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1901-08-29

House of Representatives.

Mr. Speaker took the chair at 2" o'clock p.m., and read prayers.

#### PETITIONS

Mr. A.. McLEAN presented petitions, from the members of the Presbyterian Churches at Sale, Bairnsdale, and Lindenow, praying the House to pass into law clauses 54 and 55 of the Post and Telegraph Bill.

Mr. WINTERCOOKE presented similar petitions from the members of the Horsham Bible Christian Methodist Circuit,, and of the Horsham Presbyterian Church.

Mr. SKENE presented a similar petition from the adherents of the Wesleyan Church,.. Dunolly, and from residents of Marnoo, Rupanyup, Murtoa, Wallaloo, and Ban?yena.

#### QUESTIONS

##### TELEGRAPH COMMUNICATION TO TARCOOLA

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Mr. POYNTON

Following up the questions which have been, asked in regard to the construction of a., telegraph line to Tarcoola, I wish to bring"; certain facts under the notice of the Minister representing the Postmaster-General, and will, in conclusion, ask a question. I find that a battery has been in operation on the field for something like a month, and that the stone crushed amounts to 566 tons, for a yield of 1,164 ounces of gold. I understand,, further, , that it is expected that something like - 1 10 dwts. of gold per ton will be' extracted from, the tailings by the cyanide process. I might' also .inform the Minister that there, tire something like 2,000 telegraph poles at Oodnadatta, and that these would go a long way towards the construction of the telegraph line to that field, which is very much re- -quired. I would ask the Minister whether the .Government, will hurry on the erection of this telegraph line as much as .possible.

Minister (without portfolio)

Sir PHILIP Fysh

- I would remind the honorable member that this subject has already been considered at the instance of the honorable member for South Australia, Sir Langdon Bonython, and that very com- : plate answers have been given to the questions asked by that honorable member. I think the information which has just been conveyed is very much like that previously communicated to the House, but if it is fuller it will go further in supporting the purpose of the Government, which is to review the circumstances at the earliest possible moment ; and if they find that the work is warranted, to at once proceed with its construction.

#### PARLIAMENT HOUSE

Sir EDWARD BRADDON

- In view of what passed in the Legislative Council of the State of Victoria last evening, I would ask the Prime Minister when it may j be expected that the matter of the occupation of these buildings by the Federal Parliament will be finally settled 1 Something like three months have passed without any definite agreement having been arrived at, and it -is quite intelligible, in view of the peculiar circumstances of the case, that the Victorian Parliament should feel aggrieved if any reasonable requirements of theirs are not met. This is a matter which I do not think should be allowed to drag on longer than is absolutely necessary. It is stated that the agreement between the Premier of Victoria and the Prime Minister has not yet been ratified, and I hope that some arrangement will be made at the earliest possible moment, and that as far as practicable the requirements of the members of the Victorian Parliament -will be met-  
Minister for External Affairs

Mr BARTON

- The right honorable member has given me an opportunity which I welcome. ' There was a primary agreement between the Government of Victoria and -the Government of the Commonwealth, that was constituted by an offer placing the quarters here and the quarters at the Exhibition-building equally at the disposal of .the Commonwealth, and it became, as I take it, a fair agreement when -this Government notified to the Victorian Government that it accepted the generous offer of this building, which was placed at its disposal - those are the words.

Mr PARKER MOLONEY

- Hear, hear. Why don't they stick to it?

Mr BARTON

- Under that correspondence - whatever may have happened since by way of any variation or desire of variation - this Parliament occupies this building. When it became a question of the vacation of these premises, certain difficulties arose which I fully explained to honorable members, and which, of course, resulted in some cases, in reluctance to vacate places which had been occupied for a series of years. As I explained to honorable members, that reluctance was only natural. As an outcome of that, some conversation took place between the Premier of Victoria and myself, at which the Speaker of the Victorian Assembly was present, and some other officer - I think it was Mr. Jenkins, who for some time occupied the position of Chief Clerk in this House. During that conversation, for the sake of avoiding friction, and for the sake of doing what I knew this Parliament would approve, so as to make the transition as light as possible to our confreres of the Victorian Parliament, there were certain matters which were tentatively agreed to by me. About the end of April, or towards the end of April, executive resolutions were passed by the Government of the Commonwealth asking to be permitted to borrow from the Government of Victoria certain staffs attached to the Houses. These matters were assented to by executive minute on the part of the Government of Victoria a month or two afterwards - I think it was more like two months than one. I am trying to make as succinct a statement of these facts as I can from memory. There were other matters of detail that were also arranged, and the agreement was approved of, I think, by the Executive Council of the State of Victoria, and tendered to me for the acceptance of the Commonwealth. In it I found what seemed to me to be matters, introduced by way of modification, which took the affair quite outside anything upon which there had been any personal agreement, and these were the subject of some consideration by the Federal Cabinet. There was much intervening correspondence, and before that consideration had resulted in any agreement with the Government of Victoria certain further terms were asked for by the Government of Victoria, including the entire control of the Library. It seemed to me that this created a situation that called for a conference between the Premier of Victoria and myself, and I accordingly asked him to meet me, which he did. He with very great gladness assented to the proposition that the Speakers and Presidents of the Federal and State Parliaments should meet in conference and endeavour to settle the matter, the understanding being that they should report to the Premier of Victoria and myself. At the same time I had considerable confidence that the deliberations of these high officers would enable us all to arrive at a satisfactory agreement. I was under the impression that that was to be carried out, but on asking again whether it was to be carried out or not, I received a letter - I will speak again from memory, as I have not the correspondence in front of me - in which the Premier of Victoria suggested that in lieu of that conference between the Speakers and Presidents, there should be a conference between the two Attorneys-General. My honorable friend, the Premier of Victoria, pointed out that the word "settled" had been used in reference to the proposed conference of Speakers and Presidents as if their deliberations were to settle the matter. My reply to that was that although I had expressed entire confidence that they would settle the matter, I had not proposed that the Governments should be absolutely bound by their recommendations, but that there should be a report from them, and that I was still willing that the matter should be submitted to their consideration. I made this statement to the honorable gentleman : That before I could agree to entertain any proposal that the two Attorneys-General should consider the matter between them, I wished to know definitely whether he withdrew from his acceptance of my former proposal, that the Presidents ; and the Speakers of the two Houses in each case should meet to consider the matter, adding that I was perfectly willing, as always, that that meeting should be for consideration and report to the respective Governments. Within the last few days I have received a letter from the Premier of Victoria telling me that he does withdraw his adoption of that proposed arrangement, so that the matter now remains in this position - That whilst the points of difference are still outstanding there is a proposal from the Government of Victoria that the Attorneys-General of the respective Governments shall consider the matter. That is a question upon which I intend to take the opinion of Cabinet on the very first opportunity that the present press of business allows. But whatever has delayed the settlement of this matter, it is certainly not any action on the part of the Commonwealth, which has sedulously exhibited its desire all through that there should be an amicable arrangement. Notwithstanding the fact that the whole building was placed at its disposal and accepted with all that it contained, it has been ready to consent to modifications rather than that there

should be friction between the two Parliaments and Governments. It is with reluctance that I make this statement, but the time has come for me to make it, and the time has come for the public of Victoria to appreciate the position under which the Commonwealth is labouring.

Mr Page

- Shift us over to Sydney.

#### ANSWERS TO QUESTIONS

Mr Barton

I am sure that the House will extend to me its indulgence in order that I may - make a suggestion. We meet now on Fridays at 10 a.m., so that where notice of questions is given for Fridays it is utterly impossible under this arrangement for the answers to be fully and properly given on that day. May I, therefore, ask honorable members who have questions for which they desire replies on Thursdays or Fridays to give notice of them for the following Wednesday, when it will be much easier to provide them with the information which they desire.

#### QUESTIONS

##### GOVERNOR-GENERAL'S ALLOWANCES

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Mr CROUCH

asked the Prime Minister, upon notice—

1. Whether his attention has been drawn to a statement made in the House of Lords on the 23rd July last by the Earl of Onslow, Under-Secretary of State for the Colonies, "that the Secretary of State for the Colonies had been informed that the question of making some further provision for the Australian Governor-General, for the purpose of entertaining, and towards establishment allowances would be brought before the Parliament of the Commonwealth?"
2. Whether such information was given by the Federal Government?
3. Whether such allowances and provision are to be made with the purpose of paying the additional expenses occasioned by the Prime Minister's intention to remove the Seat of the Government from the Federal Capital to Sydney during the recess?
4. Whether such extra provision will not contravene the terms of section 3 of the Constitution Act, if made during the present Governor-General's term of office?

Mr Barton

The answers to the honorable member's questions are as follows:—

- (1) No.
- (2) No communication of this kind has been made by this Government.
- (3) and (4) No; and I may add that the Government intend to ask Parliament to consider a measure for a provision within the Constitution which will then be fully explained and on which full discussion will be invited.

##### WAGES, HOURS, AND CONDITIONS OF LABOUR

Mr CROUCH

asked the Prime Minister, upon notice—

1. Whether he has communicated to the various States the resolution of this House passed on the 28th June last, that it is expedient for the State Parliaments to grant the Commonwealth Parliament full power to make laws for Australia as to wages and hours and conditions of labour?
2. Whether he has any objection to inform the House what replies (if any) he has had from the State Governments?

Mr Barton

The answers to the questions are as follows:—

1. Yes. I desire to point out, however, that the terms of the resolution as passed were not those expressed in the question of my honorable friend. What was resolved was—"That it is expedient for the Parliament of the Commonwealth to accept the right to legislate on the subjects named if the States see fit to grant it."
2. Replies have been received from the Premiers of Victoria, Queensland, Tasmania, South Australia, and Western Australia. The Government of Western Australia has promised to consult Parliament as to the expediency of granting the Parliament of the Commonwealth the right to legislate on the subjects

mentioned. The Government of Tasmania consider it undesirable for the Parliament of that State to surrender its rights to make its own laws upon the important subjects named in the resolution. The other replies mentioned are merely acknowledgments of my letter.

#### TICK PEST IN NEW SOUTH WALES

Mr FULLER

asked the Minister of Home Affairs, v/pon notice—

1. Whether his attention has been called to the report that ticks have been found on stock at Murwillumbah, in New South Wales ?
2. Whether he will have an inquiry made in regard to the matter ?
3. If, on inquiry, he finds the report to be correct, in view of the terrible scourge to stock which must follow in all the dairy herds on the coast districts of New South Wales, will he immediately have the infected area strictly quarantined ?

Mr Barton

The answer to the question of the honorable member is as follows :—

My attention has not been called to the report referred to, and the matter is one with which this Government cannot deal since it is exclusively within the jurisdiction of the State Governments concerned, at least until the department of quarantine is taken over by the Federal Government.

#### SUPPLY (Formal)

Parliament House - Federal Capital - Federal Library - Dr. Maxwell's Report - Alien Immigration - Tick - Post and Telegraph Department : Temporary Employees : State Works - Meteorology - Statistical Department

Question - That the Speaker leave the Chair, and the House resolve itself into Committee of Supply - put.

Mr WILKS

I avail myself of this opportunity to say a few words upon a matter of considerable importance^ although a good deal of what I intended to say has been anticipated by the explanation of the Prime Minister, with regard to the occupancy of Parliament buildings. The Prime Minister himself must admit that we are in a very unfortunate position.

Mr Barton

- We are here.

Mr WILKS

We are here; but although possession is said to be nine points of the law, I do not think that this Parliament will care to shelter itself under a provision of that character.

Mr Barton

- We are here because the Victorian Government placed this building at our disposal without qualification.

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Mr WILKS

I understood that. When the address in reply was being discussed I mentioned this matter, but, apparently, my remarks did not meet with general approval. So far, the Presidents and Speakers of the two Parliaments have not been able to come 'to any satisfactory determination in regard' to this matter. That constitutes an additional reason why we should come to a speedy decision with regard to the federal capital site. I think that question must be taken into early consideration.

Mr Page

- Where does the honorable member suggest that the capital should be 1

Mr WILKS

I am not here to suggest any place. I merely say that the House should take into consideration the urgency of the question.

Mr Mauger

- Is it urgent?

Mr WILKS

Yes . If the honorable member for Melbourne Ports had been present to hear the explanation of the Prime Minister he would admit its urgency. Friction apparently exists between the State Parliament and the Commonwealth Parliament with regard to our occupancy of these buildings. I noticed to-day that the Government whip is about to organize a pilgrimage to the various capital sites which have been

suggested. I wish to know whether that pilgrimage is being undertaken with the assent of the Ministry, or whether it is merely the outcome of the whip's own personal activity. I am glad to see that the State Premier of New South Wales has provided every facility to enable this Parliament to come to an early decision in regard to the site of the capital.

Mr Barton

- And we have taken every step that we possibly can.

Mr WILKS

I am glad to hear that. It shows that the communications which have passed between the New South Wales Government and the Government of the Commonwealth have been of a most amicable character, and justifies the hope of a speedy settlement of this difficulty. There is one other matter to which I would like to refer, and that is the establishment of a federal library. I am not cavilling at time officers here. The librarian is most attentive, obliging, and skilled in the work which he has to perform. The same remark applies to the other officials. But it is of immense importance that the Prime Minister should have some scheme before him with regard to the establishment of a federal library. I regret that the result of the process of questioning has not been in the direction of giving to honorable members the full information which they have a right to demand.

Mr McDonald

A little while ago the Prime Minister laid on the table of the House the report of Dr. Maxwell. Nearly a fortnight has elapsed since then, but up to the present no honorable member of this House has received a copy of it. I understood when this Parliament was established that its requirements were to be met promptly, and that its members would not occupy an inferior position in regard to obtaining information to that, occupied by members of State Parliaments. In Queensland the report of Dr. Maxwell, which was addressed to the Prime Minister, has been laid upon the table of the State Parliament. Honorable members of that Parliament have already received copies of it, and I had one forwarded to me from that State. I do not think that this House is being treated in the way that it should be. The report was addressed to the Prime Minister of the Commonwealth, and under such circumstances before the press or anyone else received it, this House should have been placed in possession of its contents. The members of the Queensland Parliament have had an opportunity of discussing the report before honorable members here have, even seen it. When an individual has been instructed to prepare a report which is paid for by this Parliament, I want to know whether it is not right that we should have that document submitted to us before it is tabled in any of the State Parliaments.

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Mr. POYNTON

About a fortnight ago I directed the attention of the Prime Minister to the fact that some 80 Afghans had been landed from a French boat in Melbourne. I obtained from the right honorable gentleman a distinct promise that the Customs officers were to be instructed to notify him before any other undesirable immigrants were permitted to land. I was, therefore, somewhat surprised when I read in this morning's paper of what occurred after I left the House last evening upon the question raised by the honorable member for Bland, when it was stated that some 51 Afghans landed in Melbourne yesterday. From the reply made by the Prime Minister, it is apparent that the right honorable gentleman had no knowledge of their landing. I now want to know whether the Prime Minister did not receive a report from the Customs officers that a number of Afghans were to be landed yesterday? On the previous occasion I pointed out the danger of our being inundated with undesirable immigrants prior to the passing of the Immigration Restriction Act. It is a wellknown fact that a great majority in this House is in favour of a white Australia. It is also well known that the passing of the Immigration Restriction Bill cannot take place until after the Tariff has been dealt with. In the meantime there is a possibility of more undesirable immigrants landing in the different States than have landed for many years past. I have some knowledge of the class of aliens who have recently landed. I trust that if the Prime Minister has given instructions to the Customs officers they will be carried out. If such instructions were given it is a most singular thing that the Prime Minister received no intimation of the landing of these Afghans. On the other hand, if he did receive an intimation from the Customs officers, this House ought to know why definite action was not taken. It is too late to close the stable door when the horse is gone; and I am convinced that before we can pass the Immigration Restriction Bill advantage will be taken of the absence of it, and numbers of these aliens will

be dumped down upon our shores. It is desirable that the Prime Minister should take every step that is possible to prevent this evil arising. He has the power. It has been done in other States. It has been done in the State from which I come on several occasions. It has also been done in New South Wales. The Government have power by an Executive act to prevent undesirable aliens from landing. I trust the House will get a fuller explanation than has hitherto been given in connexion with the question.

Mr FULLER

In regard to the question which I had on the notice paper to-day in reference to ticks, of course I have to be satisfied with the reply of the Prime Minister, that until the department of quarantine has been taken over by the Commonwealth Parliament, this is really a matter for the State Governments to deal with. At the same time I should like to impress upon the Prime Minister the importance of this question in connexion with one of our great national industries. In Murrumbidgee a tick has been found upon stock. That place is in the northern district of New South Wales, where the dairying industry has of late years become of great importance. We have it on the authority of some of the leading men in Victoria that the dairying industry has been the saving of this State. The industry has extended in the last few years to the north coast districts of New South Wales, and in the south coast district, Camden, and other parts of the State it is flourishing. We know the ravages that ticks have made in connexion with herds in Queensland. I, as the representative of one of the great dairying districts of this country, recognise the fact that dairying is going to be one of the greatest national industries of Australia, in the future, and would impress upon the Prime Minister the necessity of communicating with the various State Governments on the question, in order to see if something cannot be done, more than has been done up to the present time, in order to prevent the tick plague working its way down the coastal districts of New South Wales, and possibly affecting the dairy herds of Victoria as well. I suggest that, for this purpose, the Prime Minister should not only communicate with the Government of New South Wales, but also that he should see whether something cannot be done with the object of engaging an expert to inquire into this most important matter.

Mr McDonald

- There have been several experts in Queensland, and the information given by them is available.

Mr FULLER

- I am aware of what the honorable member says; but at the present time there is a well-known expert, Professor Ligniere, of France, who is connected with the Alfred College there, who has made a special study of the subject. I suggest to the Prime Minister that perhaps the services of Professor Ligniere, or some one else occupying a similarly high position, might be obtained in order to inquire into the matter. I hope, at any rate, that some steps will be taken to deal with it in the interests of the country.

Mr PIESSE

I do not know whether the Prime Minister intends to refer to the question raised by a previous speaker, but at any rate I hope that too much will not be made in this House of a question which is at present unsettled. I refer to the matter of the occupation of Parliament buildings. I, as a member coming from another State, and having practically no interest in the question of where we sit, recognise that we are under some obligation to those who have so gladly made us welcome to this House.

Mr Page

- I should not say that I was welcome if I was so treated.

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Mr PIESSE

As the question is raised such as we have read about in the papers to-day, I hope it will be settled, as a similar question has been settled in regard to the House of Representatives side of the building. It is well known that provision has been made on this side for members of the Legislative Assembly of Victoria to have the use of a room, and I have no doubt that a similar arrangement can be made on the other side of the building for the accommodation of members of the Legislative Council of Victoria. I should have thought that such a matter would be in the hands of the President of the Senate, and would be dealt with by him; But as to the whole subject, I trust that we shall not make a grievance of a very little question in connexion with settling the terms when we have substantially got all we require under present arrangements.

Mr SPENCE

I have to make a complaint in regard to the management of the Post and Telegraph department. There

are a large number of men employed in the various States, particularly in two, who rank as temporary hands. I refer to the telegraph construction branch. The Home Secretary, who had charge of the Public Service Bill in this House, promised that these men would not be dealt with as a temporary class. But only so recently as yesterday I received an official reply from the Postmaster-General's department saying that it was not intended to place the men on the permanent staff. I may explain that in New South Wales, and, I understand, in South Australia also, they are ranked as temporary hands. Some of them have been twenty years in the service; others have been in the service for a shorter time, ranging down to a couple of years. They have become experts in the doing of what is admittedly work that requires experienced men. I understood the Home Secretary to give a distinct pledge to the House when the Public Service Bill was under discussion. I now bring the matter under the notice of the Premier. The work done by these men is of growing importance, and it is desirable to retain those who have experience of it. This should be done by placing them on the permanent staff; They should be in the same position as men doing the same work in other States. I cannot understand why any difference should be made at all. Men who use the pen only, and are merely clerks, are classed as permanent, whilst skilled workmen, engaged in highly important work, are set down as temporary hands, "[.protest against distinctions of this-kind. I protest against the action that has been taken by the Postal department; and I trust that, now attention has been drawn to it, the Prime Minister will make a note of the point.

Mr PAGE

I should not have said anything upon the question of the occupancy of Parliament buildings except for the remarks of the honorable member for Tasmania, Mr. Piesse. The honorable member's idea of hospitality is very different to mine. In Queensland, if we ask a man to sit down and have a drink of tea with us, we like him to have it

Mr Wilks

- I suppose that no charge is made for the sugar?

Mr PAGE

No, and we do not ask him to bring his own tea-pot. We do not care, indeed, if he takes the pot away with him—if he has not one of his own. So far as members of this Parliament are concerned, they have all treated me with every courtesy; but I am sorry to say that that is not the treatment that we have had from the members of the State Parliament. Ever since we have been here we have had slurs and insults thrown at us. I know what I have had myself in that direction.

Mr Mauger

- The honorable member is thin-skinned.

Mr PAGE

No, I am pretty tough in the hide. Only last week in the billiardroom I heard one member of the State Parliament and one of the officials blaming the Treasurer, Sir George Turner, for the Federal Parliament being here at all. This official said that had it not been for Sir George Turner and the Attorney-General, Mr. Deakin, the Prime Minister would certainly have been satisfied with the Exhibition-building.

Mr Barton

- Who said so?

Mr PAGE

They said it in their conversation.

Mr Barton

- Then they were quite wrong.

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Mr PAGE

That does not matter. It just shows the spirit existing. There is no use in members saying we are welcome here. We are not, and the sooner we get out of it the better. They asked us to take the place, and because the Executive took it they are now sorry they made the offer. We are here on sufferance, and, though there have been agreements drawn up, none of them have yet been ratified. I, for one, would give my vote to-morrow, if possible, to shift to Sydney, and I am not afraid to say so. I hope the federal site will be selected as quickly as possible, and that a temporary building will be run up that we can say is our own. If we are to be a Commonwealth Parliament, let us not be subservient to any State.

Mr CONROY

It is a great pity that a discussion should have arisen over a matter like this. Nearly everybody will agree that when the offer was made by the Victorian Government they intended that it should be accepted, and so far as one can judge from the feeling expressed in the papers at the time, no mistake, was made by the Ministry in accepting the place. I do not think that the State members have cast any slurs, but if one were a member of that body one might feel a little sense of dissatisfaction at seeing a nice place like this occupied by some one else. I am quite sure that, apart from a few petulant expressions which might fall from men in a bad humour, there has been no such dissatisfaction expressed as has been suggested. If I had been a State member I might have hoped that the Federal Government would have accepted the other building. They did not do so, and I believe, if it came to a vote in the State Parliament, the members of that Parliament would stand by their offer. This appears to be the day for the airing of grievances, and though there would not be time for me to explain all my grievances against the Ministry, I desire to mention one shortly. Every one in the House sees now what a terrible mistake was made by the Government in taking over the Postal department before we were ready for it. There was quite enough work to be done in this session in the carrying of machinery Bills, and the settlement of the Tariff. The mistake made, so far as the Postal department is concerned, has had the effect that in every one of the States they are in such a position that no improvements of any kind can go on, and all development work is at a standstill. The Ministry have made a mistake - which it will take them some time to get over, but instead of throwing themselves upon our mercy, and asking for consideration because they made this blunder, they try and face it out boldly. That might have been expected from a warlike character like the Minister for Defence, but we might have looked to other members of the Ministry to have seen the error of their ways. One thing seems absolutely necessary to be done, and that is that instructions should at once be issued to the Deputy Postmasters-General in the various States that, so far as possible, everything ought to go on exactly as it would have gone on if these services had not been taken over. That would allow many little works which ought to be carried out to be done. The Ministry seem to have overlooked, when taking over this Post and Telegraph department, that it would be absolutely necessary to establish a Works department, and if it had not been taken over that would not have been necessary at all for two or three or four years to come. If the Ministry could retrace their steps in any way, it would be far better for the various States concerned, as well as for the Federal Government. It would do away with a lot of bookkeeping with regard to this service, and would tend to advance everything. I do not suppose we can expect that they will retrace their steps, and the best thing they can do now is to see if they cannot mend their ways, and allow these departments in the various States to continue the work which is absolutely necessary for the development of the country.

Mr CRUICKSHANK

My grievance, like that, of the last speaker, is confined mostly to the Postal department. I do not care very much where the Federal Parliament sits. It appears to me that the whole machinery of the Post and Telegraph department has come to a standstill. I asked Ministers, when Parliament first met, if provision would be made for the obligations of the State Governments, and if promises made by the State Parliaments previous to the passing of the Commonwealth Bill would be carried out. Thereby I received was that the Government would carry out all the obligations that had been entered into. We now find that in the different States telephones have been applied for, guarantees have been signed, and everything necessary under the State Government has been done to secure the construction and completion of those telephones. But we are informed by the Federal Government that there is no obligation where no contract has been signed, and that promises made by the State Governments, the signing of guarantees, and approval of the borrowing of money by the State Parliaments, does not commit the Federal Government to anything.

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Mr Barton

- We have not said that that does not commit the Federal Government. 1 We have pointed out that where a matter has gone so far in the making of a contract as the acceptance, of a tender, the proper thing to do is to allow the State to carry out the work as intended, and make the result of it a question between the Federal and the State Governments.

Mr CRUICKSHANK

The Prime Minister has touched upon the point I intended to deal with, that where a contract has been



entered into he will allow the State Parliament to complete it. I am coming now to other cases in connexion with the erection of post-offices where the State Parliaments have made all the necessary inquiry, deputations have waited upon Ministers, and Ministers have visited centres of population.

Mr Sawers

- And made wild promises, too.

Mr CRUICKSHANK

I cannot say that they made wild promises.

Mr McCay

Yo u think the promises were more lavish than they would have been i f i t was not known that the departments were to be taken Over by the Federal Government.

Mr CRUICKSHANK

I only know that the money was voted by the State Parliament, and the promises were made months before tho Commonwealth Bill was passed. The money has been voted on the loan estimate of the State Parliaments for the .construction of these post-offices, and surely there is some obligation there 1 I take i t that this Federal Government is in honour bound to carry out the legislation, for i t is legislation, that has been passed in our State Parliaments. I know one case in which everything has been ready for the calling of tenders. The money has been voted on the loan estimates of the State Parliament, and plans and specifications have been drawn up and approved. The Deputy Postmaster-General has-everything ready to call for tenders.

Mr Sawers

- Perhaps the amount is on the Estimates now.

Mr CRUICKSHANK

I shall be very glad to hear that that is so, but I am taking time by the forelock, for I am told by the Government that they are not responsible for any promises made by the State Parliaments.

Minister for Defence

Sir John Forrest

- If they voted the money, the money is available.

Mr CRUICKSHANK

The money was available, but the Federal Government has come in find said— " We object to you putting up post-offices, and spending your own loan money in the erection of postal buildings now that the department has passed over to the Federal Government."

Mr Page

- And saddle the Federal Government with it.

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Mr CRUICKSHANK

I suppose i t will be carried on like all responsibilities. I should like to know what is to be done in such cases as I have referred to. I feel that the whole wheel of progress in our Postal department has come to a stand-still. We cannot get as much as a weather station. In New South Wales, and in other States, we have had rainfalls recently, and business transactions are greatly affected in the case of stock-owners, and intending purchasers, by information obtained through the Post and Telegraph department. I have complaints from almost every important centre where applications for the establishment of weather stations have been promised favorable consideration, that though anticipations were formed that these centres would have weather stations granted, nothing is being done to meet the applications. Purchasers of stock require to get information with regard to rainfall, and the state of the weather, and people owning steamers trading along the coast wish to get similar information. People in the interior who have stock travelling in the outlying districts, where the stock routes ha,ve been impassable, wish to know how they have been affected b)' the rain where i t has fallen. But in every instance where I visited a department I have been told that these weather registers are entirely unnecessary, aud that the Government have no funds to\*increase Government expenditure. I t appears to me that the Government have no funds at all, and if that is so I would like to know when they are. likely to have funds, and when they have funds what share of the expenditure we may anticipate. This is a matter to which I should like the Government to give some consideration. Tliere is another matter affecting the Postal department, and that is that we appear now to have no Public Service Board, and where grievances arise in the department the inquiries are

made entirely by the officials of the department. In New South Wales, and I suppose it is the same in the other States, these grievances used to come before the Public Service Board, and I know of instances where officials wish to have their grievances inquired into under the same conditions as formerly obtained. They feel that their interests may be prejudiced to a certain extent if they are left entirely at the mercy of departmental officers, and they desire to feel the same independence and freedom as they had when they could lay their grievances before the Public Service Board. I therefore ask the Government whether, until the Public Service Bill comes into operation, they will make arrangements by which any officer who may feel aggrieved by the decision of a departmental head may have an inquiry made by an independent board. With regard to temporary officers, I take it that they have been educated to a certain extent at the expense of the Government, in order to fit them for the duties which they are now discharging, and I hope that in selecting officers for permanent positions these temporary hands will be chosen before persons are selected from outside.

Minister for Trade and Customs

Mr Kingston

The honorable member for South Australia very properly called attention to the question of coloured immigration, but as he suggested that there had been something in the shape of negligence on the part of the Government in regard to their promise to do whatever was necessary to exclude undesirable immigrants, I think a few words from me might serve to dispel any wrong impression. I speak for the reason that the Customs department is chiefly concerned. The facts are these: On the 16th of this month the honorable member called the attention of the Prime Minister to the matter, and the Prime Minister promised that he would do his best to inquire into the whole question, so that in case of any anticipated landing, of aliens he might be in a position to know the powers we had, and see that they were reasonably exercised. The Prime Minister mentioned the matter to me, and desired that steps should be taken, and as a result, on the Saturday morning—the morning following, the day on which the matter was mentioned in the House—the following instructions were given to the head of my department:—

I wish (a) a return showing all admissions of coloured immigrants since 1st January last to date in each State, (b) Immediate notice to the Right Honorable the Prime Minister whenever any such immigration is from time to time expected. In both the return and notice, the cases in which the State has or has not power by statute to deal with the matter are to be distinguished.

Of course the desire in that connexion was that we might be able to ascertain whether the circumstances were such as the State would have the power to deal with, or whether the Executive powers of the Commonwealth should preferably be brought into operation. No doubt while the powers of the Commonwealth with reference to the exclusion of aliens are very great, and supplement the powers conferred by statute, legislation in that matter of this land is urgently needed in order that full power may be taken to deal with British subjects. We may deal with aliens by Executive acts, but we can only deal with British subjects to the extent to which the Statute law enables us to go. Honorable members will notice that the instructions were issued at the earliest possible moment, and I was indeed much surprised to learn yesterday that a number of Afghans had entered the port. It looked very much as if their landing was effected with the tacit consent of the Federal Government. I consequently drafted a memo, to the Comptroller-General of Customs this morning, as follows

A statement was made in the House of Representatives yesterday that 51 Afghans had landed in Victoria that day. In view of my recent instructions I cannot believe that this is so, as I have heard nothing about it. I wish to know immediately what are the facts.

I need not go into details at this stage, but the conclusion at which I have arrived is that undoubtedly there has been some serious neglect in the carrying out of very plain instructions. We fully appreciate the position, and we propose to deal with it on its merits, and I have only said these few words in order that the position of the Government may be understood, and that there may be no idea that the Government have been at all neglectful in the matter.

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Mr SAWERS

I have some sympathy with the honorable member for Gwydir, whose constituency adjoins mine, with reference to "the expenditure upon post-offices. No doubt the honorable member feels that a good deal that has been promised with regard to his constituency may not be carried out at this critical time, but I

think the honorable member might very well have waited until the postal estimates were submitted before passing the criticisms he did. I draw a very broad distinction between promises made by a State Minister and the actual obligations entered into by a State department. If there is an obligation with a positive pledge, and estimates have been prepared for certain postal work, I think the obligation might very well be carried out by the Commonwealth Government; but I make a broad distinction between such a case as that and those in which promises have been made by State Ministers. Unfortunately it has been the custom in New South Wales for honorable members to induce the State Postmaster-General to visit their districts and to entertain him in the most lavish manner, and as one of the results of this sort of thing promises have been made which the Commonwealth Government are in no sense bound by. I desire to take this opportunity of drawing your attention, Mr. Speaker, to the habit—it has almost become a habit—in which honorable members are indulging of bringing before this House matters which are distinctly beyond the functions of the Commonwealth, and clearly within those of the States. As a clear example of what I mean I would refer to the question which appears on the notice-paper for to-day, in the name of the honorable member for Illawarra, who asked the Minister for Home Affairs whether his attention had been called to the report that ticks had been found on stock at Murwillumbah, in New South Wales, and whether he would have an inquiry made with a view to a strict quarantine of the infected area in the event of the report proving correct. I venture to say that that is a question which should never have appeared on the business-paper of this House, because I challenge any honorable member to show that we have any power to deal with a matter of that kind, which is entirely within the functions of the State authorities. It may be urged that the Commonwealth has the right to deal with matters of quarantine; but if the interpretation of the Constitution Act is to be strained to the extent that the question implies, I think we shall be very seriously trenching on the State domain, and that there will be small occasion for surprise if our action meets with very strong resentment.

Mr WATKINS

With regard to the coloured immigrant question, I would like the Minister for Trade and Customs to make inquiries as to whether some men were not landed at Newcastle from a steamer called the Oceana a week, or two ago. Some coloured men either landed voluntarily, or were allowed to desert, and in either case their landing was in contravention of the New South Wales law. It has been reported to me that something of this kind occurred, and I would like the truth to be ascertained..

Mr TUDOR

I regret that the Minister for Home Affairs was not in his place when the honorable member for Darling raised the question as to the position of temporary hands in the public service. I remember the Minister for Home Affairs being asked whether the men who were temporarily employed by the States would have their rights respected by the Commonwealth, and he replied that they would be taken over in the same way as the permanent men, adding that they would not have to undergo any examination. I think that the reply which has been received by the honorable member for Darling from the Postal department is entirely inconsistent with that statement, and it seems to imply that the ordinary labourer, who has just as much right to be treated with consideration as those who are engaged in clerical employment, is to be dealt with on a different footing. I hope the Prime Minister will inquire into this matter, and that steps will be taken to secure the fairest possible treatment for the large number of men who have been temporarily employed in the different States in connexion with the various departments which have been transferred to the Commonwealth.

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Mr BRUCE SMITH

I desire to mention one or two matters which appear to me to be important. I was struck by the remarks made by the honorable member for Gwydir, who propounded the theory that the Commonwealth Government were under an obligation to fulfil all the wild promises that had been made by a certain Minister in the State from which he comes. I hope that the Commonwealth Government I will look at the practice—which has existed, for at least a quarter of a century in nearly all the States, of building elaborate postal accommodation in all the chief towns of the States—from a totally different stand-point from that in which it has been regarded by the States. It has been the custom in the State Parliaments to consider that it added to the political reputation of members to secure the erection of large buildings in small townships in their particular constituencies. Consequently, huge sums have

been spent for postal accommodation which has not only never been required, but will not be required for at least half-a-century. Speaking as an ex-Minister of Public Works, I know that plans have been prepared for post-offices which would cost three or four times the amount necessary to provide accommodation for the particular township for which those plans were designed. I have always set my face against- this expenditure, which is quite peculiar to the Australian colonies. In some of the large provincial towns in England the whole of the postal arrangements are carried on in a small grocer's shop. It is so done in many of the suburbs of London, and, until a few years ago, it was done in the city of Bristol. I know that in many other large towns postal accommodation is provided in a building for which a very small sub-rental is paid to the occupant, who has a grocer's or a chemist's shop. The suggestion \_ of the honorable member for Gwydir is that where a number of promises have been made by the Ministers for Works of the various States, those promises should be observed by the Postmaster-General.

Mr Cruickshank

- I say promises properly obtained under the State law of the time.

Mr BRUCE SMITH

I hope we are on the eve of a new state of things, and that even such towns as Invereli will only be afforded that accommodation which is really necessary in the interests of the public. Some time ago I tabled two questions with regard to the establishment of a statistical department in the Commonwealth. I pointed out that in my opinion it was very important that some statistical authority should be employed, whilst the information was most easily obtainable, to collect data of the condition of all the States of the Commonwealth at the time of its inception. The Prime Minister, in reply, said—"On behalf of my colleague, I have to say that the matter has not been lost sight of, and as soon as the state of public business will allow, some action will be taken to deal with this important question." That was in July last. I should like the Prime Minister, when replying, to say whether anything has been done in the direction indicated. It cannot be doubted that sooner or later there must be a Commonwealth statistician, and the usual small staff of assistants which such an officer generally gathers round him for the purposes of his department. The expenditure on such a department is so small, but the work performed so important that, saving, for the fact that the Prime Minister has a multitude of things to attend to, it ought to command at all events his best attention. Another question which I think it is convenient to raise at the present time has reference to the establishment of a Commonwealth Meteorological department. Meteorology has become an important science from a purely utilitarian stand-point. It is important to the shipping, pastoral, and agricultural communities. In the past, where the meteorologist employed by any State has been able to foretell the weather to be expected within a week or a fortnight, he has to some extent not only regulated the shipping of the ports, but the harvesting of the agriculturists. It is a well-known fact amongst meteorologists that the opportunity for predicting weather would be very much improved by the establishment of observatories in some cases as far south as Tasmania and in other distant parts of the continent, in order that the data which comes to the meteorologist should be of a much wider and more general character. I should like the Prime Minister to say whether the Government have considered the advisability of establishing a central department, so that the question of the desirability of establishing these distant observatories may be considered with the idea of supplying the public of the Commonwealth with more reliable information in regard to the future. The honorable member for Gwydir touched upon this matter when he pointed out that, whereas it had been the custom under the State Governments to afford information with regard to meteorological facts at the post-offices ; since the Commonwealth had taken over the control of the Postal department that information had not been forthcoming. I think that that information is of great importance. It is certainly of more immediate importance than are some of the measures on the business-paper. I hope that the Prime Minister will inform the House whether any steps have been taken, or are likely to be taken in the near future, with regard to the establishment of such a meteorological department.

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Mr BATCHELOR

I am very sorry that the Minister of Home Affairs is not present, because he is thoroughly acquainted with the details of the grievance ventilated by the honorable member for Darling. I feel somewhat concerned about this matter. It is not a case of wild promises made by State Ministers. It has reference to promises made on the floor of this House during the progress of a Bill. On the occasion in question, a promise was

made that every man who is really in the permanent employ of the Government, although he may only be classed as a temporary hand, should continue in the service. Upon that promise, I voted for the Government on one occasion and against my colleagues for South Australia. Now, I find' that the Minister of Home Affairs has signed a document informing certain men who have been employed for a number of years in line-repairing in connexion with the Post-office that their services will not be continued under the Commonwealth. Such an occurrence seems to be -quite extraordinary, in face of the distinct promise which was made in this House. Action of this sort is not an inducement to honorable members to rely on the promises of Ministers. It is a very serious matter to a great many public servants who have been employed by some of the State departments for twelve and thirteen years, and even longer. It is a distinct reversal of the statement made by the Minister of Home Affairs during the progress of the Public Service Bill through this House.

Mr V L SOLOMON

- We had his assurance over and over again.

Mr BATCHELOR

We also had the assurance of the Attorney-General. It was definitely stated that the policy of the Government was to consider all such men as permanent employees.

Sir Malcolm Mceacharn

- Whether there was employment for them or not

Mr BATCHELOR

That is not the question. The honorable member will surely agree that it is not likely that the business of the Post-office has fallen off since the Commonwealth Government assumed control, of it, or that less men are likely to be required by the department now than hitherto. I should like the Prime Minister definitely to state what is the policy of the Government on this question.

Mr FULLER

I rise to make a personal explanation. In connexion with the remarks which I made upon the prevalence of tick in New South Wales, I understand that during my absence from the chamber the honorable member for New England made what was almost a personal attack upon me for having introduced State politics into the Federal Parliament. The answer of the Prime Minister to the question entirely exonerated me from such an imputation. The Prime Minister assured me that as soon as the quarantine laws were taken over by the Federal Government this matter would receive consideration.

Mr Barton

- I never said a word of the kind. I said that the matter was one which the Government could not deal with, because it was exclusively within the jurisdiction of the State Governments, at least until the department of Quarantine was taken over by the Federal Government.

Mr FULLER

It comes to exactly the same thing. As soon as the Quarantine department is taken over by the Federal Parliament this matter will be dealt with.

Mr Barton

- It is a very common practice to assume that the Government have promised to do things which, when investigated, they have never promised to do at all.

Mr FULLER

I should like to know whether the honorable member for New England is going to lay down what are State politics and what are federal politics under the Constitution. " Personally, I am not going to be told by him what matters I shall introduce to the notice of this Parliament and what matters I shall leave alone. I feel perfectly satisfied with the answer of the Prime Minister, and am certain that when quarantine matters are taken over by the Federal Government this subject will be dealt with.

Mr SAWERS

May I make a few remarks in reply to the honorable member for Illawarra

Mr SPEAKER

If the honorable member desires to explain anything in his own speech he may do so; but, having spoken once, he is not entitled to make another speech.

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Mr SAWERS

The honorable member for Illawarra says that I made an attack upon him, and charges me with having made my remarks when he was out of the chamber. I wish to explain that I rose two or three times, but on each occasion I was not called upon by the Speaker. I then noticed that the honorable member for Illawarra was not in the chamber. Later on it appeared to me that he was in the chamber. I must speak when I have the opportunity, and if it is to be regarded as a rule that a member cannot speak about another honorable member when the latter is not in the chamber it will be an easy way of getting out of difficulties. I thought the honorable member was in the chamber when I spoke, but it is unfortunate that I am shortsighted, and I had not my glasses with me. Even if I had known that the honorable member was not present I should have been obliged to speak when called upon.

Minister for External Affairs

Mr BARTON

I do not suppose there is any honorable member who will hold the opinion that the discussion we have just had has been at all wanting in variety; and if a member of the Ministry were to attempt to make a reply upon all the subjects that have been mentioned, I am afraid he would lay himself open to the charge that the Government was delaying the transaction of public business.

Mr Wilks

The discussion may have saved many motions for adjournment.

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Mr BARTON

I do not know that. I do not think the honorable member is threatening me with motions for adjournment. I do not believe he is "built that way," and I shall not think him capable of it. I have already given, a very full answer with regard to the occupancy of Parliament House. At the same time it must be remembered that my observations could not cover all the ground, because I was speaking from memory; and I want to state, "right here," as the Americans say, that I must not be taken to have stated the case completely and fully in the answer I gave to the honorable member for Tasmania, Sir Edward Braddon. There may be facts which I have left out that would tell in favour of the Commonwealth Government, and there may be other facts which I have left out that would tell in favour of the State Government. I endeavoured faithfully to tell the House all I could remember of the transactions that have taken place, so far as time would allow, but as for the rest of it, I say again that I have very great confidence in the complete straightforwardness of the Premier of Victoria, and I do believe that we shall be able to come to an amicable and satisfactory arrangement of this matter, notwithstanding the delays which have taken place. More than that, in a matter of such importance I do not think it is right that we sitting here should unnecessarily complain of these delays. Some of the delay may be attributable to myself, and some to the Victorian Government. But that such a matter should be proceeded with without any hurry is perfectly rational and right. In the meantime, there is no cause of complaint in regard to the convenience of honorable members, because they are here enjoying the conveniences of this splendid building. Therefore I think honorable members might take my advice, and possess their souls in patience, knowing that they are not suffering anything. As to the establishment of a federal library; to which the honorable member for Dalley referred, the subject is one upon which he might well have asked me a question. It has been occupying the attention of the Government for some time. I have been in communication with gentlemen well-known in connexion with the establishment and maintenance of libraries, whether as officials or otherwise, from whom a mass of valuable information has been obtained. It is my intention, as soon as possible, to appoint a board of experts to report upon the question of the methods and principles upon which a federal library should be established and maintained. As soon as I have obtained all the information I require, I intend to lay it before the Library Committee of this Parliament, and to ask the committee for their views, and for a report upon it. In all the steps that I take with reference to the establishment of a federal library, I wish to be quite in touch and harmony with the Library Committee of the Federal Parliament. Honorable members will recognise that of course there are various important matters to be considered in connexion with the subject. It would not be out of place for me to mention, for instance, that there are such questions as to whether there shall be a Federal Parliamentary Library and also a Federal, National, or Public Library, and whether the two should be distinct. We have an instance in the library which is, I believe, amongst the five greatest libraries in the world, namely, that established at the capitol at Washington. There they have a parliamentary section, a general section, and

a law library. The Parliamentary Library, is open to members of Congress, the general section, is open to the public at large, and the law library is open to those who have occasion to use it in connexion with the law courts, which form a part of the same scheme of buildings. There is a great deal to be said in favour of the establishment of such an institution, but the question is one that requires consideration. It is only necessary to mention this in order to show how extensive are the considerations that are involved. We shall have to determine whether we shall proceed on that plan, or on other plans which prevail in other places. These are all important matters. Honorable members opposite will agree with me in saying that inasmuch as we cannot, for some years to come, be in the federal capital, it is well that we should take these steps deliberately, and that we should invoke the assistance of the Federal Parliamentary Library Committee before anything is done. With regard to Dr. Maxwell's report, there has been, I must admit, some delay in connexion with its production. But the matter is now in hand, and honorable members may expect the report to be ready for distribution some time to-morrow.

Mr McDonald

- I have a copy of it in my hand now. I received it from Brisbane. It has already been published.

Mr BARTON

At the request of Dr. Maxwell some corrections have had to be made in the proof. It may be that those corrections have not been made in the report which the honorable member has received from Queensland. I do not know that. All I can do is to tell the House the facts. As I have said, the matter is now in hand, and some time to-morrow the report will be in the hands of honorable members.

Mr McDonald

- Are we to understand that Dr. Maxwell is altering the report after it has been laid upon the table of this House ?

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Mr BARTON

No ; but there were some corrections to be made in the typewritten copy. I formally laid the report on the table some time ago, because there was some curiosity on the part of honorable members in regard to it. But it will be readily understood that there were some inadvertencies and errors in the typescript, and it was a natural thing that Dr. Maxwell should desire to have it corrected in that respect. I regret the delay that has occurred. As to the landing of Afghans, to which the Minister of Customs has referred, I have to say that, immediately the complaint was made by the honorable member for South Australia, Mr. Poynton, I sent a note to my right honorable friend to have this information conveyed to me from the Customs department on all occasions when arrivals were expected. That was not a matter that waited for some days. The direction was given on the night the honorable member for South Australia asked the question. There has evidently been some lapse in the department. I suppose that all the officers are not as clever as some of them are; though with regard to that I want it to be understood that, if there has been any fault, it is the duty of the Government to take the responsibility for all their officers, and the matter is between the officials and the Government. The binding was not of 80 Afghans, nor of 51 as subsequently stated. I find it was of 31. It is just as well that I should mention these figures, because it is quite common for exaggerated reports to reach our ears, and we are apt to be led astray by them. Reverting again to the parliamentary agreement, the honorable member for Tasmania, Mr. Piesse, has made reference to the matter of providing a room for the accommodation of members of the Legislative Council of Victoria. - Complaints have been made about a room not having been set apart for them. I understand that one room has always been available for members of the Legislative Council, but has been very little used indeed. A request has been made for another room— a much more commodious one— and I understand that the President of the Senate is perfectly willing to take his part in providing the accommodation required, presuming that an agreement can be arrived at, so that the matter may be made definite. As to the postal matter mentioned by the honorable member for Darling I will have an immediate inquiry made to find out under what circumstances, if at all, statements that appear at first sight to conflict were made. If, as the honorable member said, a pledge was given by the Home Secretary, the House may rely upon it that whatever has been promised on the authority of the Government will have to be carried out. Whatever faults may be laid at our doors, it will be admitted that if a definite promise is made it has always been carried out, except that if it has been made inconsiderately, the matter may have to be laid before the House again in order to show why it cannot be carried out. I do not think that

the honorable member for . erriwa is quite correct in saying that the Postal department was taken over by the ' Federal Government before we were ready for it. Tlie fault is not in the Postal department itself. Honorable members will understand that it would not be possible to conceive, in any spirit of wisdom, the provision of machinery for the amalgamation of large departments like the Defence department and the Postal department in a satisfactory manner unless they were in the hands of Ministers before the amalgamation was actually made. Unless the departments were in the hands of Ministers so that they could know in what respects the practices of the different States differed, and to what degree those practices should be reduced to uniformity, whilst at the same time leaving some amount of elasticity, it would be impossible to produce satisfactory Bills to deal with them. Therefore it was right to take them over when they were taken over. If any hitches have occurred—and undoubtedly they must have occurred under any Federation, and will occur under every Federation that may be established in the future—it must be understood that such dislocations must necessarily arise until matters settle down finally into a uniform course of administration, which can only take place after the Federal Parliament has legislated upon the subject. I am certainly not going to advise the Commonwealth Government to retrace its steps in this respect. Indeed, instead of doing that it is necessary for the Government to put its foot down more firmly in some cases, and that will be done, as occasion arises, with every spirit of courtesy to every State concerned. As regards the financial difficulties that have been complained of, it is easy to understand how they have occurred. All the Commonwealth Parliament has been able to do is to pass two Supply Bills, which have been of a temporary character. The Government has been unable to lay out funds on the extension and repair of its offices. Those difficulties will be overcome in time. In the meantime there must lie instances of the kind mentioned. But as far as it is possible to make arrangements with the States, they will be avoided in that way. It must be always recognised, however, that the mere fact of the establishment of this Federation cannot, in view of a State having made a series of promises, be held to bind the Commonwealth in respect to every promise which has been so made. Take the cases in which such promises have been made with the knowledge that before they could be performed the Commonwealth would be constituted. That would enormously increase the financial obligations of Australia as a whole. Whatever be the way in which we look at this matter, the more economy we can reasonably exercise in these transferred departments the better for each State concerned. We have, therefore, to scrutinize these promises. I t would never do that we should say to the States— " You, in virtue of federation, and knowing i t was coming, and that you would not have to do the work yourselves, have promised these things, and we, therefore, must carry them out." That those having no responsibility should promise, and those having tlie responsibility are bound to perform, would be a situation we cannot allow. It is, therefore, necessary to scrutinize all these cases, and that has been and is being done with every regard to good faith. I do npt know that any other statements made demand any more than general treatment. We have no loan money in the Commonwealth at present; we have had no opportunity to pass a Loan Act, and until we pass a Loan Act, we' can have no loan money. In the meantime, works requiring to be carried out by loan money are to a certain extent suspended subject to any arrangement we may be able to make with the States. As to what has been said, I think by the honorable member for Parkes, upon the necessity of establishing a statistical department and a meteorological department, I think both are most important, but they are not of that first order of importance that would justify our interrupting the business of the first session to pass Acts for those purposes. They might well occupy some place in the business of the second session, but we have too much on our shoulders during this session to pass them. I f my honorable friend will refresh his memory in regard to the Constitutipn Act he will see that until we pass legislation on the subject we can accept no part in the administration of those matters. I do not think there is anything else I can refer to with advantage, except to say generally that I have taken a note of the complaints which have been made, with the intention of giving them further consideration, to see whether what has been complained of may not be rectified.

Question resolved in the negative.

PAPER

Mr. DEAKIN laid on the table

A return showing (1) The quantity of maize imported into each State of the Commonwealth during the past three years, and the countries from which it came. (2) The amount of maize exported from each



State for a similar period, and where sent.

## DISTILLATION BILL

### Second Reading

Debate (resumed from 28th August, vide page 4247), on the motion of Mr. Kingston -

That the Bill be read a second time.

Mr MCCOLL

In addressing myself to this question last night I expressed a hope that the House would not consider the measure as a mere technical and machinery Bill, but that as it deals with enormous interests, they would look beyond the mere mechanical clauses and endeavour to foster the great industries affected. I have said that there are three aspects in which the Bill does not come up to my expectations or in which I think it is faulty. The first is that there is no provision in the Bill to supply people with pure and wholesome liquor. The next is that it plays very much into the hands of the larger men and has a tendency to crush out the smaller distillers and the smaller growers of wine in the various States. The next defect in it is that it does not regulate, or encourage local production to the extent I think a measure such as this should do. I intended to give some figures with regard to the amount of distillation carried on in each State, and I have now before me correct figures as to the number of distilleries and the amount of liquor distilled in the various States. In Queensland there are six distilleries which distilled, last year, 150,763 gallons; the whole of that distillation was from cane skinings or molasses. In South Australia there are eight distilleries, which pay a licence-fee of £50 each, and last year they distilled 108,068 gallons. While the main produce of these distilleries was brandy, they also distilled whisky, rum, and gin. With regard to wine manufacturers, licences are issued at £5. There are ten of these in South Australia, and they produced last year 14,146 gallons of spirit and 17,296 gallons of rectified spirit.; In Victoria there are at present seven distilleries, the proprietors of one of which have allowed the licence to lapse because they were overstocked and desired to take a rest. Last year they paid a licence-fee of £10, and this Bill proposes to raise the fee at once to £50. The Victorian distilleries last year produced 431,042 gallons. In Victoria there are 56 vineyard licences issued. Of these, only four are £10 licences, under which the holders have the right not only to distil the produce of their own vineyards, but also any wine made which they choose to purchase. They produced last year 8,073 gallons. The other 52 licences are what are termed £5 licences, issued under conditions by which the holder is only allowed to distil the product of his own vineyard, and only so much spirit as is required for the fortification of his own wine. The supervision over the holders of these licences has been extremely lax, and a number of them, instead of confining themselves to the legitimate object for which their licences were issued, have become traffickers in grapes and in wine. They have bought from their poorer neighbours who could sell nowhere else, and have become really wine and spirit merchants without paying the licence-fee that wine and spirit merchants have to pay. I may say that in Victoria last year 439,117 gallons of spirits were produced, but there was a large stock on hand of 680,691 gallons, so that altogether in the colony there is a stock of 1,119,950 gallons. I find from close investigation that the products used in producing this spirit have been all of a good quality. I find that there has been no potatoes used, and no beet-root refuse used, or anything like that which would cause the production of a fiery spirit. This information comes direct from the distillation branch, and I have seen the officers. There have been informed that it is correct. The materials which have been used have been barley malt, barley, wheat, maize and rye, wine and molasses. No one can object to spirits made from these materials, while the use of other materials; such as sulphuric acid, required to convert the starch into sugar, will, I hope, be resisted by this House. There is a form B in the Bill which deals with the use of these products.

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Mr V L SOLOMON

- We know that potato spirit has been used for many years in the Commonwealth and in European countries.

Mr MCCOLL

That it does not say that it is a good thing to have it used. There are many things used in the old country which I hope we shall not introduce here.

Mr V L SOLOMON

- Can the honorable member show us what is deleterious about potato spirit?

Mr MCCOLL

I prefer not to be drawn into a conversation at the present time. It has been said that these wine-growers' licences are the cause of a great deal of illicit distillation, and that there is therefore a considerable leakage of revenue. I do not know that that is the case, but I am inclined somewhat to doubt the statement. If it is the case to any great extent it is not creditable to the Excise department, because the pains and penalties upon these people, for breaches of the law are as severe as upon the larger people, and as no cases have been brought, I take it that the report is not as credible as it is made to appear. I mentioned last night that the Bill favours the large people, and that the wine industry throughout the States is not as satisfactory as it ought to be. The Governments of various States by bonuses and in other ways have endeavoured to foster this industry, which if properly looked after may become a great one. We have here millions of acres that are not fit for cultivation or dairying, and are scarcely fit for the grazing of sheep, but which if properly used for the growing of the vine could be utilized, and from which people could make a good living if this industry were properly cared for. Where we have encouraged people to plant grapes and produce wine, we ought to give them the fullest possible chance of making a living out of their productions. If a man finds himself in the position that he has a bad season, that his grapes are not very good for wine-making, or having converted them into wine or must, a thunderstorm has occurred which has made it likely that the wine would turn, every facility should be given to that man to put his product to some use in order that his season's labour may not be lost. He may put it to use if he is enabled to distil the product. If he converts it into spirit it is as good as sovereigns to him, and the longer he keeps it the more valuable it becomes. It seems to me that with reasonable encouragement enormous planting would go on. At present there are some 60,000 acres planted in Australia, and of these there are some 28,000 acres in Victoria. We ought to give those engaged in the industry every facility to turn their products to the very best possible advantage. Of course in all this we want to protect the revenue also. I would be the last to say that we should introduce a lax system allowing indiscriminate distillation, under which there would be a chance of the Commonwealth being robbed of the proper revenue which this industry should return. But having regard to the proper protection of the revenue, we want to encourage every manufacturer as much as we can. I propose, in committee, to move certain new clauses to gain this end. Of course, the subject is technical, and it is difficult for the outsider to grasp the whole of the conditions and know exactly the amendment or new clause that will fit the varied conditions attaching to the industry. I therefore submit the suggested amendments to the Minister in charge of the Bill, not in an arbitrary way, but merely as suggestions, which he may take into careful consideration, and which he may modify in any way necessary to protect the revenue, and, at the same time, to safeguard our growers as much as possible. A further new clause which I intend to propose is one which will give vignerons the right to procure, free of duty, from any bond, such spirits as they may require for the fortification of their own wines, or to go to a vineyard where a still is in operation, or to any person having a still, and obtain the spirit necessary for fortification purposes. Of course, all this will have to be done under supervision by a proper officer, so that the revenue may be properly protected. In order that the inspection may be facilitated, and with a view to obviating delay, I propose that, in addition to the officers of Customs, certain persons in the various districts should be allowed to act as Customs officers for the purpose of this supervision only. Perhaps a justice of the peace or a police officer might take charge of this particular work, and it would be a reasonable thing to ask the vignerons to pay a small fee, either in the form of a charge for the services of the inspectors at so much per hour, or so much per gallon upon the liquor used. However, that will be a matter of detail. With a view to enabling a vigneron to secure the full benefit of his crop of grapes, I propose that, in the event of his not being able to turn his grapes into wine, he should have the right to convert them into spirits. We should not only allow our vignerons to do this, but we should give them the same facilities as are afforded in America for converting all fruits into spirits. The various fruits that are grown in orchards, such as apples, pears, cherries, and plums, may be used for the manufacture of pure spirit, and the wine grower and orchardist should have every facility extended to them in this direction. These are matters with which I will deal more elaborately in committee, but they all have the object of not only protecting the revenue, but of extending to our producers every chance to make the most of their labour. Another point that has been entirely overlooked in this Bill is as to when spirits should be placed on the market. This is a matter of considerable moment in its relation to

the health of the people, because it is well known that the older the spirits are the more healthful they become, because the deleterious essential oils can only be worked off by age, which also develops those pleasant flavours so delightful to connoisseurs. Under our present law, liquor is put on the market at six months old, but in America and Canada it is not allowed to go into consumption for two years after it is made, and it seems to me that six months is far too short a time to allow for liquor to mature.

Mr V L SOLOMON

- If the honorable member could make such a rule in regard to colonial wines, it would be a perfect godsend to the Commonwealth.

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Mr MCCOLL

I recognise that in this matter it would be useless to impose restrictions upon our own producers unless we bring those who import spirits into the Commonwealth under similar conditions. It is well known that liquor can be made of the most inferior materials, and that potato spirit, in which sulphuric acid has to be used, and that spirit made from the refuse of the bounty-fed beet sugar factories of Germany—spirits which are not allowed to go into consumption in the country in which they are made—are allowed to come into the Commonwealth without let or hindrance. In England all liquor introduced from abroad has to be branded in such a way as to indicate what it is made of, and, I think, also the age of it. In many of our States there is no supervision at all, and these inferior spirits come in and are mixed with our own productions, and go through the country as so much liquid damnation. Therefore, we must impose restrictions on imported spirits in the same way as upon those locally produced. I am aware that this Bill has nothing to do with that matter, but when the Tariff comes under consideration I shall endeavour to bring about such restrictions upon the imported liquor as will insure that, when our people take their spirits, they may rely on getting a pure and wholesome article. I am told that in Hamburg people can obtain spirits 65 degrees over proof at 1s. 9d. per gallon, and that they can buy so-called brandy at 6s. per dozen bottles. This stuff is prohibited from going into consumption in Germany, and is only allowed into Great Britain under certain restrictions as to the description of the contents on the packages in which it is sent; whilst in these States no control whatever is exercised. We should compel men who send out spirits to furnish certificates as to the materials of which the spirit is manufactured, and its age. In connexion with the distillery at Bendigo, not a drop of liquor goes out without a certificate being attached to the case or cask to the effect that it is made solely of the juice of the grape, and that it is of a certain age. All the liquor that goes into consumption should be similarly accompanied by a certificate as to its age and character, and this should apply equally to imported as to locally produced spirits. In Germany the law is so strict that patent medicines have to be accompanied by a declaration on the outside of the packets in which they are enclosed, stating the ingredients of which they are composed, and some similar legislation should be passed here dealing with spirits. The Bill seems to me to favour the larger distillers, and I think that this would be a very great mistake. I do not wish to go into technicalities, but I might mention that there are two kinds of stills in use, namely, the patent still, and the pot still. The patent still is a comparatively modern invention, which is so constructed that it rushes the stuff through at a very great rate, and under such conditions that no further distillation is required. By this process many of the deleterious ingredients are distilled out of the liquor, but with these are taken away those other elements which go so far towards pleasing the public palate. In the evidence given before the select committee of the British House of Commons, it was shown that people would give three or four times as much for pot-still liquor as for that which was produced by means of the patent still. The spirit produced by the patent still is what is called silent spirit, in that it is destitute of taste and smell; but it is made up into the various spirits used in commerce, such as whisky or brandy, or rum, by means of colouring and flavouring essences, whereas the public should have whisky made of malt, brandy made of wine, and rum made of molasses. In the pot-still spirit is retained those flavours that are so much relished by the public, but the spirit cannot be used so quickly as the patent still spirit, because it takes longer to mature. I find that in England there are ten distilleries, all of which use patent stills. In Scotland there are 126 distilleries, 113 of which use pot stills, and thirteen patent stills, while in Ireland there are 30 distilleries, of which 22 are pot stills, and eight are patent stills. This probably accounts for the greater popularity of Scotch and Irish as compared with the English whisky. This Bill has tendency to play into the hands of the patent still owners, because, for one thing, the pot stills cannot put through the quantity of stuff that is required. I

took the trouble to find out of what British liquors are made, and I got the following information from a standard work with regard to what is termed English brandy—

Mostly artificial. Made as follows : Bring alcohol to proof pitch and add "argol," crude wine-stone, or tartar from wine casks, bruised French plums and some good Cognac, one quart to 100 lbs., a little acetic ether, colour with burnt sugar, and add a little tannic acid.

burnt sugar, and add a little tannic acid. In addition to this English brandy there is another liquor known as British brandy, which is made as follows :—

Five hundred gallons common low wines of grain distillers, 500 gallons of best French wine vinegar all well rummaged in mixing back, pumped into still and some spirit put in mixing back to clean out vinegar ; 50 to 60 lbs. common still, 8 to 10 lbs. concentrated sulphuric acid, keeping all in brisk motion to prevent action of acid. Still brought to 14 overproof. Twenty to 25 gallons of fruit tincture; 15 gallons of brandy flavour; 8 to 10 gallons of

These quotations are made from a standard work on chemistry. This brandy flavouring, of which they put in 15 gallons, is described as follows :—

One hundred gallons of spirit, 100 gallons of good strong vinegar, 4 gallons of spirit of nitre, albs, of oitic acid, 10 lbs. of almond cake, 10 lbs. of orris root, 2 lbs. of lemon peel; to be mixed well together.

That is the way in which spirits are made, and yet this stuff comes into our country, whilst in our own land we have every opportunity for giving the people a pure, wholesome spirit that will do them no harm. I also wish to draw attention to the wineries. There are four of them, I think, but only one has fulfilled all the conditions imposed by the State Government. Some few years ago, for the purpose of helping the grape growers, regulations were framed by which an amount up to £3,000 could be given to wineries that fulfilled the conditions which were laid down. The object was to set up, in the vine-growing centres, an establishment that would take the grapes or the wine from the growers and treat it, giving the grower a ready market for his produce. The only winery that has fulfilled all the conditions laid down is the one at Maroon. The proprietors of that winery desire to be allowed to distil just so much spirit as will fortify the wine produced in their own establishment. They do not wish to be brandy merchants. They receive their grapes from 40 growers who cultivate 600 acres of vines in the district. Their object is to produce wine of an even quality year after year, and thus obtain a market for it in the old country. But they find that it is absolutely necessary, in order to do this, that the wine shall be fortified. The grapes which they handle will only produce 24 per cent, of spirit, whereas they require 26 or 28 per cent, in order to place their wines upon the English market. It is for the purpose of making up this difference in the strength of the wine that they desire the privilege of having a still and of using their own material. Surely if we allow a man with ten acres of vines to have a still, we ought to give a similar concession to an establishment where the produce of 600 acres is treated. At the present time this winery has 150,000 gallons in stock, 35,000 gallons of which needs fortifying at once. In addition to that, they are not able, under present conditions, to use their by-products. They have bought 129,000 gallons, and altogether they have made 217,000 gallons since 1898. These figures evidence the benefit which this institution has been to the district concerned. I should like the Minister in administering this Bill to feel that he is not merely the Minister for Customs, but also the Minister for Trade. From that point of view, he ought to try, not merely to protect the revenue, but also to help all our producers. Personally I am not in favour of multiplying small stills. The multiplication of these, stills has proceeded further than it should have done.

"Where there is such a large number we are almost bound to have a leakage. I intend to propose the amendments of which I have given notice in order that all shall have equal facilities for getting spirit for fortifying their wines. The Minister in charge of this Bill asked me if I would give this privilege to the wine merchants. I am aware that they are making this demand. While I do not know the whole of the details of the wine merchant's business, and am not acquainted with the objections which the Customs department may urge, it seems to me a fair proposition that these people should have the same facilities under proper supervision. If they were granted the same facilities for getting fortified wines, they would be enabled to go to the country, deal with the wine-growers, and take their grapes, which they cannot do now. The individual wine grower would then find that there would be greater competition for his products, better prices for the articles, and that he would not be at the mercy of the still owners in the country so much as he is now. I think that the Minister might carefully consider the matter and see whether he cannot meet these wine merchants, who are mostly Australian wine merchants. Out of six or seven of them, five deal

only with Australian wines. I hope that the Minister will give attention to the views which honorable members from the wine-growing districts have expressed. We do not wish to spoil his Bill, to which he has devoted a good deal of care and labour. It is a very workable measure. We know how great the wine industry can be made to the people of Australia if it is fostered and cared for as it ought to be. This is the opportunity to foster and care for it. I thank the House for the patient hearing which it has given me, and I would ask the Minister once more to carefully consider the amendments which have been outlined by various honorable members, and endeavour if he possibly can to adopt them, whilst at the same time adequately protecting the revenue of the country

Sir EDWARD BRADDON

he honorable member for Echuca has dealt with this Bill from the point of view of a connoisseur of liquors.

Mr McColl

- I am not a connoisseur at all ; I hardly touch liquor.

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Sir EDWARD BRADDON

That is the impression conveyed to my mind. The honorable member spoke as one who is very desirous of seeing that the liquor distilled throughout the States of the Commonwealth shall be really good liquors such as a connoisseur might take. I do not propose to speak as a connoisseur myself. I shall speak as an ex-Commissioner of Excise, with fifteen years' experience of the control of excise. I speak for the protection of the revenue, which is, after all, the main object we have to effect by this machinery Bill. The amount of revenue to be dealt with by this measure is something enormous: I hope that its effect will be to ensure, at any rate, perfect certainty as to the collection of the full amount of excise revenue throughout the Commonwealth. I trust that the Minister, in his position as ' Minister for Trade as well as Minister for Customs, will meet the views of the honorable member for Echuca, and see that matter much more deleterious in its way to those who consume liquor is not introduced-- from outside, as it is now, to the destruction of the stomachs of the people and of the finances of the various State Treasuries. Even those who are not connoisseurs in the matter of liquors know that there is imported from abroad boxes of essences which, with the assistance of a little spirits of wine,, can be converted into all sorts of spirits, such as brandy, gin, whisky, and the like. These are so far calculated to impose on the ordinary consumer as to be passed in large quantities down his throat to consume him internally to a very considerable extent. It has been said that this Bill plays into the hands of the larger distillers. It is inevitable to my mind that that must be so for the reason, which is patent to everybody, namely, that unless we restrict the number of distillers we cannot have that thoroughly effective protection which we desire. The honorable member for South Australia (Mr. Solomon) spoke of the charge for the superintending officer, who has to be in attendance at a distillery, as being very burdensome for a distiller to cope with. But it is absolutely essential in the safeguarding of the excise revenue that the process of distillation should all be carefully guarded by some superintending officer. I only know of one way in which this condition might be relaxed, and that is by the employment of locked stills. The Minister seems to think that there is some provision made for that in the Bill, but I think he will find that there is none whatever. A locked still, of which the superintending officer held the master key, would be such as could not be opened by the distiller without the presence of the superintending officer. Liquor could not be removed from it without the presence of the Customs official, and in that way the constant attendance of the superintending officer might be avoided.

Mr McColl

That is the law now.

Sir EDWARD BRADDON

but there is no special provision for it in the Bill itself, I think.

Minister for Trade and Customs

Mr Kingston

- Yes, there is provision in the schedule.

Sir EDWARD BRADDON

If the Minister is satisfied that the Bill provides for those locked stills, well and good, and there is nothing further to be said. If there is any doubt about the point, I can only hope that he will see that the matter is

remedied during the passage of the Bill through committee. I need not add anything to what I have said. Although I have had some experience, and possess some little knowledge upon this matter, I may be excused for not speaking at greater length. I can only add that I shall give the Bill the support it deserves, and shall do all I can to assist in passing it through committee.

Mr G B EDWARDS

I happen to have had some experience in charge of a distillery in this State in the past, during which time I obtained some information with regard to the matters dealt with in the Bill before the House. I desire first of all to compliment the Minister upon the very clear and precise manner in which the measure has been drawn. The subject is a highly technical, one, surrounded with considerable difficulties in the way of presenting it clearly to the lay mind; but I think those difficulties have been successfully grappled with, and that we have a Bill before us which achieves its purposes very definitely and distinctly. So far as concerns the clauses relating to the larger distilleries, the Bill is everything that could be expected. In a measure of the kind, every precaution must be taken to safeguard the revenue, and no doubt distillers will always consider that such precautions are unnecessarily harsh; but in view of the necessity that exists for that purpose, the clauses are only what we have a right to expect, with the exception probably of clause 49, which calls upon the distiller to pay duty on any shortage that may appear when stock is taken at the end of the month. I know from my own experience that shortages have occurred through accidental circumstances. In fact, the Bill itself in succeeding clauses recognises that possibility. The practice in this State was that if a shortage was reported to the excise officer in the result as finally produced, the Commissioner of Customs called upon the distiller for an explanation. I think the clause should take that form. If the explanation is not satisfactory the commissioner should demand payment of the duty. These accidents will happen, not only through the causes referred to in a succeeding clause—the breakage of a pipe, or something of that sort;—but through the low quality and character of the material used for distillation. It sometimes happens that distillers will buy a notoriously low quality of grain. I am informed that it matters very little what the quality of the particular substance may be which goes into the still, as nothing but spirit comes out. But the quantity of spirit that comes out may be reduced by the nature of the material distilled; and I do not see any necessity for these drastic provisions calling upon the distiller to pay duty on the shortage, if he can give to the commissioner a satisfactory explanation as to how the shortage occurred. Last night the honorable member for South Australia, Mr. V. L. Solomon, referred to the manufacture of vinegar. In some distilleries in America, and also in this State, distilleries have existed for the purpose of manufacturing spirits to be turned into vinegar. There are some clauses in the Bill which seem to prohibit the carrying on of any other trade in the same building as a distillery. If it is desired to make vinegar out of spirits, apparently these clauses would prevent that.

Mr Kingston

- In licensed premises.

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Mr G B EDWARDS

The work can only be carried on economically in the same building where other distillation is going on. The German method of vinegar making, which is very largely practised in the United States of America, and is certain to be adopted here, is one for which facilities should be given, and what the honorable member for South Australia, Mr V. L. Solomon, referred to is a matter that will require to be considered when the Bill gets into committee. He also pointed out that under clause 41 of the Bill there are apparently only three ways of removing spirits—that is, for home consumption, to a warehouse, and for exportation. I know, however, that there are several related manufacturers who deal with spirits for purposes of manufacture, and it is a necessity for them to be able to remove spirits for such purposes.

Mr Kingston

- That would be done in a manufacturing warehouse\*

Mr G B EDWARDS

I take it that "warehouse" would mean practically a bond.

Mr Kingston

- - The manufacturing warehouses are bonds.

Mr G B EDWARDS

If that be so, probably it will meet the case entirely. Methylating is allowed under this Bill, under the

supervision of officers, and, I should suppose, without payment of duty. All these clauses do not play into the hands of the large distillers, but are only such as are absolutely necessary for carrying on work under the measure. But when we come to the question of the vignerons' licences, the honorable member for Echuca has made out a very strong case why the Minister should reconsider that part of the Bill. I do not know that the honorable member is justified in saying that we should regard this Bill as something more than a machinery Bill, and should provide for securing a pure spirit at its source, and so forth ; but we can do something with the object of protecting—if I as a free-trader may be allowed to use the word—the manufacture of our own Australian wines, which I hope will ultimately become the national drink of the Commonwealth. The curse of the drink traffic is the consumption of spirits. If we can make the wines which we now so successfully produce in Australia the national drink of Australians, we shall do more in the cause of temperance than anything else I can think of. We should, therefore, give facilities to vignerons for the production of wines. Although I object to introducing such matters into machinery Bills generally, yet I think we might in this Bill give facilities for carrying on the work I refer to. There are many men in my own State who have vineyards of less than ten acres, but who do a successful and really praiseworthy trade in wine-making. They are able to dispose of their wines year after year to regular customers. But I believe that many of them would be shut out of a legitimate and profitable trade if they were prevented from using the still, by reason of the fact that their vineyards were less than 10 acres in extent. On the other hand, if, as has been the case in the past, we give facilities for the indiscriminate establishment of stills, much mischief will be done. A great abuse in this respect goes on already. Perhaps the difficulty will be met by giving facilities for obtaining the spirit from larger growers or larger distilleries under certain precautions. I am not in favour of the suggestion of the honorable members for Echuca for allowing wine merchants to have, stills. That would be a very dangerous practice indeed. In fact I am against granting facilities to wine merchants to have anything to do with this matter

Mr Kingston

- I think »the honorable member for Echuca said wineries, not merchants. . ,

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Mr G B EDWARDS

I can understand giving facilities to a winery, but to give them to merchants would be very dangerous. I have my suspicions as to what the wine merchant does already. But I am certainly in favour of giving wineries facilities for distilling spirits for the fortification of wines. We might go further, and, seeing that the wine trade is likely to increase, might give them the further facilities, powers, and privileges, which we give to any other distiller ; because the production of wine will certainly tend towards the end which I have indicated as being desirable to achieve, namely, the production of wine and making it the national drink of Australia. I do not know anything about the difference between pot stills and French Stills so far as the quality of spirit is concerned, but if the idea of the honorable member for Echuca is adopted we should interfere with certain trades. Spirits are not always distilled for purposes of drinking. They are used for manufacturing purposes—for making varnishes and other things in a variety of trades. If people can make a cheaper spirit out of potatoes than out of malt or barley they should be allowed to do it for purposes of manufacturing. But I heartily concur in the suggestion that this Bill should contain some provision prohibiting the use of spirit before it is matured. I have seen lamentable results from the use of immature wines, but the drinking of immature spirit is a most frightful thing. Precautions ought to be taken in the Bill to prevent the abuse which goes on in many distilleries by the working men and visitors drinking immature spirits there. In the interests of the general public we should increase the length of time—six months—if not to two years, certainly to eighteen months. No spirit is fit for drinking until it is at least eighteen months old. Spirit six months old, if distilled in this country, must be worse even than the dreadful stuff which has been referred to as being imported from abroad; because the spirit which comes to Australia from England or any other place abroad has first to be prepared for export from the country where it is made, then a certain time is taken in bringing it here, and a certain further time elapses before it is distributed. It may be to some extent matured during that time. Our own spirits, produced in the Commonwealth, are likely to increase as time progresses, and they ought not, to be issued to the public for drinking purposes until they are at least two years old. That would, to some extent, prevent brains and stomachs being wasted away by wretched impure spirits.

Mr ISAACS

I do not propose to address myself to this question from the stand-point of what may be called the connoisseur in liquor, or the expert in stills, or even from the revenue standpoint. All these various departments have been excellently represented and dealt with in a manner beyond anything that I could hope to reach. Nor do I intend to regard this as a purely machinery Bill. It is to a large extent a machinery Bill, and to that extent the observations of the Minister in charge of it were no doubt perfectly correct; but I desire to draw attention particularly to one or two clauses, which, I think, deserve our earnest consideration outside the provinces to which I have referred. In the first place, it seems to me that the intention of the Minister cannot have been that men who have embarked on a legitimate enterprise, sanctioned by law, and who have committed as hostages to fortune their money, their land, and experience, should, without rhyme or reason, be deprived of a large portion of their livelihood and future prospects. That is no doubt what the effect of this Bill would be. More than that, unless it is materially altered, it would tend to throw into the hands of the monopolist a large proportion of the future enterprise of spirit making in this country. The particular portions of the Bill to which my remarks apply are clauses 12, 52, and 53, and regulation 103. The result of these various provisions would, I think, be disastrous to a number of wine-growers, certainly in Victoria, and, I believe, throughout Australia. I had an opportunity yesterday of addressing the Minister in company with a deputation representative of a very large proportion of the wine-growers of Victoria, and I should like to hear from the right honorable gentleman before this debate closes what his intentions are with regard to the matters I pressed upon his attention. The matters to which I particularly refer are these: Under this Bill, which will supersede the State laws to the extent to which it makes provisions, there will be only two kinds of licences—apart from the test still licence, which I leave out of consideration for this purpose. The first is the spirit-maker's licence, which is a licence to individuals who provide large capital and very large stills, giving them power to make spirit from any material for any purpose whether used in the fortification of wines or for sale. The other licence possible under the Bill will be a vigneron's licence, and that can only be granted to and held by persons who are actually vignerons in occupation of at least ten acres of vineyard in bearing, and who make their own spirit purely for the fortification of their own wines. If they find the possibility of a market for the product of their wines, they must not embrace that opportunity, but must leave it for the large man who can give £2,000 security as a distiller, and they must refrain from making any of the spirit or using their product for that purpose, or must place themselves in the power of the large distiller, and sell their wine to him at any price it may fetch for the purpose. I do not believe that is the intention of the Minister, but it will undoubtedly be the result of the Bill. I need hardly say that would be going in a direction in which it is not intended to go.

Mr V L Solomon

- There is a tremendous difference in the cost of the licences.

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Mr ISAACS

I do not think that matters one iota. I think men ought not to be prevented from doing what they have done in the past. The statistics show that, so far as Victoria is concerned, there has been a strong endeavour to make a pure spirit, and, after all, it is the best spirit, out of the grape, and the total amount produced for 1900 was about 16,000 gallons, while of spirits made from other sources the amount was about 307,000 gallons. There is no reason why we should not encourage the small growers as far as we can. If spirits are to be drunk at all, let us have the best available. I think we should not discourage the making of spirits from grapes. We should be going in a direction unexpected, I think, on the part of the Government if we were to discourage the small growers from utilizing their products in the way they have done in the past. I was glad to hear the qualified observations of the honorable member for South Sydney with regard to the desirability of encouraging these vignerons even to the extent of some protection. I was wondering whether, in those observations we were able to discern a faint glimmer of a dawning belief that sooner or later, and sooner I trust, may burst forth into the noon-day splendour of acknowledged consciousness. However that may be, I trust the Minister will see his way to adopt a modification in this Bill which, while leaving the spirit-maker in the position in which he is placed by the Bill, and possibly also confining the pure vigneron's licence to the limited scope afforded by this measure, will also permit of a new kind of license to be called, say, a "wine distiller's licence," as suggested by the practical men I introduced to the Minister's notice yesterday, who desire to make from wine of their own production or of their own



purchase a pure spirit for the purpose of sale or for the fortification of wine. The fee for this licence could be an intermediate fee between the distiller's licence and the vigneron's licence, and those holding it could be superintended as they have been in the past by the officers of the Government. They could in this way utilize in the local districts of Australia, the products there grown, without being forced to have them brought to Melbourne or Sydney or the large centres, where practically they will be solely in the hands of the large manufacturers.

Mr G B EDWARDS

- There are the skins and waste products to be considered also.

Mr ISAACS

Of course all that comes within the range of the observations I am addressing to the House. In connexion with the same idea, it seems to me— from what I can learn, that the size and capacity of the still required under the provisions of the Bill are too great for the small grower. The complaint has been made to me, and addressed also to the Minister, that a still with the capacity of 200 gallons, and capable of dealing with 50 gallons of wine per hour, is too great for the smaller man to deal with.

Mr Conroy

- Is not the object to do away with small stills, so as to exercise better supervision ?

Mr ISAACS

I do not know what the object is, but I think the effect of that would be disastrous, and I do not see any reason for it. If we can have effective supervision so that the revenue shall not be depleted, and there shall be no fraud undetected I should say that every encouragement should be given to growers to complete the manufacture of their own wine, which in many cases, at all events in the case of sweet wines, includes the fortification of it. There is one clause to which I would ask the Minister's attention, and that is clause 57, in which it is provided that—

[So spirits shall be used for fortifying wine unless they are of the strength of at least 50 degrees above proof, and the duty, if any, has been paid.]

There are two matters in connexion with that clause to which reference must be made. It is required—that the strength must be at least 50 degrees above proof, and I am told that that is too high for practical purposes.

Mr Conroy

- Is there a chemical reason for that?

Mr ISAACS

The only reason I am able to gather for requiring 50 degrees above proof is to insure as far as possible the purity of the spirit. But I am informed that 40 degrees is ample for the purpose, and if that were provided for the matter would be relieved of a good deal of difficulty.

Mr McColl

- Some stills will not make up to 50 degrees.

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Mr ISAACS

I am informed that some go to about 45 degrees, and that certainly 50 degrees is too high. I should like to know next what duty is referred to in the last portion of the clause. Surely it is not intended that the duty there referred to is to be the whole duty on spirits.

Mr Kingston

- Does the honorable and learned member think this is the time for any announcement upon that subject  
1

Mr ISAACS

I do not ask for anything of the kind. But this is the time for dealing with this Bill, and I can understand that in cases where the spirit is made for fortifying wine, and made by the vigneron himself out of his own product for fortifying his own wine\*, and not for the purpose of sale, the only duty imposed—if any—should be such as would barely cover the cost of supervision. I do not think there is any duty charged at all in Victoria upon such spirits, and I think it is only a shilling a gallon in South Australia. Unless that is done we shall be practically preventing men from manufacturing spirit from their own wine.

Mr V L Solomon

—Has not the honorable and learned member missed clause 2S, where there is a drastic provision

requiring board and lodging to be provided for the Customs officer in regard to these small men 1  
Mr ISAACS

I drew the attention of the Minister to that clause, but it does not deal with vigneron. It deals with distillers, and the corresponding clause affecting vigneron is clause 55. I drew the attention of the Minister to that yesterday, and it was suggested that the distance of two miles, referred to in the clause, should be increased to five miles. This is one of those matters that may be dealt with in committee. I do not think there is very much more that I desire to say except that it is provided in this Bill that a vigneron may use the same still as any other vigneron; that is to say that a still may be conveyed from one vineyard to another, and that a fresh vigneron may use it. I do not see why an arrangement should not be made under the Bill or under the regulations, if regulations are to be made at all in these matters, by which a vigneron may use a still where it exists on another vigneron's premises. Precisely the same kind of supervision as is now exercised might be adopted, and the same care might be taken to see that proper guardianship is exercised with regard to the revenue, and I am sure it would relieve the situation in many instances if such permission were given. I have specially refrained from addressing myself to the minutiae of the Bill, but I say that in the matters to which I have referred, unless they are corrected, there will be great danger of men who have carried on their occupations previously in a lawful manner and under the protection of the State law being placed at a great disadvantage. I would like, therefore, to have the assurance of the Minister; that he will recognise the desirability of not insisting upon clauses in this measure which will practically ruin many vigneron whose means are not very extensive, but who are following an occupation which I trust will in the future prove to be one of the most lucrative that Australia will be able to boast of.

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Minister of Trade and Customs

Mr Kingston

In reply. The Government have every reason to be thankful to honorable members for the spirit in which they have approached this Bill, and although there has been some reference to Parliament and phylloxera being equally the enemies of the vigneron, I understand that it was not this Parliament that was referred to, but some other Parliament that existed in the dim and distant past. Not only in Victoria, but in all the States, a very considerable amount of trouble has been taken by the Legislatures to give every reasonable encouragement to viticulturists, and to those engaged in other pursuits which are happily congenial to the soil and climate of Australia. Now, the chief point that has been made in favour of an alteration of this measure is that, if we do not amend it, some persons will be injured in their present avocations, and it has been put somewhat generally that the law now permits of such and such things being done. The remarks which have been made bear chiefly upon the law in the State of Victoria, and although, if that law has been found to be satisfactory in its working, it might be a very good thing to copy it, we must recollect that we are not legislating for Victoria or for any other individual State, but for the interests of Australia generally, and that uniformity is absolutely essential. The law in Victoria on the subject of distilleries is perhaps of a more liberal character than will be found in any other State, for this reason, that whilst in the other States general provision is made for two classes of distillation—one being the case of the general distiller who can distil from anything he pleases, and sell where he likes, subject of course to such excise as may be provided, and the other being the vigneron, who is permitted to distil only wine, the produce of his own vineyard, for the fortification, by the spirit produced, of his own wine—there exists a somewhat different state of affairs in Victoria, for a third form of distillation is provided for by which on the payment of a small fee of £ 1 0 a vigneron may obtain a licence which will permit him to produce practically as much spirit as he pleases, and sell it practically as he pleases. There are three licences in Victoria, the general licence, the vigneron's licence under which vigneron may distil their own wines and make spirits for the fortification only of their own products, and a vineyard still licence under which vigneron may make brandy from wine only, for sale or export. Under this third form of licence vigneron can obtain practically, as far as they are concerned, all the privileges which are granted to a general distiller in respect of his business. I do not wish to say anything which it would be impossible to justify, but I am forced to the conclusion that it is highly desirable that these vineyard still licences, which are now used for the production of spirits for sale or export, should be dealt with in the interests of the public, in the interests of the revenue, and from all points of view.

Mr Isaacs

- Dealt with in what way?

Mr Kingston

I mean that they should be dealt with for the purpose of preventing the abuses that go on at the present time, owing to the absence of supervision— the necessary absence of supervision— on account of the number and smallness of the stills, and the variety of the localities in which the stills are to be found. Returns of the spirit manufactured are depended upon for the protection of the revenue, because in the very nature of things the Customs officers cannot be always on the spot, and there are such reasons and opportunities for leakage that, knowing human nature to be what it is, it is impossible to do other than believe that abuses occur. It is impossible to do otherwise, with all these small stills spread over the country, than multiply the opportunities for carrying on illicit practices and robbing the revenue.

Mr Higgins

- Is there much of this vineyard still stuff exported?

Mr Kingston

I do not know if there is much of it exported, but it disappears somewhere. The Government believe that all reasonable opportunities should be granted to the vigneron. The system of granting still licences to vignerons was introduced for the purpose of enabling them to fortify their own wine, and the facilities granted in the first instance have been increased to some extent by legislation, and to a further degree by straining the law, and I believe that whatever we do in this connexion, we should make the provisions of the Act so clear that they cannot be evaded, and at the same time so effective that we may hold responsible those who ought to comply with them, but do not. With regard to the spirits required for fortifying wines, I imagine the particular flavour does not matter so much, but, in reference to spirit which has to be put on the market, and which enters into our national consumption, I think we ought to be at some pains to secure an article of good, uniform quality, so that the name of Australian spirit may be respected. To license these small stills, and to give them the power to sell their productions can only result in placing on the market a very inferior spirit, and in competition not so much as regards quality as regards price.

Mr Isaacs

- You can get inferior spirits from the large stills as well as from the small ones.

Mr Kingston

These small distillers can have nothing to lose as regards their good name—what good name could be acquired in connexion with a still of this kind? This spirit enters the market and is used directly or indirectly for the purpose of making up the strength and bulk of other spirits which are sold in a way that ought to be put a stop to. How is all this to be avoided? I think that some limitation should be placed upon the conditions which at present obtain in Victoria in regard to these stills..

Mr Isaacs

- The Minister should not abolish them.

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Mr Kingston

There should be some limitation with regard to the Victorian still licenses which are so much abused, and the fact that these stills exist in Victoria does not afford a sufficient reason for extending the mischief to all the States. Honorable members must know what is happening. I hear of what goes on from men who are well acquainted with what is passing around them, and they know that some of the spirits manufactured at these small stills are retailed to publicans and find their way into the publican's casks. I do not mind that so much, but when the results of the operations of these small stillowners are put forward as something which they are not, I think that we are called upon to deal with this matter in a firm and decided way. It is not as if we were not conferring extra powers on vignerons with regard to the fortification of their wine. What we should like to see built up in our midst—I am not discussing the matter now from a revenue point of view—is distilleries of such size and standing, that due attention would be paid to the spirits made by them, so that they might acquire a name and reputation which would add to the value of their product.

Mr Isaacs

- The size of a distillery does not regulate the quality of the spirit produced.

Mr Kingston

The size of a distillery enables it to acquire a certain public reputation for its product, and we know that if the reputation is not a good one the demand for the spirit must decrease. In the case of a vigneron's licence the State Government allows a vigneron to distil spirits from wines produced on his own vineyard for the purpose of fortifying wine which is also the product of his own vineyard. It seemed to us that that was an unnecessary limitation.

Mr Isaacs

- Look at paragraph 103 of the regulations.

Mr Kingston

That does seem to limit it. But what extends it as regards the right of fortification is paragraph (6), which says

Vignerons' licences authorizing the licensee to distil spirits from wine or lees of wine for the purpose of fortifying wine.

Mr Isaacs

- Then the Bill later on says that the wine must be the vigneron's own product.

Mr Kingston

I am inclined to think that the regulation does not agree with the body of the Bill. That, however, can be altered in committee. The intention of the Government is that wine to be distilled into spirits for the purpose of fortifying wine need not be altogether the product of the particular vigneron. Our idea is to enable a number of vignerons to club together and send their wine to one still for the purpose of being distilled—the produce being utilized in the way I have mentioned. In that connexion I contrast the provisions of this measure with those relating to wine-growers' licences under the Victorian Distillation Act. If honorable members refer to that Act they will find that the words of limitation there used, which confine the distillation to wines the product of the particular vineyard, have been specially left out. There are a variety of other points which it seems to me can be better discussed in committee, and therefore I do not propose to deal with them. There is another matter in which the provision is not made so clear in the Bill as in the regulation contained in the schedule. It was put by the honorable and learned member for Indi that there ought to be an allowance in clause 49 for matters which had induced a loss of spirit, but which might be satisfactorily explained to the collector.

Mr Isaacs

- I did not say so, but I ought to have said so.

Mr Kingston

Honorable members will notice that in clause 66 something of the sort is provided for. The right honorable member for Tasmania, Sir Edward Braddon, referred to the necessity for the use of locked stills. He will see that a variety of provisions are contained on the subject in the regulations, and there is no necessity for any further provision. I shall say no more at the present time, but will avail myself of the opportunity of making a further explanation of any particular clause in committee.

In Committee

Clause 1 (Short title;.

Mr MCCOLL

I think that the Minister in charge of this Bill should be reasonably satisfied with the expedition with which the second reading has been carried. I have no wish to delay the Bill, but this is a matter of vital importance to an enormous number of people in this country. They are looking at it with very great anxiety. We have a very thin House

Mr Mahon

- I beg to call your attention, sir, to the state of the House. [House counted.]

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Mr MCCOLL

This Bill before being drafted was not submitted for the consideration of the people interested in the wine making and distilling industry. I feel that they ought to have an opportunity of knowing the provisions which it contains, of seeing the amendments which are proposed, and of reading the speeches which have been made upon this matter. Business will not be facilitated by pressing the measure forward now, and I think that the debate should be adjourned.

Sir JOHN QUICK

I join with the honorable member for Echuca in suggesting that the consideration of this Bill in committee should be adjourned. In many respects the measure involves a certain amount of technical knowledge which cannot be acquired with the same facility that the Minister for Trade and Customs has acquired it. People in the county districts interested in the question of distillation should, I think, have an opportunity of considering the arguments which have been submitted. I saw a communication to-day from a county distiller, in which he complains that this Bill has been submitted to Parliament without the manufacturers, who are vitally interested in it, having been consulted, or having had an opportunity of making themselves acquainted with many of its provisions. If the Minister could see his way to meet the wishes of honorable members it would be only just. The Bill is not merely a revenue and machinery Bill, because other interests are mixed up with it and are inseparable from it. I should like to obtain some information from my constituents in regard to it before it is proceeded with.

Mr PAGE

I hope the Government will go on with the Bill. If we are to postpone every Bill as soon as it gets into committee we shall be here till "kingdom come" and then our work will not be done. The Bill was read a first time on the 9th August, three weeks ago, and if people who are interested in it have not had time to go through it since then, it is their own fault. I have seen numbers of deputations waiting upon Ministers and members in reference to this Bill. One deputation has come all the way from South Australia to Melbourne. There is no reason why the Bill should be postponed.

Mr HENRY WILLIS

I agree with the honorable member for Bendigo. I have communicated with certain wine-growers in my constituency and should like to have their views before Part 6 of the Bill is dealt with. The opinions of those who are using stills and making wines would be of „ very great use to the committee in the consideration of the clauses referred to.

Mr KENNEDY

I can quite appreciate the ardour of the honorable member for Maranoa to get through with the work, but we shall not facilitate matters very much if we do not do our work thoroughly and well. I have purposely refrained from speaking on the motion for the second reading, in order to facilitate dealing with the Bill in committee, but many amendments have been circulated and we need to have, an opportunity of seeing how they will dovetail into the measure. We also want to see how the interests at issue can be reconciled. It is desirable that there should be a postponement in order that the Bill may be dealt with in a satisfactory manner.

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Minister for External Affairs

Mr BARTON

It strikes me that while honorable members demand the consideration which we are only too ready to give them, the Government also may make a reciprocal demand for consideration from honorable members. It was intimated last night that either the Post and Telegraph Bill or the Distillation Bill would be proceeded with to-day. Certain drafting in relation to the postponed and new clauses of the former Bill has had to be done, and could not possibly be ready in time for the measure to be gone on with to-day. I expressly stated last night that unless we went on with that measure we should proceed with the Bill now before the committee. The Bill has been in the hands of honorable members for three weeks. Is it not fair, therefore, that we should go on with it, as long as we are careful to do justice to honorable members? That justice I promise to do. If there are clauses which involve very strong and prolonged debate on matters which seem to be vital in the estimation of honorable members, and if they can show us that they have not had sufficient time to deal with those matters, we will meet them more than half way by postponing those clauses until the rest have been considered. I think that is a fair proposition. We do not want to drive honorable members into any improper or hasty consideration; but there is a great deal in the 83 clauses of this Bill as to which we can make very substantial progress to-night. If we can do that without impairing the rights of honorable members, we might go on with the Bill, and meet claims of that kind as they arise.

Clause agreed to.

Clause 6 ("Interpretation").

Amendment (by Mr. MCCOLL) proposed—

That the following paragraph be inserted :— "Materials " means fche materials prescribed by this Act.  
Mr KINGSTON

I will ask tlie honorable member not to take the sense of the committee on the interpretation clause. I f subsequently he carries the clause to which this definition is intended to apply, I promise to make the necessary consequential alteration later on.

Mr McColl

- Will the honorable and learned gentleman consent to postpone this clause?

Mr KINGSTON

I t is not necessary. I will recommit the clause if i t is found necessary later on.

Sir JOHN QUICK

Th e honorable member for Echuca might raise the question on clause 12, where he might move to insert the words "authorized by this A c t " after the word "material."

Mr MCCOLL

I think that materials are prescribed already in Form D attached to tlie Bill. There is a form there which has to be kept by distillers. Certain materials are set forth in the form. I can see no harm whatever in putting a definition of the word " materials " in the interpretation olo/u SG

Mr KINGSTON

No doubt the struggle, i f there is to be one, will arise on the clause which will be subsequently proposed, as I understand, by the honorable member for Echuca, in order to prescribe that certain materials only shall be used and specified.

Mr McColl

- How does the Minister justify Form D?

Mr KINGSTON

ha t is not intended as a limitation. I may say, however, that that form, under clause 37, will need alteration. But I do not want the sense of the committee to be taken upon the interpretation clause as to whether, within the four corners of the Bill, it shall be prescribed that certain materials only shall be used, when the real question at issue is as to what the prescription shall be, if any. We can deal with that better in a new clause.

Mr McColl

I think that materials are prescribed already in Form D attached to tlie Bill. There is a form there which has to be kept by distillers. Certain materials are set forth in the form. I can see no harm whatever in putting a definition of the word " materials " in the interpretation olo/u SG

Mr Kingston

- I will recommit the clause if it is found to be necessary.

Mr HIGGINS

I would suggest that the honorable member for Echuca should accept the suggestion of the Minister, because it is not convenient in an interpretation clause to make what is substantially a new enactment. If the clause as proposed be carried we have the statement of the Minister that the clause shall be recommitted. There are a few definitions which honorable members and the public may find it hard to understand the advantage of. For instance, the word "feints" is- "Feints" means - spirits received into the feints receiver.

I am not sure that that definition gives us very much more light on the subject, and it reminds me that when on one occasion there was a discussion in the House of Commons as to what were the duties of an archdeacon, the expert in ecclesiastical law replied to those who required information that an archdeacon was one who fulfilled archidiaconal functions. No doubt this definition of " feints " may convey light to some persons, but I should like to have some better explanation of it.

Mr CONROY

I find that under this clause the expression "this A c t " includes all regulations made thereunder, and in a latter part of the 'Bill there is power given to make regulations. Will this clause make all future regulations a part of the Act ? That, I think, is not intended.

Mr Barton

- It would have no effect of that kind, because the regulations would have to be valid to be part of the Act.

Mr KINGSTON

A similar point was raised in connexion with the Customs Bill, and though I think it unnecessary, I would be prepared, to secure uniformity, to insert the words "not inconsistent with this Act," which were inserted in the Customs Bill.'

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Mr V L SOLOMON

would like to ask the honorable member for Echuca if he intends to persevere with his proposed interpretation of "wineries"? It appears to me that the Minister can hardly resist the interpretation of the word, though it seems to me that the definition suggested by the honorable member might be extended to cover an establishment where a man was treating his own grapes and grapes which he had not purchased.

Mr Kingston

- I make a similar promise in connexion with that.

Mr MCCOLL

It seems to me that wineries should certainly be included in the clause, but on the understanding come to, I shall not at present press the matter further.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 12 ("Description of licences").

Mr ISAACS

I ask the Minister also to postpone this clause.

Mr KINGSTON

Yes; I understand that it will have to be postponed, in accordance with the promise of the Prime Minister, as there is likely to be some debate upon it.

Mr G B EDWARDS

Before the clause is postponed I would direct the attention of the Minister to the question of including grape skins as material from which vignerons may distil. It seems a pity that these materials should be allowed to go to waste if they can be usefully treated.

Mr Kingston

- I will look into it.

Mr V L SOLOMON

I trust the Minister will also consider the question as to whether a spirit maker's licence should authorize him to sell his spirits to small wine-growers for fortification. That is a point raised by some of the wine-growers and distillers of South Australia, who think that as they have to pay a licence-fee of £50, they should have the right not only to distil spirits, but to sell them to wine-growers.

Sir JOHN QUICK

As this clause is to be postponed, I should like the Minister to seriously consider his decision to abolish the right of vignerons to sell certain spirits which they have produced from their own wine. This involves a very serious alteration in the Victorian law, as already pointed out by the honorable member for Indi. The clause, as proposed, limits the production of spirits by vignerons to a sufficient amount for the purpose of fortifying their own wine. That is a very limited privilege indeed. There are those in this country who are of opinion that it is not altogether desirable that, in future, the right to fortify wines should be given. I have received a letter from a wine-grower in my own district, in which he directs attention to what he calls the painful practice of allowing vignerons and merchants to fortify their wines. He says that there is scarcely any necessity for fortification for the purpose of increasing the strength of Victorian wines. In Mr. Wilkinson's report for 1888-9 it is stated that in Victoria, out of 421 samples, the alcoholic strength was found to be 25 per cent., while in France, out of 823 samples, it was found to be 17 per cent., and in Germany, out of 750 samples, it was found to be 16 per cent.; and this gentleman considered that a great deal of the unpopularity of wines in Victoria and other parts of Australia was due to the custom which had grown up of adding to the natural strength of those wines by fortification. It is clear, therefore, that the right of producing spirit for the purpose of fortification of wine is comparatively insignificant to vignerons, when compared with the right to sell spirits, the produce of their own wine. And the gentleman who has drawn my attention to the practice of fortifying Australian wine says that the

winegrowing industry of Victoria, and of Australia generally, could be largely benefited and . extended i f the growers of wine had greater facilities for turning their wine into spirit, and had also tlie right of selling spirit under proper Government supervision. He is of opinion that the industry, which is now drooping to a large extent, would, under such a provision, be largely increased in extent and usefulness. The Minister has said that under the existing law in Victoria there has been a large amount of illicit spirit distillation. That is a most serious allegation against a number of manufacturers of spirits from wine in Victoria, and I have not, up to the present, heard any evidence produced in support of it. If the Customs authorities have any evidence upon the subject, i t will be desirable for the Minister to produce that evidence upon the resumption of this debate. If there is any danger of the illicit production of spirits under vigneron's licences, I should not feel disposed to support it, but if the production of spirits from Australian wines can be prosecuted under conditions which will secure the protection of the revenue, as well as the health and safety of the people, i t is worthy of consideration whether facilities for such production ought not to be provided i n this-Bill.

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Mr Kingston

- Spirits for sale T

Sir JOHN QUICK

Spirit s for sale, under approved conditions, and under the supervision of the Custom-house officers.

Mr Kingston

- Is the honorable and learned member acquainted with the existing conditions under which spirit produced from wine under vigneron's licences is allowed to be sold ?

Sir JOHN QUICK

I cannot say that I am, but I am informed by those interested in the industry that i t is desirable they should have the right to convert their wine into spirit, not merely for the purpose of fortification, but -for the purpose of placing these spirits upon the market for sale under proper Government supervision.

Mr MCCOLL

With reference to the remarks of the honorable and learned member for Bendigo as to the necessity for fortification, and his references to the alcoholic strength of wines in Prance as being from 17 to 18 per cent., I would point out that the alcoholic strength depends upon the particular kind of grape, and the place where i t is grown. Some grapes have a much higher alcoholic strength than others, and i f they are grown in a hot district the alcoholic strength is increased. The vineyards in Victoria south of the Yarra produce grapes which, I believe, have only an alcoholic strength of 17 to 18 per cent. ; but there they make only the lighter wines, such as Chablis, which do not require any fortification at all. Much of the objection to fortification arises from a feeling of jealousy, and a desire to damage the trade of the northern district, on the part of those who grow wines in the south. I am told that this is a fact by those who understand the subject thoroughly, In north and south a different administration of the business is required. The object of fortifying wines is to insure that they will carry. We want to develop the export trade in wine, and unless we export wines fortified to a certain alcoholic strength they will not stand the journey to Europe and through the Red Sea. With regard to the point mentioned by the honorable member for Bendigo, as to whether growers of grapes should confine their attention to converting the produce of their vineyards into wine, or whether they should also be allowed to convert i t into brandy, we know that the wine industry, in spite of the efforts made to push i t on, is now in a very languishing condition. Many of the growers are getting next to nothing for their produce, and I ask why we should prevent the grower of grapes, who has been encouraged by bonuses and in other ways to plant vines, from getting the fullest returns possible for his labour? This is a most important point, and I should be glad to hear how far the Minister is prepared to go in this matter. If the vigneron is permitted to convert his grapes into brandy instead of into wine, i t will very often mean tlie difference to him between making something out of a poor crop and allowing his grapes to go absolutely to waste. Under certain circumstances good wine cannot be made, but-very good brandy may be distilled.

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Mr ISAACS

I ask the Minister to postpone this clause. He has spoken very strongly and determinedly in the direction of suggesting that the wine-growers of Victoria have been so dishonest in the past with regard to their



vineyard stills that under no regulations that he can devise can they be trusted to make spirit for sale. Now, I desire that, before the Minister goes so far as to take away from these men their avocations, and bring disaster to them, he should afford the House some evidence that such a drastic step is necessary. I should like to know why it should not be possible to either increase the license fee, if he thinks that proper, or to improve the system of supervision, and surround the operations with such safeguards as may be necessary to protect the revenue, instead of proposing to deprive these men of their avocation altogether. I do not ask that these vigneronns should be allowed to do as they please, but the Minister might reconsider this matter, because I think that he must have been wrongly informed. From the Victorian official statistics, compiled up to July 1901, I find that, roughly speaking, a very fair proportion is maintained between the " wine brandy " manufactured in Victoria and other spirits. The total amount of wine brandy manufactured here is 16,000 gallons, and the total quantity of other spirits is 307,000 gallons, and I want to know where the deluge that the Minister has referred to comes from. Where is all the wine brandy that is going about without paying duty? I think the Minister must see that he has made a most serious charge against these vigneronns, but some very strong evidence will be required to justify the Minister in taking away from them the rights that they have hitherto enjoyed.

Mr KINGSTON

With regard to the statement of the honorable and learned member for Indi, I may state that I did not say that the Victorian vigneronns were different from any one else, and I never dreamt of making any accusation against them, such as that they could not be trusted to manufacture spirits under any circumstances.

Mr Isaacs

- That is the effect of what the Minister said.

Mr KINGSTON

What I did say was that under the circumstances prevailing in Victoria, the owners of these stills must be less than human if they did not avail themselves of the opportunities presented for making money. I have been informed by the officers of my department that they have good cause for believing that these opportunities are availed of.

Sir John Quick

Why not surround them with proper conditions?

Mr KINGSTON

I am not making any charge against these men, but I say that under any system of this kind, where there is of necessity an absence of supervision, the opportunities for making money at the expense of the revenue expose men to such temptation that they must have great difficulty in resisting it, and that such temptation should be removed.

Mr Isaacs

- We have no objection to proper supervision being exercised.

Mr KINGSTON

We are told that if we interfere with these men they will be deprived of the opportunity of following their avocations, but so far as that is concerned some avocations may be too expensive to continue, and we do not propose to relax the laws with regard to the distillation of spirits to the extent to which they have been relaxed in Arictoria, because we know perfectly well that to do so would be unsafe. The honorable and learned member for Indi talks about the importance of this question, and forgetful of what he had been saying to the effect that the facilities now offered are not being abused he has directed us to the statistics with reference to the spirits produced here. Does the honorable and learned member think that in regard to the illicit distillation that I have suggested, he will find the results in these statistics. The honorable and learned member's reference to these statistics shows that he is inclined to the belief that this magnificent industry does not produce so much as he thought, but so far as the figures are concerned they do not show the true results, because the spirits have gone where they ought not to go.

Mr Isaacs

- Is the Minister going to ruin men on suspicion?

Mr KINGSTON

I would stop men from being unnecessarily exposed to temptation, and prevent them from defrauding the revenue and ruining other people who are behaving fairly. If we have a system of tiu-pot stills dotted all

over the place we cannot have efficient supervision, but I think that perhaps we may be able to provide for the carrying on of distillation for the purposes necessary to the interests of vignerons under some system of proper supervision.

Mr Isaacs

- Hear, hear. That is more satisfactory.

Mr KENNEDY

can quite understand the feeling of distrust in the mind of the Minister, but I would like to know on what he bases it

Mr Kingston

- Human nature.

Mr KENNEDY

But I am at a loss to understand why the distrust should be felt in regard to these particular still licences.

If there has been any such extensive abuse as the Minister suggests, it must have been due to the negligence of the Customs officials, and no one else.

Mr Kingston

- Or the impossibility of taking proper precautions.

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Mr KENNEDY

The Minister appears to have confused the two different kinds of still licences, viz., the vigneron's licences and the vineyard still licences. There are practically only four vineyard stills in the colony, and as for their being tin-pot stills it is sufficient to say that they have manufactured 16,000 gallons of brandy from wine that would otherwise have gone to waste. As to the conditions under which these licences have been granted in the past, and as to the supervision exercised over the operations at these stills, I would refer the Minister to the Victorian Customs and Excise Duties Act of 1890, which provides in section 29—Every person licensed under this division of this Act for the purpose of distilling spirits from wine, when requiring to make use of such stills or distilling apparatus, shall give at least six clear days' notice in writing to the chief inspector of distilleries, or other officer acting under his authority, in order that an officer appointed under this division of this part of this Act, or under the Distillation Act 1862, may be placed in attendance to open the several locks and fastenings, and to superintend the distillation of such spirits as aforesaid.

The next section goes on to say—

Every wine-maker licensed under this division of this part of this Act to distil brandy as aforesaid for sale or exportation shall provide a cellar or store-room in which all such brandy shall be securely placed under the locks of the Crown.

Distillation has been carried on in the past in Victoria under these conditions; and it seems to me that if any abuses have been committed, such as the Minister suggests, the Customs officials have been equally as responsible as those who are alleged to have evaded the law. It is only fair to this committee and to those who have licences that the Minister should get information which will show beyond all doubt that the law has been broken in the way he indicates. If the Act has been evaded, there surely must have been means of bringing the offence home to some one, because it is provided that these still owners cannot use their stills without the locks of the Crown being broken, and they cannot open their stores except by a similar breach. If the facilities now granted to vignerons for making brandy are taken away from them, it will frequently occur that wine that would make brandy of good quality will actually go to waste, and I think the remedy lies in exercising a closer supervision, and seeing that the revenue is properly protected in every way, instead of reducing the facilities that are now given.

Mr KINGSTON

I will look more closely into that matter. It strikes me that there is something in what has been said with regard to the still licence, and it is quite possible that the strength of my remarks ought to have been directed against the abuse of the vigneron's licence.

Mr CONROY

I do not see why honorable members opposite should complain of the licence-fee, whether it be £5, £50, or £100. As the money is still in the country, according to their protectionist doctrine no harm can be done, but there are some free-trade vignerons in New South Wales, and I protest against them being

mulcted in too heavy a fee.

Mr Isaacs

- Would the free-trade vigneron like the duty on wine to be removed 1

Mr CONROY

Undoubtedly, if no duties on other articles are imposed. The whole of the argument used by the honorable member for Moira simply means that the fee to be charged is altogether too high.

Mr Mauger

I think that this matter should be approached altogether differently from an ordinary business. Honorable members must know that, if we afford extraordinary facilities for spirit-making, we shall increase the danger appertaining to this particular traffic. Whilst I recognise that justice must be done to those who are engaged in the wine-making and distillery business, and that we are treating with an enterprise which has been subsidized and is established, I think it should also be recollected that the large distilleries are subject to restrictions and supervision that stills in remote country places cannot possibly be subjected to.

Clause 4 -

No person who is licensed to retail spirits shall be licensed under this Act, and if any person licensed under this Act shall be licensed to retail spirits, his licence under this Act shall thereupon cease.

Mr V L SOLOMON

— I am not quite certain as to the definition of the word " retail."

Mr Kingston

- We will want a definition similar to that which we have in the Excise on Beer Bill.

Mr V L SOLOMON

In my opinion a distiller should have the right to sell any quantity of spirits from at least a gallon upwards, either for fortifying or for other purposes. There is, however, no definition of the meaning of the word " retail." It might include a storekeeper's licence, which in some States authorizes the sale of a gallon. I think it should be definitely shown that this clause is not intended to restrict the distiller who may desire to sell any quantity from a gallon upwards.

Mr Kingston

- I do not mind making it two gallons.

Mr V L SOLOMON

I move

That, after the word "spirits," line 1, the words " in less quantity than two gallons " be inserted.

The adoption of the amendment will enable the distiller who pays a big licence-fee to sell two gallons or a cask of spirits in exactly the same way as the storekeeper is permitted to sell even one gallon.

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Mr CROUCH

I have had letters from a number of constituents resident near Geelong, who desire an amendment inserted in the Bill. About fifteen small wine-growers there desire that the wine merchants shall have the right to fortify wine. These small growers are otherwise at the mercy of the large man, who purchases their wine, unless they can sell it to a wine and spirit merchant who will be allowed to fortify it himself and give them the better price.

Mr KINGSTON

I will not fail to look into the point raised by the honorable and learned member, but I do not think that this is the clause upon which it should be brought forward.

Mr McColl

-We are putting in a provision here which will clash with the State law.

Mr KINGSTON

No. It simply says in effect that we will not issue licences to any one so circumstanced.

Mr G B EDWARDS

It appears to me that the words " who is licensed to retail spirits " are not required in this clause. We are assuming that the States will not alter their existing laws. As the object of the clause would be met equally well by the omission of the words I have mentioned, I think that they should be struck out.

Mr Mauger

I should like the Minister to tell the committee what would be the effect of the proposed alteration ? It

seems to me that it would afford increased facilities for wholesale merchants to sell in smaller quantities the particular spirit they might distil. Is that advisable in the interests of the community and of public morality ?

Mr KINGSTON

I take it that the clause is a limitation of the right of the retailer to have a licence for a distillery of any description. It is on the principle by which in the Beer Excise Bill we provided that the retailer of beer should not also hold a licence as brewer. The distiller of spirits corresponds to the brewer of beer. We drew the line of demarcation between the retailer and the wholesale dealer in a clause of this description in the Beer Excise Bill. The clause will have the effect of preventing a man who is a retailer from also having a licence of the character referred to. Objection was taken by the honorable member for South Australia, Mr. V. L. Solomon, to the fact that we did not define what a retailer is.

Mr Isaacs

- There is nothing to prevent a man being a distiller and his wife holding a licence as a hotel-keeper.

Mr KINGSTON

No there is not. We have nothing to do with the retailing of spirits. In the Beer Bill we said that retailing meant selling not more than two gallons. We propose the same limitation in this Bill.

Mr McColl

I take it that this clause as amended really increases the privileges distillers now have under the State law. A distiller may not have a wine and spirit licence and also a distiller's licence under a State law. The clause, with the amendment in it, will mean that a man may have a distiller's licence under the Commonwealth, and a licence to sell spirits, under the State, provided that he is limited to sell not less than two gallons.

Mr KINGSTON

I think not. There is nothing to prevent any disqualification being attached to retailing by any State. But we can say to a man, "If you are retailing under this Bill you shall not have a distiller's licence."

Amendment agreed to.

Clause consequentially amended.

Mr SALMON

I regret that I did not hear the honorable member for South Australia, Mr. "V. L. Solomon, move his amendment upon this clause. It increases the amount which a retailer may sell to two gallons. It is a bad proceeding altogether to permit any distiller to conduct a retail business. I know, from practical experience, of a case that occurred in the State of Victoria, where a distiller who retailed spirits was able in this way, within a very short period, to defraud the revenue of the amount of £3,000. Goodness knows how much more the revenue lost, but that amount is certain.

Mr Kingston

- Was that established ?

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Mr SALMON

Rather than go into court, the distiller paid the amount into the department in Victoria. This instance should be some guide to the committee. The Minister would have been well advised to retain the clause as originally drafted, debarring any retailer of spirits from having a licence under this measure. I feel so strongly on the point that I shall not agree to the clause being carried in its amended form, and shall adopt every means in my power to prevent this method of allowing a man to have all the benefits of this Bill, and at the same time engage in retail trade. Everyone knows that it is impossible to check the output of spirits from distilleries which have in connection with them retail warehouses or ordinary public-houses, or wine and spirit stores. The dangers of the revenue being defrauded are increased by the amendment, and wrong doings, will be encouraged.

Sir EDWARD BRADDON

I hope the Minister will pay heed to the views of the honorable member who has just resumed his seat. The clause as it originally stood, was perfect, but the amendment will authorize the distillation of liquor by retail vendors. The amendment weakens the Bill and tends to defeat the purposes of it. It tends towards a leakage of revenue.

Mr MCCAY

If I understand the question rightly the object of this clause is to prevent a distiller being interested in any retail spirit business. Would it not be possible to amend the clause by simply saying—

"No person who is otherwise licensed to sell spirits shall be licensed under this Act.

That would prevent the distiller from holding any other licence whatever. The distiller gets under this measure a licence which authorizes him to sell as a distiller, but if he is otherwise licensed he may sell in some other way as well. The question has been raised as to what the word "retail" means.

Mr McColl

- It has been deemed as selling not more than two gallons.

Mr MCCAY

The only thing the distiller can hold a licence to sell more than two gallons. If it is undesirable to allow him to sell quantities under two gallons, it is undesirable to let him sell under another licence.

Mr KINGSTON

It is of no use allowing a man to distil spirits if we do not allow him to sell the liquor he produces by distillation. We do not think that a man who deals in spirits retail has a right to distil. If that is permitted there will be endless complications". The same matter was discussed in connexion with the Beer Excise Bill. It was there laid down that if a man is a wholesale merchant he shall not sell less than a couple of gallons. The same point as to what is retailing has been raised upon this Bill. Some one suggested one gallon; we thought two would be better. Two gallons was the quantity fixed in the Beer Excise Bill, and the Government have accepted two gallons as the limit under this Bill.

Mr A McLEAN

- That is not the point raised by the honorable member for Corinella, who referred to selling under two licences.

Mr KINGSTON

I do not care whether a man sells under two licences, but he shall not have a licence under this Bill if he sells in less quantities than are specified. So far as the federation is concerned, nobody will have authority within the Commonwealth to sell in less quantity than a couple of gallons if he holds a distiller's licence. All we have done by the specification of a certain quantity is to remove the possibility of uncertainty as to what retailing means.

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Mr V L SOLOMON

I quite agree with the Minister that there must be some definition. Under storekeepers' licences in South Australia the limit for a wholesale seller is one gallon of spirits and two of beer. We are exceeding that limitation when we allow a distiller to sell two gallons. What is the use of allowing a man to distil spirits unless he is permitted to dispose of them? The accepted definition of "licensed to sell retail," under the legislation of every State in the Commonwealth at present, refers, I think, to the licensed victualler, who is permitted to sell in small quantities or by the bottle. Under this Bill all I sought to do was to describe what the word "retail" meant. In a later portion of the Bill honorable members will see that it is provided that distillers may bottle spirits either in Imperial or reputed quarts or pint bottles, and they must be packed in cases containing one or more dozen of Imperial or reputed quarts. It is also provided that every case that goes out of a distillery must have certain brands or marks put upon it by the Customs officer. Every possible protection is given as to the retailing or disposal of the spirits by the fact that not one single gallon or bottle of spirits can leave the distillery unless it is cleared for home consumption and has paid duty. A distillery is as safe as any bonded store. Indeed, it is practically a bonded store under the control of Customs officers, who can only allow the spirits to be removed from the distillery for home consumption, or for the fortification of wines or for exportation. So that there is an absolute limit which would stop such a condition of things as has been alluded to by the honorable member for Laanecoorie. That condition of things points to a very lax supervision in the State of Victoria, and shows that the control is not as strict in regard to small stills as it might be. That could not be done under the State laws of South Australia. There is an officer continually in charge watching everything that is being done, and with a power to charge the distiller with any deficiency in the quantity of spirit as compared with what the material used ought to produce. It appears to me that the Minister who framed this Act has really provided for every possible contingency, and it only remains for the committee to consider whether it will be sufficient to stipulate for a minimum quantity of two gallons. I think that as two gallons of spirits can be

sold by any ordinary merchant without any licence at all, in most of the States, that minimum might very well be adopted in this case.

Mr SALMON

My only object in drawing attention to this clause was to secure proper protection for the revenue and for the fair and honorable trader who adheres to the law. The honorable member for South Australia seems to think that the revenue would be sufficiently protected if a two-gallon limit were fixed, but it is the fact of the distiller being also a retailer that will give the opportunity for fraud. The distiller who simply manufactures spirits could not handle small quantities of liquor without a reasonable excuse, but the distiller, who is also a retailer, would be able to dispose of it in small quantities, and one of the most useful checks that we have at the present time would be done away with. It is impossible for the excise officer to know everything that goes on in a distillery, and consequently the distiller would be able to take away small quantities from the worm of the still whilst the officer was engaged in some other part of the building. I object altogether to the distiller having a retail licence, and so far as I am aware there are no twogallon spirit licences issued in the Commonwealth. The retailing of spirits does not altogether depend upon the quantity that is sold, but the manner in which the goods are disposed of, and in any case it would be a mistake to permit of the sale by the distiller of small quantities of his product.

Mr V L SOLOMON

I would point out that in many States there is what is known as "gallon licences," and surely it might be provided that a distiller could supply those who require spirits in small quantities. The distiller must dispose of what he manufactures, and even though the word "retail" be eliminated from the clause, some limit must be placed upon the quantity that the distiller is to sell.

Sir EDWARD BRADDON

I think the Minister would be acting wisely if he adhered to the clause in its original form. I would rather have the word "retail" defined by regulations. The clause will open the way to distillers to sell their own liquor as retailers, and there will be no efficient check upon them. This is a matter in which the Minister would do well to hold some power in his own hands so that he may deal with cases as they arise, and as experience may tell him to be necessary, and it would not do to allow any weak point in the Bill to place him at a disadvantage, possibly for all time. I am speaking solely in the interests of the protection of the revenue and of the Minister in charge of the Excise department.

Mr KINGSTON

We had some discussion upon the subject of fraud before the dinner-hour, and I then mentioned that I thought the force of my observations ought to be directed, not to the few distillers who carried on operations--under licences of the character mentioned by the honorable and learned member for Indi, but to a larger class. After the discussion I made it my duty to call upon the proper authorities for information, and I find that my latter conclusion was the correct one. With regard to the four or five distilleries that were referred to by the honorable member for Moira, I am informed that there is excellent supervision over them, and that it is practically impossible for leakages of the character referred to to take place. I am very much obliged to the honorable member for having called my attention to the matter, and I am only too delighted to put things right, but, at the same time, I am appalled to find that the observations which I used apply, as to the possibilities of fraud, to vignerons' licences generally. They can distil when they please, they can fortify their wines when they please, and their operations are not under any supervision at all. If their spirit is put into store they retain the key of the store, and unless I had received the positive assurances which I have received within the last hour or two, I could not have believed that these things were as they are now represented.

Mr Isaacs

- That is all a matter of regulation.

Mr McColl

We have had no proof of the leakage.

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Mr KINGSTON

Only one thing could take place under such circumstances. I may say that the matter had been previously brought under official notice with the intention of having it remedied, but that no remedy was applied. This Bill will, however, to some extent meet the case, and the Government should take all proper

precautions to protect the revenue.

Mr KENNEDY

With regard to the objections taken to this clause, I do not see that the observations of the honorable member for Laanecoorie have any bearing on the subject at all. If it is possible for vigneron to obtain the spirit they require for wine-fortification purposes in small quantities direct from the distilleries the necessity for many of these smaller stills will not exist. I would further point out that ample provision is made in the Bill as to the method of removing spirits from a distillery, and it will be the duty of the officer in charge to see that spirits are removed, only in accordance with these conditions. The honorable member for Luonecoorie has apparently spoken in the light of his experience while Minister for Trade and Customs in Victoria, in connexion with certain very extensive frauds that were committed in a very large distillery: but with the supervision provided for under this Bill I think that the fullest safeguards will be afforded against frauds upon the revenue.

Clause, as amended, agreed to.

Clause 17 (Applicant to pay licence-fee and give security).

Mr MCCOLL

I see that in the schedule the license fee for distillers is fixed at £50. So far as the State of Victoria is concerned that means, an increase from £3.0 to £50, which I think is far too large a sum. Not only so; but the distiller who produces over 300,000 gallons of spirit is to be treated in the same manner as the man who produces only 4,000 or 5,000 gallons a year. I think this clause ought to be modified very considerably. If the licence-fee were fixed at £20 or £2.5 there would be no trouble about it.

Sir John Quick

I would suggest to the honorable member for Echuca that the question as to the amount of license fee to be paid by distillers should be held over until we have arrived at a decision as to whether vigneron are to have the right to sell spirits, or whether a special class of vigneron's licences might be created giving the right to sell spirits. If the right to sell spirits is given, there may be some justification for increasing the licence-fee. The honorable member for Echuca said that a large increase is proposed in the amount of the licence fee. That is so, and if the vigneron are to have the right only to distil spirits for the purpose of fortifying wines, we may reasonably say that the licence fee fixed is too high. If, on the other hand, they are to have the right to sell spirits under certain guarantees, then undoubtedly a larger fee than is imposed at present should be charged.

Mr McColl

- My remarks only referred to the matter of distilleries. The matter of vigneron can be dealt with at a later stage.

Mr KINGSTON

We must retain this clause, in its present form anyhow. It does not fix the amount of the licence-fee, but merely says that the applicant for the licence shall pay the proper licence-fee, and give security for the sum fixed. The right time to discuss that matter will be when the schedule is under consideration.

Mr MCCOLL

I merely desire to say that I also propose to challenge the guarantee, which has been increased from £1,000 to £2,000.

Clause agreed to.

Clause 24.

Nothing in this Act shall prohibit a licence from being issued in respect of any still or premises lawfully in use for distilling at the commencement of this Act.

Mr MCCOLL

I move—

That the following words be added to the clause, "or which, have been lawfully used for distilling within five years before the commencement of this Act."

There is only one case to which this amendment will apply. I refer to the Bendigo distillery, which started to make pure brandy entirely from the grape. They produced an "excellent article, but they have their cellars overstocked, and have allowed their licence to remain in abeyance for a certain time; taking out a spirit licence instead. They desire to start distilling again, and I do not see why they should not be allowed to do so under the conditions which formerly governed them.

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Mr KINGSTON

I have heard of the preservation of existing rights, but is not this a little more! This, is a resurrection of decayed stills. I ask the honorable member not to press the amendment, at least till I obtain some knowledge of the virtue of the particular case to which he has referred.

Mr McColl

- Will the Minister agree to re-commit the clause ?

Mr KINGSTON

Yes

Sir John Quick

The proprietors of the distillery referred to by the honorable member for Echuca have not approached me in regard to this matter. I have no reason to doubt that they desire the right extended to them which the honorable member advocates, and I have great pleasure in supporting their claim.

Clause agreed to.

Clause 25 -

Where any premises or plant in respect of which any licence to distil is in force under any State Act at the commencement of this Act are not in accordance with the prescribed conditions the collector may fix a time not less than three months within which the distiller must comply with such prescribed conditions.

Mr MCCOLL

I think that the committees ought to strike out this clause and the next. This clause provides that where any premises or plant now used for distilling purposes are not in accordance with the conditions prescribed under this Bill the persons holding such premises shall be given at least three months in which to put them in order. The next clause provides that if the prescribed conditions are not complied with within the period mentioned the licence may be cancelled by Gazette notice. I think there are several distilleries in this State, and probably there are some in the other States, which are not being conducted under these prescribed conditions, because a large increase is proposed in the capacity of the vats, and in the amount of work to be done per hour. Why should we disturb people who have been carrying on their businesses for 25 years by the introduction of such a provision as this? It amounts to nothing more nor less than, absolute confiscation of their property. As a matter of fact, the smaller distilleries are turning out better spirit than are the larger ones.

Mr KINGSTON

I hope that the committee will not consent to the striking out of the clause. If it were omitted, I am inclined to think that the honorable member would find himself in a worse position than he does now. In a matter of this sort we must have uniformity as nearly as possible. At the same time fair regard has been paid to existing conditions. To allow one set of conditions to operate in the case of one class, and a different set of conditions in the case of another class, would be a gross abuse, which could not be tolerated for a single instant. We must deal with all alike, favouring neither one nor the other. This clause gives to the commissioner, where distilleries do not comply with the prescribed conditions, power to fix a period of not less than three months within which those conditions must be observed. Having given notice—which he will not do unreasonably—that he requires compliance with the conditions within the specified time, he has the power, in case of default, to enforce compliance by cancelling the licence if necessary. That is a very healthy and proper provision, and will by no means have the effect suggested by the honorable member. I trust that he will recognise not only the intentions, but the true meaning and spirit of the clause, and let us have it in the form proposed.

Mr MCCOLL

The remarks of the Minister are based on the supposition that the committee will pass the remaining clauses relating to the proposed increases. Whether they will do so or not I cannot say. I do not think that we ought to pass them. This provision affords only another illustration that the Bill is intended to crush the small men.

Clause agreed to.

Clause 28-

Every distiller shall provide in connexion with his distillery reasonable office accommodation for the supervising officer, and where the distillery is distant more than two miles from a licensed public-house,



board and lodging for the officer in each case to the satisfaction of the collector.

Penalty : Fifty pounds.

Mr WATSON

I wish to ask the Minister if this clause will apply to vignerons as well as to ordinary distillers.

Mr Kingston

- No.

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Mr V L SOLOMON

called the attention of the Minister, in speaking upon the second reading of the Bill, to the fact that this clause provides not only that the distiller shall have reasonable office accommodation at his distillery for the supervising officer, but that he shall provide such officer in certain cases with board and lodging. It does not state to whose cost the board and lodging is to be charged, but presumably the distiller, in addition to having to pay a £50 licence fee, has to provide board and lodging for a Customs officer if his distillery is distant more than two miles from the nearest hotel. That will probably increase his licence-fee to about £150. With a view to testing the opinion of the committee, I move—

That all the words after " officer," line 3, be omitted.

Mr A MCLEAN

I should like to hear from the Minister the reason which has prompted the distinction made between persons who are within two miles of an hotel, and those who are beyond that distance. It appears to me that distillers, if they are within two miles of an hotel, have not to pay anything towards the officer's board, but if they are outside of that limit, they have to pay the whole of the cost. Why is this distinction made? The clause does not appear to be at all equitable.

Mr SALMON

There is just one other objection to which attention has not been drawn. The Customs officer should be thoroughly independent. It would not be a good practice to have an officer on too friendly terms with the distiller. We should not place him at the mercy of the distiller, or in a position where he would simply have to depend on the distiller for the preservation of his digestive organs.

Mr CRUICKSHANK

I do not like the idea of asking a licensee to keep Government servants. We might just as well have inspectors going about the hotels in country districts, and compel the hotels to put them up. We should not place an officer who has to go to a distillery to represent the Government in the position of having to depend upon the owner of the distillery for his proper accommodation. The whole provision seems to me to be unnecessary, and I should like the Minister to reconsider it.

Mr CONROY

I do not see that there is anything in the clause which compels the distiller to board and lodge the officer without receiving payment. I presume that he will receive payment. Unless a distillery is to be established in a place where there is no hotel there is hardly any need for compelling the distiller to find accommodation for the officer; and in any case he should be paid for it.

Mr KINGSTON

I do not think that provisions of this kind are unknown. In the Customs Act we impose an obligation upon the masters of ships to provide accommodation for officers who have to go on board. This plan is adopted in the interests of efficiency and economy. If a fair proportion of the cost of administration is not borne by the parties interested it will have to be borne by the general public and to be paid out of revenue. The question is—What is a fair thing to provide under the circumstances? This clause only deals with a distiller pure and simple, and it is not very likely that distilleries will be established in out of the way-places. At the same time, there is just a possibility of their being established in remote districts. In fact, this provision has been inserted on account of a suggestion that it will be needed in Queensland. There is a distillery in that State which I am informed is

" Far from the madding crowd's ignoble strife,"—

two miles away from the nearest public-house. The excise officer must be there all the time for the purpose of protecting the revenue. What is to be done? Is he to go three times a day to the public-house 2 miles away for his meals? I put it as a matter of common humanity that he will require three meals a day. Is he to go to the public-house 2 miles away for breakfast, and then return; go to the public-house

again for dinner and for supper, thus travelling 12 miles a day t

Mr Cruickshank

- "What do the police do when they are inspecting hotels t

Mr KINGSTON

They do not need to stay at the hotels, but the excise officer does need to stay at the distillery. Then again, who would remain on duty at the distillery while the officer had gone to his meals 1 We should want relays of men for the purpose. How can the meals be supplied in the cheapest manner 1

Mr A McLEAN

- Does the Minister propose to pay the distiller

1

Mr KINGSTON

No, we do not. The special circumstances are such that we think a provision of this sort is absolutely necessary to secure the constant attendance of the officer at the distillery."

Mr Isaacs

- Is this the law anywhere in Australia 1

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Mr KINGSTON

I think so, but I cannot speak with absolute certainty. I confess, however, that I do not like the idea of the clause. I do not like the idea of quartering the officer upon the distiller. I am inclined to think their relations might become more friendly than they ought to be. Under all the circumstances I shall propose to postpone the clause with a view of giving it further consideration.

Mr ISAACS

The Minister has answered everything except the exact point raised. No one says for an instant that the distiller should not in the exceptional circumstances mentioned be called upon to provide food and accommodation for the officer. The question is whether the State is to demand that of the distiller without an equivalent return. In this case, as in every other, the State gets the licence-fee. It gets the fee alike from the distiller in a remote place and from every other distiller. Because it is convenient that the officer should be at the distillery all the time, that is no reason for saying to the citizen who is carrying on his avocation under a licence that he shall be bound to keep a servant of the State.- I cannot see any justice in it, and if no one else moves an amendment I shall, to provide that reasonable remuneration shall be paid.

Mr BRUCE SMITH

I do not pretend to know much about distilling, although I know a very good brand of whisky when I taste it; but this clause does not seem to me to involve any technical knowledge. It seems to incorporate a very dangerous principle, because it recognises the obligation of a person who is having his work inspected to feed an officer whom he may regard as inimical to him. That is a very dangerous principle. There is no reason why a person who is compelled to give accommodation for the benefit of the general public in order to see that a distillery is being carried on properly should not be paid by the State for whatever the officer receives in that respect. I shall propose an amendment to the following effect:— That after the word "lodging" the following words be inserted:—"at a schedule of charges to be provided by regulation."

That will enable the person who accommodates the officer to provide him with three or four meals a day and accommodation, but he will be entitled to charge according to a schedule of prices, just as the railway refreshment rooms charge those who use them.

Mr V L SOLOMON

As I raised this point originally, I should like to say that I do not agree with either the honorable member for Indi or the honorable member for Parkes. They would cast a duty on the distiller that, I think, should not be cast upon him at all. The licence fee which a distiller will have to pay is £50 per annum, which is much higher than that charged in many of the States to-day. I am sorry the Minister thinks of postponing the clause, because it would be better to settle the point now than it has been raised as to whether we have any right at all, having stipulated that the distiller should provide office accommodation for the officer and pay a licence-fee, to further penalize him by putting upon him the duty of providing board and lodging, whether it be paid for or not. In very few instances do distillers live on the premises. They usually

have only a watchman there. The difficulty of providing accommodation for an officer may therefore be very great. A distiller may have to provide a cook for the officer. I hope the Minister will be in a position when we next deal with the question to answer the honorable and learned member for Indi as to whether such a provision is imposed in any State of the Commonwealth.

Mr THOMSON

Apparently the factor that weighs with the Minister is that in some cases a distillery may be two miles from a public-house. But such a distillery may be more get-at-able through there being a railway or tramway in the vicinity, than one which is less than two miles from the nearest public-house. If the Minister finds it necessary to impose such a condition as this it might be in the following form :— Where in the opinion of the Minister the situation of the distillery renders it necessary that lodging or board and lodging should be provided.

The special circumstances of each case could then be taken into consideration.

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Sir EDWARD BRADDON

I hope the Minister will not insist upon the provision which is complained of, because it is most objectionable. It is reasonable enough that the distiller should be asked to provide office accommodation and lodging for the officer. It is necessary that the officer shall be in attendance at the distillery. But he should not be billeted upon the distiller, nor should he in any way be placed under an obligation to him. The officer should pay for his own keep, and not be dependent in any way upon the distiller. We shall thus insure the proper discharge of duties by the officer. The Minister will effect his purpose by accepting the amendment—

That after the word "office" the following words be inserted—"and accommodation; " leaving the officer to keep "himself, as he could, -well do.

Mr CONROY

In many cases board and lodging might easily be found by the officer, notwithstanding that the distillery was two miles from the nearest public-house. The matter is not one which should be dealt with by the Bill at all. The proposal of the Minister to postpone the clause is a wise one.

Mr G B EDWARDS

—The Minister might as well give way with a good grace upon this clause. The illustration quoted from the Customs Act is no parallel at all. Although a distillery may be two miles from a public-house, or even 50 miles, there may be 50 houses in the immediate neighbourhood at which the officer could find accommodation. We should leave the officer to find his accommodation where he can. Distilleries cannot be conducted, even in remote places, without hands, and a distillery is not likely to be established in such a wilderness that it will be impossible for the officer to get a lodging, close at hand.

Mr. POYNTON

The chief objection I have to this clause is that it will have the effect of forcing the Customs officers into either a public-house or a distillery, and I am sure that the Minister will see that that would be very bad.

Mr KENNEDY

I would point out; that provision is made under the Victorian Act for the accommodation of the officer supervising the distillation operations and that it is also clearly stated that the accommodation shall be paid for by the Customs authorities. Where the distillery is at a certain distance from any suitable public place of accommodation, the licensee has to make the necessary provision for the officer.

Mr BATCHELOR

I was assured by the South Australian vignerons that in cases where the excise officer is accommodated by the distiller the Government pay £20 a year for the board and lodging provided, and it seems to me that the easiest way of getting over the difficulty will be to accept the amendment of the honorable member for Indi, or else that of the honorable member for Parkes.

Clause postponed.

Clause 30 (Duties of distiller).

Mr SALMON

I fail to see in this clause any provision which compels the distiller to keep books and to furnish returns of the materials used in the distilling operations. Distillers are constantly tempted to use materials which happen to be cheap and easily procurable, and I think we should provide some safeguards, against

potato spirits and other objectionable liquors being produced at our distilleries for human consumption. We have cases occurring frequently in which cheap spirit of a very injurious character is permitted to masquerade in the guise of a high-class article, and I think we ought to have some check upon the materials used in the production of the spirits turned out by our distilleries. I should like to see a provision made in this clause which would compel the distiller to keep books giving all the necessary particulars, which would be open for inspection by the accredited officers of the excise department at any time. I would not insist, as is done in regard to patent medicines in Germany, that a certificate should accompany each parcel of spirits, stating the articles used in their preparation, but a careful record should be kept so that the officers of the Excise department might know what was going on. Unless the Minister thinks that there is sufficient provision made in the Bill already to meet the cases I have referred to, I shall move an amendment in the direction I have indicated.

Mr KINGSTON

I think the matter is sufficiently met by clause 31, which provides that distillers shall keep books and prepare and render accounts, as prescribed, for the information of excise officers. There is a further provision in clause 59, which requires that officers shall at all times have complete access to every part of a distillery, and empowers them to take an account of any plant and materials, or to examine and take copies of or extracts from any books or accounts required to be kept by the distiller.

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Mr G B EDWARDS

The suggestion, of the honorable member for Laanecoorie would not have the effect of protecting the public at all. The mere recording of the materials from which the spirit was manufactured would, not be of any use to the public unless the provision in that regard was followed up by a stipulation that spirits made from certain materials should not be used for human consumption. I would also point out that these distilleries are carried on for the manufacture not only of spirit intended for human consumption, but of spirit designed for use for commercial purposes. If our distillers can, by using cheap material, produce a spirit for manufacturing purposes at low cost, it would be very unwise for the Commonwealth to restrict their operations to the distillation of spirits from malt. I quite agree that we ought to do something, if we possibly can, to protect the public against the consumption of spirit produced from potatoes and other similar materials, and I would like the Minister, if possible, to introduce a provision in this clause that would prevent the consumption of immature spirit in the distillery itself. I know that people who visit these distilleries, and the workmen engaged there, consume large quantities of spirits which are taken direct from the still, and which are very injurious to those who drink them, and I hope the Minister will kindly note my suggestion.

Mr KINGSTON

I do not think we could deal with that matter in this clause, and in any case I doubt if we could enforce any provision of the kind indicated, because the opportunities are so present to the hand that offences would be committed before any interference could take place.

Clause 31. -

For the information of officers distillers shall keep books and prepare and render accounts as prescribed, and shall also as prescribed verify such books and accounts.

Mr SALMON

The Minister indicated that this clause would provide for the keeping of all necessary books and records so that the excise officers might have at their disposal full information as to the materials used in the process of distillation; but, it seems to me, that the wording of the clause is not sufficiently comprehensive. I am very anxious to devise some means by which the purity of the spirits made in our distilleries for human consumption, shall be assured, and I shall be very glad when the opportunity occurs at another stage, to propose that only certain articles shall be used in the manufacture of spirits for human consumption. I recognise the force of what the honorable member for South Sydney has stated as to the manufacture of spirits for trade purposes; but it is not customary in Victoria to manufacture spirits for human consumption and for trade purposes at the same distillery; distillation of the lower class spirit being generally confined to special distilleries. Moreover, I think that the practice of allowing the two classes of distillation to be carried on in the same building is very objectionable. In the meantime I move—

That the words "a record of all materials and flavoiu-iugs used, together with" be inserted after the word "keep," line 2.

Mr KINGSTON

I do not think that these words are at all necessary in view of the other provision in the Bill. We have made provisions for regulations under which we can compel the distiller to prepare and render just such accounts as we may desire, and the scheme of the Bill is that all materials intended to be used in the distillation process shall go into a store in which a complete account will be kept at all times.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 32 (No other trade to be carried on upon the premises).

Mr G B EDWARDS

In connexion with the discussion on the second reading, I mentioned that it might be desirable in certain cases to carry on the manufacture of vinegar in connexion with a distillery. Under the German process of vinegar making, large quantities of spirits are required, and it would be a great convenience if the vinegar-making establishment and the distillery could be associated. I would like to know whether a distillery would be one store or a series of stores, or whether an adjoining store under the same roof could be constituted a separate building for the purpose of carrying on vinegarmaking 1

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Mr KINGSTON

The premises of a distiller will be defined in the licence, and they will constitute the distillery. Of course, it is highly desirable as a rule that no other operation should be mixed up with the manufacture of spirits, but there is ample power to relax the rules that will, generally control distilling operations wherever it may be considered necessary.

Clause agreed to.

Clause 34-

No distiller shall - ....

Mix any wort, wash, or fermented liquor made in his distillery with any wort, wash, or fermented., liquor made elsewhere.

Mr MCCOLL

I see that it is provided in paragraph (c) that no distiller shall have in his distillery, except by authority, any wort, wash, or fermented liquor not made in the distillery. I would suggest that the words "wine excepted" ought to be added to that, because if a distiller uses wine for making spirit, he must have it on the premises.

Mr V L SOLOMON

I wish to ask the committee to strike out paragraph (d). It is pointed out by those interested in the business that it is frequently necessary for distillers to have taken into their distilleries what is termed brewers' yeast for the purposes of fermentation. Paragraph (c) provides that no distiller can have in his distillery, except by authority, any wort, wash, or fermented liquor not made in the distillery. Paragraph (d) sets out that he shall not mix any wort, wash, or fermented liquor made in his distillery with any wort, wash, or fermented liquor made elsewhere. The distillers think that brewers' yeast will come under the term of "fermented liquor."

Mr Harper

- Why not insert the words except by authority '(

Mr V L SOLOMON

I think that those words would meet the case. I therefore move—

That the words "Except by authority" be inserted at the beginning of paragraph (r/).

The adoption of that proposal will bring the sub-clause into harmony with the provision in paragraph (c).

Amendment, agreed to.

Clause, as amended, agreed to.

Clause 39 -

No entry authorizing the removal of spirits shall be passed in respect of spirits of a lower strength than 23 per centum under proof, nor in respect of a smaller quantity than 10 gallons.

Mr V L SOLOMON

According to the wording of this clause it would be impossible to carry on a business such as distillers engage in, with regard to the manufacture of sweetened gin. It is pointed out by the distillers that sweetened gin is lower than 25 per cent, under proof. The sweetening itself to some extent lowers the proof and prevents it from being tested by the ordinary hydrometer test. The amendment, of which I have given notice, and which is already in print, is exactly on a line with the Distillation Act of South Australia, where sweetened gin is exempt from the operation of similar provision. move—

That after the words "under proof," line 3, the words "excepting sweetened gin" be inserted.

Mr KINGSTON

I have referred this matter to the officers who are acquainted with what is necessary and usual, and they tell me that the sweetening of gin ought not to be done at the distillery. It ought to be dealt with after the removal of the liquor from the distillery. Under these circumstances it would be highly undesirable to interfere with the standard under which spirits can be removed from distilleries. I therefore ask the honorable member not to press the amendment.

Mr THOMSON

I wish to ask if it is intended to apply the same conditions to imported spirits as it is proposed to apply to those which are manufactured here. I think that both should be placed on the same level. I take it that this provision means that spirits of a lower strength than 25 per cent, under proof shall not be allowed to leave the distillery and to go into consumption. Would it be right, then, to let spirits of that strength leave a ship for a bonded warehouse? If the Minister knows of any good reason why imported spirits under that strength should leave a ship, I do not see why we should apply this provision to a distillery. We ought to do justice both to the local manufacturer and to the importer.

Mr CONROY

If I took exception to anything it would be to the low strength at which the spirit is allowed to leave the distillery. I think that we ought to back the Minister for Trade and Customs in his endeavour to keep the liquor as strong as possible.

Mr BATCHELOR

Would it not be well for the Minister to postpone this clause in order that he may have an opportunity of inquiring into the matter of sweetened gin? If an exception were made in that case I cannot see how any complications could arise.

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Mr KINGSTON

The fact is that we propose to reserve consideration of the question until a more convenient season when we are dealing with imports. I do not wish to add anything to the remarks which I have previously made with regard to the question of reduced strength. Twenty-five per cent, under proof, it seems to me, is low enough. Indeed, there is a great deal to be said in favour of an increase. But due consideration of the wishes and interests of distillers have induced the Government to come to the conclusion at which we have arrived. If, however, we see any reason for altering our decision later on we shall not fail to advise the committee.

Mr V L Solomon

I understand that the Minister will consent to a recommittal?

Mr KINGSTON

- Yes.

Mr THOMSON

The Minister has given exactly the reply that I expected. I would point out that, without inquiring at all what the duties are to be, which is the only matter that could create any difficulty for the Minister of Trade and Customs, we have a right to know that the system which we are going to adopt in connexion with the strength of spirits is one which will be universal and not partial.

Mr MCCOLL

I do not know whether it is competent at this moment to insert a provision insisting upon the issue of only pure and wholesome liquor. After the import and excise duties are being fixed I think it will be competent to provide for the sale of only wholesome liquor, both from outside and from inside the Commonwealth. If it is not competent, when the duties are being fixed I think that provision should be made in this Bill that only good liquor should go out from the distilleries.

Mr KINGSTON

It would undoubtedly be competent to provide for an import duty of a prohibitive character with regard to liquors which do not come up to a certain standard of excellence. As to whether that course will be adopted or not I cannot say.

Amendment negatived.

Clause agreed to.

Clause 41 (Purposes for which spirit may be removed).

Mr KINGSTON

As there is likely to be some discussion upon this clause, I will consent to its postponement

Mr V L SOLOMON

As I have an amendment in print upon this clause, I should like to put just a few points, before the committee agree to the postponement of its consideration. I think that another sub-clause should be added permitting of the removal of spirits for the fortification of wines, for the manufacture of vinegar, or for methylation, under exactly the same conditions as prevail at the present time. I suggest that the Minister, during the interval between now and the period when this clause is again considered, should, through his officers, make himself acquainted with the necessity for the new sub-clause of which I have given notice.

Clause postponed.

Clause 46 (Obscuration).

Mr ISAACS

What does this clause mean? The word "obscuration" is all that appears in the marginal note.

Mr KINGSTON

It is only to declare the mode in which the Customs can ascertain the strength of spirits in case of obscuration. Ordinarily they can obtain the strength immediately by means of Sykes' hydrometer, but in some cases spirits are so mixed that the instrument will not give the precise result, which can only be obtained by distillation. Then the exact result can be obtained by means of the hydrometer.

Clause agreed to.

Clause 48-

The duty on spirits is to be charged in respect of the wort or wash, the low wines and the feints, and spirits made in the licensed premises, and shall be payable according to such of these modes of charge as produces the greatest amount of duty.....

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Mr THOMSON

I presume that this clause means that the duty on spirits is to be charged at the rate of proof. That is to say, if a spirit is 25 per cent, below proof, one-fourth of the duty is to be remitted. Probably the Minister is aware that in some States at present there is a law that a margin of 16-5 under proof is allowed. If these provisions with regard to the margin are to be maintained, it will place distillers on a different footing to importers if the distillers have to pay on spirits 25 per cent, below proof, and imported spirits have to pay either at proof, although they are below proof, or at 16-5, although they are below 16-5. Whilst any difference there may be in the excise duty and the import duty is a matter to be fixed in the Tariff —and of course it will be fixed according as our views are free-trade or protectionist— that consideration does not come in here at all. The whole question here is one of dealing with the strength of proof in each case under the same conditions. This Bill allows duty to be paid down to 25 per cent, under proof. In the State of Victoria at the present time duty has to be paid on proof, although the spirit may be less than proof. In New South Wales one is allowed down to 16.5 underproof, and below that there is no concession. I do not think it is desirable that we should create different systems in that connexion, although it may be desirable in the opinion of the Minister, or those who think with him, that the excise duty shall be less than the import duty. The Minister may take that view from the protectionist's stand-point, but, as I said before, that does not come in here. As to the system of charging, I think there should be no difference.

Mr MCCOLL

I should like to ask the Minister whether the word "charged" in the first line of this clause should not be "computed." That would be a better word.

Mr KINGSTON

The suggestion of the honorable member for Echuca is a good one, and I propose to adopt it. This clause is intended, not, for the purpose of any declaration as to the mode in which excise duties are to be charged, but as to the mode in which the quantity of proof will be computed. I move—

That the word "charged," line 1, be omitted, with a view to substituting the word "computing."

Amendment agreed to.

Clause also consequentially amended, and agreed to.

Clause 49 -

On the evening of the last day of every month, or as soon as possible afterwards, an officer shall make a computation of the spirit which should have been produced in the distillery during the month according to the modes hereinbefore specified, and if the actual quantity of spirits and feints produced during the month is less in proof gallons than the quantity as computed by the officer, then such officer shall serve at once upon the distiller an account showing the deficiency, and such distiller shall at once pay duty on such deficiency, and no operations or removals shall be allowed until such duty has been paid.

Amendment (by Mr. V. L. Solomon) agreed to -

That after the word "deficiency," line 12, the following words be inserted: - "unless such deficiency is accounted for to the satisfaction of the collector."

Clause, as amended, agreed to.

Clause 51 -

No distiller shall, between the hours of six o'clock in the evening of the last day of every month and six o'clock in the following morning, have or keep any spirits in any vessel in his distillery except in the chargers and receivers and in vats in the spirit store, and casks in the spirit warehouse, nor have or keep in the distillery any wort or wash of which the highest and lowest specific gravity has not been declared.

Mr MCCAY

This clause apparently provides that once a month the distillery must stop work. I know very little about the process of distillation, but I am informed by those who do know that it will break the continuity of fermentation, that the revenue will be in no way benefited by omitting the clause, and that it is in fact perfectly impossible to work it. It may be for the convenience of Customs officers to disorganize entirely the operations of a distillery, but I do not see why the whole staff of an establishment should be turned on to make up accounts for the information of the Customs department.

Mr Isaacs

- What is the object of the clause?

Mr MCCAY

I do not know, unless it is to allow the Customs officer to measure what is in the vats. But I understand that it is cumbersome and unworkable, and is an interference with the proper operations of distilling business.

Sir EDWARD BRADDON

It is impossible to carry on the work of a distillery under conditions that involve the necessity of operations being brought to a cessation at some particular time on some particular day. More particularly is this the case in regard to the cessation of the process of fermentation. I speak with some degree of knowledge, and know that it is absolutely impossible.

Mr KINGSTON

I am much obliged to the right honorable member for Tasmania, Sir Edward Braddon, for his suggestion. I have consulted with experts on the subject, in view of the objections raised previously. It is by no means the intention of the Government to stop all operations in distilleries, and certainly not in regard to distillation. All we want to do is to have monthly accounts prepared for the purpose of examination. If necessary, I shall be able to produce precedents to show that something of the kind is necessary. Fermentation will go on, but the process of converting the wash into spirit will be suspended; and I understand that no inconvenience will result from that. I propose to make certain alterations, and if on further inquiry it is found that further amendments are necessary, I shall not hesitate to recommend them to the committee. I move—

That the words "wort or," and the words "highest and lowest," lines 8 and 9, be omitted.

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Mr MCCOLL



I have been seen by distillers in regard to this clause, and they tell me that it will stop the continuity of fermentation and be a bar to their work. They suggest that it should be struck out altogether. Will the Minister recommit the clause if it is found necessary hereafter ?

Mr Kingston

- Certainly.

Mr V L SOLOMON

In consultation with some experts, it has been suggested to me that all the words after the word "warehouse" should be struck out with a view of inserting the words "except those vats under fermentation." Will the amendments which the Minister suggested cover all that is necessary?

Mr Kingston

- Undoubtedly.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 52 to 58 postponed.

Clause 60 -

Any officer, after having declared his name and business, and demanded admission to a distillery or any part thereof, if not forthwith admitted pursuant to his demand, may break open any door or window, or through any wall in or on such distillery to obtain admission.

Mr BATCHELOR

It has been suggested that the Customs officer, in addition to declaring his name and business, should, on demanding admission to a distillery, also produce his authority before breaking in any door or window to obtain admission.

Mr KINGSTON

It is hardly desirable to insert a provision of that sort in the case of an officer demanding admission to a distillery. In the first place, the question would arise as to whom this authority is to be shown, and, in the next place, if the case were one of emergency, the whole object of the officer's visit might be defeated by his inability to produce his authority. The powers of excise officers will not be exercised lightly, and I do not think that they should be laid open to the risk of being balked in their object by being asked to produce their authority.

Mr Thomson

- Did not the Minister insert a provision requiring an officer to produce an authority in connexion with similar cases under the Customs Bill ?

Mr KINGSTON

No ; in that case we were dealing with the breaking open of a private house, and we provided that there should be a writ of assistance or a Customs warrant ; but with regard to ships there was no provision made as to the production of an authority. An officer of Customs would have a right to go on board a ship, and similarly, in the case of a distillery, which has to be open to inspection at all times, there should be no necessity to produce any authority. We are proposing to work on exactly the same lines here as under the Customs Act.

Mr MCCOLL

I think the Minister is quite right, and that it is absolutely necessary that an excise officer should have autocratic powers. If he exceeds his duty, or goes beyond his authority, he can be brought to book and punished in the proper way, but, generally speaking, the powers ought to be very large.

Mr THOMSON

I do not think the intention of the honorable member for South Australia (Mr. Batchelor) has been properly appreciated. There is no desire on his part to prevent the proper authority of the Excise officer from being exercised, or that any means of checking what is done in the distilleries should be done away with. I see nothing to prevent an excise officer from producing a general authority such as he might always carry with him. In this case it is not so much the excise officer against whom the distiller ought to be protected as the man who might get into a distillery by representing himself as an excise officer.

Mr Page

- Such a man could be punished.

Mr THOMSON

Yes, but why should we give such a man free permission to go into a distillery? Supposing that a man wanted to go into a distillery for the purpose of obtaining information regarding trade secrets or other matters, he might easily represent himself as an excise officer, and secure all he required without the distiller being any the wiser, and it seems to me that with the very wide powers given under this clause, the officer should be called upon to produce some authority before he proceeds to break open any door or window, or through any wall, to obtain admission to a distillery. It would be easy for the officer to carry a general authority from the Collector of Customs.

Mr Isaacs

- Any man who wished to represent himself as a Customs officer would not stop at fabricating an authority.

Mr THOMSON

But the authority might be given under the Customs seal, which could not be easily imitated.

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Sir EDWARD BRADDON

I see no reason whatever for fearing that any unauthorized person will venture under this clause to enter a distillery. As the honorable and learned member for Indi pointed out, if he was disposed to do that he would make no difficulty about providing his own authority. But think of the peril in which any man would stand who did this kind of thing without being in the service of the Customs department! This clause, which I admit is a drastic one, practically allows a Custom-house officer to commit what in the case of any other citizen who attempted it would amount to a burglary. Is anybody going to be so foolish as to get himself run into gaol for the sake of breaking into a distillery—and for what? I think a man who might be disposed to misrepresent himself as a Customs officer would hesitate very long before he operated in that way, and, having hesitated, he would refrain from doing it. Such a man, instead of attempting to break into a distillery, ought to break into a lunatic asylum, because that would be the proper place for him.

Mr ISAACS

I do not believe there is any danger attaching to this clause. First of all, a person who demands entrance must be an officer, and he must declare his name and business and demand admission. If we are to suppose that he must go through the formality of presenting a document which is to be scrutinized, valuable time may be lost, and the essence of the matter is that there may be an instant admission. It is in the highest degree improbable that any person is going to personate a Customs officer in the way suggested, but I agree with the observation made that there is no provision in the Bill for the punishment of a person who does personate a Customs officer.

Mr Kingston

- That will be dealt with in the general Excise Act.

Mr ISAACS

It must be dealt with somewhere. I think the clause as now framed is sufficient, and to hedge it round with formalities would be to defeat its object.

Mr BATCHELOR

I do not propose to hedge round the clause with formalities, but surely it is reasonable to ask that there shall be some badge upon an officer, who may be quite unknown to the persons in the distillery.

Mr Page

- That is just what is wanted - that he should be unknown.

Mr BATCHELOR

We are assuming that there is some unlawful practice going on inside a distillery, and an officer wants to get in at once. Under the clause he must declare his name and his business, and that declaration must be made to somebody. He has not even to declare that he is an officer. He simply says, "My name is Jones, and I am going to look over your premises," and if on the instant he is not given admission, he can smash up the premises. There should be some protection for the distillers, and do not think it is unreasonable to ask that the officer should produce some proof that he is an officer. move— That after the word. " business, " line 2, the words " and produced his authority " be inserted.

Mr PAGE

I feel sure that the honorable member for South Australia, Mr. Batchelor, is not serious in this

amendment, which puts me in mind of the speech made on the Defence Bill by the honorable member for Tasmania, Mr. O'Malley. The honorable member told us that, if an enemy was proposing to invade Australia, wires would be sent to us to say what they were coming to invade us. In the same way here, the honorable member might as well propose that the Customs officer should wire to the distillery to tell the people there that he was coming to invade the distillery. When a detective goes to a house to arrest anybody, he does not first call out from the outside, "I am a detective, and here is my authority." When he puts his hand on a person to arrest him he says, "I am a policeman," and that is sufficient.

Mr Kingston

- He can enter a publichouse without the protection of any authority.

Mr PAGE

They do a lot of things that ought not to be done, but still the end is achieved, and it will be the same with the Custom-house officer. We have the authority of the Minister for saying that there will be a penalty provided for the personation of a Customs officer, and any man who personates a police officer or a Customs officer will know what the end of it will be, and the punishment which will follow. What would be the use of the Custom-house officer going to these places with brass buttons on his shoulder?

Mr Batchelor

- All the factory inspectors are required to have an authority with them.

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Mr PAGE

It might be so in South Australia, but it is not so in all the States, and it is a very dangerous practice. It puts me in mind of the gentlemen who write about going up and viewing the sugar plantations in Queensland, when they see them in their Sunday light, and if they went up with a swag on their backs they would probably see them in a very different state. I am sure the honorable member will not waste the time of the committee any longer, and will withdraw the amendment.

Mr THOMSON

The honorable member for Maranoa did not quite understand the argument of the mover of the amendment. We do not expect an officer to go in brass buttons to these distilleries. We only desire to prevent any one having free access to a distillery. We will find a different provision to this in the Customs Bill, and that is why I object very often to the way in which matters are proceeded with here, because it brings about a want of uniformity. In clause 191 of the Customs Bill it is provided—

The Comptroller or a State collector may grant a Customs warrant in the form of Schedule 3, hereto under the Customs Seal to any officer, and such warrant shall remain in force for one month from the date thereof.

And when we turn to Schedule 3 we find that the Customs warrant issued to an officer says—

You are hereby authorized to enter into, at any time in the day or night, if necessary, and search any house, premises, or place; and to break open the same, find any chests, trunks, or packages in which goods may be or are supposed to be.

Now, in section 192, the same Bill says—

Any officer having with him a writ of assistance or a Customs warrant may at any time in the day or night—

That is the same power that is demanded here in respect of the entrance to distilleries.

enter into any house, premises, or place, and may break open the same, and any chests, trunks, or packages in which goods may be or are supposed to be.

From that it is clear that under the Customs Bill a warrant is required, and here, under the Distillation Bill, where we are dealing with officers of the same department, no such authority is required, though the matters concerned under the Customs Bill are as important as those dealt with in this Distillation Bill. Everything that it is desirable for an officer to do under the one Bill it is desirable that he should do under the other.

Mr KINGSTON

I have been rather interested by the remarks of the honorable member for North Sydney, because he has quoted cases which are not parallel. If the honorable member had gone carefully through the Customs Bill he would have seen that the position under that Bill is exactly that which is taken here. He will find, for instance, under section 64 of this Distillation Bill that—

Any officer having with him a writ of assistance or a Customs warrant under the Customs Act 1901 may at any time in the day or night enter into any house, premises, or place, and may break open the same and any chests, trunks, or packages in which illicit stills or illicit spirits may be or may be supposed to be. There are two positions as regards private premises generally, and as regards places where officers ought to be, of very great right, for the discharge of their duty. One is a ship and the other is a distillery, and while there is a certain provision in this Distillation Bill with regard to a distillery there is a similar provision in the Customs Bill with regard to a ship. With respect to a ship, under the Customs Bill any officer may board any ship, search any ship, and secure any goods on any ship, and walk them off to the King's warehouse.

Mr McCay

- Clause 93 of the Customs Bill is an exactly analogous clause.

Mr KINGSTON

Yes ; it provides that—

The collector at all hours of the day and night shall have access to every part of any warehouse and power to examine the goods therein and for that purpose to break open the warehouse or any premises necessary to be passed through to secure access.

Mr Thomson

- The "collector"?

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Mr KINGSTON

Let us look at the definition of the collector, and the honorable member will see that it includes the controller and any collector of Customs for the State, and any principal officer doing duty at the time and place, and any officer doing duty in the matter in relation to which the expression is used. That is to say, that any man whose duty it is to do that sort of thing may do it. There is a power given to break into a distillery, but what can an officer do under the Customs Bill in regard to a ship ? If he sees fit he can take possession of the ship, lock, stock, and barrel. Here is the power in clause 195 of the Customs Bill : Any officer of His Majesty's forces or any officer of Customs or police may seize any forfeited ship or goods upon land or water, or any ship or goods which he has reasonable cause to believe are forfeited.

Mr Batchelor

- There is not much danger in the case of a distillery of doing that.

Mr KINGSTON

There is not much danger of a burglar and a Customs -officer being mistaken. They are altogether unlike, their methods of procedure are entirely different, and as the responsible Minister for the Customs department I object to the comparison.

Mr Thomson

- The officer goes on board a ship in his uniform.

Mr KINGSTON

He need not do so, and I do not think a man's authority should pass with the change of his coat. As regards customs and excise work, it is highly desirable, in many instances, that the officers should not act in uniform, if they are to do effective work. These powers with reference to obtaining access to a distillery are no larger than those which the police have in regard to public-houses.

Mr CROUCH

There seem to be two objections urged against the amendment. The first is the alleged - waste of time which would be involved. Let us see how the clause proposes to save time. Instead of the officer producing a written warrant he is to laboriously gain admission through a wall. That is the way in which the Minister proposes to save time. The second objection is that constables are sometimes allowed to act without a warrant. But I know of no constable who can chip away at the side of one's brick house without a warrant. The clause will allow an officer to appear at any time, and simply by giving his name and intimating that he wishes to look through the premises to gain access without authority. I think the fact that distillers are required to find a guarantee for £2,000 shows that they are men of repute. Though they may sometimes come into conflict with the Customs department, they are presumably honest, and ought therefore to be protected.

Mr MAUGER

I hope that the Minister will stand by the clause. The very fact that a £2,000 guarantee is required shows that this is an extraordinary trade, and needs to be dealt with in an extraordinary way. It seems to me that if a man is not doing anything contrary to the law he has no need to fear the provisions of this clause.

Mr. POYNTON

Surely it is not suggested that it would be a serious matter to require that an officer shall produce a written authority! I know that every Minister likes to adhere as closely as possible to his Bill. But I would point out that the amendment involves no sacrifice of principle. I feel sure that the Minister will give way on this particular clause.

Mr KINGSTON

I have so often given way, that I hope the honorable member will on this occasion permit me to decline. Amendment negatived.

Clause agreed to.

Mr KINGSTON

In view of the postponed clauses, and the opportunity which ought to be given for their consideration, the Government do not propose to ask the committee to take the Bill further than clause 83 to-morrow, and then to resume its consideration on the next day of sitting.

Progress reported.

ADJOURNMENT

Order of Business - Hansard.

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Minister for External Affairs

Mr BARTON

I move-

That the House do now adjourn.

I wish to say that the Government will ask honorable members to proceed with the consideration of the Distillation Bill to-morrow to the extent to which my right honorable colleague has referred. After that I propose to go on with the Post and Telegraph Bill and the Service and Execution of Process Bill. I should go on with the Immigration Restriction Bill to-morrow, but I think that the Post and Telegraph Bill being well on its way, and the Service and Execution of Process Bill being a short measure which may well engage attention at the end of the week, it would be wise to dispose of these matters. As soon as they are out of the way I intend to proceed with the second reading of, and to get into committee upon, the Immigration Restriction Bill. Having already moved the second reading of the Service and Execution of Process Bill, I may possibly take that measure to-morrow before the Post and Telegraph Bill, because of the drafting of certain amendments. It is a purely legal Bill, and I do not think it will very largely engage the attention of honorable members.

Mr. POYNTON

Some time ago we were promised that Hansard would be forwarded to all the members of the State Parliaments. In a recent discussion in the South Australian Parliament great complaints were made that no copies of Hansard had been sent. I should like to ask if you, Mr. Speaker, can explain the reason why Hansard has not been forwarded in accordance with the promise made in this House

Mr SPEAKER

I may inform the honorable member that after he called my attention to the matter earlier in the afternoon, I obtained such information as was available. I learn that Nos. 1 to 7 of Hansard were sent in accordance with the understanding arrived at. In some way which is not accounted for the supply then ceased. On Friday last it was renewed and it is now proceeding. The numbers missing will be sent on.

Question resolved in the affirmative.

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22:29

House adjourned at 10.29 p.m.