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1901-06-12

Senate.

The President took the chair at 2.30 p.m.

PRESENTATION OF ADDRESS IN REPLY

Postmaster-General

Senator DRAKE

. - I have it in command to intimate to the Senate that His Excellency the Governor-General will be pleased to receive the Address in Reply to the opening speech at the State Executive Council Chamber, Treasury Buildings, at 3 o'clock this afternoon.

The PRESIDENT

- I have the honour to state to the Senate that I think that is a communication which ought to have been made by myself as President.

Several Senators. - Hear, hear.

The PRESIDENT

- It is one of the most valued constitutional powers and privileges of the Senate, I suppose, that it should have direct communication with

His Excellency. I admit that on this occasion it is, perhaps, my fault that His Excellency was not approached directly, and therefore Senator Drake was perfectly justified in making the statement ; but in future, I think, the practice ought to be that the President should make the announcement after direct communication with His Excellency.

Several Senators. - Hear, hear.

PETITIONS

Senator MACFARLANE (Tasmania) presented a petition from 1,765 citizens of Tasmania, praying that the post office might not be allowed to be used for the facilitation of gambling.

Petition received and read.

Senator MACFARLANE presented a similar petition from 554 citizens of Tasmania.

Petition received.

ELECTIONS AND QUALIFICATIONS COMMITTEE

The PRESIDENT laid upon the table his warrant nominating Senators H. De Largie, Sir J. W. Downer, S. Eraser, T. Glossey, J. Macfarlane, Sir J. H. Symon, and J. T. Walker, . members of the Committee of Elections and Qualifications.

Warrant read by the Clerk.

QUESTIONS

IMMIGRATION FROM JAPAN

Senator PULSFORD

asked the Postmaster-General, in the absence of the Vice President of the Executive Council, upon notice -

Has the Government received any communication from the Consul of Japan on the subject of immigration?

If so, will the Government lay a copy of such communication on the table of this House.

Senator DRAKE

- The answer to the first question is " yes," and the answer to the second question is " yes," and I lay upon the table of the Senate the communication desired.

Ordered (on motion by Senator Pulsford, New South Wales) -

That the document be printed.

INTRODUCTION OF BILLS

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Senator Sir FREDERICK SARGOOD

called the attention of the Postmaster-General, in the absence of the Vice President of the Executive Council, upon notice, to the fact that while thirteen Bills had been introduced in the House of Representatives by the Government, only two Bills had been introduced in the Senate; and inquired whether some of the thirteen Bills could not have been introduced in the Senate, and thus have insured

the more rapid despatch of public business.

Senator DRAKE

- The answer is that every endeavour will be made to distribute the work of the two Houses in such a manner as to keep the Senate busy.

Senator Sir Frederick Sargood

- That is no answer.

Senator DRAKE

- Well, I will add to it then. I have given Notice of Motion this afternoon relating to two Bills which it is proposed to introduce to-morrow. There is another Bill which under ordinary circumstances would have been introduced at the same time, but has been delayed. I hope that very shortly that other Bill will be laid on the table of the Senate. I may remind the Senate that there is every probability that the other House will be engaged at some later period of the session in the discussion of a measure which will not only be of great importance, but will involve a great deal of detail. That House, therefore, will probably be fully occupied during that time, and it has been considered desirable that measures should be introduced first in the other House, in order that when that period arrives there will be plenty of work for the Senate to go on with. I assure the Senate that every effort will be made to arrange the business in such a way that both Houses will be fully occupied the whole of this session.

ALIENS IN WESTERN AUSTRALIA

Senator DE LARGIE

asked the Postmaster-General, in the absence of the Vice President of the Executive Council, upon notice -

Whether the Government are aware that, in reply to an influential deputation asking that steps be taken to prevent the influx of undesirable aliens into the State of Western Australia, the Premier replied in the affirmative.

Whether the Bill now in preparation for dealing with immigration will be framed with a due regard to the wishes of the people and Government of Western Australia.

Senator DRAKE

- The answer to the first question is "yes," and the answer to the second question is "yes."

APPLICANTS FOR POSTAL POSITIONS

Senator KEATING

asked the Postmaster-General, upon notice -

Is it true that in Tasmania, recently, an applicant for a position in the postal service was officially informed by the Deputy Postmaster-General for that State that before his application could be considered the applicant should produce a certificate of his having passed the fifth standard examination in a State School.

And are appointments to the Postal and Telegraphic Service of the Commonwealth being restricted to those only who have been educated in State Schools.

Senator DRAKE

- The answer to the first question is that the local regulation in force is that all applications for the position of messenger must be accompanied by the certificate of a State school teacher, that the applicant has passed the fifth standard ; but for any applicant who has not attended the State schools special examinations have always been held. The answer to the second question is "no,"

INTRODUCTION OF BILLS

Senator Major GOULD

- Before the order of the day is called on I wish to say that I am under the impression that the reply given by Senator Drake to the question submitted just now by Senator Sir Frederick Sargood-

The PRESIDENT

- It is too late.

Senator Major GOULD

- Is it too late to move the adjournment of the Senate ?

The PRESIDENT

- According to the standing orders under which we are now sitting the honorable senator cannot move the adjournment of the Senate now.

Senator Major GOULD

- I was under the impression that so soon as the formal business had been dealt with one could move the adjournment of the Senate.

The PRESIDENT

- No.

Senator Major GOULD

- May I ask, sir, at what time it can be moved?

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The PRESIDENT

- Under the standing orders of the House of Assembly of South Australia which we have adopted temporarily, a motion for adjournment to bring on some matter which cannot be brought on in the ordinary manner must be moved before the business is called on at all. It must be moved before the questions have been called on, and in the form that the Senate at its rising adjourn to some unusual day or to some unusual hour, and it can only be moved to bring forward a matter of pressing public importance.

Senator Major GOULD

- So far, I believe, the question as to whether a matter is of pressing public importance would lie in the mind of the honorable senator desiring to move the adjournment of the Senate.

The PRESIDENT

- No doubt.

Senator Major GOULD

- Where a question arises out of a reply given by a Minister to a question, one would have to wait until another day before the adjournment of the Senate could be moved.

The PRESIDENT

- The honorable senator could have asked a question arising out of that reply before the other two questions had been called on ; but having waited until those questions were called on, and the matter having been settled, it is too late now for him to move the adjournment of the Senate.

Senator Major GOULD

- Of course, I bow to your ruling, but I really was under the impression that my duty was to wait until the whole of the questions had been put and answered. I thought that I would be in order in rising at any time before the orders of the day were called on. However, we can do it to-morrow.

QUESTIONS OF PRIVILEGE

Senator McGREGOR

- I would like to ask you, sir, when a question of privilege can be brought on?

The PRESIDENT

- A question of privilege suddenly arising can be brought on immediately.

Senator McGREGOR

- As a question of privilege I would like to call the attention of the Senate to a statement which appeared in one of the newspapers.

The PRESIDENT

- The honorable member cannot do that unless it reflects on the Senate.

Senator McGREGOR

- It reflects on a section of the Senate. At a certain banquet Senator Lt.Col. Neild is reported to have said that he was surprised to find that the labour party held a caucus meeting and decided to vote against a motion moved by him for the appointment of a select committee.'

The PRESIDENT

- I do not think that is a question which has suddenly arisen. If it has not suddenly arisen it ought to be brought forward after notice. I would also remind Senator McGregor of this point - that if any honorable senator brings forward a question of privilege, he must state, before he argues the matter, what motion he is going to move, and it must be a motion in vindication of the privileges of the Senate. It is not in the power of any honorable senator simply to get up and make a statement concerning privilege unless he intends to submit a motion which will vindicate the privileges of the Senate which he alleges have been infringed. I do not know when the meeting took place, but I do not think the matter has suddenly arisen. It certainly has not arisen in this Chamber, and I think the honorable senator ought to give notice of motion

before he can bring forward a matter which, so far as I understand, took place outside the Senate some time ago.

Senator McGregor

- It has suddenly arisen, sir, because it is only now that I have learned of it; but I bow to your ruling.

Senator Major GOULD

- Perhaps I may be permitted to say a word in regard to the matter, as it appertains to the privileges of the Senate. What I understand is that the honorable senator was desirous of directing attention to something which had been said, or which is reported to have been said, since the last meeting of the Senate, and as this is the first meeting which has been held since the alleged statement was made, he desires to make a complaint about its character. It will be perfectly clear that, in a case like that, it was impossible for the honorable senator to have given any notice in the ordinary sense; and with all due respect to your ruling, sir, would not the first meeting of the Senate, after a statement had been made, be the proper time and the immediate time to introduce a question of this character? If an honorable senator has to give notice, it is a different thing altogether. Supposing the thing had happened five minutes ago, as this is the first opportunity he has had since last Thursday to bring it forward, would he not be in practically the same position if he proposed to bring it forward on the ground that it affected either the privileges of the Senate or the privileges of any individual senator?

Senator Drake

- What is the meaning of "suddenly arising"?

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Senator Major GOULD

- Of course, I am only acting on an interpretation which has been placed on a matter like this in an adjoining State. There if an honorable senator desires to call attention to any matter, and he brings it forward on the first possible occasion, that is regarded as bringing it forward immediately.

Senator Sir John Downer

- But there is no motion.

Senator Major GOULD

- Probably the honorable member would have concluded with a motion.

The PRESIDENT

- What I understand I am asked is, that if a matter has arisen outside this Chamber since it last met, and if an honorable senator wishes to bring it forward as a question of privilege which has suddenly arisen, can he do so?

Senator Major GOULD

- That is the point.

The PRESIDENT

- Well, I think he can do so, if he will first of all state what motion he intends to move in order to vindicate the privileges of the Senate.

Senator Lt Col NEILD

- May I be permitted to draw attention to the practice of the Imperial Parliament - I assume it is provided for in our orders - that a member desiring to bring forward any matter reported in the press must produce the report and it must be read by the Clerk.

The PRESIDENT

- That is so, and it is specially provided for in the standing orders.

Senator McGregor

- I will take action at another time.

ANSWER TO ADDRESS IN REPLY

On motion by Senator Drake, the Senate proceeded to the State Executive Council Chamber, Treasury Buildings, to present their Address in Reply to the Governor-General's opening speech.

The Senate being returned -

The PRESIDENT said I have to report that, attended by several members of the Senate, I presented to His Excellency the Governor-General the Address in Reply to His Excellency's speech, and that he was pleased to make the following answer: -

To the Honorable the President and members of the Senate of the Commonwealth of Australia: -

Gentlemen,

I receive with much satisfaction your reply to the address delivered by me on the occasion of the opening of the Parliament of the Commonwealth ; and I note with pleasure your assurances of continued loyalty and devotion to the Throne and person of His Majesty. I sincerely trust that the result of your deliberations may be found acceptable, and at the same time highly beneficial, to all classes of the communities of the Commonwealth.

Hopetoun, Governor-General

POST AND TELEGRAPH BILL

Second Reading

Debate resumed from 6th June, vide page 764, on motion by Senator Drake -

That the Bill be now read a second time.

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Senator Major GOULD

- I believe moved the adjournment of the debate the other evening, and I assume that it is therefore necessary that I should say a few words. I feel that honorable senators may fairly congratulate the Postmaster-General on the clear exposition he gave in regard to the particular clauses of this Bill, and we may also feel satisfied with the remarks he made before proceeding to the consideration of the Bill itself, because it gave us some idea of the policy which, in his mind, would be the right policy to pursue in connexion with the administration of the Postal department generally. I may say, that so far as the Bill itself is concerned, it appears to me to be greatly a consolidation of the various measures that are in existence in the different States at the present time, and that, practically, we need not expect to find in it anything that is of a very startling or very novel character, so far as the States generally are concerned. One State may find that its practice is somewhat altered, but another State will find that its practice is also, in some respects, altered. But notwithstanding that, so far as I can judge by a perusal of the Bill, we are practically moulding and amalgamating the whole of these provisions into one consolidated measure. The questions so dealt with are really matters that, after the explanation we have had, do not call for lengthy remarks in the House. ' They are rather matters to be dealt with in committee. I shall therefore confine what observations I have to make to one or two subjects that are referred to by the Postmaster-General. He pointed out that in many ways expenditure might be saved in carrying on the administration of the Postal department. He alluded to the fact, amongst other things, that in many country towns post offices are erected which are really more expensive than they need be; that a very small building, or a very unpretentious building, would be amply sufficient where at present pretentious buildings are erected. We also find him taking exception to cases in which mail matter is carried by coach, or by other means, which insure accommodation for passengers, visiting various portions of a State. Now, to my mind, these are not matters in regard to which the Postmaster-General should attempt to exercise too rigid a system of economy. "We must remember that in our States we have not got the thickly populated centres and the thickly-populated country that they have in older portions of the world, and that while the postal authorities have been doing what they can to carry out their own duties, they have hitherto been regardful of the interests of the various towns and districts in which they have been called upon to erect buildings. I do not think the Postmaster-General will be justified in making a very rabid alteration in that respect. It may be that some expenditure might be saved with regard to these buildings, but it will be the duty of the Government for many years to come to do what they can by erecting decent buildings - buildings with some architectural features - in order not only to assist in promoting the prosperity of the towns, but to induce other people to erect good buildings in the neighbourhood. It should always be remembered that, after all said and done, we want our country towns throughout the whole of the Commonwealth to be towns that will have some architectural features, and be creditable to the Government and to the people themselves. There are a large number of places that have no local system of government. They have no power whatever of raising money for the purpose of adding to or beautifying the buildings, but, after all, is not their property the property of the Commonwealth Government? The Commonwealth Government has, at any rate, absolute control over it. It may be that, in a small country town, a four-roomed wooden shanty or cottage would be sufficient for all postal requirements. The work could be done in it, but I think it is the duty of the Commonwealth Government to look beyond that, and to put up buildings that will be not only sufficient for their own work, but ornaments to the town and district,

and buildings of which they may be proud. I do not say they ought to go to the extent of erecting most expensive buildings and throwing £10,000 or £20,000 away when they could put up a good building for £2,000 or £3,000. But I do say that they would not be justified in reducing the expenditure in such a marked degree that the people would feel that their interests were being to a large extent neglected. After all, we are building up a young nation, and we want to make the position of the people who are living away in the country as pleasant and comfortable as we reasonably can. Hitherto the State Governments have aimed at putting up creditable and ornamental buildings in the towns, and I do not think it is policy, I do not think it is wise for the Commonwealth Government to turn round and say - " We are going to reverse' all this sort of thing. If you yourselves cannot pay for handsome buildings we will not put them up ; we will put up very plain and very unpretentious buildings. They' will be sufficient for postal purposes, but they will be no ornament to your town or district."

Senator Dobson

- But does not the demand for these expensive buildings prevent postal facilities being given ?

Senator Major GOULD

- Yes, that prevents the erection of suitable buildings. Sometimes if a man is very pertinacious he will get a great deal more money spent on a post-office than the town is entitled to. I do not want to pull the thing down to the bare matter of postal sufficiency, but I want to see buildings erected which will be a credit to the towns and districts. Of course, a town with 2,000 inhabitants cannot expect to have a post-office that would suit a town of 20,000 or 30,000 inhabitants, but I do not want all beautification to be done away with in consequence of the transference of the department from the State Government to the Commonwealth Government.

Senator Dobson

- Are there not scores of places where you could give postal facilities without any buildings at all ?

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Senator Major GOULD

- Yes ; in many places that is done at the present time. I do not mean to say that where you haven't a handful of people you 'should put up an expensive building. The probability is that the work could be done in some other premises, but where a building is erected it should be erected on fair and reasonable lines, and be fairly architecturally beautiful and pleasant to look upon. Another question raised by the Postmaster-General is whether postal buildings ought to be erected out of revenue or loans. All I can say is that if we are only going to erect our postal buildings out of revenue, it will be a very long time before the requirements of the country are properly attended to. In cases where buildings are to be of a permanent character, it is a very reasonable thing that the money should be raised by loan, and it is equally reasonable that provision should be made for a sinking fund, by means of which those loans may be paid off before the buildings are obliterated.

Senator Dobson

- Then a needy Treasurer grabs the sinking fund !

Senator Major GOULD

- So long as you have your statute properly framed, no needy Treasurer will be able to get at the sinking fund.

Senator Sir Frederick Sargood

- Unless Parliament gives him the necessary authority.

Senator Major GOULD

- Parliament, of course, is all powerful. If Parliament chooses to authorize an expenditure of £50,000 to put up postal buildings in places with a population of 5,000 it can do so ; but it is not likely to be such an ass. I hope not, at any rate.

Senator Sir Frederick Sargood

- That has been done on several occasions.

Senator Major GOULD

- I trust that that sort of thing will not be done in future.

Senator Dobson

- Is the demand for new buildings very great, do you think?

Senator Major GOULD

- In special cases buildings are pretty well worn out, and it has become necessary to replace them.

Senator Dobson

- I thought from your remarks that you expected a great expenditure on buildings.

Senator Major GOULD

- No, I do not ; but I point out that the idea of only spending the exact amount required for postal purposes should not be adhered to very rigidly. There ought to be some consideration given to the needs of a town. Then, the Postmaster-General, in speaking of this matter, alluded to mail services run, not merely as postal services, but for the convenience of passengers. The honorable and learned senator takes exception to that, and he says that if a horse-mail would be sufficient to carry all mail matter, provision should not have to be made by the department for carrying passengers from place to place. I think that is a matter that requires a great deal of consideration. This is not a thickly populated country - it is a very sparsely populated country, and our desire is that the population should not be centred solely in large towns, but that it should be scattered over the length and breadth of the land. If we are going to secure that, we must afford some facility for people to visit outlying towns, and this is one of the easiest ways in which that can be done. A place may be located a couple of hundred miles away ; it may not have very much trade, and it may be impossible to get a mail coach to go to it unless there is some inducement offered by means of a subsidy, with a stipulation that it shall carry passengers. You cannot settle population unless there are some means by which people can get to the centres, and they must not be compelled to pay large sums of money for the hire of horses and coaches entirely on their own account. There must be some little assistance given, and although, from a strict point of view, the postal authorities are only called upon to carry mail matter, there is a higher duty cast upon the Commonwealth Government, and that is to do all they can to promote the prosperity of the country generally, and to scatter the population throughout the whole of the country and enable us to have a large number of small centres throughout the different States. That can only be done by some system such as this. Whether it is done by the creation of a new department to which the charge may be made or not, the matter is one that we must carefully look into. We must be satisfied that we are going to give the people who have not the pleasure and advantages of these large cities, but have to rough it, an opportunity of obtaining as many comforts and as many privileges as can possibly be given to them.

Senator Drake

- The important point is, who is going to pay ?

Senator Major GOULD

- Who is the honorable and learned senator going to make responsible ?

Senator Drake

- The honorable senator is going to put the burden on the people who pay pennies and twopences for their letters.

Senator Major GOULD

- I am going to throw it to a large extent on the whole population of the Commonwealth. The man who resides in Melbourne or Sydney has an interest in seeing the people residing 300, 400, or 500 miles away provided with decent means of communication, and facilities given them to make life comfortable.

A Senator. - And also in encouraging settlement.

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Senator Major GOULD

- Yes, and also in encouraging settlement. The bane of all the States has been the flocking of population to the great cities. Our country cannot go ahead if we are only going to have a dozen or a score of great cities. We have to look to the people right away back, and we must make their position as easy, and afford them such facilities as we possibly can in reason. I do hope that Senator Drake and his Government will recognise the duty which is thus cast upon them. They have not got the whole of the responsibility, because the State Parliaments and the State Governments have still a good deal to do ; but the Commonwealth Government must lend their assistance. The people must not be allowed to think that they do not possess such and such a service under the Commonwealth which they would have enjoyed if they had not handed the departments over to the Federal Government. It would not do for them to be able to say that by passing these services over to the Commonwealth they have absolutely deprived themselves of the conveniences and comforts they would otherwise have

enjoyed. We have to remember that although we have our Commonwealth established, it is on its trial, and will be so for some time to come. We want to satisfy the people of these States that they have made a wise move, as I believe they have, in adopting the system of Federal Government, and we desire them to realize that instead of losing anything they are going to gain a great deal. I do not propose to say anything more in regard to this measure, because so far as the Bill itself is concerned we shall be able to discuss it in committee. The few matters to which I have referred arose in consequence of the speech of the Postmaster-General, and I was anxious to have an opportunity of expressing my views upon them. When the Bill is in committee I shall have occasion to discuss the clauses in detail.

Senator Sir JOSIAH SYMON

- It seems to me that there is really little or no room for a second reading debate upon this measure. It is really, and it was substantially so presented to us, a sort of administrative code combining all the existing postal systems of the separate States, and introducing in the one measure as many as possible of the routine and business provisions applicable in these States in so far as they are applicable to the consolidated system. I do not agree with Senator Gould - and really it was his remark upon this point that led me to get up - as to the Commonwealth being on its trial. The Commonwealth is here. It is an accomplished fact, and it has come, I hope, to stay for ages.

Senator Glassey

- The honorable and learned member means to say that it is on its trial from the popular point of view.

Senator Sir JOSIAH SYMON

- If Senator Gould means that we must be careful to avoid all possible extravagance, that we must be careful to see that the Commonwealth accomplishes its high purpose without adding to the burdens of the people more than is absolutely necessary, and that it should retain the good esteem of the people of this country, then I am entirely at one with him. As I have said, the Bill itself is simply an administrative measure. We had a most interesting speech from my honorable and learned friend, Senator Drake, in introducing it, but a great deal of the ground he travelled over is not touched by the Bill at all. I can find nothing in it with regard to the very important points raised by Senator Gould in relation to the establishment of post offices in country districts. I can find nothing in it that raises the issue whether buildings more or less ornamental, in the Italian or some other style, are to be erected in these localities, or whether they are to be constructed out of loan moneys or revenue.

Senator Major Gould

- The point was raised in Senator Drake's speech.

Senator DRAKE

- Clause 18 just touches it.

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Senator Sir JOSIAH SYMON

- The clause just touches it only to avoid it. It is really beating the air for us to enter upon that now, because any expression of our views can have no tangible result. There is no issue on which we are called to express an opinion. I do not assent to the suggestion that the Commonwealth is to proceed to raise loans at an early date for the purpose of building these presentable post offices in outlying districts. I think myself that the more cautious we are and the longer the Commonwealth abstains from raising any loans of any kind the better. I for one will set my face against loan raising by the Commonwealth for any purpose, unless it be for some great patriotic and national scheme for taking over all the debts of the States, or something of that kind. That is a matter for very serious debate. It will come on by-and-by. Of course, the Bill is founded, as Senator

Drake pointed out, on an acknowledgment that the postal and telegraphic systems, by being effectually in the hands of the State, must be a monopoly. That principle underlies it. There may be State monopolies which are not so beneficent, but, by universal assent, this is a beneficent monopoly. Therefore, to every reasonable provision that is made in this Bill, with a view of carrying that out, I think we shall all agree instantly. There are three points to which principal attention may be directed, and it may be well to mention them as they occur to one. There is a provision in one of the earlier clauses, and also in the clause dealing with regulations, enabling the Governor-General to fix rates of postage and so on, but the fixing of these rates is to be done by a system of regulations, and the regulations are to be laid before

Parliament within a period specified in the Bill. Without parliamentary sanction, either given by implication or expressly, they will have no effect. There is an important provision embodied in clauses 16 and 17, as to giving power to the Commonwealth, if one may use the expression, to commandeer State railways. It seems to me that there has been a little misapprehension in the discussion which has taken place outside with regard to this point, because unless the Commonwealth which takes over the whole of the postal, telegraphic, and telephonic systems of the continent, is in a position to avail itself - subject to proper terms to be settled by arbitration if the authorities cannot agree - compulsorily really if need be of this provision, the whole scheme might break down. Therefore, we must bring to the consideration of this particular point the principle underlying the whole of this Australian union, that the Commonwealth is supreme, and that the railways, as far as the conveyance of mails is concerned, are in no better position for this purpose than if they were in the hands of private companies.

Senator Keating

- From that point of view private companies are not in such a bad position. The Commonwealth could not commandeer railways belonging to private companies.

Senator Sir JOSIAH SYMON

- Yes, it could. Perhaps, however, the use of the term "commandeer" signifies taking possession, as Bob Boy would have done, by force. What I meant to convey was that the Commonwealth might avail itself of this provision subject to adjustment, as to what is fair compensation for the carriage of mails over the railways, just as in my own particular State there are certain provisions with regard to shipping mails for the benefit of the public without doing an injustice to ship-owners. Then, there is another debatable clause to which attention was drawn the other day. I refer to the provision in clause 64, which, to put it in plain terms, is intended, I think, to abolish what is known, as "Tattersalls." That is a very remunerative institution, which is carried on in Tasmania, and it means a considerable amount of revenue to that State. The conduct of that system, however, is, in the estimation of many good people, a cause of evil, and it does seem to me that we ought not to allow Tasmania to remain the one black sheep in the Commonwealth flock. If all the other States have put an end to this system, which is a very vicious and bad one, then I think that in this as in many other things we ought to have uniformity throughout the whole of the Commonwealth. It may well be brought to an end in Tasmania, and if the clause is intended to have that effect, as it seems to me it is so intended, then certainly it shall have my most active and sincere support. The only other clause that I should like to draw attention to is clause 150 with regard to the power of settling minor offences, infringements of the Act which do not come within the category of indictable offences. I would ask Senator Drake whether that clause might not be remodelled, or at all events reconsidered. The vice in it as it appears to me is in constituting the Postmaster-General a "court," no doubt with the consent of the party accused. That is a bad principle. I think it better to give the Postmaster-General power in any of these minor cases to decide without asking for the consent of the accused, but to decide himself, as a mere administrative matter, whether or not he will proceed with the case. He should be allowed to decide, as I interjected the other day, whether he will say "don't do it again," or whether he will impose some trifling penalty as a warning to the person accused, and, perhaps, as a lesson to others to avoid doing the same thing.

Senator Drake

- Is that not the effect of the clause ?

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Senator Sir JOSIAH SYMON

- The effect of the clause is to infringe a well known rule. The accuser is placed not in the position of a generous accuser, to let the accused person off, but in the position of a Judge, to determine the question and to inflict a fine, as though he were sitting in a court. It would be a better and a wider power, I think, to allow the Postmaster-General to abstain from prosecuting in minor cases, but with a discretion to abandon proceedings upon such terms as he might think fit. These, it seems to me, are the most important parts of the Bill itself which may possibly be open to discussion. Nearly all the other clauses are inserted with the object of consolidating the measures in force in the various States, selecting, as I believe, the very best from the mass. The sooner, for the benefit of the postal and telegraphic departments, we get them embodied in law, the better it will be for the conduct of the service.

Senator EWING

- I cannot agree with the remarks made by the honorable and learned senator who has just resumed his seat that this is merely a machinery Bill, because if honorable senators will look at clauses 19 and 91 they will see that the main principle involved is handed over practically to the decision of the Executive.

Senator DRAKE

- Oh, no. The regulations have to be laid before Parliament.

Senator EWING

- But they become law before they are laid before Parliament. That is the point upon which I desire to address this Senate. Those who represent the gold-fields of Western Australia have had some experience in this matter. The Gold-fields Act of Western Australia provided, just as this Bill does, that the by-laws and regulations under that Act should have the force of law, and consequently it handed over, in all questions in which it was impossible to frame regulations, the power to Ministers to legislate practically behind the back of Parliament. What happened ? While Parliament was not sitting, the Ministry brought in the notorious 10-ft. regulation, which deprived thousands of people "of the means of earning their livelihood. It was legislation in the fullest sense of the term. Under clauses 19 and 91 of this Bill it is provided that the power of fixing fees for the carriage of letters, the power of deciding the very vital principle of whether newspapers should be carried free or not, and if not the amount to be imposed should be left to the sweet will of the Governor-General in Council, acting under the advice of the Postmaster-General.

Consequently we may find the Postmaster-General acting without any expression of opinion from Parliament. Presuming that this is only an administrative Bill, we are really delegating to him the power to say of his own initiative whether newspapers should be carried free or not. Surely the question of free postage, or the rate of postage that is to be charged, is the vital principle underlying the administration of this department, yet here we are about to delegate it irrevocably to the Minister without any power on our part to check his actions in the matter. I think it is as highly desirable that the regulations should be introduced into the Senate, and should receive the sanction of Parliament, as that the Bill itself should receive our sanction. We are not here to delegate our powers of legislation to the Postmaster-General, not to put on the shoulders of the Postmaster-General the decision of this question ; it is our duty as legislators to discuss the question and to come to a conclusion upon it. Therefore, I submit that it will be desirable for the Postmaster-General, before this Bill is passed, to see that the clause with regard to regulations having the force of law immediately they are gazetted is replaced by a clause by which no regulation framed for the administration of the measure shall have any force whatever until it has received the assent of Parliament.

Senator Playford

- We might as well do away with it, and embody it in the Bill.

Senator EWING

- I really think it is highly desirable to embody the regulations in the Bill. It might be possible to divide the regulations into two classes.

Senator Sir Josiah Symon

- Does the honorable and learned member think that any Government would introduce penny postage, for instance, without first taking the opinion of Parliament on it 1

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Senator EWING

- I am not arguing what any Government would be wise or unwise enough to do. I am considering legally the effect of what we are doing. I have no doubt that the Postmaster-General is a wise and discreet man, and will act as such, but I hold that we as a Legislature have no right to assume that our Postmaster-General is everything he ought to be. This legislative power is intrusted to us, but is not intrusted to us to be delegated to somebody else. I think we should take the responsibility of our action, and that it should not be handed over to the Postmaster-General to do just as he thinks desirable. If regulations are to have the force of law immediately they are gazetted, then, in my humble opinion, they should only be formal regulations for the purpose of working the department, and not in any way connected with a vital principle, such as the amount which is to be charged for postage in the Commonwealth. Nor should they deal with the question of whether the newspapers of the Commonwealth should be carried free or whether they should not.

Senator Dobson

- What loss of revenue would Inter-State penny postage create 1

Senator Playford

- £300,000.

Senator EWING

- I am not discussing the effect of the action of the Minister. I am discussing the principle which underlies this clause giving the Minister power to frame regulations which have the force of law whether Parliament approves of them or whether it does not. I come from a State where the consequence of this provision has been evidenced, and all the representatives from Western Australia will join with me when I say that it almost revolutionized that State. When we have had an experience of that kind, surely it is desirable to see that the principle - and it is the principle I am now combating more than anything else - is not introduced into one of the first Bills that the Commonwealth Parliament has to deal with.

Senator FRASER

- I compliment the Postmaster-General on his lucid statement of the provisions of the Bill, and I agree with Senator Gould that it is more in the nature of a consolidation Bill than a Bill containing new matter. With regard to the carriage of mails, of course we all agree that where the department can at a very slight extra cost have parcels carried with passengers, that is a great advantage. Wherever mails go now passengers go. That is a new feature. We have a very large quantity of parcels going with mails. The passengers follow, and it is an advantage to the community at large that people should have facilities for travelling throughout the remote parts of the country. I have travelled throughout the remote parts of Queensland as well as of other States, and I do not think there will be much for the Postmaster-General to do in that regard. Most contractors prefer to run a light vehicle than to ride on horseback, and if they can they will drive a little trap rather than ride on horseback.

Senator Glassey

- No.

Senator FRASER

- I have been into the remote parts of Queensland. If a man has to go out to Winton and the Never Never country, as I have had to go, he will find little conveyances, if possible. In times of drought of course it is not possible to have traps. I do not think there will be very much trouble on that score, and, with Sir Josiah Symon, I hope that there will be no borrowing for some time to come. I do not think there is any necessity to borrow, and if we do not go borrowing we will not go sorrowing. We have borrowed too much already. I do not mean this Parliament, but the the Australian people. I see in the Bill a provision to perpetuate six deputy postmaster-generals, It would be far better, in my opinion, to divide the Commonwealth into provinces, and let the deputy postmaster-generals who have been in office for so many years remain at their present salaries until they retire, and get the pensions, they are entitled to. To keep up six deputy postmaster-generals, with six different departments, is not taking the advantage of the Commonwealth Act in the true sense.

Senator Glassey

- Deputy Postmaster-General is only another name for undersecretary.

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Senator FRASER

- I understand that, with one exception the Deputy Postmasters General are to have co-equal power. There should be six inspectors instead of six deputy postmasters-general. There should be only one deputy postmaster-general, and that is the man next to the Minister, and the contracts, instead of being let in one State, should be let in all the States, and all these matters should be regulated in that way. I agree entirely with what Senator Ewing has said in regard to clause 91, and I meant to speak on the subject. It undoubtedly gives the Minister the power to fix the rates for private telephones and to do a lot of other things. There is a great number of private telephones throughout the Commonwealth. In Queensland there are long lines of telephones bringing grist to the mill, as the saying is. Nine-tenths of them or more are connected with railway stations. It is for the Government to facilitate the laying of these telephone lines, and to make the rates as reasonable as possible. I hope and believe - the Minister has not alluded to this point - that the present rates will continue, that there will be no raising of rates on private telephone lines. If the Minister can fix the rates - as he can according to clause 91 - I think it would

be better to insert a schedule of rates in the Bill. There would be no difficulty about that. I suppose that the rates will be for some time, hence the rates which are now ruling.

Senator Playford

- It will be necessary to have one for each State, because they are all different.

Senator FRASER

- They are different.

Senator Playford

- We cannot put six different regulations in the Bill.

Senator Sir Josiah Symon

- We would not know where we were.

Senator FRASER

- Perhaps the honorable and learned member knows where he is.

Senator Sir Josiah Symon

- I do ; I am sitting at the feet of Gamaliel.

Senator FRASER

- What earthly reason is there for continuing the old system ? Why should there be differential rates for telegrams from the Gulf of Carpentaria to Cape Chance or any other point one likes to name? If I send a telegram from one State to another, there is a differential rate, although it may be a shorter distance than to Port Darwin. If I send a telegram from Adelaide to Port Darwin, I presume the rate is the minimum rate of South Australia; whereas, if I send a telegram from here to Port Darwin, although it is the same distance, I pay double or treble the rate.

Senator Sir Josiah Symon

- That is the fault of the State Government.

Senator FRASER

- From this time forth that should be done away with.

Senator Sir Josiah Symon

- That is what they will do under the regulation.

Senator FRASER

- The regulation does not deal with that, nor does the Bill indicate in what way it is to be dealt with. The Commonwealth should be divided into districts, and there should be an inspector for each district, who would, of course, emulate the inspector in the adjoining district and in the other districts. By that means we would get full advantage of the system, and it would be better than following the old hard-and-fast rule of having six deputy postmasters-general. I know the Deputy Postmasters-General are very able and capable men. I am not saying a word against them. I am not speaking in that direction at all.

Senator McGregor

- It looks very like it.

Senator FRASER

- I assure the honorable member it is not so. I merely made that remark so that it should not be understood in that way. One of them is very old.

Senator McGregor

- Does the honorable senator suggest that they should die?

Senator FRASER

- Another is retiring, so that the trouble is not so great as one would imagine. The New South Wales man is retiring, and the other is old enough to retire.

Senator Sir Josiah Symon

- The honorable senator thinks that nature will do what an Act of Parliament might.

Senator FRASER

- Nature is irrevocable. I am dealing with principles, and not with jocular matters. The rates for telegrams should be fixed by zones, or distances, so that business men would not be at the mercy of regulations. I am not at all afraid that the Postmaster-General will do anything wrong. But it would be far better to fix the rates in a schedule than by a regulation, because a regulation becomes law immediately it is gazetted. Private telephone lines are being established all over Australia, and if the present rates were raised the charge would be too heavy, so that men would have to give them up. There is a good deal of difficulty

thrown in the way of private telephone lines crossing roads. I may desire to put a line under the earth in such a way that there will be no possibility of danger to it, but there are all sorts of difficulties and red-tape created by the department. I have had some trouble in regard to this matter, so that I know a good deal about it. I hope that in this Bill all sorts of useless and needless red-tape will be done away with. I again congratulate the Minister on the very lucid speech he made in regard to the Bill.

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Senator PLAYFORD

- This subject is, to my mind, beset with difficulties, because we must remember that for five years, after the imposition of uniform customs duties, not only will the Customs revenues received in the various States be credited to those States, but also the postal revenues. The proposal to give power to the Government by regulations to alter the rates, and practically to do what they like in the matter, is a very serious one to some States, because the alteration may cause a very serious loss of revenue to them. Therefore it appears to me that no Government ought to have the power of fixing new rates and making people pay them, before Parliament has approved of them. AVe should have some opportunity at all events of protecting the interests of our various States, if in the imposition of these rates they are injured in the slightest degree. I think Senator Ewing is perfectly right in his contention, and that these regulations should not be put into effect so far as regards rates until Parliament has had an opportunity of expressing its opinion. Undoubtedly the position which should be taken up by the Senate, if the rates are going to be fixed by regulation and not in the Bill, should be that the Government should lay the regulations upon the table, and if after 14 days no action is taken it might be assumed that Parliament is satisfied with them. Until the 14 days have passed the regulations should not become law, and they should not ' become law if they are objected to by either House - until, at all events, the two Houses have had ample opportunity of discussing and coming to a conclusion upon them. It is a very serious thing indeed to give the Government power to make a uniform rate of postage which may operate to the very great injury of some States. We were elected to protect the interests of States, and more especially the smaller States, and we should not approve of a Bill which leaves it practically in the hands of the Government, for some six months possibly, to collect rates of which we may entirely disapprove in the interests of some of the various States.

Senator Glassey

- Would the Government do anything that would dislocate the finances of the States ?

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Senator PLAYFORD

- I can assure the honorable senator that although the Ministry would not willingly dislocate the finance of the States, they have a very difficult position in front of them if they are going to try to make a uniform rate. When we come to the question of Customs, it will be found that when you are raising a sufficient revenue for the purpose of meeting your expenditure in the Commonwealth, and returning a certain sum to the various States, some States by the uniform system will be entitled to more money than they at present receive from their Customs, while other States will find themselves in the position of receiving very much less, and I am afraid that the State which my honorable friend- represents will come out the worst in that respect. Now we come to another question which has been raised, and that is the facilities for carrying passengers to country districts. I contend that this is a question which ought to be dealt with by each State. I hold, along with the Postmaster-General, that it is the duty of the States to look after the development of their own country ; and that it is not primarily the duty of the Commonwealth, in the management of a big department like this, to expend sums of money for such a purpose. Such a system would always be liable to abuse, and although I for one would not desire to say that no facilities should be given, or that in some cases we might not agree to give a slightly larger sum for a certain mail contract to be run by an omnibus, which would carry passengers as well as mails, yet if that is to be done to any considerable extent, I contend that it would be much more satisfactory to the States concerned, that the additional expenditure should come from them, rather than from the Commonwealth. To Senator Gould, who used the argument that we ought not to do anything as a Parliament which would cause dissatisfaction in the States, and that we ought to show that we are giving them advantages, I would point out that any advantages we may give in the direction he indicated, would be paid for by the people. Is it not a great deal better that the people of each State should pay for those advantages themselves, than

that the Commonwealth Government should do it, because there will always be jealousies arising from the feeling that some States are being better treated than others. There is always a danger in that direction, and it appears to me that it would be a good deal better to have some uniform plan on the subject, and practically to ask the States to pay something for this additional accommodation, if they think it worth their while to do so, in the interests of their own people and in the development of their country. They will have to find the money, and not the Commonwealth. It is a great deal better for them to find it directly, and say how it shall be spent, than for us to take the right of expending it, when the chances are we shall have considerable jealousies between the States.

Senator Major Gould

- Then the State Parliaments will be interfering unduly with the policy of the Commonwealth Government.

Senator Drake

- Oh, no.

Senator PLAYFORD

- I doubt that. If there is a uniform system I think the Minister will take care that there is no undue influence. He will be willing to call for tenders, say, for a horse service if it would be ample for all requirements. If representations were made to him, however, he might call for alternative tenders for a horse ' and a bus service, and if the State desires the latter, charge the difference to it. I think the thing could be easily managed in that way. With reference to the erection of post-offices, my own idea is that in a great many instances, especially where there is a doubt as to whether the settlement is likely to be permanent, the Postmaster-General will have to be careful in his initial expenditure. When, however, a township is seen to be growing, and there is every prospect of it succeeding, the Postmaster-General should not be too niggardly in the amount he grants for the erection of suitable buildings. It would be wise, on the ground of economy, that he should go a little beyond present requirements. He should anticipate the growth of a township, and if he puts up a post-office, it should, at all events, be a decent one. This is a machinery Bill, and with the exception of the points I have mentioned, I do not see that there is anything to which exception can be taken. I shall, therefore, be pleased to assist the Government in its passage.

Senator BEST

- I agree with what has fallen from a number of senators as to our indebtedness to the Postmaster-General for his splendid exposition of the principles of this Bill, and also for the way in which he indicated the lines of policy that would guide him in connexion with the administration of the Postal department. I cannot help thinking that he rather laid too much emphasis upon the commercial aspect of the measure. He has got to remember, as I am sure he does, that we have here a vast undeveloped continent, and that we have a duty to render to those who do not crowd themselves into cities. We ought to offer them every possible facility, with the view of making their lives as agreeable as possible. That is a general principle I am sure we will all bear in mind. We cannot afford to disregard the commercial aspects of the matter, yet we have to remember the indirect advantages which may follow from offering facilities, so far as postal services are concerned, rather than to consider the immediate return likely to accrue. Now, while it is desirable that we should have ornamental post-offices in important townships, yet I am sure every senator will realize that efficiency and comprehensiveness in the postal service should be the first consideration. No doubt when settlement is undoubted and the conditions of a township warrant the erection of an ornamental building in the shape of an architecturally beautiful post-office, the matter will receive due consideration. Now, in glancing through this Bill, I notice a number of important clauses which have been specially mentioned. Clause 16, which was mentioned in particular, is one that I have looked at, and which I venture to submit; with great respect, is not in the best form in which it might possibly be put. It says : -

The principal railway official of every State shall carry mails on any train run upon the railways under his control if required by the Postmaster-General so to do and shall provide all usual facilities for the receipt, carriage , and delivery of all mails that he is required to carry.

I am not quite sure that the Commonwealth has that power.

Senator Glassey

- It only wants a word or two of amendment.

Senator BEST

- I am only submitting this aspect for the consideration of the Postmaster-General, with two objects. I do

not know that it is necessary that the clause should be inserted at all, because it is a matter of business arrangement between the Commonwealth and the States.

Senator Sir Josiah Symon

- Suppose they cannot agree ?

Senator BEST

- I do not think that there is going to be any undesirable dispute as between the Commonwealth and the States on a matter which is of such vital public interest. The Commonwealth and the States represent the public, and the anxiety of both will be to come to a reasonable business arrangement.

Senator Playford

- Then there is no harm in the clause ?

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Senator BEST

- I submit that it is not clear that the Commonwealth has power to make an enactment of the kind. It is quite true that section 51 of the Constitution Act provides that the Parliament shall have power to make laws for the good government of the Commonwealth with respect to postal, telegraphic, telephonic, and other like services, and also the control of railways with respect to the transport for naval and military purposes.

Senator Sir Josiah Symon

- Will you read section 5 of the Constitution?

Senator BEST

- Will the honorable senator allow me ? As far as our railways are concerned, I am pointing out the particular section of the Constitution Act which deals with their control in respect to transport for naval and military purposes. The Act deals also with the acquisition of the railways, and leaves that to be a matter of arrangement between the Commonwealth and the States. That indicates what our control of the railways is to be, and it is true that by sub-clause 39 of section 51, power is given to make laws in regard to matters vested by the Constitution in the Parliament. I submit for the consideration of the Postmaster-General, whether it is absolutely clear that the Commonwealth has power to enact a clause of this kind, and, if it has the power, whether it is desirable that the clause should be worded in this way.

Senator Sir Josiah Symon

- It might be put more politely.

Senator BEST

- I am aware that some resentment has already taken place in regard to the somewhat dictatorial terms of this measure.

Senator Drake

- Surely not ?

Senator BEST

- It may be unreasonable.

Senator Sir Josiah Symon

- You must not be so touchy.

Senator Drake

- What would you suggest as more polite?

Senator BEST

- We will have an opportunity of making suggestions in committee, but I say that unless it is absolutely clear that we have got that power we should be very particular as to the insertion of the clause.

Senator Charleston

- Clause 17 deals with it.

Senator BEST

- The honorable senator has hardly followed what I was urging. I was urging the constitutional power of Parliament to make an enactment of the kind. I agree with what has fallen from several honorable senators with regard to the fixing of the rates of postage by regulation. I do not think that we should fix our rates, as far as letters are concerned, by regulation. There are many subjects referred to in clauses 19 and 91 that are essentially matters for regulation ; but the question of postage rates, which so materially affects the interests of the Commonwealth, should be a matter for the deliberation of Parliament rather

than for regulation, which in every probability would escape the attention of nine-tenths of the members of this House and of another place. I. would also emphasize the view that has been stated, that these regulations have as a matter of form only to be put on the table of the Chamber. Now that is scarcely right, and as we are forming a precedent, the obligation on us is the greater to lay down some wholesome well-founded principles with regard to what form any delegation' of power by Parliament shall take. Regulations are practically delegations by Parliament enabling responsible Ministers to do certain executive acts. What I feel is that instead of these regulations, no matter what they are, being formally laid on the table, we should adopt some affirmative act. What I mean is that regulations should be confirmed by a resolution of the Senate, say within 14 or 30 days as the case might be, and should come into operation only after having been so confirmed.

Senator Sir Frederick Sargood

- We have precedents for that.

Senator BEST

- Of course there are plenty of precedents for regulations not coming into operation until they have received the sanction and approval of Parliament. I think the matter is well worth consideration. Now, there is another provision that has been mentioned, and that is clause 54, which refers to the enabling power taken by the Minister to prevent the delivery of letters. I am quite certain of this much, that in its design and object the clause is essentially in the public interest ; and I believe, moreover, that so far as four or five of the States are concerned, they have already laid down the principle that Parliament shall not be a party to offering facilities for gambling. The Parliaments of several of the States have been at all times careful that no public sanction shall be given to the pernicious system of gambling in any shape or form.

Senator Sir Josiah Symon

- Except by the totalizer.

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Senator BEST

- No doubt, that is in force in some of the States, but in the State which I have the honour to represent, while we have plenty of gambling in our midst, while our biggest carnival partakes largely of that element, yet Parliament has been careful, as far as its public legislation is concerned, to avoid any sanction of the principle of gambling, and we have very rigid laws which neutralize its pernicious influence.

Senator O'Keefe

- And thereby increase its pernicious effects !

Senator BEST

- That is a matter of opinion. But I am only stating the public policy of the State which I have the honour to represent. I would also draw attention to the fact that there is an Act of Parliament in force in the State of Tasmania which directly permits certain forms of gambling known as Tattersall's sweeps. I would ask the Postmaster-General whether it is not desirable that that Act should be directly repealed 1 I believe that if we pass this Bill in its present form it will probably have the effect of overriding the power of the State of Tasmania in that respect.

Senator Harney

- It says "any unlawful." If it is not unlawful it cannot be interfered with.

Senator BEST

- Assuming that this Bill is passed, it will permit the Postmaster-General to prevent the delivery of certain letters in connexion with Tattersall's sweeps.

Senator Harney

- It does not give that power.

Senator BEST

- I think it does in clause 54.

Senator Harney

- If it is not unlawful, the clause has no operation.

Senator BEST

- I do not read it in the same way as my honorable friend. Clause 54 says : -

) The Postmaster-General if he has reasonable ground to suppose that any person to be engaged either

in the Commonwealth or elsewhere in receiving money or any valuable thing -
as consideration for an assurance or agreement express or implied to pay or give or as consideration for
securing that some other person shall pay or give any money or valuable thing on an event or
contingency of or relating to any horse race or other race or any fight game sport or exercise ; or
for promoting or carrying out a scheme connected with any such assurance agreement or security or a
lottery or scheme of chance not sanctioned by law or an unlawful game ; or
under pretence of foretelling future events ; or

in connexion with a fraudulent obscene indecent or immoral business or undertaking ; may by order under
his hand published in the Gazette direct that any postal article received at a post-office addressed to such
person either by his own or fictitious or assumed name or to an address without a name shall not be
registered or transmitted or delivered to such person.

The order shall specify such name or address and shall upon publication be of full force and effect until
cancelled by the Postmaster-General.

That seems to me to enable the Postmaster-General to prevent the delivery of these letters if he desires ;
and, consequently, I would ask him to consider his position with regard to the State of Tasmania, where
there is a law directly authorizing these sweeps.

Senator Drake

- Not directly authorizing the delivery of letters.

Senator BEST

- There is a law directly sanctioning this form of gambling. I want to draw attention to the conflict that will
exist in that connexion. I am disposed to think that if the Bill passes in its present form it will override the
terms of the Tasmanian Act.

Senator McGregor

- The Constitution says that where the law of a State conflicts, with the law of the Commonwealth, the
latter shall prevail.

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Senator BEST

- That is the point I am arguing. There is another matter which has challenged the attention of honorable
senators. Clauses 92 and 150 give power to the Minister to deal with certain offence! which are not
indictable offences. A similar provision exists in the Victorian Customs Act, and I can only say, after five
and a half years' experience, that it has been found exceedingly useful. So long as the principle is
followed, which I had the honour to rigidly observe during my term of office, namely, that every offence
should be dealt with in public, and that every information should be given to the public in regard to these
matters, it will prove a very valuable provision. The Customs Act contains some very rigid sections of this
kind, and I do not mind saying no, v, after the event, that I found them specially useful in cases where, if I
had attempted prosecutions, I should have had to overcome certain technical difficulties, and where the
Government would have been obliged to go to serious expense and trouble in order to secure a
conviction, although the person concerned admitted his guilt.

Having the advantage of such a power, however, I was enabled as Minister of Customs to punish these
offenders in a very Substantial manner. I think my record of fines for the first three years amounted to
£10,000.

Senator McGregor

- The honorable and learned senator was robbing the legal profession.

Senator BEST

- I did not mind that. Of this I am perfectly satisfied, that in a case where I fined a man £4,000 there were
certain difficulties which would have proved very embarrassing if I had been obliged to enter upon a
prosecution.

Senator Sir Josiah Symon

- Does the honorable and learned senator think it was right to fine a man £4,000 when, if he had
"instituted a prosecution, the proceedings might have failed 1

Senator BEST

- The man admitted his guilt, and justice was done. As far as my experience goes I think it is a wise thing
to vest such a responsibility as this in a Minister who is responsible to Parliament, and with due publicity

in all such cases I venture to say that the clause will be found to work for the public good.

Senator MACFARLANE

- I wish with other honorable senators to join in an expression of thanks to the honorable and learned gentleman in charge of this Bill for his lucid and comprehensive explanation of it. There are seven Tasmanian Acts which it is proposed to repeal by the Bill, and there are several clauses in it which are new to us. I quite agree with the Government that the Postal department should be conducted upon business lines and with due regard to economy. Such a proposition has my hearty approval. We ought to know the exact position of ; the Postal department more than that of any other department. The Postmaster-General told us the other day that he could not "tell whether there was an actual profit or loss, because so many works had been charged to capital which ought to have been charged to revenue. I would draw the attention of the honorable and learned senator in charge of the Bill to clause 36, sub-clause (2) of which provides that -

Any person who sends a registered article by post may obtain an acknowledgment of its due receipt by that person to whom it is addressed by paying the prescribed fee in advance at the time of registration in addition to the registration fee

That is a new provision to us. I would like to see the principle enlarged so that a receipt could be obtained and money delivered at the door, just as it is done in Switzerland.

Senator Drake

- That is as to valuables passing through the post. That is done in Queensland, which is the most advanced State in postal matters.

Senator MACFARLANE

- In Switzerland parcels are delivered, and the cost, which the sender may indorse thereon, is collected.

Senator Drake

- That is what I meant. What is the first point to which the honorable senator referred to

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Senator MACFARLANE

- To the delivery of actual money. That is a point which might be included in the Bill, but, of course, it is a matter for consideration. Under clause 38 it is proposed to prevent the delivery of any postal article containing enclosures intended for a lottery, It has been shown that clause 54 is ambiguous in this matter. To take away the ambiguity, I propose to move when the Bill is in committee the omission of the words "not sanctioned by law," which appear in sub-clause (b) of clause 54. I should like to draw the attention of Senator Drake to clauses 68 and 69, -which, in my opinion, are very drastic. Clause 68 requires that the master of a vessel not carrying mails under contract shall give six hours' notice to the post-office before departure from port. In Tasmania, we frequently have vessels coming into port from England for two or three hours, and then going on to New Zealand. It would be unreasonable to expect such vessels to remain in port for six hours so as to be in readiness to receive any mails the post-office might desire to send. I should like to see the time limit reduced -to- two or four hours. Another matter which I think requires consideration is in regard to the postponement of the time of sailing. The master of any vessel remaining in port for one hour after the fixed time of departure has, on demand, to send back to the post-office any mails he may have received. In the case of a post-office being a long way off we should have a constant sending of mails backwards and forwards. I would like to see the clause slightly amended. There are one or two other matters to which I had intended to refer, but after what has been said I will conclude by expressing the hope that the cable connecting Tasmania with Australia will be acquired as soon as possible by the Commonwealth.

Senator HARNEY

- I join with other honorable senators in congratulating the Postmaster-General upon the very lucid manner in which he opened a rather intricate subject. I was very pleased to hear that the idea running through the Bill is to make the department a commercial concern purely. The honorable and learned gentleman pointed out very clearly that, owing to either a laxity of administration, or to provisions in the Acts of some of the States, the Postal departments had for some years been carrying out functions that properly belonged to the Education department or to the Treasury, and which were also of a political nature. For instance, the honorable and learned member said that the department was made a means for the carrying of newspapers free for the advancement of education. I thoroughly agree with him that if it is

desirable to advance education in that manner, it should be made a charge on the Education department. We were also given an illustration to show that, for political purposes, the postal services were at the disposal of those who wished to open up the country. I agree entirely with the remark made by Senator Best, that this being a monopoly it ought as far as possible to be stretched so as to carry out political as well as postal ends. I think that, the view of the Postmaster-General is given effect to by clause 18. The Bill seems to me to leave it as open as it ever was to give means for the development of these back country districts, but the cost will be charged not to the postal service, but to other services in the State.

For instance clause 18 says -

The Postmaster-General may arrange or contract with any local governing body.....

Might I suggest that the term " State governing body " should also be used ?

Senator DRAKE

- Perhaps the word "person" in the interpretation clause covers State.

Senator Best

- I should not think so.

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Senator HARNEY

- It is only a matter of draftsmanship, but this clause gives power to the Postmaster-General to make arrangements or contracts with the local governing bodies for the purpose of giving them facilities which, properly speaking, would fall outside what is the duty of the post-office.

Therefore if it became necessary to open up a district by giving postal communication which, as a commercial undertaking would not pay, it would, I assume, be the part of the Treasurer of the State concerned to supply such funds to the municipality, or to the local authority, as would enable it to enter into the special contract referred to. Now, sir, having made these remarks I am sorry to have to depart from the logistic terms I have employed. It seems to me that the Bill contains provisions that not only do not appertain to postal business as a commercial undertaking, but broach upon functions of a social nature that it is really outside the power of this Constitution to impose. I refer to clauses 54 and 55. The effect of these clauses is very much stronger than apparently has appeared to the Senate. My reading of them is, that if the Postmaster-General does suppose, upon reasonable grounds - and who is to test the reasonableness of them - that an individual is carrying on a lottery or a betting business or a fortune-telling business, he can stop any communication whatsoever from going to that person. He would, be able to say - " Show me a man who conducts a lottery and I can tell him that he is safe in the receipt of none of his letters." Any document passing through the post, whether it comes from a man's wife or children or whether it is on the most private business or in reference to the most innocent concerns will be at the disposal of the Postmaster-General. As the Postmaster-General cannot see inside the envelopes, I take it that a notice will be posted up in all the offices giving the names of persons who conduct lotteries or betting-houses. Every letter addressed to them would have all its sanctity removed, and would be torn open. This is, undoubtedly, a most drastic clause. It is also a clause which seems to me not only to have nothing whatever to do with postal business, but to be an encroachment, upon the liberty of the subject that would, not be allowed in any other part of the world. I think I am not wrong in putting it to the Senate that the definition of a postal business is the carrying of letters, parcels, and goods. I maintain that if the Postmaster-General is going to be consistent, if he is going to realize in the conduct of his department the words; which he used in his opening speech, it will be necessary for him to see that every letter is as sacred in passing through his office as it would be in the hands of a carrier. I at once admit that even the commonest of common carriers is bound not to become an accessory to the criminal law; he is not bound to become a vehicle for conveying blasphemous, seditious, indecent, or criminal language to any one. The line he must draw under the force of the criminal law is the only line that a Postmaster-General, who would conduct his department as a business concern, would be entitled to draw under this Bill. It may be said - " Oh, well, if you admit that the Postal department as a carrier is entitled to those limitations - upon its duties which a carrier would have, what is the difference between blasphemous and seditious language in principle, and a thing which is unlawful according to Act of Parliament? I consider that there is the greatest possible difference. Every lawyer knows that it is one thing to have an offence which is made so by statute, locally, temporarily, and for certain political exigencies, and another thing to have an offence which does not arise by virtue of any Act of Parliament, but by virtue of the government of

civilization itself, which is at all times and in all places essentially wrong. There is a vast difference between a theft, for instance, and these lotteries. A theft is always wrong, and therefore the law says to a carrier - " You shall not do anything which would make you particeps in the slightest degree to the crime of theft." But the law never says to any carrier "Because a parcel committed to your care happens to be directed to a man who is carrying on a lottery, therefore you are released from your duty of carrier, and need not deliver it." Would it not be a monstrous thing if I were to give to a railway officer a document or a parcel consigned to some person who was openly carrying on a betting house, and if, after taking my money, he refused to deliver the parcel 1 Yet that is precisely what the Postmaster - General claims the right to do. It seems to me there is a further consideration, and one that suggests greater difficulties. By the Constitution of the Commonwealth we have no right to take part in social legislation. That is reserved for the States. It is for each State to say whether it shall or shall not put down lotteries. By what authority, then, do we come forward under this Bill to assert our notions in reference to this class of social legislation ?

Senator Ewing

- The honorable and learned member is wrong at common law.

Senator HARNEY

- By what authority can we in this Commonwealth, who have no right to deal with social legislation, say to Tasmania - " We will put in social legislation contrary to our powers, and do what you yourselves do not want to do " 1

Senator Best

- Does the honorable and learned senator say this clause is ultra virus 1

Senator HARNEY

- I would not go so far as that, because I might be answered by this subtlety, which some ingenious lawyer such as my honorable and learned friend, Senator Sir Josiah Symon, might put - " Oh, but this is not interfering with social legislation ; it is only saying that we know this is wrong, and we will not become parties to furthering the wrong." But, in fact, it is an interference with social legislation, because if any Tasmanian letters are intercepted that have to do with the carrying on of this lottery business we in the Commonwealth put an end to what Tasmania says is a lawful act. What a very nice position we would be in - and I commend this view to the consideration of the Senate - if we allowed this clause to stand, and the Bill became law, and next year the Government of Western Australia or Victoria came to the conclusion that lotteries were good things, and that" they would countenance them. What would be the effect of the Bill then? Is the Commonwealth, which is denied all legislation in these social matters, to override the State, to which is committed full jurisdiction ? In my opinion, if that case arose the clause would -become inoperative instantaneously, because, although as one honorable senator remarked while Senator Best was speaking, where a conflict arose between the State legislation and the Commonwealth legislation, the latter would prevail. That is where each is within its jurisdiction, but the Commonwealth cannot override in something that is outside its jurisdiction a State in something that is within its jurisdiction.

Senator Glassey

- Does the honorable and learned member regard old-age pensions as a social question 1

Senator HARNEY

- The right to legislate on old-age pensions, as the honorable senator must know if he has read the Constitution, is specially reserved.

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Senator Glassey

- But it is a social question.

Senator HARNEY

- There are 39 articles in the Constitution that define the matters with which, and only with which, we" may deal. The class of social legislation that is referred to in this clause is not to be found in the 39 articles, and we are seeking, by a provision in the Bill, to give effect to a social opinion which constitutionally we have no right to form, and which constitutionally we ought to be incapable of giving effect to.

Senator Ewing

- We do not prohibit lotteries ; we merely say we shall not be a party to them.

Senator HARNEY

- We say a great deal more.

Senator Keating

- We impose a disability on those who are taking part in them, which we have no right to impose.

Senator Ewing

- We refuse to distribute their correspondence.

Senator HARNEY

- We say a great deal more, because, although the State declares that it is lawful to conduct a lottery, we, knowing that it cannot be carried on unless the communications by the post-office are sacred, "take advantage of the incidental power that arises in us to nullify the wish of the State.

Senator Ewing

- But it is not incapable of being carried on.

Senator HARNEY

- It is incapable of being carried on as it is now. It would compel a person desiring to take a ticket in the lottery to go to the particular establishment and pay his money. The Senate will see that in my remarks up to the present moment I have said nothing whatever as to whether it is, or is not, advisable to interfere with these lotteries. I have really endeavoured to point out that our interference in this way is entirely contrary to the principle the Postmaster-General laid down - that this should be a business department run on commercial lines, and narrowed down to the functions of the postal service. And it is also entirely contrary to the spirit of the Constitution which leaves to a State, free and untrammelled, the expression of its will on the matters that are not to be found in the 39 articles. But I shall now go a step further. I say that whether lotteries be in themselves good or bad, this is not the best way in which to counteract their injurious consequences. Notwithstanding the remarks which have been made, I am satisfied that these lotteries and betting houses are only the surface growth of propensities that lie deep in our nature. You can only destroy that which reaches the eye, you leave untouched that from which it springs, and although you may remove it you only shift its position. It will spring up again, and I ask the Senate whether it is not better since these evils, if you call them evils, will exist in some form, that they should exist in the open under the wholesome corrective of public scrutiny, rather than that they should by this class of legislative interference be driven into secret places - be forced to assume misleading forms - where they would still thrive with just as much vigour, but unchecked and untrammelled, and thrive hedged in by the additional evils of hypocrisy and deceit. That has been the experience all over the world where these things have been attempted to be suppressed. It is all nonsense for legislators to try by their laws to interfere with the fundamental forces of nature. We can regulate, we can say that a thing is inexpedient, but we cannot alter the springs of human action, and it is to me immaterial whether that craving for excitement, whether that craze for rapid earning, which is common to the nature of every one of us, finds its vent in lotteries or betting-houses, or whether it finds its vent in some other way which would be equally pernicious, and which would equally develop the root from which the propensity springs.

Senator Ewing

- Suppose it takes the form of theft, would not the honorable senator stop it then?

Senator HARNEY

- Suppose it takes the form of theft, I certainly would stop the theft ; but I have yet to learn that theft is an outward and apparent evidence of some wrong and diseased moral fibre.

Senator Ewing

- Oh !

Senator HARNEY

- The lottery comes from a healthy moral fibre - the desire for lotteries. The root from which a lottery springs is nothing more than a desire to earn money quickly, and a desire for excitement.

Senator Ewing

- What is theft?

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Senator HARNEY

- I must be more elaborate. The difference between theft and lottery in my opinion is this, that theft indicates a desire to become wealthy by taking that which is another's ; whereas having recourse to

lotteries indicates a desire to become wealthy by joining in chances in which every other person is equally willing to join : one involves moral turpitude, the other does not. Anyway, it is not for us, I think, in this Senate to go with any depth into the rights or wrongs of this particular form of amusement. That is for the State. It is quite sufficient for us, and it is quite sufficient for my argument to have made this clear. I have endeavoured to do so, speaking on the spur of the moment. I have not, perhaps, given that order and force to my thoughts that would have made my remarks pleasanter to the Senate ; but what I want to make clear is simply this, that the very worst you can say against lotteries is, that they are inexpedient, and that they have injurious consequences. Opinions differ on that. They will differ to the end of time, and ought we, therefore, who are told by the Constitution that it is not for us to express an opinion one way or the other on these subjects to usurp the functions of the States and seek in a lefthanded manner to prevent things being carried on which they, in accordance with their perfect right, may at any moment declare to be lawful. I think it is a blot on the Bill, and I appeal to the Postmaster-General to again consider the clause. I would ask him to confine himself to the principle he laid down in his very excellent and clear opening remarks, that the postal service should aim at doing nothing but conveying letters, parcels, and goods, and that it should ask for no facilities other than such as are appropriate and as are requisite for that purpose ; that it shall not be made, as he said, a means for educating the people, a means for rewarding certain political persons, or a means for opening up districts. He said he would not use it for any of those purposes. Why ? Because that would conflict with the true principle of postal business. I ask him, also, not to interfere with the social legislation of the States. There is another clause on which I would like to make a remark. I heard Senator Sir Josiah Symon comment on it just as I came in. Clause 150 gives the Postmaster-General power to determine certain matters with the consent in writing of the accused. I observe that the clause has not been taken from any existing Act.

Senator Sir John Downer

- It is in all the Customs Acts.

Senator Sir Josiah Symon

- Not in the same form.

Senator HARNEY

- When the Postmaster-General read it out on the first day, it occurred to me that the word " determine " was what made the difference. We know that in many Acts of Parliament power is given to the head officer of an institution to deal with offenders who plead guilty. That is quite right, because the head of the institution can say- - "As the offence is admitted, all that remains is the apportionment of punishment ; and if the person is willing to rely on me, he may do so." That is a perfectly right thing, but it is quite another thing to enact that, although the person says - " I am not guilty," yet by his consent the Postmaster-General is to be elevated to the position of a Judge of one of the courts. It errs against the fundamental principle of criminal law, that no man shall be a judge in his own cause.

Senator Keating

- It is with his consent in writing.

Senator Sir Josiah Symon

- The consent might be got by a greater abuse.

Senator Drake

- Is the honorable and learned senator satisfied if he pleads guilty ?

Senator HARNEY

- Decidedly.

Senator Sir Josiah Symon

- Or admits the offence?

Senator HARNEY

- Or admits the offence. Honorable senators will see the difficulty which would arise under the clause as it stands. There would be the extraordinary spectacle of a gentleman sitting on the bench when he was also prosecutor. But then, there is also the difficulty of carrying out the clause. It says the Postmaster-General may determine. What is he to determine on ? How is he to get evidence ? Show me any provision empowering him to call evidence, to administer the oath to witnesses ; show me any provision giving any sanction on his part to punish persons if they plead guilty or admit the offence.

Senator Ewing

- The Customs Act deals with it.

Senator HARNEY

- Suppose the Postmaster-General says to a man " I order you to pay 20s.," and the man bows his head and goes out and says "I shall not pay it." How is the Minister going to enforce the order?

Senator Drake

- There will be a prosecution.

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Senator HARNEY

- The honorable and learned gentleman cannot enforce it. Where a penalty is imposed under any Act by a magistrate sitting in petty sessions and the person does not pay there may be a distress warrant issued, &c, and if there is not sufficient distress he may be imprisoned for a certain number of days. The Postmaster-General does not incorporate that jurisdiction which is part of the jurisdiction of all summary courts. Suppose an offender says " I shall not pay the fine " ?

Senator Drake

- He is prosecuted.

Senator HARNEY

- Is it not a great waste of time ; why not prosecute him at once ? I certainly agree with the remarks made by Senator " Sir Josiah Symon on this subject. It may, and I am sure that is how it will, apply to ' the Minister - it may, in the working of the department, be found to be a very convenient power for the Postmaster-General to possess, but it really would establish an abominable precedent, because it would give countenance - in however a remote degree is immaterial - to a rule whereby a person might become . a judge in his own cause. The clause will quite satisfy me if it says that the Postmaster- General may "determine " the matter where the person pleads guilt)"-, or admits the offence. These are the only remarks I have to make, and I apologize to the Senate for having made them in such a crude form. The Bill, as a whole, seems to me fairly well to carry out the idea of the Postmaster-General. In most of its clauses it is a mere business Bill, and if he had included clauses 54 and 55 in the limitation he laid down when he said that he would not have the department do any educational, or political, or outside work, I would have been quite satisfied. I cannot see why he should be at pains to prevent this Bill from becoming a means of opening up districts or diffusing educational matter, and, at the same time, take a power of very substantially interfering with social legislation in a manner which might be entirely contrary to the wishes of the States.

Senator HIGGS

- I feel the longer I am in the Senate, the very great advantages that the position of senator gives to a politician who desires to do his duty by his country. I disagree altogether with Senator Harney in his remarks as to the carrying on of consultations, and his proposal that the Postal department should be used for the purpose of assisting any person to conduct a lottery. If there is one curse -that Australia suffers from I think it is the curse of gambling in all. forms. But while we should find very great difficulty in preventing many forms, of gambling, such as gambling on the stock, exchange, gambling in lands, gambling in banks, gambling in mines, and so forth, I think we should have very little difficulty now we have a Federal Parliament in. putting a stop to an insidious form of: gambling, which has been carried on in. various parts of Australia for many years.. Driven from one State to another, this, consultation has found a resting place in Tasmania, and I am sorry to find that it has defenders in that little State.

Senator Stewart

- It is worth £15,000' a year to them.

Senator HIGGS

- It is worth £15,000- a year to Tasmania, but that sum represents a very great loss to the general community throughout Australia, from the fact that no less than a million of money I believe is. put every year into consultations. A. million of money is diverted from ordinary trade and commerce to a gambling institution, and in ten years that amount, goes into the pockets of the man who is running the consultation. Ten percent. I believe is the commission which he receives for carrying on the lottery.

Senator Staniforth Smith

- Less his expenses.

Senator HIGGS

- This lottery means, that a very great number of people throughout Australia keep on pursuing a willo'thewisp in the hope that they will reap a fortune of £3,000 or £4,000, and they have about a million to one chances of ever getting that sum. All of us have at one time or another indulged in gambling in some form,, but in the best interests of the people we ought to do what we can to put a stop to it in this particular form. Senator Harney has said a word in favour of the State of Tasmania. We must remember that a considerable section of the Tasmanians are against this form of gambling.

Senator Harney

- Leave it to the Tasmanians.

Senator HIGGS

- Well, as a Queenslander, I object to leaving it to them for this reason. We, in Queensland, have legislated against these consultations. The people in Queensland want to put a stop to that form of gambling.

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Senator O'Keefe

- Are you sure that the majority do ?

Senator HIGGS

- The fact that the majority are in favour of stopping it is shown by the circumstance that there has been no agitation of anything like a representative character to have the consultations restored to Queensland.

Senator Keating

- Tattersall could go back to Queensland now according to your law, could he not ?

Senator HIGGS

- No, he could not. Now several other States have also prevented these consultations within their confines. Surely if we are going to consider States we should consider the majority of States against the minority, and I am very glad indeed that the Minister has had the courage to introduce this clause into a postal Bill. Senator Harney talks about gambling being inherent in human nature. No doubt it is ; no doubt it arises from our weaknesses, but the same arguments as are used in connexion with gambling would apply to any other form of vice. It would apply to any of the offences which are embodied in the 730 odd clauses which comprise the criminal code of Queensland.

Senator Sir Josiah Symon

- It would apply to original sin itself.

Senator Harney

- There is a difference between a weed and a dangerous good flower.

Senator HIGGS

- This form of gambling is certainly a very rank weed.

Senator Stewart

- Not as bad as drink. Why not shut up the public houses 1

Senator HIGGS

- No, we cannot shut up all the public houses. We would not approve of that.

Senator Keating

- What is there to prevent the Postmaster-General from delivering letters to those who sell drink 1

Senator HIGGS

- The drink traffic is perfectly legal.

Senator Sir Josiah Symon

- By allowing these consultations to be carried on in Tasmania, we neutralize your law in Queensland.

Senator HIGGS

- Certainly. Although there may be some sympathy shown for a man who runs a lottery, and who has his private letters opened, still, that man must take the responsibility of his acts. If he does not want his private letters opened, then let him give up running consultations.

Senator McGregor

- Confine Tattersalls correspondence to Tasmania, and then it would not be objected to.

A Senator. - Under those circumstances he could not live.

Senator HIGGS

-I do not believe he could. I am firmly convinced that many people who cannot afford it, in the delusive

hope that they will get a fortune, send money away to these consultations which should go towards providing the ordinary comforts of life, in the shape of boots and shoes and clothing for their families. I am very pleased that my position as a senator gives me the power, without any probability of being attacked in some 'small constituency, to cast my vote in favour of a clause like this. I can well believe that, if I represented some small constituency in Australia where these consultations were flourishing, a considerable sum of money might be spent to keep me out of Parliament for giving such a vote. I am glad, to find myself in accord with Senator Harney with regard to the proposed power to be given to the Postmaster-General to decide criminal cases. I am perfectly satisfied that our Postmaster-General would deal justly with every case that came before him and I can well believe that he has no desire to assume the functions of a Judge. But when the Postmaster-General may delegate his power to a deputy Postmaster-General, and that deputy may delegate his power to another to prosecute in certain cases, I am inclined to think that only those persons who happen to be influential will get the ear of the Postmaster-General.

Senator Glassey

- No. It would be beneficial to a number of persons holding subordinate positions.

Senator HIGGS

- If the laws to do away with crime are to be of any force at all, the punishment must be commensurate with the offence. Senator Best's speech proves that very great injustices have been perpetrated, in consequence of the power given to Ministers to act in this way - to hold a sort of "star" or secret chamber inquiry.

Senator Best

- It is not secret, I particularly emphasized that.

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Senator HIGGS

- The Bill gives, the Postmaster-General power to deal with cases in his own office. I feel satisfied that the ordinary offender is more likely to get mercy and justice at the hands of the ordinary justice of the peace than from any Postmaster-General. There is some advantage in the inevitable exposure, which is a deterrent to others not to commit the offence.

Senator Sir Frederick Sargood

- It may be by mistake or through an oversight that an offence is committed.

Senator HIGGS

- Well, I maintain that in cases of that kind it would be in the power of the Crown Law department not to take any action. I dare say the Crown Law department overlooks many cases of trivial offences, which if the law was carried out in its entirety would be brought before the courts. In fact, I have very grave suspicion that many high offenders against the law escape scot free on account of the power the Crown Law department possesses in that respect. I shall vote against that clause when it comes up, as I do not agree with the principle. With regard to the regulation of the rates of postage, I think there is a difficulty in the way of this Senate fixing the rates. We may spend a great deal of time in drawing up a schedule without very good result. I think we might almost as well ask that a Railway Commissioner, presuming that the railways were in our hands, should permit us to draw up the schedule of rates to be charged. But I do think we might have in the Bill a clause to provide that there shall be no alteration in the postal and telegraphic rates, except during the time Parliament is in session, and that the schedule should be placed on the table, and not become law for a certain period, in order that we may have a chance of reviewing the proposed rates. Why I think the Postmaster-General should be allowed to fix the rates is because he, with his colleagues in the Cabinet, would be in a better position to judge of the revenue requirements of the department than we would be.

Senator Sir Frederick Sargood

- That would apply to the Customs as well.

Senator HIGGS

- Well, yes. I do not agree with the principle of allowing a Minister to permit an offender against the Customs Act to go free on the payment of a fine of £4,000. Now, Senator Best has mentioned that probably there would be technicalities in the way of securing a conviction. Does any one believe that a man who is able to pay a fine of £4,000 does not know the law as well as Senator Best? The man who is

willing to pay such a fine, must know that the chances are that he will be convicted and I feel certain from what has been said by the honorable senator in reference to the fines he inflicted in one year, amounting to £10,000, that there must have been a gross miscarriage of justice. The object of putting provisions in the Act to prevent fraud has been to some extent frustrated, because the smuggler knows that he may take the risk of smuggling. All that he will have to do, if he is detected, will be to put his case before the Minister, and agree to pay a certain fine. He will then escape all the indignities and the punishment he would suffer in an ordinary court of law. I am sorry that we shall have to give to the Minister and his colleagues the power to deal with subsidies to certain mail steamers. I think it might be understood that if we cannot deal with those shipping companies who employ coolie labour, the subsidy should be given to those companies who pay a better rate of wages. When we give a subsidy we ought to see that the workers on the mail-boats get something like a reasonable rate of wages. I think we have the power in a Parliament like this to do a very great deal of good in bettering the general conditions of the seagoing workers, and I hope we shall avail ourselves of the power as far as we can. With regard to contracts and tendering, Senator Drake will know that there are very great abuses carried on in Queensland under the system of tendering. Many complaints are made in our State that there is not sufficient advertisement given to the fact that the Government want certain work carried out. When calling for tenders for work in connexion with the Postal department the Minister might give the greatest possible facilities in the way of advertising the contracts. I am of opinion that wherever possible the State should provide for its own requirements - in the manufacture of uniforms, for example - but whenever a contract is given to outside contractors the Postal department should see that a minimum wage is inserted, and that sub-letting is not permitted.

Senator Drake

- A contract cannot be assigned without the consent of the Postmaster-General.

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Senator HIGGS

- The Minister will know that a very great deal of injustice is perpetrated by subletting. A man gets a contract at a reasonable price from the Government, and he sublets it to a contractor who sweats the men he employs. With regard to another important principle in connexion with the Postal department, I imagine from the Minister's remarks that it is proposed to charge for newspapers. Really I think that, too, shows a great amount of courage on the part of the Cabinet. I know that some State Governments have not had the pluck to face the matter, and the general taxpayer has had to bear a burden which should have been placed on the proper shoulders. I do hope, therefore, that the Minister means to impose a charge. It is not only an injustice to charge the general taxpayer with the carriage of newspapers free, but it is to some extent unfair to the newspapers which are printed in the country districts. I do not think there is anything more which I care to refer to just now. I join with others in congratulating the Minister on his very lucid introductory speech on the Bill which he has presented to us. I should say that an effort has been made to include all that is best in the various postal Acts of the various States, and that to my mind is a proof of the advantages of federation.

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Senator WALKER

- I did not intend to speak on the second reading of this Bill. I have listened with very great pleasure to many of the speeches that have been made; but there are one or two small points to which I wish to direct attention. Some people who were opposed to federation used to say that they did not see what advantage it would be to Western Australia if the post and telegraph service was transferred to the Commonwealth. It seems to me the Government have shown considerable wisdom in clauses 7 and 8. In clause 7 provision is made for the appointment in each State of a Deputy Postmaster-General, and that obviates the difficulty which the inhabitants of Western Australia feared, that the Postmaster-General would not know what places required postal communication. I congratulate the Government on having met that difficulty in such a satisfactory manner. Senator Macfarlane has referred to the cable between Tasmania and Australia. It must also be within the knowledge of honorable senators that New Guinea, which is really part of the Australian colonies, is not connected with the mainland. New Guinea is carried on under subsidies from Queensland, New South Wales and Victoria. We have recently heard of a massacre there, and it seems to me that it will be a good thing for the Government to lose no time in

connecting it by cable with Australia. It may be that they will have to borrow money for that purpose. Senator Sir Josiah Symon has referred to the non-necessity of borrowing money for some time to come for the purpose of erecting post offices and such like works. So far I am with him, but it must be remembered that the Federal Government will have to pay to the States the value of the post and telegraph offices taken over from them. I hope that when they adopt that course and have a loan for some such purpose, provision will also be made in that loan for connecting New Guinea by cable, and for purchasing the rights of the company owning the cable between Tasmania and Australia. I approve of the idea of conducting the postal and telegraph service on commercial principles if possible.. At the same time we must not forget that this is a monopoly, and that there must be some little elasticity in our determination of that matter. An honorable senator has referred at some considerable length to the departure from commercial principles in our attempt to legislate on a social question in clause 54. I listened, with great pleasure, as I am sure all honorable senators did, to the speech made by Senator Harney on this point am sure it was an intellectual treated could not help thinking that he was an admirable advocate for the position he took up, but, as I remarked to him afterwards, there is one point he forgot, namely, that this being a monopoly, it justifies special action with regard to the mode in which it should be conducted. As Senator Higgs has said it is being conducted in Tasmania against the express wish of the other five States, and. our first duty is to the Commonwealth.. There is no one who sympathizes with Tasmania more than I do - as I think. I have shown on a former occasion- in regard to the financial trouble that may possibly be caused her by joining the Commonwealth. When the time comes I shall be one of those prepared to accord Tasmania exceptional treatment on the question of finance. I thoroughly agree also with Senator Playford, Senator Higgs, and others in thinking that there ought to be certain rates put into a schedule on this occasion, and that no alterations, should afterwards take place until the papers relating to them had been laid on. the table of the Senate for a fortnight. I am in accord with Senator Higgs in regard to the carriage of newspapers. It seems to me to be absurd to see the enormous quantity of newspapers carried free in New South Wales. On one occasion I had to travel from Yass onwards by coach. There was only room for one - passenger inside the coach because it was filled with newspapers purporting to be published on Saturday, but posted a day or two earlier. These papers were being carried free through the post, and it seemed to me that those who received the benefit should be compelled to contribute sufficient to the revenue to recoup the State for the outlay. I thoroughly :admire the manner in which the Postmaster-General has introduced this Bill. I shall not be one of those who will offer him any factious opposition. I believe that in the Postmaster-General we have a senator imbued with the strong spirit of fair play, and it seems to me that his speech carries that out. With regard to clause 18 there is one point to which I would like to refer. The >clause provides -

The Postmaster-General may arrange or contract with any local governing body or person applying to him to establish or provide any additional facilities (postal or other) for the contribution by such body or person towards the expense of establishing or providing such facilities or to indemnify the Postmaster-General against any loss he may sustain thereby.

IT' thoroughly approve of that principle. At the same time we must give a little elasticity. If (i department, particularly that of commerce, is benefited by these facilities, it would be justifiable for that department to bear a proportion of the loss. When the Postmaster-General comes to lay before us from time to time a statement of profit and loss, showing how his department is working out, I hope he will not hesitate to -debit to it the interest on cost of all buildings and lands taken over, because a mere statement of receipts and payments will not show us whether the department is paying. There will be a considerable debt incurred by taking over all these POSt.offices. and the interest on the debt should be annually charged against that department. I think we are very fortunate in having this Bill placed before us in such a clear and lucid manner.

Senator PEARCE (Western Australia):.I join with other honorable senators in -congratulating the Government on the way an which this Bill has been introduced by the Postmaster-General. .1 rose principally for the purpose of asking the Postmaster-General to give us an expression of opinion, when replying at the close of this debate, as to whether the Government in the future will make provision, either by regulation, or by the insertion of a new clause in the Bill, for the payment of an adequate wage and proper working conditions in all contracts carried out for this department. I think we should have some assurance from the Government that they intend to do this in drafting the regulations under the Bill. If that

is not their intention, then the Senate should take into consideration the desirability of embodying in the Bill a provision such as I have suggested, and which I believe meets with the wishes of the Senate. We know as a matter of fact, that not only in the carriage of mails, but in the construction of buildings for the Postal department numerous abuses exist. There are such things as subletting, and the payment of inadequate wages. As to the remarks made by the Postmaster-General with regard to the carriage of mails to distant and sparsely populated districts, I do not feel satisfied that he has taken into account the duty which we owe to the Commonwealth as a factor in developing outlying districts. We have to remember that the mail service has been used for this purpose, and if the Postmaster-General intended to indicate that he is going to run this department on commercial lines only, then I say that factor is going to be interfered with by this Bill. We must, have in connexion with our postal department facilities for travelling in outlying districts, and I trust that something on the lines of co-operation between the Federation and the State Governments will be entered into to insure this being done. I agree with Senator Ewing upon the question of regulations. I consider that the question of rates should not be dealt with by regulations, but by a clause in the Bill, so that they would first receive the consent of the Senate. I see a difficulty in the case of an Act that might be passed at the close of the session. In such an instance the regulations under it would have to wait until the following session before they could receive the assent of Parliament. Therefore this matter ought to be dealt with in the Bill itself. As to Deputy Postmasters-General, I trust it will not be taken for granted that those who hold that office in the States must necessarily be Deputy Postmasters-General for the States in the future. It has been said that one reason which operated against the people of Western Australia accepting the Commonwealth Bill was this question of postal facilities. It might have been said that one of the reasons that induced us to enter the Federation was that we thought we would get better treatment from a Federal Postmaster-General than we had received from a State Minister. I trust that in making any appointments in the State I have alluded to the Postmaster-General will carefully inquire into the past work of our department, and that his appointments will be guided by the action that has been taken by some of our local officers in the management of the department. Judging by the abuses of power we have had there, some of those now occupying prominent positions in the postal department in Western Australia are not fit for them, and I would be sorry to see the Federal department cumbered with such men. There is another question which may perhaps trench on what Senator Harney calls social legislation. I certainly think that the time has arrived when the Government should take into consideration the desirability of establishing shops and factories to provide for the requirements of the service. I think the contract system for the supply of material to the department is a wasteful one. In the first place there is an enormous cost in advertising. A number of inspectors have also to be employed to see that good material is supplied, and competition is so keen and prices cut down so low that there is every inducement for the contractor to supply inferior material. In such a huge service as this we ought to have our own workshops for the supply of uniforms and other articles for the use of the Post and Telegraph department. The proper time to consider these matters is at the outset of the Commonwealth, and we ought to decide now whether we should not provide in the legislation for some such service. I disagree with Senator Harney in the view which he takes in regard to "Tattersalls." It is not merely a question of interfering with Tasmania. By striking out the clause in the Bill to which reference has been made we should be interfering with legislation which has been passed by New South Wales, Queensland; and Victoria - legislation passed for the purpose of stopping sweeps. I contend that Tasmania at the present time is making that legislation null and void, by allowing Tattersalls to be carried on within its territory. If the Commonwealth does its duty, it will see that the wishes of the majority are studied, and that the legislation which has been passed on this subject is made effective by preventing the Commonwealth service from being made a means of extending this gambling machine. The Government have acted manfully in this matter, and their action, I think, will receive the assent of the majority of the people of Australia.

Senator Dobson

- They have not knocked out "Tattersalls" by the insertion of the clause you refer to.

Senator PEARCE

- If they carry it out in the way I understand it is intended to be carried out, it will have the effect of limiting Tattersall's business.

Senator Dobson

- No, the clause will have to be amended.

Senator PEARCE

- At any rate as it stands it will not allow the postal service of the Commonwealth to be used for extending this business.

Senator Dobson

- Yes, it will.

Senator Harney

- What right have we to interfere with Tasmania on this point 1

Senator PEARCE

- We have as much right as Tasmania has to allow the practice to continue when the other States have said it should not be allowed. . We have a right to see that the wishes of the majority are carried out if we do that, we shall be acting in accordance with the spirit of the Constitution, which says that the majority of the States shall rule. I have no more to say, except that when the Bill is in committee I shall have several amendments to propose, to enable employees of the department to receive fair and proper treatment.

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Senator PULSFORD

- I have very few remarks to make in regard to this Bill, but I wish to point out that in taking over the Post-office at all at the time that it did, the Government took a step which was utterly unnecessary. According to the Constitution, there was no occasion to take over the Post Office until such time as it was necessary. ' No necessity seems yet to have arisen for that action. In the opening lines of his speech Senator Drake said -

To give the Senate some idea of the difficulties that have existed in carrying on the department during the last few months, so far as the central administration is concerned may mention that, wherever I have gone in travelling through the States, I have been in receipt of telegrams, almost wherever there was a telegraph office, and have had to deal in the best way I could with the matters that came up, and that required immediate decision.

This is the way in which the department has been carried on for the past two or three months.

Senator Drake

- It has been fairly successful.

Senator PULSFORD

- There has been a perambulating Postmaster-General. The post-offices of all Australia have been taken over in accordance with the Constitution, not because the time has arrived when that course is necessary, but simply because the power existed. I believe our Cabinet thought that it was a very good move to take over the department ; that it would be so much bluff to give us, while they were withholding from us other legislation for which Australia waited.

Senator Drake

- I think the result of taking over the department has been good.

Senator Keating

- Has the honorable senator any concrete instance of maladministration by the Postmaster-General ?

Senator PULSFORD

- I have not seen any results yet. Clause 2 of the Bill provides : -

But the regulations, fees, rates, and dues in force under any of the State Acts hereby repealed in any State shall as regards that State continue in force as if made or fixed under this Act until revoked by the Governor-General.

We have, therefore, the statement in the Bill that Acts which are to be ultimately repealed shall not be repealed until specially revoked by the Governor-General, thus giving further evidence that the time has not necessarily arrived when the department ought to be taken over. I am merely making these remarks as bearing upon the general policy of the Government. With regard to the character of the speech delivered by the Postmaster-General, I think the praise bestowed upon it has been amply earned. I do not desire to urge that any particular obstacle should be put in the way of the passage of this measure. I only desire to point out that had the post-offices been left to the several States for some time longer a more perfect Bill would have been possible.

Senator STEWART

- I have not very much to say in connexion with this Bill, but there are one or two points that I would like to mention. The first is in regard to the Deputy Postmasters-General. I believe it is the intention of the department that there shall be in each State a Deputy Postmaster-General. I would suggest to the Minister that in Queensland we should have three Deputy Postmasters-General. Some honorable senators seem to be amused at my suggestion.

Senator Higgs

- The honorable senator is usually so economical.

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Senator STEWART

- It is in the interests of economy that I make the proposal. Queensland is a very large State, which nature has divided into three divisions, and my opinion is that the measure of decentralization which I propose in connexion with the Post-office would be most advantageous to not only Queensland but also the entire Federation. I trust that the Minister will take a note of my suggestion. With regard to the erection of new post-offices, my experience has been that a very large amount of money has been unnecessarily spent in the erection of more or less ornamental buildings. What we ought to direct our attention specially to is not ornamentation, but use. We are a young community, and in spite of what we hear about our great resources we are not a wealthy community. A very large proportion of our postal buildings have been erected out of loan money and not out of revenue, and I am exceedingly anxious that that system should not be continued. The Commonwealth should try to keep out of debt as much as possible, and the Post-office should be so managed that when new buildings are required revenue should be available for their construction. In Queensland we had a most curious method of dealing with the erection of new buildings. Some of them were erected out of loan account and some out of general revenue, and when I asked on one occasion how that came about the answer I received was that the cost of a brick building was defrayed out of loan account, but that the cost of a wooden building was charged to the general revenue. Whether the buildings are of wood or of brick I think the cost ought to be charged to the revenue: Another matter which I think the Minister might very well consider is the appointment of local storekeepers or persons in business in many of our outlying centres to manage the post office business.

Senator Major Gould

- In outlying places the department very frequently has unofficial postmasters.

Senator STEWART

- Our object is to extend postal facilities to as many as possible of the people of the Commonwealth. If we have to erect a post-office in every township and appoint a resident postmaster, the expense will be so great that we shall not be able to give the facilities which we otherwise could. But if we appoint local residents at small salaries - because the duties in a great many places are merely nominal - we shall be able to extend the facilities by so much more. That system, I believe, is very largely followed in Great Britain, and I think it might be adopted more largely in Australia than it is.

Senator DAWSON

- Women are largely employed.

Senator STEWART

- I think it is a very suitable occupation for women. There is only one objection I can think of, and it is that women are very often inquisitive, perhaps unduly inquisitive. I have read stories of individuals complaining that their letters had been opened where the person in charge of the post-office happened to be a lady.

Senator Sir William Zeal

- That is a libel.

Senator STEWART

- It may be a libel, I am merely giving it to honorable senators for what it is worth. I must cordially echo the objections to the power to make regulations, because I do not think that they should have the force of law until they have been submitted to and approved of by Parliament. By agreeing to the Bill as it stands, we are placing in the hands of the Government of the day the entire management of the Post-office - the fixing of the rates for letters and of the post ages on newspapers, and so forth. The men elected by the people desire to have some voice in the fixing of these rates. I am very glad to gather from the observations of the Prime Minister that he intends to charge postage on newspapers. He contended, very

properly I think, that if newspapers, as is alleged, have an educational influence; the cost of their transit should be borne by the Education department. But, so far as I have been able to gather, newspapers are simply commercial enterprises ; they are not instituted to educate the people necessarily, but to make money.

Senator Harney

- They educate by accident.

Senator STEWART

- They educate by accident, and very often they do not educate at all, and where they do they educate in the wrong direction. I believe in free postage when we can afford it, I believe in free railways when we can afford it, but if we are going to carry anything free let us begin with the necessities of life. A great many persons look upon newspapers, I have no doubt, as necessities, but a man can live without them.

Senator Higgs

- He does not live by bread alone.

Senator STEWART

- He cannot live without his food. At one time I thought I. could not live without my daily newspaper, but I happened to be placed in a position where I could see a newspaper only once a week, and I very soon began to accommodate myself to the situation.

Senator Sir William Zeal

- The honorable senator must have been very much behind the times then.

Senator STEWART

- I may tell the honorable senator that in Queensland there are parts where if a man sees a newspaper once a month he is very thankful,' and he gets on almost as well as those who read their newspapers every day, perhaps better. If we are going to carry anything free through the post-office let us begin with the necessities. We want tea, sugar, and a number of other things, and when we have exhausted the necessities of life, then we can go in for distributing the luxuries free.

Senator Walker

- Whisky.

Senator STEWART

- Whisky, most undoubtedly.

Senator Major Gould

- Is that amongst the necessities or the luxuries?

Senator Harney

- It is a necessary luxury.

Senator STEWART

- That is a question which I leave every man to settle for himself. I have a strong objection to clause 27. It provides that the Deputy Postmaster-General may refuse to transmit or deliver any publication containing seditious or blasphemous matter.

Senator Drake

- Something else.

Senator STEWART

- Who is going to judge whether any particular matter is seditious or otherwise?

Senator Higgs

- Hansard might be stopped.

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Senator STEWART

- It appears to me that if a man is accused of writing seditious a court of justice is the proper place to decide whether the particular writings are seditious or not. I do not think the burden .of deciding whether certain words are seditious or not should be placed on a Postmaster-General.

Senator Harney

- But he does it at his peril. If the words are not proved to be seditious or blasphemous, he is liable and can be mulched in damages.

Senator STEWART

- There is a good old maxim of English law, that every man shall be held to be innocent until he has been

proved guilty, and I think it ought to be presumed that every newspaper is innocent of an offence against the law until it has been proved guilty. If sedition is charged against a writer on a newspaper, he ought to be brought ' before the court in the ordinary fashion, charged with his offence, and if found guilty punished. But to seize the newspaper, to stop the publication of it, appears to me to be contrary to the spirit of English law, and more in accordance with the custom in Russia. In fact, this clause places the Postmaster-General and his deputies in the position of censors. I do not think it is at all desirable that that should be the case. What he might think to be seditious thousands of persons in the State might have a different opinion about, and the place to settle a point of that sort is a court of justice. In regard to clause 54, which has been so belaboured by honorable gentlemen from all sides of the Senate, I am in a bit of a quandary. I may mention that I do not gamble, but I am not aware that I am entitled to very much credit for that. If some honorable senator will insure me that by speculating 5s. I can win £1,000, I shall gamble It any moment he likes and as often as! he pleases. But being a cautious and prudent Scotchman, I think 5s. in the hand is worth £1,000 in the bush, and very much in the bush. I do not see that I am entitled to interfere with other people who more speculative, who are more daring, who are more ambitious, perhaps, to get money than I am. Why, sir, speculation is the life and soul of business. If there was no speculation there would be no profits, and this special form of gambling which seems to have so aroused the ire of people in the States that they have exhausted every resort to suppress it, is only one of a hundred forms of gambling. There is no honorable1 senator who does not gamble in one shape or another. The buying of an allotment of land is gambling, yet they call it speculation.

A Senator. - We are trying to StOP that sort of gambling.

Senator STEWART

- We are trying to stop that sort of game.

Senator McGregor

- Getting married, for instance.

Senator STEWART

- That is gambling.

Senator Major Gould

- That is a lottery.

Senator STEWART

- Men have the gambling spirit so strongly implanted in their nature that, when a man becomes a widower, he invariably has another gamble of the same kind, and he repeats it as often as he can, and some persons are very happy when the occasion does come about. But why not attack the Stock Exchange 1 I go- down the streets of Melbourne every day, and at the Stock Exchange I see a number of men whose sole business I believe is gambling. Why does not the Government attack that sort of tiling 1

Senator Walker

- They sell for a commission.

Senator STEWART

- They gamble.

Senator Walker

- Oh no, it is the person who employs them.

Senator STEWART

- Tattersall acts as agent for a number of persons who engage in a little innocent gamble with 5s. The spirit of gambling enters more or less into every business operation. Why do you not attack the Stock Exchange 1 Why do you not go down to the race-course and stop the bookmakers, "whom you see carrying on there every day of the week ? If a man attends the races he can put down his £1, or £5, or £100 on a horse without the Legislature in any State attempting to interfere with him, but if some person in the back blocks of Queensland who can never come to Melbourne, to Sydney, or to any other places where racing is largely carried on, wishes to speculate a few shillings, the Legislature immediately interposes every difficulty it possibly can. If we intend to go for gambling, let us attack it all round, and we have this to consider, that if we suppress gambling in one form, as was so eloquently pointed out by Senator Harney, it will merely break out in some other form.

Senator Harney

- Perhaps worse.

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Senator STEWART

- Perhaps a worse form. I remember that a hundred attempts have been made to suppress Sunday trading in drink, but the Administration found that the more they tried to suppress Sunday trading the more shanties were established and the more sly grog-selling there was.

Senator Harney

- The same amount of drink, but worse drink.

Senator STEWART

- Worse drink, and drunk under worse conditions. This thing is done at present in the open. The law has a certain amount of control over it, and as I have said, if we suppress it in one way, the conductors of the enterprise and the public will only have recourse to methods of evasion and subterfuge, and it will go on in the future just as it has done in the past. Seeing that gambling is a weakness of humanity, why do we not turn it to account and get some revenue out of it? Smoking tobacco is a weakness, but look how the Government pounce down on the tobacco smoker, and make him pay for indulging in his little luxurious habit. Whisky drinking is a weakness, and the whisky drinker has to pay handsomely for his indulgence. If people will persist in putting their money into speculations of this character let the Government have some benefit by it.

A Senator. - State lottery.

Senator STEWART

- I do not go to the length of advocating a State lottery, but if we are to have lotteries I do not see why the State should not run them. The State runs a great many things more immoral to my mind than lotteries. Now, there is another matter I would like to refer to, and that is the employment of coloured seamen on mail-ships. I think I read somewhere recently that it was not proper to put a provision of that character in the Bill - that it was usually reserved for the contract. I would like to see it in the Bill, but of course we may be told that the Imperial Government would not consent to it. I think the sooner we let the Imperial Government know that we are going to be masters within the confines of Australia the better. This question has to be settled sooner or later, and the sooner the better.

Senator Drake

- You are dealing with ocean services outside of Australasia.

Senator STEWART

- Mail-boats subsidized by the Australian Government.

Senator Harney

- That would be a matter of contract.

Senator STEWART

- It ought to be placed in the Bill.

Senator Staniforth Smith

- The Government will have to pay for it.

Senator STEWART

- I think we ought to be prepared to pay for it.

Senator Harney

- We cannot deal with the P. and O. Company in an Act of Parliament.

Senator DAWSON

- Parliament can direct the Executive.

Senator STEWART

- As the honorable senator interjects, we can direct the Executive. I trust the honorable gentleman in charge of the measure will see that any rights that have accrued to the postal servants under the control of the States will be reserved to them under the Commonwealth, and that the same opportunity of getting promotion will be afforded to them as heretofore.

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Senator Lt Col NEILD

- At the risk, perhaps, of repeating something that has been said before by other members of the Senate, there are one or two things I desire to say, because perhaps a consensus of opinion at this stage may assist the Postmaster-General in assenting to some of the amendments that will probably be moved in

committee. I am aware that clause 16 has been spoken upon with very conspicuous ability. I take it that, after all, if this Senate, with the other branch of the Legislature, does insist upon passing a clause ordering the Railway departments of the States to do certain things, we may very readily set up one of those questions which can eventually only be decided by the High Court. If I may be allowed I would congratulate the Postmaster-General upon the very lucid speech with which he introduced the measure. He was so clear and so thoroughly satisfactory that he did not leave any doubt in the minds of those to whom he addressed himself; but I do think the honorable gentleman took a somewhat erroneous view in propounding the proposition that the power sought to be taken to compel the railways of the States to carry mails at the will of the Postmaster-General or his deputy was a power analogous to that hitherto possessed by the different States in connexion with shipping masters. I think the proposition is an erroneous one, for this reason : Ships have been in the habit of coming to the ports of the different States, and in doing so they have come to ports that are under the absolute direction and jurisdiction of those States. Here we find a totally different state of affairs. The Commonwealth does not own the railways, and has no authority over them further than as provided for in the Commonwealth Act itself. It is specially laid down, in section 51, that the Commonwealth Parliament has power to make laws for the control of railways with respect to transport for the naval and military purposes of the Commonwealth. I venture to submit with a great deal of respect, for the consideration of the legal members of this House, whether, following upon the well known legal maxim, *expressio uni us exclusionem alterius*, their express inclusion does not exclude the right of the Commonwealth to make laws affecting the railways for some other purpose not specified. If the people and the Parliaments of the different States now constituting the Commonwealth had intended that railways should be under the jurisdiction of the Commonwealth for postal purposes, surely they would have been as careful to express it as they have been careful to express that the State railways shall be under the control of the Commonwealth for naval and military purposes. Then there is another clause to which I must take the very greatest possible exception, and which I hope will be entirely eliminated in committee, and, that is clause 19. That is the clause that proposes to give a most extraordinary authority to be exercised behind the back of Parliament, not by commissioners appointed upon commercial grounds, as are the Commissioners for Railways, but by political authority, Ministerial authority, and possibly for purposes of which - neither House of the Commonwealth Parliament would approve. The clause I refer to authorizes the Postmaster-General or, in other words, I suppose the Cabinet, to fix the rates for telegrams, telephones, and postage of all kinds, and not only that, but to differentiate between different classes of publications as to which are to be carried free, and which are to be charged for. It is scarcely possible to conceive that a "Government could ask from any Legislature so wide a power with the expectation of getting it. Let us take something which we may put in juxtaposition in connexion with this proposal ; that is, the question of charging wharfage rates. They are never left to the sweet will of any Cabinet. In every country where there is a Legislature they are imposed by Act of Parliament, and the Legislature fixes a limit to the power of the Government in making the charges. But here is a proposal that the Cabinet shall be let loose to do exactly what it pleases in any part of this enormous territory. They can fix local rates. They can impose penal rates upon certain portions of the Commonwealth communities. They can be pleasant to one side or to members whose interests are simply connected with one portion of the State. They can show favours. They can exercise patronage of the most objectionable, I might even say of the most heinous, character.

Senator Drake

- Oh, no !

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Senator Lt Col NEILD

- I do not see any limitation. I do know that in a certain State, that shall be nameless, it has been within the power of the Minister, and I know the power has frequently been exercised, to appoint districts within which certain conditions and privileges and certain low rates for the telegraph, telephone, and postal services, have prevailed. I am not the only senator present who can make the same statement, and if this kind of thing has been done in one case I do not see why it may not be repeated. I am aware that it is competent for an appeal to be made, at least Parliament may veto these regulations, but Parliament may not be sitting at the time ; it may not sit for six months, or even longer. It will, therefore, be in the power of

the Cabinet to do exactly what they' please in relation to these matters without let or hindrance from any one. Then, as I pointed out by way of interjection the other day on the second reading, there is no distinct provision that Parliament has the right to veto any of these charges or any of the regulations. I am well aware that the Postmaster-General said that of course Parliament had the inherent power. Quite so ; but I also interjected, and I submit the proposition again, that it is much better for Parliament to have the distinct power by statute to veto the regulations than that a motion should, have to be submitted which would at once be claimed to be a vote of censure on the Government. The question of an undue rate, or an improper regulation, would become not a question for Parliament to deal with by itself, but a question which would involve the fate of the Government. What chance have postal regulations of being considered when the fate of a Ministry is at stake ? I think there ought to be a distinct power of veto given to Parliament. Then, in connexion with publications such as newspapers and so forth, the Postmaster-General proposes that a newspaper shall be a document published once a week, otherwise it will come under some other heading and be subjected to a higher charge. Now, there are some publications connected with public societies that only come out once a month, and I hope the Postmaster-General will see his way to make some provision for allowing publications of bona fide public bodies to have the very best terms of transit through the post. There are trade circulars that come out once a week that are registered as newspapers, and, according to the definition given, they would be able to sail through the post as newspapers, whilst other more meritorious publications, that are only issued once a month, would be at a disadvantage. I think the Postmaster-General will see that these are matters well worthy of attention.

Senator Drake

- It might be a magazine.

Senator Lt Col NEILD

- Exactly.

Senator DAWSON

- It all depends upon the nature of the magazine.

Senator Lt Col NEILD

- Reference has been made by Senator Stewart to clause 27. I draw attention to the fact that, while it is in the power of the Postmaster-General or his deputy to stop the passage of any newspaper that contains objectionable matter, there is, so far as I am able to discover in any part of the Bill, no authority justifying the Postmaster-General in opening any newspaper to see if it contains anything objectionable. I cannot find such a provision anywhere, and there are other honorable senators who are in the same difficulty. It is very hard to find, and I do not think it exists. Newspapers can be opened if they have not on them sufficient postage, and I do not see that that would do a large amount of good. They contain no particulars of the sender, and therefore the opening of them would achieve no great result. How can my honorable friend hope to discover the impropriety of a publication unless he takes power to open it. This clause also asks for a very arbitrary power. Not only is it in the power of the Postmaster-General and his deputy to stop the transit of papers containing objectionable matter, but he may do so " for any other reason." No reason may be assigned, and no classification of any kind given. For any reason that enters the sweet will of the Postmaster-General or his deputy a document can be stopped ! The Postmaster-General claims to be the sole judge, and except at the expense, perhaps, of a Supreme Court appeal, there can be no reversal of his decision. There is one other clause to which I wish to refer, that is clause 63, which has reference to shipping. It seems to me that this clause perhaps is putting the cart-before the horse. That and the following clauses would come distinctly under the heading of navigation laws.

Senator Drake

- They are very old.

Senator Lt Col NEILD

- Exactly but the difficulty is this. The different States in which these laws have existed possess sovereign rights over their own ports. The Commonwealth does not own a port. At the present time the sole property of the Commonwealth consists of the lease of a boarding house in Macquarie - street,, Sydney.

Senator Drake

- Have they not got the Customs house?

Senator Lt Col NEILD

- If they have got it they have not paid for it, but that will come in due course, and in due course the past office properties will pass over.. There is a wide difference between the exercise of power by a sovereign State over its own ports and the exercise of an overriding power of a limited character over the ports of sovereign States. No doubt all these matters can be dealt with under the head of navigation laws, and it may be a question for the High Court to determine, if these clauses are passed into law, whether the power has not been taken in a wrong way, and, consequently, whether this Bill is really good law. That is a legal proposition, but I think it is one which may be fairly considered in committee. In other ways I feel that the Bill possesses admirable qualities, and I am sure every member of the Senate will do his utmost to speedily pass those of its provisions which are excellent, and which properly come within the scope of our authority.

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Senator KEATING

- Like other honorable senators who have preceded me, I must add my tribute of praise to the Postmaster-General for the very able manner in which he dealt with the Bill in introducing it for its second reading. I am perfectly in accord with the principle laid down by Ministers through the Postmaster-General in introducing this measure. It is a principle which I think should be adhered to in regard to our different departments of State, that each should rely absolutely upon itself. The department should not be made an instrument, directly or indirectly, for the furtherance of the development of the country in such a way as might prevent its efficiency and its value from being determined by the community. I think that the remarks which fell from the Postmaster-General in dealing with the advisableness of following the system which obtains in Canada, were very pertinent. In Canada there is a department for the express purpose of aiding in the development of the resources of the Dominion, and that plan might be very well followed in Australia. If we established a department of that character, we should be able to determine exactly the value of each State service, and we could saddle that one particular department with all the charges necessarily incidental to a department which takes upon itself the development of the community, and the territory belonging to it. A great deal of argument has centred round the provision for the making of regulations. I cannot at all agree with the principle that provision should not be made for regulations. I certainly think it is very inadvisable that we should load our statutes with too many duties because such a course very frequently necessitates tinkering with them by way of amendment, with the result that we have in our statute-book a principal measure and amendments upon amendments of it. If we can lay down a general principle regulating the policy of the Government itself as a part of the legislation with reference to the department, and make adequate provision for subsidiary regulations, which are liable to be altered from time to time as occasion may require, I think we shall find that a very much wiser course to adopt than to make our statutes too exhaustive. I fully agree with the opinion expressed by senators who have indicated that they would support only a principle which would necessitate the regulations as to rates of postage being submitted to Parliament, and receiving its express or tacit approval before having the force of law. There are several matters which might be left out of the Bill and made the subject of regulations. For instance, there is a provision in regard to the rates of postage on letters to soldiers, sailors and others in the marine or military services. I think the clause relating to this point is very imperfectly drafted, and should be eliminated altogether; and that the subject matter of the clause should really form part of a regulation. The same remark will apply to the clause dealing with regulations for the registration of newspapers which it may be necessary to alter. If we can possibly have our statutes so framed that they will need as little amendment as possible, and leave all details to matters of regulations, I think we will find our statute laws working much more harmoniously, and much more efficiently and intelligibly, than the statutes of the States do at the present time. There is a clause in the Bill in regard to the postage of newspapers in bulk, and there are several others of the same character which could be better dealt with by regulations, for the reasons I have already indicated. Clause 26 occasioned some comment when the Postmaster-General was referring to it, and I asked the honorable and learned gentleman how he was going to define a newspaper. He pointed out to me that the term "newspaper" was defined in the clause itself. If honorable senators will look at the clause they will see that it is far from being defined. It provides -

Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper that is to say any publication known and recognised as a newspaper in the generally accepted sense of the word. . .

I know that in framing this Bill the draftsman has considered the measures that have been in force in the various States, but at the same time he does not seem to have paid regard to the difficulties that have arisen in many of the courts of the States where terms of a general character have been used in the statutes. I know that in Tasmania the courts from the highest to the lowest jurisdiction were agitated for a considerable time in order to ascertain precisely what was meant by a definition in which the word "recognised" was used. We had in our State certain classes of racing clubs, some of which were supposed to be entitled to use the totalizer, while others were debarred from employing it. The real distinction between the two as laid down by Act of Parliament was that only "recognised" racing clubs could use the totalizer. For something like twelve months the question was bandied about, and at last it was settled only in a temporary and arbitrary way, and in a way which necessitated the Legislature reconsidering the whole clause, and remodelling it on totally different lines. This is a matter which will come up for consideration in committee. I hope then to accept the invitation extended to me by the Postmaster-General, and to indicate something which may be better for the purpose. Several honorable senators have made reference to clause 27, dealing with the registration of newspapers. I am thoroughly in accord with Senator Stewart in this matter. The Bill proposes to place within the power of the Postmaster-General an absolute arbitrary discretion in determining what is a seditious publication.

Subclause 3 of clause 27 provides that: -

Any posted newspaper found to contain seditious, blasphemous, indecent, or obscene matter may be destroyed by order of the Postmaster-General.

It may be that personal considerations will actuate him. I am not referring to our present Postmaster-General, but we do not know what may be the exact temper of any successor in office to the honorable and learned gentleman. If any particular newspaper does not altogether meet his views so far as its political lines are concerned, he may more readily regard matter in its columns as being seditious than he would possibly in the case of a newspaper which favoured his political leanings. It is an arbitrary power to vest in a Postmaster-General.

Senator Sir Josiah Symon

- The Postmaster-General might regard any critical paper as seditious.

Senator Pearce

- But there is the right of appeal.

Senator KEATING

- Yes. Senator Pearce remarks that there is the right of appeal, but of what value would the right of appeal be when the newspapers had been already destroyed. If the Postmaster-General merely stopped the circulation of the issue until the appeal had been determined then it would be of some value, but the sub-clause says -

Any posted newspaper found to contain seditious, blasphemous, indecent, or obscene matter may be destroyed by order of the Postmaster-General.

Therefore, the whole of the particular issue in which the alleged seditious matter appeared would be destroyed as far as the Postmaster-General could lay his hands on it. Of what value would the right of appeal be in such a case?

Senator Staniforth Smith

- The newspaper could print fresh copies of the issue.

Senator KEATING

- If the proprietor chose to reprint the issue he would do it at his own expense. In regard to the right of appeal sub-clause 4 of clause 27, although it gives that right, does not provide that if the appellant is successful he shall recover his costs from the department.

Senator Glassey

- Would not that follow as a matter of course.

Senator KEATING

- I do not know that it would. The law regulating that matter would be the law of the courts in which the case came up for consideration. Our experience in Tasmania has been that costs against the Crown or

against the police are never accorded the successful appellant. That is a matter of practice.

Senator Sir William Zeal

- That is not the practice here.

Senator KEATING

- The matter would be determined according to the law of the State in which the case was dealt with. So far as our State is concerned a successful appellant, no matter how iniquitous the decision appealed from may have been, and no matter whether during the appeal it has been indicated that there has been an attempt on the part of the police, or some one else, to unnecessarily or unwarrantably prosecute him, must be satisfied with getting the decision reversed. Costs against the Crown and police are not awarded by the court. The measure should indicate in express terms that it is within the power of the court to award costs to a successful appellant. Moreover, power should be given to the court to award not only costs to the successful appellant, but to allow him something in the nature of damages, as against the department as compensation for the loss of a particular issue which may have been destroyed by order of the Postmaster-General.

Senator Major Gould

- And in the event of an unsuccessful appeal, where would the costs go ?

Senator KEATING

- In that case the unsuccessful appellant always has costs awarded against him.

Senator Drake

- But he may have nothing.

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Senator KEATING

- That is not the principle on which our courts of justice are conducted, and the interjection which the Postmaster-General has made indicates another danger. A newspaper proprietor who had not large funds might be made the very victim of this clause, because the department recognised that even if he did succeed in his appeal he could not get costs. Clauses 40 and 41 are somewhat analogous to those I have just dealt with. They contain provisions empowering the Postmaster-General to examine newspapers and packets, and blasphemous or indecent letters may be destroyed. In regard to clause 41, however, there is no provision analogous to that in the clause to which I have just referred which would enable an individual to make any appeal at all. It gives a still more arbitrary power to the Postmaster-General. And not only the Postmaster-General but the Deputy Postmaster-General may deal with these matters. As some honorable senators have indicated, the Deputy Postmasters-General in some of the States have not given entire satisfaction to the public. I think that I and others from Tasmania can say that that has been our experience. The clause says that -

The Postmaster-General or Deputy Postmaster-General may at any time cause any postal article having anything profane, blasphemous, indecent, obscene, offensive, or libellous written or drawn on the outside thereof, or any obscene enclosure in any postal article to be forthwith destroyed.

A Deputy Postmaster-General may consider the most innocent mark on the outside of a postal article to be offensive within the meaning of this clause, and he may have the article destroyed. The individual who has posted it or to whom it has been addressed has, under the terms of the Bill, no redress whatever. I think the clause should be assimilated with clause 27, and that the latter clause with regard to the right of appeal should be amended on the lines I have already indicated. There are several provisions in the Bill in relation to postal articles which contain, or are supposed to contain, dutiable goods. I need not delay on this point further than to say that when the Bill has reached the committee stage I shall endeavour, as far as I can, to get honorable senators to make certain amendments. I do not see that it is necessary that the Postmaster-General, or the Deputy Postmaster-General should be empowered to forfeit absolutely articles containing, or supposed to contain, goods subject to customs duty. Why not follow the simple practice of not assuming that fraud is intended ; of sending the articles straight away to the Customs house, allowing the addressee to be notified that the article which is supposed to be dutiable has been posted to him, and that he may receive delivery of it at the Customs house by applying there before it is disposed of.

Senator Drake

- That is provided for in clause 48 ; the article has to be returned.

Senator KEATING

- But there are other clauses, and in some of them, if I am not mistaken, a Deputy Postmaster-General, or the Postmaster-General has power to forfeit the articles absolutely, without dealing with them at all.

Senator Drake

- Only when the articles have been posted in open violation of the law.

Senator KEATING

- He can open letters or packets containing anything of value. Then the penal clauses provide for penalties being imposed without giving the parties an opportunity of showing their bona fides, in the way I have indicated, by sending the articles straight away to the Customs house, and notifying the receiver that they may be got there on payment of the necessary duty. With regard to the much vexed question arising out of the consideration of clause 54, I happened to arrive in the chamber just in time to hear Senator Sir Josiah Symon indicate that his desire was to bring the States in line on the question of gambling. He intimated at the same time that he was not very well acquainted with the details of the Tasmanian law in that respect, but he sincerely hoped that Tasmania would be brought in line, and would no longer remain the black sheep of the States. I think that latter remark clearly proved the truth of his previous assertion that he was not well acquainted with the details of the Tasmanian law on the subject, because if he were, his clear mind would have led him to the conclusion, that so far from being the black sheep of the States, Tasmania is, if anything, the little white lamb of the States in this respect. So far as gambling laws are concerned Tasmania is far and away ahead of any one of them.

Senator Sir Josiah Symon

- What we complain of is that she encourages the other States to gamble through her.

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Senator KEATING

- She does not encourage the other States to gamble. We have been told by senator after senator, that Tasmania, in allowing Tattersall to carry on his operations within her limits, is nullifying the effect of the laws of the other States, which prevent him from carrying on his operations therein. Quite the contrary. We have been assured by Senator Best and by others that from their respective States Tattersall has been expelled, or at any rate that in their respective States laws have been passed which prevent him from carrying on his operations there, and as Senator Best said, the policy of 'Victoria has been not to facilitate gambling. I should think it has been. That has been the policy in Tasmania, but for totally different reasons. I presume that the motive for the policy in "Victoria was that there was no necessity to encourage gambling. It thrived so exceedingly that there was no necessity to encourage it. There was no necessity to facilitate it, as the facilities were so great. I have lived in Tasmania since Tattersall has been there. I have been in "Victoria frequently since Tattersall has been in Tasmania. I am not one who would call himself a votary of Tattersall. I do not follow gambling except in a very mild form, and I think if we take the average of the senators present, I would be no higher than the average in that respect. Tattersall was carrying on his operations in New South Wales for some years. He was carrying on his operations afterwards in Queensland, and subsequently in Tasmania, and I suppose during the last twelve or fifteen years, if I have had twenty tickets it is about all I have had - I am putting it down at an outside estimate.

Senator De Largie

- What a confession to make !

Senator KEATING

- It is a confession I am not ashamed to make. I would like to know what the confession of the honorable senator would be on the subject. When Tattersall came to Tasmania it was pointed out that Tattersall was a great evil ; that it was necessary to expel Tattersall from New South Wales; that, after having found for a time a home in Queensland, the people there had found the pernicious consequences of his presence so great that they, too, had to expel him. We, in Tasmania, then received him : but what is actually the state of the law in that State? I think honorable senators will bear with me if I deal with this for a few minutes, because they will perceive that there is a great principle involved in the matter. Senator Harney has pointed out that we are endeavouring to usurp functions which do not properly belong to us. We have a monopoly of the post and telegraph services throughout the States of the Commonwealth, and we can use that monopoly either for the purposes for which we legitimately use it, or we can use it in an infinite variety of ways for purposes that we have no right to consider in the least, and this is one of them. If it

comes to a question of determining purely social legislation of this character that is a matter which should be left, as Senator Harney says, entirely to the States. It is not for us to say that it is unlawful, that it is wrong, that it is immoral that a particular form of gambling should be indulged in. Why, we in Tasmania pride ourselves upon the fact that we are far more moral in the matter of gambling - if gambling be an evil - than is any other State in the Union.

Senator Harney

- And any other State may follow Tasmania's lead to-morrow.

Senator KEATING

- Precisely so. Any other State may legislate in the same direction, and if they did they would be following, in my opinion, a very good course.

Senator De Largie

- The Australian Monte Carlo !

Senator KEATING

- The Australian Monte Carlo ! So far as Tasmania is concerned, we have, in the first instance, an Act for the suppression of gaming and betting, and it is absolutely unlawful for any two individuals to make a bet in a public place, and a race-course is a public place within the meaning of the Act. We have no bookmakers, no bookmakers' shops, and no totalizators except those which are used on the race-courses - we have none in private shops. No private individual is allowed to make a bet of any kind on any event in any public place, even including a race-course. Our methods of gambling are therefore restricted, so far as horse racing is concerned, to investments on the totalizator. And for our totalizators we have rules and regulations laid down. They are subject to the supervision of the State through officers appointed for that purpose, and who attend on the race-course.

Senator De Largie

- Can they go in for a raffle ?

Senator KEATING

- No ; they cannot go in for a raffle.

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Senator Lt Col Neild

- Not for a raffle at a church bazaar ?

Senator KEATING

- They cannot go in for a raffle at a church bazaar in a public place. Then, so far as Tattersall is concerned, all lotteries are prohibited.

Senator Harney

- Are art unions legalized ?

Senator KEATING

- No.

Senator Sir Josiah Symon

- Then I suppose Tasmania is the little safety valve.

Senator KEATING

- If honorable senators will permit me to proceed I think I can clearly show them that its legislation has been more of an anti-gambling character than has been the legislation of the States of those honorable senators' who have addressed themselves to this question and claim that they wish to exclude Tattersall from carrying on his operations in the Commonwealth because their respective States are opposed to gambling. We have then no bookmakers, no private totalizators. No totalizators are allowed to be used except those which are used by the authority of clubs which are registered and are amenable to the law. We have no lotteries of any kind allowed in a public place. In the statute there is a special provision by which any individual or individuals desirous of carrying on a lottery may apply to the Governor in Council for leave to do so, and on the deposit of £10,000 or £20,000 the Governor in Council may, if he choose, allow them to carry on a lottery on the lines they indicate and subject to the terms and conditions laid down by his orders. Tattersall by virtue of that provision has made application to the Governor in Council for leave to carry on a lottery, has indicated the way in which he intends to carry it on, has made his deposit as a guarantee of his bona fides, so that any of the lucky investors shall not be so slipped up as they very often are in the anti-gambling States on the mainland. And further than that, the whole of his

operations are carried out most strictly and solely through the post-office. He is not allowed, nor are any of his clerks or officials allowed to sell a single ticket over the counter of his office. Every ticket must be issued only on application made through the post-office, so that it is just as difficult for a person living next door to Tattersall's office to obtain a ticket in the consultation, as if he were living a thousand miles away. The inducement to go and invest in a Tattersall consultation is no greater in Tasmania than it is at Cape York, for a man still has to take his application form, write it out, sign it, and send it with two addressed stamped envelopes and a postal note or a post-office order. It costs a man precisely the same in Tasmania. The trouble is just the same, even although he is living next door to Tattersall's, and the temptations and the inducements which may be supposed to be begotten of his near presence are temptations which only exist in the minds of those who know very little of the way in which his operations are carried on. When it comes to the drawing of a consultation, a notice has to be given by Tattersall to the Government of Tasmania intimating the time and the place where it will be made.

Senator De Largie

- The honorable and learned senator knows all about the game.

Senator KEATING

- Precisely ; and I would not be here if I did not know all about these things. I think that all who come here should know about them. Why should we get up and condemn Tattersall down to the lowest if we do not know all about him ? When the drawing is to take place, the time and the place are notified to the Government, and a Government official is in attendance there. And, further than that, the whole of the proceedings are open to the public, and any individual, whether he be an investor or not, may attend there at the drawing, and take a part in it, and then go and get breakfast with some of them, for they generally extend that to one, I believe. Under these circumstances, as honorable senators must agree, Tasmania has not, through any laxity in her legislation, encouraged gambling. We have been told that the presence of Tattersall in a particular community has been very dire in its results ; that the evil effects have been pronounced ; that it is a most pernicious system to have existing in any community. What has been the result in Tasmania, which my honorable and learned friend calls the black sheep of the States? I think I may fairly, on behalf of the State I represent, challenge comparison with any other State in the union per head of the population, or on any other basis that any person may like, as to its moral character, and as to the absence of crime in the community.

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Senator Sir Josiah Symon

- I do not call it a black sheep in that respect at all; I give it the highest moral character. I wish to save it from this blemish.

Senator KEATING

- I am very pleased to hear the honorable and learned senator say that he gives Tasmania the highest character. I speak from experience! I say that since Tattersall has been in operation there the moral character of Tasmania has not deteriorated.

Senator McGregor

-Tasmania may lose him after giving him a good character.

Senator KEATING

- So far as Tasmania is concerned, there is no evidence of any deterioration in the moral character of the community. We will take, for instance, the opportunities for gambling which are afforded in other States, and contrast them with those afforded in Tasmania. We are told by some persons that if we allow gambling to exist we open the door to petty speculation by those who cannot afford to practice gambling, but are induced by the encouragement held out to take what does not belong to them, and put it into some form of speculation or another. Where do these inducements mostly exist? In Tasmania, where the individual would have to go and get a postal note or a post-office order and give his name ; where he would have to write a letter and send it through the post ; where the very amount he sent, the letter he sent, and the application form he filled up, could all be traced, because they are all kept; or in a State like Victoria or, I presume, New South Wales, where a man can easily lift 5s. or 10s. and go and put it into the bag of a bookmaker and simply get his ticket ? In which State do honorable senators say are the inducements held out for petty speculation ? That is one of the arguments which are used against Tattersall. I claim that the way in which Tattersall's consultation is conducted in Tasmania has tended, so

far as we are concerned, to eliminate the most undesirable elements in connexion with gambling. I think every honorable senator will agree with me that we cannot by legislation eradicate from human nature those things which are deeply implanted in it. If we attempt to extinguish the gambling element, if we attempt to eradicate the tendency from human nature by mere legislation, what will be the result? Does any honorable senator think we shall be successful?

Senator Fraser

- We should not encourage it, though.

Senator KEATING

- We are not encouraging it, I may tell my honorable friend that in the State of Tasmania we claim that we have discouraged it. If you had been perfectly honest and perfectly fair, and if you had tried to do all you could to prevent the community of your various States from participating in a lottery like Tattersall's, why have not your various State Parliaments done all they could do - why have they not prevented the very communications from other States passing through their own central post-offices - have you done it? No. I have heard honorable senators say that the attitude of Tasmania has had the effect of neutralizing the legislation of other States. If the other States liked to carry their legislation to a logical conclusion, why did they not prevent, each and every one of them, every communication passing through their post-offices to the State of Tasmania when they were addressed to Tattersall? They have not done it.

Senator Drake

- They could not do it.

Senator KEATING

- Why does the Commonwealth Parliament attempt to do it in this instance?

Senator Drake

- Because it is doing it for the whole of Australia.

Senator KEATING

- Could not the Parliament of Victoria have refused to allow these letters to pass through their general post-office to Tasmania?

Senator Sir Frederick Sargood

- No.

Senator Drake

- No, because it would have been a breach of faith with Tasmania.

Senator KEATING

- I beg to differ with the two honorable senators who say "no," and I respectfully submit to the Senate that if the Parliament of Victoria had wished to lay down in its Post-office Act or its Post-office Amendment Act, that the Postmaster-General should not carry any communications through Victoria to any person who was admitted to be carrying on a lottery of this description, it could have been done.

Senator Drake

- No, it would have been a breach of the international agreement we have entered into.

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Senator KEATING

- Apart altogether from the international agreement, I submit that if they had gone on this principle of social legislation their Postmaster-General could have been prevented from doing that. And there has been no attempt made on the part of any of the Legislatures of the States to prevent those who are subject to their jurisdiction from participating in this lottery in the way indicated. Speaking as one who is not accustomed to indulge in this mild form of excitement very frequently - in fact if I were to be asked now, or if I were to reflect for half-an-hour, I do not think I could say when I last had a ticket in Tattersall. But at the same time, I strongly and sincerely object to the assumption that by allowing Tattersall to 'carry on his operations in the Commonwealth, subject to the present conditions and restrictions, we are encouraging the evil. I submit, most distinctly, that as far as gambling is concerned our legislation is far in advance of the legislation of any of the other States.

Senator Sir Frederick Sargood

- Does the honorable senator mean that Tattersall has done no harm?

Senator KEATING

- I do.

Senator Sir Frederick Sargood

- When the honorable senator has lived longer and employed labour he will know how utterly wrong he is.

Senator KEATING

- Does the honorable senator suggest that after I have employed labour I will discover that those whom I employ and who go into Tattersall's sweeps will use my money for the purpose?

Senator Sir Frederick Sargood

- Yes.

Senator KEATING

- Then, if that is the honorable senator's opinion, why has he not used his undoubted influence before to prevent the existence in Victoria of such a large number of bookmakers? You offer here far greater facilities to those people than are offered elsewhere. They flourish everywhere.

Senator Drake

- - They do not offer the same facilities as Tattersall.

Senator KEATING

- No, not the same, but far greater. You drop the money into a bag, and you pick out a ticket. In the case of the investor in Tattersall's, he has to send his application through the post; it remains in the office of Tattersall, and if he has been guilty of speculation, it can be traced home to him much more readily than if he had taken the cash out of the till and gone to Ike Moses and dropped it into his bag.

Senator Ewing

- Is bookmaking illegal in Victoria?

Senator KEATING

- I do not know.

Senator Ewing

- You are assuming it is?

Senator KEATING

- I am assuming it is not. I am pointing to the fact that it is not illegal in Victoria, and in that respect the State Legislature has been very neglectful of its duties.

Senator Ewing

- - The Victorian Legislature has dealt with the subject.

Senator KEATING

- Has it repressed bookmakers?

Senator Ewing

- It has passed a law prohibiting them.

Senator KEATING

- Do they not carry on their operations on the Flemington racecourse. Whatever argument the honorable senator may apply to gambling in Tattersall's, may be applied with a very much greater degree of force in regard to the forms of gambling which by the laxity of the supposed anti-gambling States flourish in their midst.

Senator Sir William Zeal

- Do you argue that we should establish Tattersall in the different colonies.

Senator KEATING

- Let him exist as he exists.

A Senator. -For the benefit of Tasmania.

Senator Ewing

- They gain £15,000 a year by him.

Senator DAWSON

- Queensland lost £30,000 when she lost him?

Senator KEATING

- He is worth £60,000 a year to the Commonwealth, and if he is turned out of Tasmania he can go to New Zealand, or he can hire an island of his own. You will not put down gambling by providing that you will prevent applications going to Tattersall in Tasmania.

Senator Sir Josiah Symon

- Tasmania wants to keep the wages of sin.

Senator DAWSON

- She is reaping the wages of sin.

Senator KEATING

- As far as other communities are concerned, the honorable Senator Sir Josiah Symon recognises the value of the legislation they have had in South Australia with regard to gambling. He recognises that the legislation with regard to the totalizator being of a regulative character, rather than absolutely prohibitive, has been of better effect.

Senator Sir Josiah Symon. - I do not agree with that. I would do away with the totalizator.

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Senator KEATING

- Quite so ! But the honorable member would recognise that if attempts were made to do away with the totalizator, instead of repressing the evil, which is at the root of the whole trouble, and which is inherent in human nature, the result would be to direct it into another channel.

Senator Sir Josiah Symon

- It has been of some benefit, but there is a great deal of gambling in South Australia outside of the totalizator.

Senator KEATING

- I am very sorry to hear that, because I was under the impression that South Australia was the paradise of legislative and administrative effort in this matter. It is a matter of administration. The honorable senator has told us that a great deal of gambling goes on there. That proves my argument. If you do away with the most legitimate form of gambling that you have, and if you do not eradicate the gambling instinct altogether, you allow it to manifest itself in other ways and directions, which are far more injurious to the morals of the community. We have in Tasmania a law which, so far from having produced evil effects on the community, has been productive of effects which by the general community have been considered good. I possibly should except a few extremists from a religious point of view, and a few extremists from a bookmaking point of view. You will get, in your opposition to such an institution as Tattersall, a large number of bookmakers. They do not approve of a form of gambling of that character, which is subject to State supervision ; but I hope honorable senators will consider this. A law does exist in Tasmania with regard to Tattersall. It is a law which we consider, and rightly consider, is far more stringent than the law which exists in any of the other States ; but in that law we recognise there is a human instinct which leads to gambling. We do not attempt to take upon ourselves the herculean and impossible task of eradicating that instinct. We endeavour by our legislation to so arrange that this instinct shall have full play for its manifestation in a direction which is subject to the greatest amount of State inspection, so that every individual who participates in that form of gambling shall not be subject to any of the inconveniences and dishonest practices to which he is subjected in other forms of gambling.

Senator Ewing

- You ought to find a safety valve for crimes of other kinds.

Senator KEATING

- My friend assumes that gambling is a crime. It remains for him to prove it.

Senator Ewing

- I say it is.

Senator KEATING

- Then I meet the honorable senator's assertion by saying it is not !

Senator Walker

- Is it a virtue ?

Senator KEATING

- It does not follow because a thing is not a virtue that it is a crime. The occupation my friend is engaged in cannot be construed as a crime, yet I would hesitate before I regarded it as a virtue. I do not know that there is any necessity for me to deal at any further length with this matter. The honorable Senator Stewart dealt very fairly and clearly with the matter, as he did with other clauses regarding the powers vested in the Postmaster-General. There are provisions in the Bill which give to the Postmaster-General most arbitrary powers - powers which I think the Senate should not, under ordinary circumstances, give. Clause 54 says : -

The Postmaster-General if he has reasonable grounds to suppose that any person be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing in connexion with a fraudulent, obscene, indecent, or immoral business or undertaking- He is to determine what is a fraudulent, obscene, indecent, or immoral business. We might have a Postmaster-General of the moral calibre of Senator Ewing, who would regard gambling as a crime. And he might regard other acts, which are ordinarily looked upon as innocent, as highly immoral. And yet we are asked by this particular clause to invest the Postmaster-General with this large amount of arbitrary power, so that he may, by order under his hand, published in the Gazette, direct that any postal article be not transmitted or delivered. This reminds me of another aspect of the question to which I have been referring. If the Postmaster-General, by virtue of the power conferred upon him by such a clause, chose to order and 'direct that all communications addressed to "Tattersall, care of George Adams, Hobart, Tasmania," should not be delivered, what would be the result ? Do you think it would necessarily drive Tattersall from Tasmania or the Commonwealth ? You might possibly drive him to New Zealand, and then the Postmaster-General would, according to his own statement, be in the peculiar position that he would be unable to prevent communications going to him there, because by international agreement the clause could not be carried into effect. Possibly, Tattersall might go to Hong Kong.

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Senator Ewing

- Let him go there !

Senator KEATING

- Let us not take the trouble to pass legislation which would have no effect whatever. He might even remain in Tasmania. He might still carry on his operations there, notwithstanding the stringency of this clause. My objection to the clause is taken upon this basis : I think, with other senators, that gambling is not a thing to be encouraged, but I say that the way in which the Tasmanian Legislature has faced the question has been the only correct way so far adopted in the States of the Union. If we are going to fly in the face of experience, the experience of centuries and centuries, and attempt by Act of Parliament to make men moral, we shall distinguish ourselves in a way that we shall not very well be proud of in the future. We shall find that all our attempts, in this direction are abortive. We shall find that Tattersall will go elsewhere, and the very evil we are trying to minimize will not be lessened.

Senator FRASER

- Would you have tote shops in every street ?

Senator KEATING

- You have them. My honorable friend has had influence to use in the direction of suppressing them, and must have been wanting in his duty, because there is not the slightest doubt that there exist in this very community tote shops innumerable, and that here bookmakers flourish and thrive. You can go through the streets of Melbourne and the streets of other States where gambling is supposed to be prohibited, and find gambling of the very worst, lowest, and most degrading kind.

Senator Fraser

- That does not say much for the police if it is true.

Senator KEATING

- It is not a matter for the police. It is because the Legislature has attempted the impossible, and when you attempt the impossible you gain a distinction that you cannot possibly be proud of. .

Senator Sir William Zeal

- Can the honorable senator prove the existence of these tote shops?

Senator DAWSON

- He will take you down and show them to you.

Senator KEATING

- I will leave this matter now, because when it comes up in committee there will be ample opportunity afforded to honorable senators to show how far they are prepared to carry their anti gambling propensities when we are discussing the verbiage of the particular clause.

Perhaps before then, when we come to deal with another measure, we shall have an excellent opportunity of testing to the full, perhaps to the breaking strain, the anti-gambling propensities of some honorable senators who have addressed themselves to this Bill. I hope then that those staunch

anti-gamblers will be found opposing any measure of a kind which would introduce gambling into the halls of the Legislature. There is ample provision under section 91 for the making of regulations to give effect to the measure. There are one or two matters I would like to deal with, but they are really matters for committee. I have already referred to such questions as postage on certain letters and on newspapers. In Tasmania we have in our Act some useful provisions, and I hope senators will not accuse me of being provincial because I allude to them. We are all necessarily guided by the experience we have had in the past. Even the draftsman of the Bill has recognised that, and has adopted in this measure portions of the enactments in force in the different States. And he has done even little Tasmania, the white lamb of the States, the honour of taking two clauses from its postal measure. We have had in our State a practice followed which we have found of great advantage, and that is in regard to our post-cards and our letter-cards. Our Government, recognising that Tasmania is in many respects an excellent sanatorium for Australia, has been issuing post-cards bearing on them views of scenery with the idea of inducing the people who receive the cards to visit an island which contains so many beauty spots. I hope that power will be given to the Governor in Council by regulation to enable any State Government to follow the practice and to issue illustrated post and letter cards at their own cost.

Senator Sir William Zeal

- That is quite common in Victoria.

Senator KEATING

- And to have placed upon them the necessary postal duty required for the Treasury.

Senator DAWSON

- You have a lot of beauties in Tasmania.

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Senator KEATING

- If the honorable senator wants them we can give him the photographs of Tasmanian beauties too. With regard to clause 16, I noticed on a first reading that it does seem, as Senator Best has indicated, to be rather an attempt on the part of the Commonwealth Legislature to exceed the power with which it is endowed. As Senator Sir Josiah Symon aptly said, it amounts really to a commandeering of the railways.

Senator Charleston

- Clause 17 prevents that.

Senator KEATING

- No it does not. It simply says that payment shall be made. If the honorable senator was liable to be compelled to do certain work and get payment for it afterwards, he would find it a very different position to be in than if he were asked to do work or to be allowed his own option to do it, and if he did it to be paid for it.

Senator Sir Josiah Symon

- We cannot allow any option in this case.

Senator KEATING

- We are not entitled to get our mails carried if we refuse to do it, and is there any guarantee that we will get them carried more readily if we say they must do it? We say here that the principal railway official of every State shall carry mails, but supposing that he says he will not do so, what power of compulsion do we possess?

Senator McGregor

- We would send our army.

Senator KEATING

- I admit that it is really a theoretical difficulty to a great extent, but at the same time-

Senator Sir John Downer

- Either we can do it or we cannot do it.

Senator KEATING

- We have no power of enforcing it.

Senator Sir John Downer

- I think we have.

Senator KEATING

- The railways are still subject to the States.

Senator Sir Josiah Symon

- Do you think that the proposition might be at least open to argument that we have no power to do it?

Senator KEATING

- I am only stating my own opinion ; I think we have no power to compel compliance with this clause on the part of the principal railway official of a State. We have power under the Constitution to take over the railways.

Senator Playford

- No, we have not. We can only take them over subject to the consent of the States.

Senator KEATING

- Of course that is what I mean.

Senator Sir Josiah Symon

- How could the honorable senator enforce equality of rates ordered by the Inter-State Commission ?

Senator KEATING

- The Inter-State Commission Bill will be before the Senate in due time, and when it comes before us we shall see how their power of enforcing decrees and orders is defined. I submit that as far as we are at present concerned there is no power on the part of the Government to enforce compliance with this clause on the part of a recalcitrant State.

Senator Sir John Downer

- Does the honorable and learned senator think we can only do so by amending the Constitution ?

Senator KEATING

- Yes. While the railways remain under the control of the States, I submit that no recalcitrant State could be compelled to comply with the terms of this clause. Clause 17 provides for a payment. If they do the work it is necessary that they should be paid. There is no provision with regard to private railways. Private railways, I submit, must stand in this particular connexion exactly in the same position as the proprietors of coaches or the proprietors of means of communication other than railways.

Senator Charleston

- Has the honorable and learned senator seen clause 13 ?

Senator KEATING

- There is no provision in that clause which gives the Government power to enforce clause 17. They cannot commandeer the proprietors of a line of coaches or a company which owns a private railway. In Tasmania we have a number of private railways which are already carrying mails, and must inevitably carry mails under the altered conditions.

Senator Sir Josiah Symon

- Clause 91, sub-clause (b) enables the Governor-General to make regulations -

Fixing the rates payable to masters of vessels and private railway and tramway authorities for the carriage of mails.

Senator KEATING

- But the Governor-General cannot say that they shall carry the mails. He cannot say, for instance, that the Emu Bay Railway Company, for instance, shall carry mails. That company is subject to the State.

Senator Sir John Downer

- Has the honorable and learned member seen the words used in the American Constitution relating to trade and commerce ? They get their powers under equally general words.

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Senator KEATING

- As the Postmaster-General comes to administer the Act he will find he is not absolutely in the position of a dictator with regard to private companies or private firms owning means of communication which he desires to utilize for the carriage of mails. With regard to clause 16, I think we should use words that would more clearly indicate our present position.

Senator Drake

- Has not the Railways Commissioner in Tasmania power over these private railways ?

Senator KEATING

- No ; there may be possibly in the various separate statutes running powers reserved to them, subject to conditions which may be made. There is one matter which peculiarly affects our State, and in regard to

which I would heartily re-echo the sentiments expressed by Senator Sir Josiah Symon, in reference to bringing Tasmania into line with other States. I hope that in the administration of the service the Postmaster-General will have greater regard for the convenience of the corresponding public of Tasmania than the Postal department has in many instances accorded it in the past. If I can only get the ear of the Postmaster-General before he proceeds to administer the Act, I hope I shall be able to persuade him that it will be advantageous if the principle which has been followed in the past with regard to mail communication between the larger centres of population on the mainland is followed in Tasmania. I believe that between Melbourne and Sydney, Melbourne and Adelaide, and also Sydney and Brisbane, the mail trains carry with them a mail van in which the letters are sorted on the way. I trust that the Postmaster-General will remember that, from the point of view of postal communication, Tasmania is the most remote in the union from the old country. The English mails come to Tasmania via Melbourne. They arrive in Tasmania at the latter part of the week. During the winter months they reach Launceston, at the earliest, at eleven a.m. on Saturdays. As they have not been sorted on the way, they are not distributed until Saturday at two o'clock, so far as the business people are concerned. In many instances they are therefore practically useless until Monday. Then, again, the return mail closes, during the winter months, early on Tuesday morning. It leaves Launceston on Tuesday morning, and, perhaps, closes at six or seven o'clock. Therefore, under the most favorable circumstances, the recipient of an English letter in Launceston obtains it on a Saturday afternoon, and he has only until Monday in which to attend to his English mails. As far as Hobart and the south are concerned, their position is very much worse, while the West Coast is in a terrible situation. At Hobart the English mails arrive at 9 p.m. on Saturdays. They are not sorted on the journey down, but those who happen to get in front of the crowd which gathers round the chief postal office in the State late at night, in order to secure their letters, succeed in obtaining them at eleven p.m. To these letters they must reply before half-past seven on the Monday night in order to catch the English mail. If they do not apply for their letters at the Post-office window on Sunday night, they have to wait for them until Monday. There is therefore special reason for the sorting of mails during the course of transit. Not only should it be provided in the Bill that all boats carrying mails must have dry and secure places for the mail bags, but that a sorting-room shall be provided wherever required by the Postmaster-General. It should also be insisted upon that the mail steamers running between the mainland and Tasmania shall have sorting-rooms. When the mails come by the alternative route over to Burnie there is a distance from Burnie to Launceston which requires six hours to traverse, but the mails are no earlier because they come to the Post-office in bulk, and have to be sorted there, although that work could be done with very little trouble on the way down. These are matters which I must refer to in the interests of my State. I feel the Postmaster-General will recognise that, as far as Tasmania is concerned, there are many disadvantages under which she labours in relation to communication with the old country and the mainland that other States do not suffer. I hope he will fully carry out the principle I have indicated, and if he does he will receive the approval and support in that particular matter of representatives of Tasmania not only in the Senate but in the other House. I thank honorable members for the very patient hearing they have given me. On the general principles of the Bill I am perfectly prepared to do all that I can to get the measure made part of the Commonwealth legislation as early as possible.

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Senator STANIFORTH SMITH

-- - I can very strongly commend the determination of the Postmaster-General that this great and important department shall be run on commercial lines: I sincerely trust that each of the great departments taken over by the Commonwealth will be run exactly on the same principles? I think it would be a mistake to allow the introduction of philanthropy or other affairs of the States to be mixed up with the commercial principles upon which a great department like this should be conducted. I am extremely anxious to see the department pay, because I am convinced that until that result is obtained we cannot have penny postage throughout the Commonwealth. That is a very important matter, and I trust that before long we will be enabled, to inaugurate the system. As business men we can see that if the department does not pay under the present rates, we cannot possibly expect to introduce the penny post throughout the Commonwealth ..

Senator McGregor

- The department may pay better by the introduction of that system.

Senator STANIFORTH SMITH

- I can see no logical reason whatever why newspapers should be carried free through the post. Certainly, newspapers are educational- - at least, some of them are - and there are some that are not. If they are educational, then it is within the province of the Postal department to. carry them free ; and, if the States consider that their educational tendency is. of so much value, they can. give it a grant equivalent to the cost of so carrying them. If mails can be carried properly and quickly on horseback there is no. reason whatever why the Postal department should go to the expense of running a coach merely for the benefit of passengers. As Senator Playford has said, if alternate tenders were called for the carriage of mails, and the State concerned wished to pay the difference, the department would be perfectly justified in accepting a tender for running the coach.

Senator Sir William Zeal

- It is the safety of mails in remote districts that the department has to consider.

Senator STANIFORTH SMITH

-I think there is perfect safety for the mails if they are tied up in bags. I am in favour of the principle contained in clause 7, that there should be a Deputy Postmaster-General in each State. I consider we should not try to centralize the department. We ought to recognise the rights of the States in these matters. If there were no Deputy Postmasters General considerable confusion and disorganization would result and there would also be delay if every person had to appeal to Caesar in the person of the Postmaster-General of the Commonwealth.

Senator Harney

- Like his wife, he should be above suspicion.

Senator STANIFORTH SMITH

- A great deal has been said about what I consider is a very trivial matter in regard to clause 16, which provides that the railways " shall " carry mail's. If there is any doubt as. to whether the Federal Parliament has power to make any such provision, then the sooner that doubt is settled in our High Court the better it will be. It is absolutely essential to. the Comm on wealth that we should have that power. It would place us in a ridiculous position if the Governments of the States were able to say, " We will not carry the mails of the Commonwealth." In the very next clause it is provided that the price shall be mutually agreed upon or be settled by arbitration. Now,, considering that the railway is a common carrier, it must carry mails if the price to be paid for the work is mutually agreed upon. If I were a farmer, for example, with a load of wheat, the railway would have to carry that wheat if I were willing to pay the ordinary price; and if it had facilities for doing so. Surely the Government can exact the same terms as those given to private individuals. Under clause 19 there is a very dangerous precedent in the proposal that the Governor in Council shall fix the rates of postage. That practically means that the . States which, for the first five years, are principally interested would be in the position of having, their rates raised or lowered, and their revenue increased or decreased, at the will of a single individual. The States should not be placed in such a position. As the representatives of the States it is our duty to safeguard their interests. The difficulty might be overcome by providing in the regulation that alterations in rates should not come into force until Parliament had approved of them. Clause 44 is a very good one, providing as it does that all unclaimed letters and telegrams delivered at hotels must be returned to the post-office, under penalty, within one month. I have not seen such a provision in any other Postal Act.

Senator Playford

- It is in the South Australian Act.

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Senator STANIFORTH SMITH

- It is an exceedingly good one. I have known many instances in which important letters have been sent to hotels and have remained there for months, with the result that the addressees have suffered great loss. AVe have heard a very great deal .about the moral aspect of an institution called Tattersall, and an honorable senator very eloquently, for about three-quarters of an hour, dilated on the virtues of that institution. But there is ' nothing in this Bill tending to stop or do away with Tattersall. All we say is, that every State in Australia has declared against Tattersall, and therefore we have a right which was previously denied through the individual States to say that we shall not allow letters from those States to

go into Tasmania. We do not say that Tattersall must be closed up. They can have Tattersall for Tasmania.

Senator HARNEY

- We say a lot more ; we say we shall not allow any letters to go to a person.

Senator DAWSON

- It is announced in the Gazette that letters sent to a certain person may be destroyed.

Senator STANFORTHSMITH. Quite right, too. I think this gambling spirit is one of the most insidious and serious vices we have in Australia. I know that many persons have been impoverished by the encouragement which it has received. I know that in Kalgoorlie it is so. People on the gold-fields are naturally of a speculative disposition, and, for a term before the Melbourne Cup, and for a term after it, there was a very great slackness of business, and tradespeople complained on every hand that there was no money in the town. That resulted from the gambling spirit - from the immense amount of money which was sent to Tattersall, and ' such institutions. The gambling spirit should certainly not be accentuated. If Tasmania wishes to have what I consider a pernicious institution like this, we do not wish to stop them; that rests with them. If they have not the moral courage to stop such an institution, because it brings them in a revenue of £20,000 a year, then, certainly, let it remain. But that is no reason why we in the various States of Australia should be bled for their especial benefit. Tattersall can have 'branches at all large centres of population in Tasmania, and they can carry on their avocation just as they do now. When five out of the six States of the Commonwealth have declared against Tattersall, I contend that we ' are perfectly right in not making this Senate a channel for aiding and abetting that institution.

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Senator DAWSON

- And the whole five are sorry for it now.

Senator STANFORTHSMITH. What is the main object of so many Tasmanian members and others being so strenuously in favour of this gambling institution? I cannot believe that it is for a mess of pottage like £20,000 a year. I cannot think that the senators from Tasmania who make such a high claim to moral rectitude would for a moment allow such a matter as this to intrude itself upon them and affect their decision. If they wish to have their Tattersall, let them have it ; but we have a perfect right to say that every State in Australia shall not be laid under contribution for their especial benefit. There is a very valuable clause which is not much commented upon. Clause 142 imposes restrictions against the telegraph lines being injuriously affected by other electrical works. In Perth we had a very good illustration of that being done. The Perth Tramway Company had the consent of the Government to lay down trams throughout the streets of Perth. The electric lines in the streets were found to very materially injure the public telephones and telegraph lines throughout the city, but the Government had not the power to cause the company to pay for the damage they had done. I was very glad to see in the Bill this important clause, the absence of which in the local law has cost the Government of Western Australia thousands of pounds. It is a very valuable clause, and, with the great extension of electrical machinery and electrical works going on at the present time, it will certainly save a very considerable expense to the Commonwealth. The question of wages on the mail steamers was mentioned, I think, by Senator Stewart. I think it is quite impossible for this Government to in any way regulate the wages on the mail steamers, but I am equally confident that they can oppose the continuance of coloured labour on these mail steamers. We cannot say to the P. and O. Company, "You shall not have a horde of that class to work your boats," but we can certainly have in the Bill a clause instructing the Postmaster-General that he cannot grant a subsidy to any mail steamers employing coloured labour in their crews. The Orient Company carry British sailors, and there is no reason why other steam-ship companies should not do the same. I look at this matter more on patriotic grounds. We are told that the British navy is the bulwark of our liberties, that it is our safeguard against foreign attacks, and that we must rely on our sailors for the continuity and the safety of our empire. And the very first thing they will tell you in case of attack is that with the rapid creation of ironclads and battle ships we must draw on the mercantile marine for our sailors. If our sailors are to be Las cars, it is perfectly plain that we cannot man our men-of-war except with coloured Asiatics. Therefore the very strength of the British navy is sapped by this intrusion of coloured people. I think, both for that reason, and for the fact that we must be consistent, we should absolutely exclude all coloured races from Australia. And if we do that we should not subsidize mail steamers who

man their crews with coloured Asiatics.

Senator Glassey

- That is and has been the policy of Queensland for many years.

Senator STANFORTH SMITH

- It is a policy which can very well be adopted by the Commonwealth, and I sincerely hope that it will.

There are many matters here that can be better discussed in committee. Sub-clause (b) of clause 54 says

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The Postmaster-General, if he has reasonable ground to suppose that any person be engaged either in the Commonwealth or elsewhere, in receiving money or any valuable thing - 1.(b) for promoting or carrying out a scheme connected with any such assurance, agreement, or security or a lottery or scheme of chance, not sanctioned by law, or an unlawful game.

I do not know why the words "not sanctioned by law," were put in, except it was with the express object of protecting Tattersall in Tasmania. That is protected I understand by a State law, and if that is the case, I shall certainly move in committee that the words "not sanctioned by law" be omitted. Otherwise the various States will still be placed under contribution for the benefit of Tattersall and the revenue derived from it by the Tasmanian Government.

Senator O'KEEFE

- I do not intend to speak at any length, but I feel it is incumbent on me, with others, to congratulate the Postmaster-General upon, generally speaking, the excellent manner in which the clauses of the Bill have been presented. So much has been said upon the various clauses, which, no doubt, will be debated at greater length in committee, that I do not propose devoting any time to them now. As regards clause 16, I cannot see the great danger which some honorable senators see. I think that the clause would be inoperative - almost inoperative at any rate - if the Postmaster-General had not power to order or commandeer the State railways to carry the mails.

Senator Glassey

- How do we order it now?

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Senator O'KEEFE

- Exactly. I do not see any objection to having it embodied in a Bill which is to regulate the postal service of the Commonwealth. I am not in accord with the remarks of Senators Stewart, Keating, and others, with regard to that clause which gives the Postmaster-General power to destroy any newspaper containing language which he may think is seditious, that is placing too much power in the hands of any individual. As has been put with far greater force and far more lucidity by other speakers than I can put it, we might at some future date get a Postmaster-General, whose idea on sedition would be very much opposed to those of Members of Parliament or of citizens of the Commonwealth. One man's idea of sedition might be another man's idea of patriotism, and I certainly think that it would be a very dangerous power to place in the hands of any man, whether he be the Postmaster-General or the occupant of any other position. Regarding the much vexed question of clause 54, which has given rise to the greater part of the contention in this debate, it is generally accepted to refer to Tattersall. I am thoroughly in accord with all the sentiments which have been expressed by Senators Keating on this subject. I do not want to deal with it from the sentimental point of view. I shall try to bring common sense to bear on it, and if honorable senators will bring common sense to bear on it, they must agree to very many of the sentiments enunciated by that honorable and learned senator. If we could bring ourselves to believe that we could suppress gambling by any mode or manner of legislation, then I would be content to have that clause remain in the Bill; but I think every honorable senator has long ago acknowledged to himself that it is not within the power of any Legislature to devise any law which will suppress gambling. That being so why not face this matter in a fair, open, and candid way? If we admit that we cannot suppress gambling by Act of Parliament, I take it that the next best thing to do is to surround with safeguards any forms of gambling which the public generally indulge in, so that they may not be fleeced and robbed as they are when gambling is suppressed, or is attempted to be suppressed by law. Senator Sir Josiah Symon was very promptly brought to account by Senator Keating for calling Tasmania the black sheep of the flock. I agree with my honorable and learned friend when he said that. Tasmania is the little white lamb of the flock: I may tell those who do not quite believe that Tasmania is the white lamb of the flock, that we can

point with pleasure and with pride to indisputable facts to show that in that State the gambling element exists in a much lesser degree than it does in any other State in the Commonwealth. To my certain knowledge the pernicious effects of gambling have not been shown to the public to be any greater since Tattersall was allowed to settle down, there than they were before. If the senators from the other States are so determined that so noble an intermediate as the post-office of the Commonwealth, as it was put in one of the petitions presented by Senator Macfarlane, shall not be allowed to encourage gambling - if they are so determined to make men moral by Act of Parliament, it is a pity that they do not carry that determination to a more logical conclusion than any of them - and many of them, mind, have occupied positions in the State Parliaments - have attempted to do in their respective States. Why, sir, within three or four miles of this Chamber we have the hot-bed of gambling in the Commonwealth. On the flat of Flemington race-course we see men allowed, or at least not discouraged or disallowed by Act of Parliament, to stand with their bags and bet to the extent of 1s., and take 1s. wagers in cash from every little boy who is allowed to go there, and I do not think it costs a boy anything to go. If that is not encouraged directly it certainly is not discouraged or disallowed by the State Parliament. There are so many side issues: involved in this harmless looking little clause 54 that, on a matter of principle, I object to such a clause being in a Bill which has been termed, and termed truly, I think, purely a machinery Bill. When the

Postmaster-General brought this measure in as a machinery Bill

Senator Drake

- I do not think I used that expression.

Senator O'KEEFE

- If the honorable senator did not use the term the Bill has been described by very many speakers as a machinery Bill, and I think it is generally accepted as a machinery Bill in the greater sense. I object to any matter which is so purely a matter of social legislation being introduced into a Bill which is almost in every sense a machinery Bill. If we allowed this clause to pass in its present form - and I sincerely hope that honorable senators will think it over well before they do - we can, with an equal show of reason, introduce into any machinery Bill either here or elsewhere, social legislation in other directions. If gambling is an evil - and I am not going to say it is or is not an evil, because that is purely a matter of opinion - and we think it well to suppress it, why not attack it in a fair, open, and honest manner? The senators from other States who are so anxious to push Tattersall out of Tasmania, where he has found a resting place, have not said anything about the pernicious effects of legislation with regard to gambling in their own States: There are many different issues involved. In the six States there are six different kinds of legislation affecting, gambling. In Tasmania, we allow Tattersall; but we do not allow bookmakers or betting, except on registered race-courses, and then only for a certain number of meetings. We do not allow shop-tot or liza-tors or street betting. We allow no kind, or shape, or manner, or form of gambling except through the medium of Tattersall.

Senator DAWSON

- What about baccarat?

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Senator O'KEEFE

- I do not mean to say that gambling is not carried on "under the rose," but I do contend that if we want to attack gambling, we should attack it in a proper manner, and not in an indirect way like this. In Victoria bookmakers are allowed, and sweep promoters are not; neither is the totalizator. In New South Wales bookmakers are allowed and the totalizator is not; neither are sweeps. In South Australia the totalizator is allowed, bookmakers are not, and consultations are not. In Queensland both totalizator and book-makers are allowed. In Western Australia consultations are allowed, as well as bookmakers, and I believe also the totalizator, but I say that subject to correction. If we desire to suppress gambling, why should we attack it by a side issue, instead of in a fair, open, and honest way? I cannot find in the "39 articles" of the Constitution one article which, in the smallest possible sense, seems to me to allow us to interfere with social legislation in this way.

Senator Higgs

- The Parliament may make laws for the peace and good government of the Commonwealth.

Senator O'KEEFE. - It is a matter open to question whether this is against the peace and good

government of the Commonwealth.

Senator Harney

- The clause referring to peace and good government has reference to certain things, and this is not one of them.

Senator O'KEEFE

- No matter with what stretch of imagination you read the 39 articles, they do not give us power to take from the States the right to legislate on a social matter, which this undoubtedly is. It is not that I am afraid that Tasmania will lose its little mess of pottage - the £15,000 or £20,000. It is not on financial grounds that I object to this clause, but it is a matter of principle. I say this undoubtedly is an infringement of the liberty of the subject, and I sincerely hope the Postmaster-General will consider the advisability of amending the clause so that it will not interfere with a matter that certainly should be left to the State Legislatures. I will not detain the Senate any longer upon this much vexed question, but before sitting down I wish to add my congratulations to those of other honorable members to the Postmaster-General for the excellent exposition of the Bill which he has given us ; and I trust that when it comes before the committee I shall have an opportunity of expressing my opinion on very many of the clauses. In some respects they may be amended, and I hope we shall succeed in making the Bill a useful piece of legislation for the Commonwealth.

Debate (on motion by Senator Dawson) adjourned.

Senator DRAKE (Queensland - Postmaster General). - In moving -

That the resumption of the debate be made an order of the day for to-morrow,

I would mention to -senators that the probability is that the debate will be concluded pretty early, and it will then be necessary to at once go into committee. I propose, therefore, with the consent of the Senate, to move to-morrow for the appointment of a member of the Senate as Chairman of Committees for that sitting.

Senator GLASSEY

- As we are going into committee to-morrow on the Bill desire to ask the Postmaster-General whether we can have some -person to whom we can -apply to have amendments drafted in proper form. This is a question we had a great deal of trouble with in the State of Queensland for some years, but ultimately we succeeded in getting a parliamentary drafts man to whom every member had free access. We found that plan to work admirably, . and to the great advantage of the State as a whole, and to Members of Parliament generally. I now wish to ask the Postmaster-General if a gentleman will be available for that purpose, not only for the members of the Ministry, but for every member of the Senate.

Senator DRAKE

- By permission of the Senate I would say with respect to Senator Glassey's remarks that the gentleman who has drafted this . Bill is at the present time very busy indeed; but I have sent a message to him saying that I would much like to see him i some time to-morrow with regard to the Bill, and I will endeavour to make arrangements with him by which his services will be available to senators who desire to move amendments. At any rate, "if senators will indicate to me the nature of their amendments, I will undertake to see that they are put in proper form and printed before they are discussed.

Question resolved in the affirmative.

PAPER

Senator Drake 'laid upon the table, by command -

Instructions passed under the Royal Sign Manual and Signet to the Governor General and Commander-in-Chief of the Commonwealth of Australia.

Ordered to be printed.

CHAIRMAN OF COMMITTEES

Motion (by Senator Sir John Downer, South Australia) proposed -

That order of the day 'No. "2 be an order of the day for to-morrow.

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Senator Sir JOSIAH SYMON

- The honorable senator told us that he did not intend to proceed with the motion which relates to the appointment of a Chairman of Committees until the permanent standing orders were adopted. We have not had any report from the committee. There is no possibility of it being brought up to-morrow, or of the

orders being adopted.

Senator Drake

- Then the motion could be postponed again.

Senator Sir JOSIAH SYMON

- What is the use of putting it on the business paper 1

Senator Sir JOHN DOWNER

- The Standing Orders Committee meet to-morrow.

Senator Sir JOSIAH SYMON

- I do not want to interfere with the appointment of a Chairman or with it being done to-morrow, but the honorable senator told us he did not want to proceed with the motion till the permanent standing orders were adopted, and it is hardly worth while to bring it on to-morrow as we shall have no report from the committee. Even if the report is brought up to-morrow it will have to be submitted for consideration on a subsequent day, and it seems to me hardly worth while to shift the motion about from day to day when there is no probability of bringing it on.

Senator Sir JOHN DOWNER

- I would like to make an explanation about a little misunderstanding that appears to exist. While this question was under discussion I made the statement that I would not move the motion. I was supporting the Government in their proposals for temporary standing orders being adopted, and was opposing the amendment that there should be a select committee. The honorable senator was successful ; he brought up his standing orders, and I have never said a word about the matter since.

Senator Sir Josiah Symon

- Your pledge was given before that.

Senator Sir JOHN DOWNER

- Yes, and before the Senate adopted a line of action that I never anticipated. As far as I am concerned I consider myself absolutely released from any statement I made about a set of circumstances that did not exist at the time.

Senator Josiah Symon

- But they did exist !

Senator Sir JOHN DOWNER

- However, the point does not arise. We shall have no difficulty. I wish the motion to be made an order of the day for to-morrow, because the Standing Orders Committee will be sitting to-morrow. They possibly may agree on a report or may not. If they do not I will not move the motion.

Senator Sir FREDERICK SARGOOD

- The honorable senator himself surely forgets. . What transpired was this : Exception was taken to a proposed standing order that the Chairman of Committees, if appointed, should practically be appointed for the time during which he was a member of the Senate. Some senators took exception to that, and I understood Senator Sir John Downer to state that he would not move the motion until the permanent standing orders were approved. I know some senators have left the chamber strongly under that impression. They were of opinion that they would be perfectly safe, knowing that the committee were not likely to bring up a report within the next fortnight. I would suggest that instead of moving the motion to-morrow the honorable senator had better put it off for a week.

The PRESIDENT

- I would point out that we have adopted standing orders temporarily, and one of them says - "A member shall be appointed Chairman of Committees of the whole House, and when so appointed shall continue to act as such Chairman during the continuance of the House, unless the House shall otherwise direct. "

Senator Sir Josiah Symon

- On the point of order as to the interpretation of the standing order ; there is no objection whatever to an appointment- -

The PRESIDENT

- There is no point of order. I only read the standing order. I did not say what it meant.

Question resolved in the affirmative.

CORRESPONDENCE: PRIME MINISTER AND IMPERIAL AUTHORITIES

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Senator DOBSON

- I move -

That Ministers do lay upon the table of the Senate copies of all correspondence which has passed between the Prime Minister and the Imperial authorities and the Governors and Premiers of each State, and which relates to any matter of public importance, and is not confidential.

Since I tabled this motion, I have learnt from my honorable friend in charge of the Government business, that he has some objection to the mode in which the motion is framed. He informs me that he sees no objection to laying on the table any document referring to a particular subject, but he does not think Ministers should be called upon to lay all documents of importance on the table. In tabling the motion, I was following the practice which we have in Tasmania, and there must be something like it in the other States, whereby a member desiring to see what correspondence on important matters has been going on between the Premier and the Agent-General moves a motion of this sort. We never have been put to the trouble of moving a separate motion for each set of documents. It struck me whilst some senators were moving for one lot of papers that it would be much better to ask for all papers referring to matters of public importance not being confidential matters. Now there are various subjects upon which the Prime Minister has been corresponding which are -not only of public "importance, but which demand the attention of every senator. I take it for granted that he has been corresponding about the appointment of " a Commandant, that he has been corresponding about the New Hebrides, that he has been corresponding about alien labour, and also about what will be the position of Australia if she gives in a uniform Tariff preference to the goods of Great Britain. All these are matters on which we ought to be informed, and I should be very glad if the Minister could consent to the motion. If there are any modifications which I could make in it I would be very glad to make them.

Postmaster-General

Senator DRAKE

. - The mere fact that it has been usual in one of the States to agree to a motion of this kind certainly does, not justify us in following the example unless it can be shown that it is a good practice. The position I have taken up with -regard to the matter in conversation with Senator Dobson is this. If any senator desires to have information on any subject he can table a motion asking for it. Any senator can by approaching the proper Minister obtain all information of this character. If he desires that it shall be printed and circulated he can move a motion in the Senate asking for the papers, and he is almost certain to get them. There is on the notice-paper at the present time a motion asking for copies of correspondence that has passed between the Government and the Imperial authorities with regard to a specific matter. I think that is the proper way in which a matter of this kind should be treated. This motion asks for all papers and correspondence between the Prime Minister and the Imperial authorities, and Governors and Premiers of each State, which relate to any matter of public importance and which are not confidential. I presume the mover would be prepared to allow the Prime Minister to be the authority to decide whether the matter was of a confidential character or not ? But who is going to decide whether it is a matter of public importance ?

Senator DAWSON

- A certain number of senators could second the request.

Senator DRAKE

- What one senator might consider to be a matter of public importance, another might regard as of no importance at all. The motion, if carried, will be an order of this Parliament, and it will hold good for the whole of the session. I suppose that is so. At the commencement of the session the Government Printer would practically be let loose in all departments - because I do not know who is to decide whether a matter is of public importance or not - and he would be called upon to print a lot of papers. If we were once to say that this must be done all these things would have to be brought down at the commencement of the session. During the session the Government Printer would also have to be supplied with all papers that might be considered of public importance, and all this merely for the sake of supplying an honorable senator with some information that he could obtain by moving for it. Is it not better to adopt the plan to which I have been accustomed- - the more economical system - that when an honorable senator desires information he should ask for it, and that the Senate should decide whether the papers should be printed or not? I think it is going a little too far to ask the Senate to consent to an order requiring the Government Printer to circulate amongst honorable senators correspondence on all sorts of subjects, relating to

everything under the sun. I would ask the honorable senator, unless he feels keen upon it, to withdraw the motion. I can assure him that there is no disposition on the part of the Government to hold back any information that could be useful to senators or to the public, and I hardly think it is desirable that he should persist in his motion. On behalf of the Government I cannot support it.

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Senator McGREGOR

- I think that nonsensical resolutions should be treated as such by honorable senators when they are brought up. I consider the position taken up by Senator Drake is the correct one. Every honorable senator has a right to get the information he desires. I have heard a lot of talk in the Senate about conducting business on commercial linesman very probably Senator Dobson would talk about commercial lines as much as any one else. I would ask honorable senators, when they talk in such a strain, whether any commercial house would like all the private correspondence of its business to be laid before the public immediately upon its receipt? Would any legal gentleman like all the correspondence between himself and one of his clients made public there and then? Yet any client may have the right to ask for correspondence that refers particularly to himself.

Senator Glassey. - Are these analogous cases?

Senator McGREGOR

- If I wished to find out any information in connexion with public matters I would go to it if the Minister or to the officers in charge of the department concerned. If I did not get the satisfaction to which every honorable senator is entitled, I would come here, and I would then expect other honorable senators who probably at times would be placed in the same position as myself to support me in demanding information if it was a legitimate request. Honorable senators have been talking for hours about the vagueness of the Government policy, but there is nothing so vague in the Government policy as a resolution of this kind. There is not even a definition in the resolution of the words "public importance," nor is it stated, what ought to be printed, or anything else. It is the most vague thing that has ever been placed before a public body. I hope that honorable senators who move resolutions without consulting their neighbours about questions of this description will be treated as the Ishmaelites of the Senate. I hope that in such circumstances they will not get the support they expect. When they come with a legitimate resolution to get information which we have a right to obtain, which will be of service, and which we may conscientiously ask for, then they will obtain support.

Senator HARNEY (Western Australia). - It appears that this motion is going to be put to a division, and accordingly I wish to say that, in my opinion, the view put forward by Senator Drake is the correct one. We are all entitled to inspect documents of public importance that are not confidential, and it seems to me from what Senator Drake has said, that they are already open to us without the necessity for the waste of money which would be involved in carrying out the motion put forward by Senator Dobson. In my opinion we would be in no better position if this motion were carried. Any documents which are of public importance, and which are not confidential, are open to our inspection without this motion. If there are any documents which would be refused on our private application, they also could be refused under this motion, because it is open to the Prime Minister to say that they are not of public importance.

Senator Dawson. - That would be a question for the Senate to decide.

Senator HARNEY

- No ; for the motion asks for correspondence - which relates to any matter of public importance and is not confidential.

The Senate might decide what is of public importance but it could not decide whether the document is confidential until it heard something about it would not be open to the Senate to ask to have the contents of the document disclosed, if it were said to be confidential. The resolution would have the effect of causing hundreds of unnecessary documents to be printed, whereas such as are necessary can be obtained without the passing of this motion. I agree with Senator McGregor that the motion should be withdrawn.

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Senator PULSFORD

- Although I do not propose to support the motion, I yet rise to say that I think Senator Dobson has been a little bit misrepresented. We all know that the correspondence of the Government is very great, and

covers a great many subjects. What Senator Dobson has in his mind is that certain important correspondence may take place and be unknown to the Senate or to the House of Representatives, and that being unknown to us it would escape the criticism that otherwise it might receive. To that extent I sympathize with the motion, but at the same time I think that matters of importance have a tendency to come to the public knowledge in some way or other. A matter that had formed the subject of correspondence on the part of the Government would probably sooner or later be hunted out by some Member of Parliament, so that it would be possible to move for a return on the subject. I would suggest to Senator Dobson that he withdraw his motion. I do not think it is desirable that one of so sweeping a character should be passed. The motion is not at all vague. Vagueness is the very last adjective that could be given to it. It is too comprehensive and too sweeping.

Senator McGregor

- Does that not comprise vagueness ?

Senator PULSFORD

- I propose to ask Senator Dobson to reconsider his intention, and to withdraw the motion.

Senator DOBSON

- Honorable senators suggest to me the desirability of withdrawing the motion, but they hardly give me an opportunity of doing so.

The PRESIDENT

- The honorable and learned member must not make a speech unless he is replying.

Senator DOBSON

- I am replying, Mr. President. It is my intention to withdraw the motion. Senator McGregor would be the very first to ask for information on the four important points I have mentioned. I do not see how the Senate can usefully discuss these measures unless we have on the table a copy of the correspondence. Among the matters I refer to are the correspondence between the Governor-General and the Home authorities as to the position of Tasmania and the preferential Tariff; then, that very soon we shall be able to see that particular correspondence. Then, again, before we can consider a Defence Bill, we shall have to see the correspondence between the Imperial authorities and the Government on this very subject. Surely there must have been some correspondence about alien emigration, and I can fancy my friends in the corner going on without seeing what has passed between the Imperial authorities and the Government, when we know that a most important Bill relating to sugar plantations and alien labour has been refused the Royal assent. Senator McGregor will want to see these papers.

Senator Glassey

- They will not influence the Senate in dealing with the measure.

Senator DOBSON

- We cannot say what will influence the Senate until we see the papers. When we see them we will be in a better position to do our duty, I think.

Senator DAWSON

- The document in regard to the sugar plantations is a State paper.

Senator DOBSON

- Before we deal with the important subject of a white Australia it will become the duty of every senator to see the correspondence that has taken place, and which shows the grounds upon which a most important Bill relating to sugar companies has been refused the Royal assent. There are other subjects on which we shall want to see the papers. However, as the Postmaster-General has informed me that they can be seen by individual members on calling at his office, and as I have no doubt that sooner or later they will be laid on the table, I have no objection to withdrawing my motion.

Motion, by leave, withdrawn.

ELECTION OF SENATORS

Senator DOBSON

- I move -

That a return be laid upon the table by Ministers giving full particulars of the election of senators for Tasmania, and showing the number of votes cast for every candidate on each count, with the final result of the election as published in the Mercury newspaper, with such corrections as the returning officer made in the figures before he officially declared the state of the poll.

I have been influenced in tabling this motion by a desire to get a little more information as to the election on the Hare system which took place in Tasmania, because when Senator Keating tabled a motion on this question recently he simply asked for a return showing the number of votes obtained in Tasmania on the first count. Some of us think it would be better to have the full details of the election under the Hare system, so that the Senate may see the votes obtained by senators on the whole of the counts. The information as to the whole vote can be obtained from Tasmania just as easily, as that relating to the first part.

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Post- Master-General

Senator DRAKE

. - I have no objection to this motion, and I hope we shall be able to get the information Senator Dobson refers to. Of course it is a matter in which we shall have to make application to the State Government, but I have not the slightest doubt that they will be willing to supply the information. I hope that the return will not be a very voluminous one. I aim always very both to oppose any motion asking for information, especially on such an important subject as the election of senators ; but I think we should carefully set our face against anything like recklessness in getting returns which involve a good deal of printing.

Senator Higgs

- What do the words " on each count " mean?

Senator DRAKE

- They have the Hare system in Tasmania, and in making up the returns they keep on throwing out one candidate and adding his votes to the others. Then another one goes out, and his votes are distributed again, and that is a third count. They go on in this way up to the ninth and tenth count.

Senator Pulsford

- I should like to ask Senator Dobson if the information which he desires is not already in existence in some one or other of the various newspapers which are filed in this House.

Senator DOBSON

- The information is published in one or two of the papers, but there are some slight mistakes. I thought it better to have these mistakes corrected, and to obtain a return under the hand of the returning officers, which can easily be secured.

Question resolved in the affirmative.

ADJOURNMENT

Business of the Senate - Position of Senate Officers.

Motion (by Senator Drake, Queensland, Postmaster-General). - Proposed -

That the Senate do now adjourn.

Senator Sir FREDERICK SARGOOD

- Before the motion is put, would the honorable the Postmaster-General indicate what business we are likely to have next week ? There is absolutely nothing on the paper yet.

Senator DRAKE

- We shall have three Bills in addition to the Postal Bill.

Senator Sir Frederick Sargood

- First readings ?

Senator DRAKE

- No, second readings. We shall have the first reading of two of them to-morrow, and I hope to make them orders for next week. There will be the Postal Bill to go on with in committee.

Senator Sir Frederick Sargood

- Surely we shall finish that Bill this week.

Senator DRAKE

- I hope so ; but I doubt it.

Senator DAWSON

- I would ask the Postmaster-General whether his attention has been directed to what took place in the other House last night, when the position of officers of the Senate was interfered with. If the honorable and learned senator's attention has been directed to it, I desire to know whether he will give us an assurance that he is going to exercise the full rights of the Senate.

The PRESIDENT

- According to our standing orders, when a motion for adjournment is put, it must be put immediately, without debate. I know that is contrary to the practice in other States, and that senators, if not taken by surprise, at all events are not used to it. That is the rule under the standing orders which we have adopted.

Senator Drake

- The honorable senator will probably have an opportunity of debating the question to-morrow.

Question resolved in the affirmative.

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21:49:00

Senate adjourned at 9.49 p.m.