendments in the Bill ; then a motion will be moved that the Bill be reconsidered in committee.

Senator Sir JOSIAH SYMON

- The honorable senator, I think, is mistaken, although his knowledge of the rules is very great. This is the first time I have known him in error. The standing order under which Senator Charleston is proceeding is not the one to which Senator Playford alludes. There are three courses that can be adopted. One is when the motion is made, that the report be presented - that is done in committee - and that is the stage we have apparently reached now. Senator Charleston desires to avail himself of that, not for the purpose of recommittal, but for the purpose of reconsideration. Supposing that Senator Charleston does not choose to do that and the House resumes, then on the motion, when the President is in the chair, that the report be adopted, any honorable senator can then move the recommittal of the Bill. He can also move for the recommittal, of the Bill before the motion for the third reading is put. It is the first of these courses that Senator Charleston proposes to adopt. The Chairman has just said that he proposes to put to the committee that the report be -adopted.

Senator Drake

- That is not what the 'Chairman says. He does not move that it be adopted.

Senator Sir JOSIAH SYMON

- Well, that it .be brought up. The honorable senator must move that. The committee must authorize him to bring up the report. Of course, ordinarily, that could apply only where Bills come to the House in the ordinary way, when the work of the committee is done and the Bill is finished with. But we are now under a new practice. We have to bring up a report, which must be adopted in the House, sending back this Bill with a respectful message as to certain suggestions to the other House. But it cannot be moved until the whole report is brought up. It is a new usage ; at the stage we have reached it seems to me that the honorable senator should be in a position to move the reconsideration of the schedule.

Senator Sir WILLIAM ZEAL

- I do not understand this practice. It seems to me that when a Bill is placed in committee, and the committee deals with it, it takes the final stage. Then the President takes the chair, and the Chairman formally reports what has been done. Then it is in the power of any honorable senator to move that the Bill be recommitted, to allow of the insertion of a new clause and so forth. This is the system that has always prevailed in this State, and it seems to me to be the only intelligible way to let the Senate express its view. This ruling seems to me to be a most extraordinary one. How has the Chairman any power to address the other House ? It is the President who is the mouth-piece of the Senate, and it can be done only when the President comes into the chair, and the motion is made that the Bill be read a third time. Then, if it is passed, it is done with. If it is not, then it is at the option of Senator Charleston to ask that the Bill be recommitted. I do not see that there is any different practice.

Senator Sir Josiah Symon

- It is different.

Senator Sir WILLIAM ZEAL

- I do not see any other intelligible course It is the head of the Senate, not the Chairman, who has power to address the other House.

The CHAIRMAN

- We have got into this position by adopting the standing orders of South Australia, instead of the other standing orders which have been prepared. The South Australian standing orders do not deal with this question of suggestion.- It is all left to a question of practice. One honorable senator from South Australia seems to be slightly at variance with another honorable senator on that point, and I therefore propose as a way out of the difficulty that I make the report to the Senate. On my making a report to the Senate any honorable senator who wants a recommittal can then move for it, and the President,- who knows the practice, will be able to deal with it.

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Senator Charleston

- All I desire to do is to go -over the thing again. I have really no amendment to move.

Question resolved in the affirmative.

Resolution - That the committee recommend that this Bill be returned to the House of Representatives, with a message conveying the suggestions agreed to - reported.

Senator HIGGS

(Queensland).- Would you be goodenough to tell us,

Mr. President,

how we may get to a reconsideration of the schedule if we desire to do so 1

The PRESIDENT

- Any honorable senator can move that the Bill or certain parts of it be recommitted for reconsideration. It is open to any honorable senator to move in that direction now.

Senator HIGGS

-I move -

That the Bill be recommitted for the purpose of considering the schedule.

We passed the schedule under a misapprehension. We saw on the top of it Division No. 1 and Division No. 2-

Senator Drake

- Let the honorable senator say what he wants.

Senator HIGGS

- We want some information about the items.

Question - That the Bill be recommitted for the purpose of considering the schedule - put. The Senate divided -

Ayes ... .. 25

Noes ... .. 4

Majority ... .. 21

Question so resolved in the affirmative.

In Committee

(recommittal).

Schedule -

Senator CHARLESTON

- I propose to move -

That the schedule be taken into consideration in divisions.

That would enable us to deal with the items.

The CHAIRMAN

- I would point out that under the motion now before the Chair the honorable senator can begin with the first item and object to every one of them if he desires to do so. The whole schedule is now open for discussion.

Senator HIGGS

- In Division No. 1 there appears the item - "The Chairman of Committees, £500 per annum from date of election." I move -

That it be suggested to the House of Representatives that the figures £500 be omitted, with a view to insert in lieu thereof the figures £200.

Looking at the schedule as a whole, it is my opinion that the Estimates have been prepared on a scale of

considerable magnificence ; but inasmuch as the Federal Ministry is composed of experienced and able men who ought to know what is necessary expenditure, I do not feel entitled to say that the schedule is extravagant. In connexion with the salary of the Chairman of Committees, however, basing my opinion upon what I have heard from the representatives of South Australia, I do not think such an officer is necessary at all. The President can do the work if we give him power to nominate other senators to relieve him in the chair when he desires a rest. I hope it will not be considered that I am aiming at any particular senator who is a candidate for the position. If we are to have a Chairman of Committees I think that, in addition to his £400 a year as a senator, £200 will be ample for the services he will render during the few months the Senate will be in session.

Senator DRAKE

- I am glad to hear Senator Higgs say that he does not consider that the schedule generally is framed in an extravagant manner. His object, I presume, is to recommend the system adopted in South Australia of having no Chairman of Committees, That proposal has already been before the Senate in another form, when it was disapproved of. The motion that the President take the chair and and act as Chairman of Committees was negatived. I am still of opinion that it is desirable that we should have a Chairman of Committees, and I do not think the salary proposed is extravagant.

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Senator GLASSEY

- I am opposed to the motion. We have been contending during the session for equality as between the Senate and the House of Representatives, and a senator of standing and position has raised the question why so many Bills should be initiated in the House of Representatives when they could just as well have been introduced in the Senate. It has been urged with some show of reason that there should be equality as far as possible between the positions of the two Houses. That being so, and seeing that the House of Representatives has adopted the schedule in which it is proposed that the Chairman of Committees should receive £500 in addition to his salary as senator, surely those honorable senators who urged that the Senate should maintain an equality of work, dignity, power, and position with the House of Representatives, are not going to reduce the salary of the Chairman of Committees to an amount £300 lower than will be paid to the Chairman of Committees in the other Chamber. I yield to no senator in my desire to effect a reasonable economy, but I do not take my cue from the practice that has been enforced in the Legislative Council of South Australia. I by no means put this Senate on terms of equality with the Legislative Council of South Australia or any other Legislative Council in Australia. We should be reducing our Chairman to a position he should not occupy by paying him the small, sum of £200 in addition to the £400 he draws as a senator. To ask the Chairman to sit here hour after hour, day after day, and it may be night after night in some instances, for the paltry sum of £200 is asking too much for too little money.

Senator Harney

- It is' admitting our inferiority to the other House.

Senator GLASSEY

- Certainly, and it is reducing one of our officers to a position he should not occupy. The proposal that we should have no Chairman, but that some honorable senator should relieve the President on some occasions is preposterous. It is unworkable, and the miserable saving likely to be effected by taking that course is not worthy of the Senate. I sincerely hope the motion will not be carried.

Senator Sir JOHN DOWNER

- The House of Representatives has never recognised the importance of our position more strongly than by sending up this Bill in the form in which it stands in respect to this item. The other Chamber recognises that from our constitutional position we need a Chairman of Committees and that there are important matters to be dealt with in committee. We are, in fact, in a position different from that of any Legislative Council in regard to our committee work. Is our first act going to be to abnegate even what the House of Representatives have chosen to give, us? After all the strong assertions I have heard from honorable senators with regard to the position of the Senate - assertions with which I am entirely in sympathy - I cannot understand the reason for this motion. In accordance with our power of suggesting amendments we shall have to go into committee frequently. We shall have such work to do in committee that it will be quite unreasonable to expect the President to act both as Chairman of Committees and President. Indeed, we have practically decided that point already. It is not at all worth our while to reduce the salary



as proposed. The Chairman of Committees will have to be here always. His attendance will be practically perpetual, and we do not know how long he will have to sit in the chair. We are in an embryonic position at present. The duties of the Chairman will develop as the work increases. If we assert our rights, as I hope we shall, the committee work will be very considerable, and probably our proceedings in committee will be protracted. The salary suggested is by no means too high.

Senator FRASER

- I cannot support this amendment. We have been only a week or two in session, and there are centuries before this Commonwealth. Australia will grow to have a revenue larger than the revenues of most of the European States. Even now the revenue of the Commonwealth is greater than is that of some of the present European States. Surely we are not going to belittle ourselves, to use a common word, by cutting down the emoluments of the Chairman of Committees to £200, plus the £400 which he will receive as a senator. I hope we shall be prudent and careful in regard to the expenditure of the country, but this reduction is not at all necessary. We need not, to begin with, show a spirit of meanness. We have practically decided that we shall have a Chairman of Committees, and that being so, let us deal with the matter equitably and fairly. I shall do my utmost to curtail expenditure, but I hope the Senate will not agree to the present proposal. I presume that the salary of the Chairman of Committees of the House of Representatives is not to be touched by this Chamber. It would be most ungracious on our part to propose to reduce the salary of an officer of another place.

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Senator Sir Josiah Symon

- They reduced the salary of our President.

Senator FRASER

- It would be more gracious to leave to the House of Representatives the privilege of dealing with its own officers.

Senator HIGGS

(Queensland). - I hope honorable senators will not be in too great haste over this matter. I sat very quietly cheering both sides during the great discussion on the question of tweedledum and tweedledee. Therefore I trust the committee will not be too anxious to arrive at a decision before they hear what some of us have to say with regard to federal expenditure. I am certain that when

Senator Eraser

addressed various meetings in Victoria before the elections, he told the electors that if he were returned to the Senate he would endeavor to see that the money of the Commonwealth was economically expended. The electors, probably knowing what a business-like man

Senator Eraser

is, elected him believing that he would do so ; but when he gets into the Senate he, in a lordly way, supports a proposal to pay £900 per annum to the Chairman of Committees, an office which is not necessary at all in the opinion of some of the most capable men who have come, from South Australia. £900 would be a very large salary to pay for the work which will be required in this Chamber. My proposal is that the Chairman of Committees should get £600 per annum altogether, including his salary as a senator. That will be a very fair salary to pay for the work that will have to be done.

Senator Glassey

has expressed great surprise that a member of the Senate who is anxious that we should have more work to do has expressed a wish 'to cut down the salary of the Chairman of Committees.

Senator Glassey

- I believe that £500 is little enough to pay the Chairman of Committees either in this or the other House.

Senator HIGGS

- I remember the time when Senator Glassey, as a member of the Queensland Parliament, was ready enough to move the reduction of the salary of any civil servant receiving anything like £500 or £600 a year. In those days he would move that such a salary be cut down by £100.

Senator Glassey

- Never.

Senator HIGGS

- The reduction of high salaries was frequently moved in those days by the honorable senator. I notice

that some honorable senators since they got into the Senate have developed new notions about economy. I do not suppose that the whole of the members of the committee will vote for my motion. " All I ask is that senators will do what they think right to the electors, who expect them to conduct the business of the Commonwealth in an economical manner. Would any honorable senator conduct his own business in the manner that is proposed here - paying a President £1,500 a year and a Chairman of Committees £900 per annum?

Senator Drake

- They do not generally have Presidents and Chairmen of Committees in connexion with private businesses.

Senator HIGGS

- No, they are too expensive. There are such officers as managers and sub-managers in connexion with private businesses.

Senator Harney

-. - The proportion of salary to revenue is much higher in business houses than it is in this Commonwealth.

Senator HIGGS

- Where higher salaries are paid in private businesses, more work is expected from the employes than the Senate will expect from its Chairman of Committees. I am anxious that the Senate should have plenty of work to do, and I am of opinion that the Cabinet, of which the Postmaster-General is a member, wishes to keep all the work it can from this Chamber.

Senator Drake

- Distinctly no.

Senator HIGGS

- When it was suggested that an adverse motion should be taken, as a motion of censure upon the Government the Postmaster-General said that they would not regard it in that light. We have only one salaried Minister in the Senate, and all the important Bills, with one exception, have been first introduced in the other Chamber. The House of Representatives sits four days a week, and sits more hours than we sit. Honorable senators seem impatient and anxious to divide. It appears to me that their anxiety is to divide up the funds of the people in a very lavish way.

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Senator STANFORTH SMITH

- I think the mover of this motion is inconsistent, because he proposes to reduce the salary of the Chairman of Committees in the Senate, whilst he has no intention of moving such a motion in regard to the House of Representatives. I certainly will not vote for a reduction in the salary of the Chairman of Committees of the Senate unless a similar reduction is made in the salary of the Chairman of the other House. I am not going to put our Chairman in the invidious position of receiving very much less than does the Chairman of the other House. The House of Representatives has recognised our equality and has granted an equal sum to each officer, and are we going to stultify ourselves by deliberately proposing that our Chairman is to get £200 only a year beyond his salary as a senator. I shall vote against the motion.

Senator MCGREGOR

- I think that Senator Smith takes a very absurd view of the position. Because we cannot do two or three things at one time that honorable senator will do nothing at all. I am amused at the glorious ideas of liberality that have come over the Senate. I know that when senators first came here they were more economical in their intentions than they seem to be to-night. Notwithstanding what Senator Smith has said about another place, we must look a little at the work that has to be done. Before Bills can come from another place they will be considerably altered. There are only half the number of members here to discuss a measure that there are in another place, although they are doing it very well. Consequently the work can be considered as being only half what it is in another place. When we realize that the man and horse who are engaged in removing all the debris from the feasting that may occur here at different times get only about 7s. 6d. per day, and at the very highest pay about 9s. 3d., then we may well consider a reduction in the salary of a man who has not half the work to do. It may be very important work indeed.

Senator Harney

- Why does the honorable senator not move that his own salary be reduced 1

Senator McGREGOR

- I consider my salary is more nearly proportioned to the salary of the man to whom the honorable senator referred than is the salary of the Chairman, who is to be given four or five hundred a year for doing very little more than I have to do. We have a right to be careful with the money of the people, and we have no right to show a vast disproportion in its distribution when men who ought to be claiming our attention are almost on the point of starvation. I do not think we should give £500 a year extra to an already well-paid member of the Senate for carrying out almost nominal duties.

Senator WALKER

- It must be remembered that every senator receives £400 a year, and that for this extra work it is proposed to give only £200 a year. We have nothing to do therefore with 'the payment of £400 a year; the amount proposed to be granted is for extra work done. I may mention for the information of senators that in the Legislative Council of New South Wales the Chairman of Committees gets £500 a year. Then again, if the President happens to be ill, or absent, I presume the Chairman would be acting-President. In New South Wales we have seen a Speaker ill for month after month, and the Chairman sat night after night doing his duty. I think the Chairman is in a sense an understudy for the Presidentship. He would not necessarily be made President, but he is supposed to be able to perform the Presidents duties. I consider we should put ourselves in a most undignified position if we allowed any officer of the House to receive less emolument than is received by a similar officer in another House. With regard to the argument that the duties are such that the Chairman should be content with £200, because we take less time in our work, I think the senator who made the suggestion in order to be consistent ought to suggest that senators themselves get less pay on the same ground. I think we should be making a great mistake in accepting this suggestion.

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Senator HARNEY

- I must say the arguments used by Senator McGregor, who is usually so apropos and telling in his speech, evince the weakness of the side he is trying to support, especially when he has to depart from what is relevant to the issue and endeavour to excite our commiseration by picturing a man and beast who have to work for 7s. 6d. per da}\ The honorable senator was quite as much to the point as if he were to say we ought to give our President nothing or take nothing ourselves, because such is the world that many persons are doing more and getting very little for it. I think the practical way of looking at the subject is this. In all Parliaments Of the world, except South Australia, the Chairmen of Committees are paid. Surely the onus lies with those who would have us depart from the ordinary and normal lines to show special ground for it. What ground can they show applicable to this Senate that does not exist with equal force in almost every other Chamber in the world? Not only is it impossible to show less reason why we should pay our Chairman, but when it comes to a question of comparison we find there is a far greater necessity for paying him than for paying the Chairman of the Legislative Council. The Legislative Council has no power to deal with the items and minor provisions in Money Bills. There are a great number of them, and we are entitled to do so. If we read section 53 of the Constitution Act we find that there is absolutely nothing that the House of Representatives can do that we are not equally entitled to do? Even in the case of measures that we have no power to amend we have power to suggest, and that implies a power to amend. I think it would be impossible to cut down the £500 provided for the Chairman in the House of Representatives, and, if so, I want to know what is the meaning of all these arguments used here during the last fortnight as to our co-ordinate jurisdiction ? Are we to proclaim to the public that our Chairman, who does the real detail, will have so little to do that his services will be adequately remunerated with £200, while the services of the Chairman in another Chamber require to be remunerated by £500?

Senator Charleston

- The motion does not say that.

Senator HARNEY

- No ; but I say it will be absolutely impossible for us to cut down the £500, while in the case of the officer of the other House no reduction is made.

Senator Higgs

- When did the honorable senator become a mind-reader ?

Senator HARNEY

- One does not need to be a mind-reader to draw inferences that are very palpable to those who look at the circumstances. Is the House of Representatives going to say: - "Because the Senate, a Chamber of 36 members, does not like to give their Chairman £500, therefore we, a Chamber of 75 members, will give way to them." I am sure every reasonable minded person is satisfied that whatever we do in reference to our Chairman, they will see that theirs has £500.

Senator McGregor

- We can veto the Bill.

Senator HARNEY

- We can do many things ; but can we do it effectively? I heard a complaint urged here by a senator a few days ago that there were thirteen Bills on the notice-paper in the other House, and only three here. We ask, why should we not have an equal number, and yet we have a proposal before us which is a declaration to those in authority that they ought not to give us an equal number, since we do not provide ourselves with officers for carrying on the same amount of business as is carried on elsewhere.

Senator Clemons

- The Chairman, at a less salary, would be just as efficient.

Senator HARNEY

- The honorable and learned senator might just as well say that any workman is equally efficient whatever we pay him. I think the workman is worthy of his hire.

Senator DAWSON

- The same class of workman would not be obtainable.

Senator HARNEY

- That is what I was going to remark. It might as well be said that anything at all is good enough for the workman who will do the work. The answer is, that if we want a good and efficient man to do the work we must make the salary a bait for him. It seems to me to be a grotesquely absurd thing for honorable senators, who are paid £400 a year for lazily lounging in their seats and getting into a little bit of intellectual excitement, to say that they are not paid too much, but that it is wrong to pay a man who has to keep his mind centred on the work of the chair a sum of £500 per annum.

Senator Higgs

- It is worth £1,000 a year to listen to the honorable and learned senator.

Senator HARNEY

- I am glad to hear that. If we cut down the amount to £200 per annum, we shall not be able to get any one to take the chair permanently. If we reduce the amount, our only course will be to choose between the President and a succession of amateurs. The President, I think, would very properly show an unwillingness to do this detail work in addition to the very responsible and very authoritative duties that he has now to perform. I think, in the long run, we may lose far more by having to get some one to go in the chair who has not studied the standing orders, who will make mistakes, and bring about delay and recommittals. We should save far more than the difference between £200 and £500 by having an efficient as compared with an inefficient Chairman. I think the whole thing comes back to this. A salary of £500 per annum seems to be the amount that is usually paid to chairmen of committees in Legislatures all over Australia. In the House of Lords, I believe, the Chairman of Committees gets £2,000 or £3,000 per annum.

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Senator Major Gould

- £2,500.

Senator HARNEY

- I desire to know what are the marked and exceptional circumstances that should lead us to depart from the usual course? I want to know more particularly what are the circumstances in the Senate differing from those of the House of Representatives that should induce us to take up a different position in this matter, thereby proclaiming, as we do to the public, that this Senate has to do with very little power, but with a great deal of talk, and that when it comes to the pinch we recognise that we have not as much work to do as have the House of Representatives. The Constitution very particularly says that there is absolutely nothing that can be done in the other House that cannot be done in the Senate, and I say the

best way for us to get our share of the work is to establish machinery and officers, which will be an encouragement to the Executive to send us the business, knowing as they will that we have persons who are capable and willing to carry it out.

Senator DAWSON

- I think it is a very good thing that this discussion has arisen, because once the determination of the Senate is manifested, it will settle the question once and for all. I entirely agree with my honorable and learned friend, the sweet-smiling Senator Sir John Downer, that Senator Higgs ought to withdraw his amendment. I view the matter of salary as my leader, Senator McGregor, viewed the question the other evening - on "commercial principles. If we want to get a man to do good work we have to pay him a decent and honorable salary. Any work such as the Chairman of Committees will be called upon to perform in the Senate, as soon as we settle down to business, should be well paid for. We require the very best man we can get for the position, and a man who will be not only a good man, but will know his business, and will be prepared to give up all his private business in order to attend strictly to his duties in the Senate. We are not going to get a high-class man to do the work in a proper way unless we recompense him for the loss of his business.

Senator Pearce. - How will the honorable senator decide whether he is a high-class man?

Senator DAWSON

- I will decide by the quality of his work. It is within the power of the Senate at any time to exchange an inferior man for a superior man, and we are not going to get a superior man if we pay an inferior salary. I do not think this is a just demand. It is not a patriotic motion on the part of Senator Higgs. We should not ask a man to give up his own business in order to do our work practically for nothing. If we are going to have a Chairman of Committees in this House we should pay him a decent salary. If we are not going to have a Chairman of Committees, then we should say so at once, and knock out the whole vote instead of reducing it by £300. I would strongly urge upon Senator Higgs to wake up ; to see the want of wisdom in his proposal, and to graciously and gracefully withdraw it.

Senator PEARCE

(Western Australia). I am in favour of

Senator Higgs'

motion. There seems to be a general impression that the senator who is to be appointed Chairman of Committees is going to enjoy a double existence; that he is going to carry out his duties as Chairman, and also be in this House as a senator, so that he is to be a double entity. I take it that nothing of the sort will happen. He will merely carry out one set of duties as Chairman of Committees. In receiving £400 a year as a

Senator, the Chairman

will also receive that sum as Chairman of Committees. Consequently we are justified in speaking of his salary as being £600 a year. We have heard eulogies of the personality of this Senate, and it has been said that the salaries have attracted to it some of the best men in Australia. We are, however, told by the same senators that £600 a year is not sufficient to attract a man great enough to carry out the duties of the Chairman of Committees. The insinuation has been thrown out that the object of this amendment is to belittle the Senate, inasmuch as no such proposal would be made with regard to the other Chamber. But I am prepared to move a similar proposal in regard to the House of Representatives, and I think that would be a very fair proposal to make under the circumstances.

Motion negatived.

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Senator STEWART

- I find that in addition to the President and the Chairman of Committees we have in connexion with the Senate a Clerk of Parliaments, a Clerk- Assistant, an Usher of the Black Rod, a Clerk of the Papers, and a shorthand writer and typist. I want to know what all these officers have to do? It appears to me that while we have all set out with the word economy on our lips we are very chary of practising it when it comes to the point. In Queensland the business of the Legislative Assembly is done by a Clerk, a Clerk-Assistant, and an ordinary clerk. Those three officers do the whole of the work. Can the Postmaster-General tell us what the Usher of the Black Rod does? "What are his particular functions ? "Where is the rod? Is it like Aaron's rod that budded ? It buds to the tune of £550 per annum, at all events.

Then there is the Clerk of the Papers. What does he do? It appears to me that we have too many officers in connexion with this Chamber. The ship is overmanned. Instead of setting out with due regard to economy, our Estimates have been framed, so far as the officers are concerned, on a most magnificent scale. It appears to me that we are only instituting a number of sinecures. I intend to move the reduction of some of these salaries, but before doing so I should like the Postmaster-General to satisfy my curiosity in regard to the Usher of the Black Rod and the Clerk of the Papers. We know what the Clerk of the Parliaments has to do. He is employed while Parliament is sitting, and will have a good deal of work to do when Parliament is not in session. We also require a Clerk- Assistant. But for the life of me I cannot find out what the other officers are for, with the exception perhaps of the shorthand writer and typist. My opinion is at present that those other officers might very well be done without. Will the Minister give me the information I desire?

Senator DRAKE

- I believe that the establishment has been arranged in such a way that the work will be efficiently done. It is all very well to make criticisms in regard to these officers, but if you take out any one of them there will be a link missing in the chain, and some particular kind of work in connexion with our proceedings will not be done as well as it should be done, or not done at all. I cannot undertake to instruct Senator Stewart, with his knowledge and experience, upon a matter of this kind. I believe he knows more about the duties of the Usher of the Black Rod than I do myself. He is always reading history and the proceedings of the British Parliament. All these officers are wanted and are performing useful functions.

Senator Stewart

- Is there work for them to do ?

Senator DRAKE

- Undoubtedly there is ; and while we should be economical, it would be false economy at the outset of our career to lower ourselves in the eyes of the world by adopting cheap substitutes for the ordinary officers employed in connexion with the Houses of Legislature in the advanced countries of the world.

Senator STEWART

(Queensland). - I asked for information from the Postmaster-General, and have not got it. The honorable senator apparently considers that I know more about the duties of the Usher of the Black Rod than he does. I am in entire and absolute ignorance of the functions of this officer; and the very fact that the Minister has not told us what the officials are and what they do is sufficient evidence that work for them does not exist. If they performed useful functions I am certain that the Minister would be quite able to tell us what they are. I think the Clerk of "Parliaments is over-paid at £900 per annum, and the Clerk- Assistant at £750, but I do not intend to move any reduction in those salaries. As to what the Minister says in regard to keeping up the dignity of Parliament, I reply that we have nothing to do with dignity. We are sent here to do the business of the country. The country does not care two straws whether we are dignified or undignified. We do not pay officers to maintain dignity or to keep up a dignified appearance or to sit in a dignified attitude. We pay them to do the work of the country and of this Parliament. This talk about dignity should be left out of the question altogether. I again state that the Minister has not told us what the Usher of the Black Rod does. I therefore back up my criticism by moving -

That it be suggested to the House of Representatives that the item " Usher of the Black Rod and Clerk of Select Committees at £550 per annum from the 1st May, 1901 - £92" be omitted.

Motion negatived.

Senator STEWART

(Queensland). - I find there is no sum opposite the Clerk of the House of Representatives. I understand that official is to be paid at the rate of £1,250 per annum. Is that correct ?

The CHAIRMAN

- He is on leave now, I understand.

Senator STEWART

- He will be paid by the Commonwealth.

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Senator Sir Frederick Sargood

- He is paid by the State.

Senator STEWART

- Only up to the 30th June. After that date he will be paid by the Commonwealth.

The CHAIRMAN

- I would point out that there is no salary opposite this item. The officer is being paid by the State, I am informed, although working for the Commonwealth.

Senator STEWART

- I think that the staff of the House of Representatives is much too large. We are all talking economy, but none of us appear to practise it. We have a Clerk of the House of Representatives, a Clerk-Assistant, a Clerk-Assistant to the Clerk-Assistant. Then we have a Serjeant-at-Arms and a Clerk of Committees at £550. It appears to me that those officials are in a much better position than are Members of Parliament. I have a strong inclination to go in for one of those billets. Then we have a Clerk of Papers and Accountant at £420, a Clerk of Records at £350, an Assistant Clerk of Committees and Reading Clerk at £300, and an Assistant Reading Clerk at £200, and an innumerable army of doorkeepers. It appears to me that each senator has a doorkeeper attached to his own person as a valet. I suppose it is utterly hopeless to attempt to carry any suggestion in the way of a reduction. But I think it is proper to express my opinion on this point, and I think that instead of proceeding to work economically we are starting out on a very lavish scale indeed.

Senator PEARCE

- I wish to draw attention to subdivision 1, division 8, on page 6, and I ask for some explanation of a salary I find there. I find there is a private secretary provided for the "Vice-President of the Executive Council at £400 a year, and an acting clerk to the Federal Executive Council at £150. There is also a clerk at £290 per annum. I draw attention to the fact that we have here a private secretary to a member of the Cabinet who has no portfolio.

Senator Major Gould

- He has a great deal of work to do.

Senator PEARCE

- I fail to see what work this Minister can have other than the work in connexion with the Executive Council meetings and the conduct of the business of this House. Surely he has no need for a private secretary. I think that before the Senate passes the item we should have some explanation. I see no necessity for it.

There may be, but we should be told what need there is for a private secretary to a Minister who has no department. I should also like to know whether the acting clerk to the Federal Executive is a temporary appointment or whether he is to continue as a permanent officer ?

Senator DRAKE

- With regard to the item, private secretary to the Vice-President of the Executive Council, I am of opinion that it is very necessary that, occupying the position of leader of the Senate, he should have a private secretary. The honorable gentleman, although he has no portfolio, has very onerous duties to perform in connexion with the Senate, and I think the very least we can do is to provide him with a private secretary to assist him in his work. I know that since he has been away I have received the greatest assistance from his private secretary, who has remained here, and who has assisted me when I have taken Senator O'Connor's place temporarily. With regard to the acting clerk to the Federal Executive, the office is occupied by Captain Wallington.

Senator Pearce

- Is he a temporary officer ?

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Senator DRAKE

- Whether or not the office will become permanent I am unable to say.

Senator STEWART

(Queensland). - I trust the schedule is not going through at this rate. I do not think the explanation of the honorable gentleman with regard to the private secretary to the Vice-President of the Executive Council is satisfactory. The Vice-President himself is not here. I understand he is away in Sydney attending to his law business. I do not blame that honorable gentleman. He is not being paid anything as a Minister, but if his duties are so onerous, why is he not here? If his duties can be performed by a secretary, or by the Postmaster-General, with the assistance of a secretary, why have a Vice-President at all ? It appears to

me that this is only another of the billets which have been created for friends by certain members of the Commonwealth Government. We have made a very bad start in this Commonwealth Government so far as I have been able to discover. It has been a case in many ways of providing something for one's friend. We ought to be told clearly what the duties of this private secretary are. Whoever he may be, he is getting the same salary as if he were a member of the

Commonwealth Parliament. If the private secretary to the Vice-President is worth £400 a year, I venture to make the assertion that a Member of Parliament who attends to his duties as he ought is worth £800 a year. Contrast the responsibility of a Member of Parliament, and the work he has to do, the attention he has to pay to the affairs of the Commonwealth, with the position of a private secretary to any Minister, and you at once come to the conclusion that either the private secretary is paid too much or the Member of Parliament too little. Now, we will come to division No. 9, subdivision 1. We have a secretary here at £800. I understand this appointment caused a great deal of trouble. A certain gentleman who was at one time a Minister of the Crown in New South Wales, was, I believe, provisionally appointed to the position. That gentleman at one time, I understand, was a working miner in Newcastle. He had been a member of the much abused and despised and scorned labour party. By sheer capacity he worked his way up to a high position in the ranks of the New South Wales Government, but immediately he was appointed to this position there was a hue and cry over the entire continent. It was said his was a political appointment, and that he was appointed to the position because he had been jackal to Sir William Lyne. No question was raised as to his capacity. It was admitted that he was qualified for the position, but the objection was that it was a political appointment purely and simply, and that the reason he was placed in the position was that he had helped Sir William Lyne in his election. Bowing before the storm, Mr. Vegan retired, and the next gentleman we find pitchforked into the position is Mr. Atlee Hunt.

Senator Drake

- The honorable senator is mixing things up considerably. He is speaking of two different positions.

Senator Harney

- What is the point the honorable senator is trying to bring out?

Senator STEWART

- I should like to know who are the two officers that have been temporarily borrowed by the Government.

Senator DRAKE

- They are State officers whose services have been employed in connexion with the Federal Government for a limited time. We have, of course, to make them a certain payment.

Senator HIGGS

(Queensland). - I should like to refer to one item which has just caught my eye. I think that the Federal Government might very well have spared the relatives of the late

Sir J.

R. Dickson by leaving out the particular entry in the schedule which refers to him, since they have several other items, such as "miscellaneous" and "contingencies," in which it might have been included.

Senator O'KEEFE

- Although I am in a minority, I feel it is my duty to enter my protest against what I believe to be the magnificent scale of salaries upon which the Federal Parliament has started out. I am not going to take up the time of the Senate by referring to very many of the items, but one item certainly strikes me as being very high. I refer to the appointment of a secretary to the Minister for External Affairs at a salary of £800 per annum.

Senator Ewing

- What about the librarian?

Senator O'KEEFE

- There are many other officers here whom I think might well have been remunerated at a smaller sum if the first Government of the Commonwealth had really wished to exercise that principle of economy which it says it desires to exercise. As several honorable senators have put it, I suppose that nearly every member of the Federal Parliament went before the electors with the cry of economy upon his lips.

Senator Harney

- Necessary economy.

Senator O'KEEFE



- And necessary economy might have been exercised without unduly cutting down or sweating many of the officers who are mentioned in connexion with these items. I cannot allow the debate on the schedule to go by without entering my protest against extravagance.

Schedule reported without amendment.

Original question - That the report of the committee of the whole be now adopted - put.

Senator Major Gould

- Is it necessary that we should, give our reasons for suggesting certain amendments?

The PRESIDENT

- No.

Question resolved in the affirmative.

ADJOURNMENT

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Post master-General

Senator DRAKE

. - I move -

That the Senate do now adjourn.

I wish to say that it is very desirable that the Supply Bill should be passed to-morrow. The day is set apart for private members business; but there is not much on the paper, and I should be very grateful if those honorable senators -who have private business set down for the day would allow Government business to have precedence as soon as the Supply Bill is returned from the House of Representatives.

Senator Lt Col Neild

- The other House does not meet till 2.30 p.m.

Senator DRAKE

- Then I shall have to ask the Senate to sit later than usual tomorrow. There is an understanding that on Fridays we should endeavour to rise at 4 o'clock, but in these exceptional circumstances, seeing that it is most necessary that this Bill should be passed to-morrow, I shall perhaps have to ask the Senate to sit beyond that time.

Senator Lt Col NEILD

- Could not an arrangement be made for the other House to sit earlier?

Senator DRAKE

- It is too late to ask that now.

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22:21:00

Senate adjourned at 10.21 p.m.