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1901-06-14

House of Representatives.

Mr. Speaker

took the chair at two p.m. and read prayers.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS

Adcock v. E. Solomons.

Sir EDWARD

BRADDON presented the report of the Committee of Elections and Qualifications upon the petition of William Eddrup Adcock against the return of Elias Solomon, Esquire, for the electoral district of Fremantle.

Resolved

(on the motion by

Mr. Barton)

-

That the report be taken into consideration forthwith.

The report was read by the Clerk, as follows : -

The Committee of Elections and Qualifications have the honour to report as follows, on the petition of William Eddrup Adcock, against the return of Elias Solomon for the Electoral District of Fremantle in the State of Western Australia : -

Your committee find that the petitioner, William Eddrup Adcock, has not complied with the law of the State of Western Australia, relating to Parliamentary elections, and your committee therefore recommend that the petition be not entertained.

BRADDON,

Chairman.

House of Representatives,

Committee Room, 14th June, 1901.

Resolved

(on motion by

Mr. Barton)

-

That the report of the Committee of Elections and Qualifications be adopted and the petition dismissed.

QUESTION

TASMANIAN MAIL SERVICE

Mr O'MALLEY

asked the Minister representing the Postmaster-General -

In view of the great population and the needs of the people of the West Coast of Tasmania, will the Government immediately establish a daily mail service with the northern portion of that State ?

Minister for External Affairs

Mr BARTON

- I will refer the matter to the Postmaster-General.

PRIVILEGE

Mr CONROY

- As a matter of privilege, Mr. Speaker, I wish to direct attention to a telegram published in the Age newspaper of to-day, which states that the Chief Commissioner of Rail ways in Sydney has said in regard to the Inter-State Commission Bill that " it is a very comprehensive measure, and will no doubt meet the object the Federal Legislature has in view." That Bill is' not before the House. It is true that a Bill for the object mentioned has received a first reading, and may be said, therefore, to be theoretically under the purview of honorable members.

Mr SPEAKER

- The honorable member cannot refer to the Bill now.

Mr Barton

- All that could have been referred to by the Chief Commissioner for Railways was the draft of the Bill.

Mr CONROY

- That Bill is not before the House at the present time, and no honorable member, so far as I am aware, has had an opportunity of seeing it. We should be very glad indeed to see it, and I wish to know when we are to have an opportunity of doing so. If persons outside this House can have an opportunity to discuss a Bill, the least that can be done by the Government is to give honorable members a chance of reading and discussing it. It is a very important measure indeed and one that ought to be laid on the table as soon as possible, so that it may be considered in all its bearings. No greater question can arise under the Commonwealth than the policy that is to be pursued under this Bill. Therefore, it would be well to have the measure brought before the House at once.

Mr SPEAKER

- Does the honorable member move any motion?

Mr CONROY

- No, sir, I only call attention to the fact that the Inter-State Commission Bill is not yet before this House although it has been discussed by persons outside.

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Minister for Home Affairs

Sir WILLIAM LYNE

. - I was surprised this morning to see the statement in the newspaper to which the honorable and learned member has referred. I sent a draft copy of the Bill to the Premier of each State. It was sent confidentially, asking the Premiers to obtain any suggestions from the Rail way Commissioners of the States which might be of any use to the Government before the Bill was submitted. It was a confidential document and should not have been disclosed. I am always very careful in matters of this kind, and I certainly think the Chief Commissioner of Railways in New South Wales made a mistake when he said a word about the Bill because he knew that it was an absolutely confidential document.

Mr JOSEPH COOK

- It may not have been that officer who gave information about it.

Sir WILLIAM LYNE

- I saw it in the paper myself.

Mr JOSEPH COOK

- But the Chief Commissioner for Railways may have had to communicate with some one else who may have given the information.

Sir WILLIAM LYNE

- That may be the case ; but the matter should not have been allowed to appear in the press at all. I have been particular not to say anything to the press about the Bill. It was sent only in order to obtain any information that might be necessary. The Railway Commissioners are experts, and I thought it might assist the Government and myself particularly to have the information they could give. As I have said, I sent a copy to each of the Premiers, and have received confidential replies from several of them, but not at present from the Premier of New South Wales.

QUESTION

COMMONWEALTH BANKING ARRANGEMENTS

Sir LANGDON BONYTHON

asked the Treasurer, upon notice -

Whether the Government have entered into any arrangement with the banks ; and, if so, whether he will lay a copy of the agreement on the table of this House ?

Treasurer

Sir GEORGE TURNER

- No agreement has yet been arrived at between the Commonwealth Government and the banks with regard to Government banking business. Negotiations are pending, and when the agreement is finally concluded with the banks, I will consider whether it is a document that I shall be at liberty to lay on the table of the House, and to make public. There may be reasons why it should not be published, but unless there are strong reasons against its publication I shall be glad to comply with the honorable member's suggestion.

RATE OF WAGE - HOURS OF LABOUR,

Debate resumed from June 7th (vide' page 826) on motion by Mr Mauger -

That in the opinion of this House it is the duty of the Government to make provision in all its contracts for the payment of a minimum rate of wage, and for the fixing of a maximum number: of hours of labour.

Mr MAUGER

- At the time when this debate was adjourned last Friday, I was alluding to the fact that the London County Council and the British Government, besides a large number of. municipal bodies and county councils in England, and a large number of other bodies, all in British speaking communities, have adopted the principle which I advocate in this motion. I know that it will be exceedingly difficult for men who believe in what are called the " eternal principles of freedom " to vote for the resolution.

Mr JOSEPH COOK

- No, it will not.

Mr MAUGER

- If the honorable member for Parramatta votes for the resolution,, it will be one of those illogical positions, that he sometimes puts himself in.

Mr JOSEPH COOK

- The honorable member should not talk about logic.

Mr MAUGER

- I can quite understand that my honorable friend is quite prepared to place himself in that position rather than vote against every progressive proposal. The theory of freedom of contract has, of course, badly broken down. Possibly it will be urged that the minimum wage principle presses upon the old man. "Well, my experience of contractors and employers generally is that, if they are to compete successfully, they must, as they do, get the very best services available, and that the old man is never considered if there is a stronger and younger man about. That remark applies specially to contracting in the nature of navvy work. Then we have the plea that the slow man is. injured by this principle. Those who know anything about contracting and employment generally are aware that the slow man has to go whether or not you have a minimum wage and maximum hours of labour.

Mr A McLEAN

- The slow man gets into Parliament.

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Mr MAUGER

- It would be a good thing for some of us if he did. In practice in Victoria and other States, and in the great City of London, this principle has been found to work for the benefit of employes,. employers, and the public generally! I hold that it is as much a matter of interest to the employer as it is- to the employe. Contractors in Victoria now have to pay a minimum wage, and steps are taken to see that that minimum wage condition in contracts is properly carried out. The effect is that contractors start from scratch, and the unscrupulous employer does not at the outset possess an advantage over his fellow employer. The principle works well in other directions. "We hear a great deal about minimum wage and wages boards, and we are sometimes told that they are not successful. I would direct attention to the fact that in connexion with the great Carnegie Steel Trust, of which we have heard a great deal, and of which probably we shall hear a great deal more, this very principle has been adopted. It has been decided at the outset to establish wages boards, and have a minimum wage fixed in each of the branches of the great steel industry controlled by that trust. This board is to be "Composed of representatives of the workmen and of the employers, and there is to be an independent chairman to adjudicate between them. We therefore have the principle acknowledged in connexion with this Trust that the adoption of a. minimum rate of wage is the best means of preventing disputes between employer and employe. I have here an exceedingly interesting quotation from an article entitled " Arbitration as a Means of Preventing Strikes," written by the late Right Hon. A. J. Mundella : - formerly in times of depression the greatest irregularity prevailed, according to the individual diameter of the employers. The hard unscrupulous, trading on the necessities of the workmen, could bring down wages below a reasonable level ; the more considerate must either follow suit or .be undersold. Our board has changed all that. All now pay the same price, and the competition is not who shall screw down wages the most, but who shall buy material best and produce .the best article.

I contend that that is where competition should come in. If there is to be competition at all it should be in

an effort to secure the best material, the latest machinery, and the best 'results; but a competition that works by .cutting to the very bone of the workman and by reducing wages to their very lowest point, is a practice against which this Commonwealth should set its face. Without detaining the House further I propose the motion.

Mr SALMON

- In seconding the motion I intend to follow the example of the " mover, and speak as briefly as possible.
Minister for External Affairs

Mr BARTON

. - Will my honorable friend allow me to intervene 1 wish to inform the House that a message has been received from the Senate, and with a view to its consideration at once I beg to move -
That the debate be postponed pending the consideration of a message from the Senate.

Question resolved in the affirmative.

SUPPLY BILL. *

Mr SPEAKER

- I have received the following message from the Senate : -

Message from the Senate to the House of
Representatives.

Message No. 3.

Mr Speaker

- The Senate returns to the House of Representatives the Bill intituled "an Act to apply out of the Commonwealth Consolidated Revenue Fund the sum of four hundred and ninety one thousand eight hundred and eight37-two pounds to the service of the period ending the thirtieth day of June, one thousand nine hundred and one," with the respectful request that the House of Representatives will so amend the Bill that it may show the items of expenditure comprised in the sums which the Bill purports to grant to Hi3 Majesty.

C. BAKER,

President.

The Senate, 14th June, 1901. ..

Resolved

(on motion by

Mr. Barton)

-

That the message of the Senate be taken into consideration forthwth.

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Mr BARTON

- I propose to make a short statement to the House in regard to this matter. If the House adopts the course which I shall recommend the remaining work in connexion with this message will be in the hands of the Treasurer, but it is demanded of me, as the leader of the House, that I should make a statement concerning it. Honorable members have it freshly in their recollection that a Bill has been sent up to the Senate providing for the supply of £491,000 odd. That Bill was sent up without any schedule attached to it. Under the order that has been given that idi parliamentary documents should be circulated among members of both Houses a sufficient number of copies of the Estimates went to the Senate. Copies of those Estimates were therefore already in the Senate, for aught I know, when this Bill went up. Having been myself responsible for what has occurred in connexion with this matter, it is incumbent upon me to make' the following explanation. It has been the practice in the State of Victoria to prepare Supply Bills of this character in the form which was adopted in the present instance. The Bill came before the House in that usual form, but Estimates were circulated with the Bill. I must admit this amount of inattention - that I did not notice- that there was no reference to the Estimates as a schedule to the Bill. As we went into the consideration of the items, either I, or some one else in my behalf, pinned the Estimates to my copy of the Bill, so that I assumed that they were a portion of the Bill. Consequently, perhaps not unnaturally, I -assumed that the Estimates would go up to -another place as a schedule to the Bill ; and it was not until I found that objection was taken in the Senate to the Bill in the form in which it was sent up that I knew what had occurred. While I shall be prepared at all times to maintain every right -and privilege which this

House possesses, still I recognise that sections 53 and 54 of the Constitution render it only right and proper, even if it is not constitutionally enacted, that a body having the right to suggest amendments should have the materials upon which to base such suggestions. Technically we may be constitutionally entitled to send up a Supply Bill as we did without any items in it, but I take it that as between the two Houses we should not insist upon the bare technicalities of the Constitution ; because when the right of making suggestions was conceded to the Senate by the Constitution, that Constitution, to my mind, undoubtedly implied that, as between the two Houses, a course would be taken that would enable the Senate to exercise that right with its eyes open. There has been no intention on the part of the Government in any way to belittle or injure the Senate. Some strong words have been used in another place, I am informed ; but I understand that those were not the words of the majority of the senators who spoke. So far as any senators -used strong expressions, they might have recollected that when the Constitution was being framed, I was not slow in endeavouring to see that the other Chamber should, in some effective sense, represent the States in their position as contracting parties to this union. It has never been my desire to belittle the Senate, but only to require what I think is absolutely essential, that ultimate and actual supremacy in connexion with Money Bills must be confined to one House of the Legislature, if any Legislature consisting of two Chambers is to work at all smoothly. The responsibility of the initiation of Appropriation and Taxation Bills rests with this Chamber and carries with it the ultimate responsibility for their fate. That principle, of course, I shall always maintain. But the Constitution, to which I am bound to be loyal, gives the Senate a certain right. I admit the complaint that there ought to be in each Bill, whether on the face of it or in a schedule, which must certainly be considered as a part of it, information that will enable the Senate to make the suggestions which the Constitution says they shall have power to make. In accordance with that principle, I propose to deal with this message. I think it will be the more convenient course to take the step which has hitherto been adopted between two Houses of Legislature for the friendly settlement of any differences that have arisen. Honorable members will recollect that the Bill, having been referred back to us, and being our Bill, is now at our disposal. I propose to take a course which, while conceding to the Senate an assent to the message they have sent, will put the course of assent into a constitutional channel. I therefore propose to move that this Bill be now laid aside, and to ask the assent of the House to the suspension of the standing orders, in order that we may deal with a fresh Bill to-day. I shall at once introduce a fresh Bill, amending the main clause so as to refer to a schedule, which will be attached to the Bill, showing the items of expenditure.

Mr JOSEPH COOK

- Is all this haste necessary 1

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Mr BARTON

- Haste is unnecessary in dealing with ordinary legislation, but the honorable member will recollect that the Treasurer is dealing with a state of things which is of some urgency. There are now left only about sixteen days to the end of the month, and warrants for expenditure have to reach Western Australia and other distant States before the end of the month. The urgency is owing to the fact that the proportion of the month unprovided for has, as I say, only sixteen days to run, and we have been over five months a Commonwealth without legislative authority for the appropriation of money which has been necessarily spent. I am quite sure every member of this House will recognise that the sooner this legislative authority is given the better. I take it the course I suggest, while admitting an inadvertence, conserves every privilege of the House, and at the same time maintains the respective rights of both Chambers. Therefore it is one the consideration of which ought not to occupy us very long, or to impede the remaining public business of the day.

Mr V L SOLOMON

- Is there not an objection to a similar Bill being introduced in the same session, according to the standing orders 1

Mr BARTON

- I think not, if a Bill has been once laid aside, and that is one reason for adopting the procedure I now propose. It has always been the case in a constitutional Assembly that when a Bill becomes abortive through being laid aside it is much in the position of a motion which has been withdrawn, and similar action can be taken. In this instance we must also have regard to the suspension of the standing orders. I

need not amplify the statement which I have made, except to assure honorable members that if any blame is to be attached I do not want it laid on any other person, official or otherwise, than myself. I am primarily responsible, and I ask the House to take a course which is in accordance with our own rights and privileges, and which at the same time removes the cause of complaint which has arisen through the inadvertence of which I have spoken.

Mr O'Malley

- Is it not a surrender of a fundamental privilege?

Mr BARTON

- I undertake to say that it is no surrender of any privilege whatever of ours. The proposal simply enables a course to be taken which is permitted under the Constitution. I would remind honorable members that, although suggestions made by the Senate for the amendment of this or any other Bill may be sent down, we retain our right and responsibility of dealing as we please with our own Bill, rejecting or adopting the suggestions. Shall I first move the suspension of the standing orders, Mr. Speaker?

Mr SPEAKER

- It is competent, on the consideration of the message, to move that the Bill be laid aside, and afterwards to move the suspension of the standing orders.

Mr BARTON

- Then I will move-

That the Bill be now laid aside.]

Sir WILLIAM McMILLAN

- I feel we are now interfering more or less, with the business of private members who are anxious to speak to-day. It is of no use our inquiring into the question who is to blame in this matter. The Prime Minister has candidly admitted an error was committed ; but I think honorable members who were at the Convention, and those who have studied the Constitution, must know that the clear intention of the Constitution was to give the other Chamber the fullest opportunity of examining this class of legislation. Indeed, I go further, and say that where there is the right of veto there must be the right of intelligent examination. It seems to me impossible for a Bill of this kind, in which the schedule is really the Bill, to be properly examined and criticised unless the schedule is before the other House. I take it for granted that, with the great knowledge and experience of my right honorable friend the Prime Minister, the action he has now taken is the best under the circumstances, and I think it would be well for the House to agree to it at once.

Mr GLYNN

- I do not object to the course suggested, but I think we ought to thoroughly understand what we are really doing. The Prime Minister mentioned that in Victoria the practice is not to put the details of expenditure in Supply Bills, but to put them all in the Appropriation Bill. A Supply Bill, I understand, has no schedule, whereas the Appropriation Bill includes all the Supply Bills of the year.

Sir George Turner

- I thought that was the practice in every other State.

Mr GLYNN

- No, it is not ; and that is the point to which I refer. In Victoria they put the whole details of the subdivisions of each department in the Appropriation Bill, but they put nothing in the Supply Bills. What we are now dealing with is an Appropriation Bill.

Sir George Turner

- It cannot be an Appropriation Bill, because an Appropriation Bill is the last Bill of a session.

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Mr GLYNN

- I do not know that it is not an Appropriation Bill. We are in an anomalous position - we are at the beginning of our financial year, and we do not know whether to call the Bill a Supply Bill or an Appropriation Bill. It has been introduced in the guise of an Appropriation Bill. But it does not deal with all the items an ordinary Appropriation Bill would deal with. In South Australia the whole of the details of the subdivisions are not given. They are, as

I have said, given in Victoria, and I think the reason is that the Legislative Council cannot touch them.

There is no harm done in giving the Council information which cannot have the slightest effect, so far as

amendments or suggestions by the Council are concerned, because they can make none. But in South Australia, in order to "conserve the interests of the House of Assembly, the details are not given in the schedule of each particular line of the. Estimates that have been passed by resolution of the Assembly, and embodied in the Bill. We give the title of each department - I think that is the case - but we do not give the details of the subdivisions.

Sir George Turner

- That information is of very little use to the Senate. If any information be given to them it ought to be the same information as is given in this House.

Mr GLYNN

- I would like it to be understood that if we give this information to the Senate we are giving it as a concession, but not as a right.

Honorable Members.- No, no.

Mr GLYNN

- Undoubtedly that should be so.

Mr Barton

- It is reparation for a mistake and no concession.

Mr GLYNN

- There was no deliberation or design in this matter, and the attention of the House of Representatives was not called to it ; but assuming that we were beginning the Bill, and we were asked to put those details in it, it would be open to any member to challenge the expediency of that step.

Honorable Members. - No, no.

Mr GLYNN

- That would undoubtedly be so, because the Senate is not, as a matter of right, entitled to those details. No message comes to the Senate ; the message comes to the House of Representatives. The message from the Crown comes to the House of Representatives, and is dealt with in Committee of the House of Representatives, and in the preamble of the Bill it is stated that the grant has not come from Parliament but from the House of Representatives. As a matter of fact, a message coming from the Governor-General or from the Crown declares the purposes of the appropriation, and with those purposes the Senate has absolutely nothing to do. The Senate has a power of suggestion, and if we, therefore, give them details we are not doing so as a matter of right, because we are the persons to direct the purposes, and we are the persons to make the appropriation.

Sir William McMillan

- Then what is the good of the power of suggestion?

Mr GLYNN

- I am not at the very inception of our parliamentary career going to make a concession under the guise of a right to the other House, which does not represent the people as taxpayers. The Senate represents the people equally with us, but it does not represent them as taxpayers.

Sir- William

McMillan. - What about the Federal Constitution

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Mr GLYNN

- I am not going to give as a right what really is a concession of courtesy, to enable the Senate to make more efficacious a certain power given to them by the Constitution - the power of suggestion. I will content myself with simply declaring that though I agree with the course proposed, it is not to be regarded as establishing a right, because if it were so regarded and another matter arose between the two Houses, the precedent established might be used to our detriment.

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Sir JOHN QUICK

- It seems to me that on the present occasion we have no other constitutional course open to us than that now recommended by the Prime Minister. I agree with the right honorable gentleman, and I think it is the general feeling in this House, that what has occurred in this instance is the result of inadvertence and not of deliberate policy. Referring to the point raised by the honorable and learned member for South Australia, Mr. Glynn, I would point out that the shape which these Estimates have assumed on this

present occasion resemble more the form of an Appropriation Bill or Act. I agree with the honorable and learned member for South Australia, Mr. Glynn, that . on the present occasion the items are not lumped together as they generally are in a Sessional Supply Bill. Here the whole of the details are given as if it were intended to be a sort of preliminary Appropriation Bill. That being so, it seems to me that the Senate is perfectly right in requesting full information as to the details which are laid before this House - that the Senate is absolutely within its constitutional rights ; but as to whether the same course ought to be adopted in the future I venture to suggest that the Prime Minister should take into consideration whether in all coming monthly or quarterly Supply Bills, as the case may be, it would be desirable or necessary to bring down all the particulars and all the details such as are, in ordinary constitutional parliamentary practice, embodied only in the Appropriation Act¹!

Mr JOSEPH COOK

- That is not so in all the States.

Sir JOHN QUICK

- The Appropriation Bill is brought in at the end of the session for the purpose of clothing with the form of law all previous items of expenditure which had been passed by the Assembly. I submit that, on this occasion, although there may be some justification for submitting the whole of the details--

Mr Glynn

- The details covered ML pages of the Victorian Appropriation Act of last year.

Sir JOHN QUICK

- Here we are practically launching the Commonwealth and inaugurating new departments, and it certainly shows great candour and straightforwardness on the part of the Government in submitting all these numerous particulars and details. I do not consider that was necessary. For the purposes of the Supply Bill it would have been quite sufficient for the Government to bring down a list and say, for instance, that there was required for the Attorney-

General's department £40,000, and for the Minister for External Affairs £50,000, as the case may be - just giving lump sums. The Ministers could then, in reply to questions, have given particulars to the Committee.

Mr V L SOLOMON

- The Ministry exercised a very great discretion in doing what they did.

Sir JOHN QUICK

- I think the Ministry did on this occasion ; but it will not be absolutely necessary on all future occasions to do that ; otherwise what might be the result? On every occasion of a Supply Bill being brought down there would be practically a debate on the whole of the items of the Estimates, and there would have to be the same in Committee of Supply. It seems to me, therefore, that although Ministers have on this special occasion - this historical occasion - done the right thing in presenting these Estimates in the form of a skeleton Appropriation Bill, still it will not be necessary to pursue the course on all future Supply Bills. If they do so, whenever we get into Committee of Supply we shall have the whole of the Estimates raked up from beginning to end.

Mr F E McLEAN

- Could not the Senate demand the information?

Sir JOHN QUICK

- I do not think the Senate could demand more information than is placed before this House. The Senate are entitled to that information, at any rate, in matters relating to the annual services for the year. In such cases they, are entitled to the same information and particulars as are placed before this House - no more, no less. If the Ministry came down with a sheet, such as is generally adopted in Legislative Assemblies when considering Supply, that would meet the requirements of the case. I would suggest, however, that, before this Bill is presented again; care should be taken that there are no items except those which relate to the ordinary annual services of the year ; otherwise we shall have another message from the Senate.

Mr F E McLEAN

- The Premier has, I think, adopted the only course open to him under the circumstances that have arisen. ' I rise only to say that the honorable and learned member for Bendigo has somewhat overlooked the fact that the Government have an entirely new set of circumstances to deal with in introducing a

Supply Bill to this Parliament. The usual practice in all the States, when Supply has been exhausted, is, I understand, to ask for a month or two months' Supply on the basis of the previous year's estimate. There being no previous year's estimate, the Government took a right and proper course in giving us the details.

Mr Barton

- That is exactly how it arose.

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Mr F E McLEAN

- And we have had what has been termed a skeleton of the Estimates submitted, in order that we might know how the items were arrived at. I think the Government have taken a proper course in coming down and taking the House into their confidence as to the amounts they intend to pay the various public servants. It was inevitable that a Supply Bill or Estimates under these circumstances should have been pretty full in detail, but I do not think that, in conceding, what we are conceding to the Senate, the idea will be tolerated for a moment that we intend to subject the Estimates for their discussion at any future time. This House will lose nothing and give away nothing in affording the fullest information on the present occasion. We are reserving to ourselves the right to grant these Supplies for the services of the Government, and it is not intended, by any action now taken, to take away any of the rights of the House of Representatives. I quite concur with the course the Government propose, and, so far as I can form a judgment, I think that what has been done in this matter is the right course, giving, as it does, the fullest information, and enabling us to understand exactly upon what the Estimates of expenditure are based.

Mr. HIGGINS

(Northern Melbourne). I should be very loath to inflict a speech on the House when so many important motions are on the notice paper, especially a motion of my own; but as we are laying the foundations of procedure, I may be allowed to say one or two words on a matter on which I feel strongly. The Bill in question is a Supply Bill, and not an Appropriation Bill. It is not a proposed law of appropriation. An Appropriation Bill in the ordinary form provides at the end of the session that all the sums granted or appropriated shall be deemed to have been appropriated as from the date of Supply.

Mr Glynn

- Does the Bill not appropriate, in the resolution we have passed, to the end of June?

Mr HIGGINS

- No,

Sir George Turner

- It is practically an appropriation law, although at the end of the year we have to ratify it.

Mr HIGGINS

- I am perfectly correct in saying that it has largely the same effect as an Appropriation Bill; but, at the same time, it is not a proposed law for appropriating money. Every Appropriation Bill at the end of the year contains words retrospectively appropriating money which has been granted in Supply.

Mr Glynn

- An Appropriation Bill cannot be a Supply Bill.

Mr HIGGINS

- There would be no need for the appropriating words in the final Bill if there were an appropriation in the strictly legal sense in the Supply Bills. Looking at the Constitution, the position that occurs to me is this: I do not dispute the solution of this particular difficulty in the way that has been proposed by the Government. I am looking at the further questions which are bound to arise in consequence of this solution. I think it is a very common-sense course that has been suggested, and I think that the Prime Minister deserves the thanks of the House for so frankly avowing the mistake that has been made with regard to the form of the Supply Bill. But the next question we must look ahead to is that, assuming that the Supply Bill with all its details goes up to the Senate, that Bill can be discussed and amended, in any of its details by the Senate.

Mr V L SOLOMON

- It cannot be amended, but the Senate can take suggestions.

Mr HIGGINS

- It can be amended. That is the very point, and I am very glad the honorable member has referred to it. The only proposed law as to which the Senate can make suggestions, but cannot amend, is an

Appropriation Bill- a proposed law for appropriation. This is not a proposed law for appropriation. The Constitution provides at the end of section 53, that -

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws, including, of course, a Supply Bill. The result is that that clause, which was urged right through the debates on this Constitution as being a security that the bulk of the people should have the bulk of the control of parliamentary doings, is simply useless, because any particular item in the Supply Bill can be discussed and can be amended.

Sir John QUICK

- No.

Mr HIGGINS

- I understand that the honorable and learned member for Bendigo says " No," but I say " Yes." The position, as far as I can see, is that any item in the Supply Bill can be discussed and can be amended and treated like an ordinary Bill by the other House as well as by this. If that view be right - and, of course, as the honorable member for Bendigo says that I am wrong, I must speak with some doubt - then that distinction which has been drawn with regard to proposed laws of appropriation for the ordinary annual services is nugatory and useless. It is a very narrow matter, and has to be looked, at narrowly. All I say is, that this Supply Bill is not an Appropriation Bill. The only kind of Bill in- which the Senate cannot propose amendments is an Appropriation Bill or a Taxation Bill. This is neither a Taxation nor an Appropriation Bill.

Sir John Forrest

- Is the honorable and learned member sure of that 1

Mr HIGGINS

- I do not think it is an Appropriation Bill.

Sir John Forrest

- I think it is.

Sir George Turner

- It says that this ' money is to be issued out of the Consolidated Revenue, and surely it is not necessary to say " which is hereby appropriated accordingly 1 " It is an Appropriation Bill, although it is not what we know as the Appropriation Bill.

Mr HIGGINS

- I do not mean to speak at length, but I have shown the Treasurer already that in Appropriation Bills there are always the words* -

Shall be deemed to have been appropriated as from the date of the passing of the Act No. so and so.

Sir George Turner

- That is only our Victorian mode of doing it. I do not know that it is the English mode.

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Mr HIGGINS

- If there is a distinction between the Victorian and the English mode, _

I should like to know what it is. I am only speaking of the experience I have had - and it is not half so much as some honorable members have had - of the Victorian Parliament. If the Victorian practice is the English practice, or anything like it, it means that the other House can deal by way of amendment with any item in a Supply Bill, and although when the items come up in the appropriation schedule they will not be allowed to amend, but to suggest - whatever value may be attached to suggestions - still, they can achieve the same object by the course of amending the different details in Supply Bills. Of course some honorable members know that I felt strongly with regard to the effect of this clause, and during the Convention there was a reference made to the fact that Supply Bills could be discussed, although Appropriation Bills could not. Still, this clause was accepted as it stood as being a sufficient protection. Of course, the result is that, in a House where four-sixths of the members represent one-third, or less than one-third of the population of Australia, we find equal power with the other House regarding all details of the appropriation of public moneys. I concur heartily, as the only solution I can think of, with what is proposed by the Government, but I do think that there ought to be some friendly understanding - as there is in the United States of America - with the other place with regard to this point.

Mr Deakin

- Joint standing orders ?

Mr.HIGGINS.- In the United States the House of Representatives has only the constitutional right to originate all taxation Bills; still, by practice it originates all appropriation Bills.

Mr O'Malley

- The Senate bullies them there.

Mr.HIGGINS. - Yes, I know. But as we are all anxious to make the Constitution workable and reasonable, I think there should be a tacit understanding that inasmuch as the items in the Appropriation Bill, when it comes up to the other place, are not to be discussed in detail by way of amendment, that Chamber should deal in the same way with the details of a Supply Bill. There is no need for a change in the Constitution, or for any violent step in the way of asserting our rights and privileges. But I think it would be a reasonable thing if - as we are gracefully conceding what may be the privileges of this House - the other place as a matter of practice, dealt with a Supply Bill just as it might deal with the Appropriation Bill.

Mr V L SOLOMON

- The honorable and learned member for Northern Melbourne has dealt with this subject, which is rather a difficult one, from the stand-point of the custom of the State Parliament.

Mr Piesse

- Of one State Parliament.

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Mr V L SOLOMON

- Yes, of the State Parliament of Victoria. There is nothing in the Constitution of the Commonwealth which makes any distinction between an Appropriation Bill and a Supply Bill. We have really to adapt the Bill, which is a mere skeleton in regard to that point, to our particular circumstances. The more one looks into the provisions from section 53 to section 55, the more one sees that difficulties may occur. I may say now, before touching on the points that are closely involved, that I entirely agree with the course of action that the Prime Minister is taking, and I also entirely agree with the action of the Senate in insisting on their right to have sufficient information to enable them to do that which is provided in the Constitution of the Commonwealth - suggest amendments. Without some such information as to this appropriation of money, or supply, or whatever we may choose to call it, in their hands, it would be impossible for the Senate to exercise those rights, powers, and privileges which have been granted to them under the Constitution to suggest any amendments whatever. The honorable and learned member for Northern Melbourne says that this is not an Appropriation Bill. I know of no interpretation either in the Commonwealth Constitution or in our own standing orders which defines the terms "Supply Bill" and "Appropriation Bill." Most of us have been accustomed to have a Supply Bill from time to time - for the quarter as a rule - for the ordinary necessities of the Government, brought before the State Houses of Parliament, and the completing Appropriation Bill, which merely verifies the whole of these temporary supplies, introduced at the end of the session. In most Houses of our local legislatures, it is considered that once the Appropriation Bill, which is usually the final Act of the Government, is passed, the Government have the House pretty well in their power, and can get His Excellency to prorogue the Parliament at any time after that. That at any rate has been the system adopted in South Australia. As I said just now, we have no interpretation of the words "Appropriation Bill" or "Supply Bill" either in the

Commonwealth Constitution or in the standing orders under which we work. We have before us only certain sections in the Constitution of the Commonwealth which give to the Senate the right to review - the right of suggestion. These sections are familiar to honorable members of both Houses who come from South Australia, as pretty well embodying the compromise arrived at between the two Houses there over 30 years ago in reference to their relative rights on the question of Money Bills. Section 53 in the Constitution of the Commonwealth of Australia states that proposed laws appropriating revenue or moneys or imposing taxation shall not originate in the Senate. Now I take it that this Bill, which we passed and sent on to the Senate, was undoubtedly a proposed law, because we have no interpretation of the words "Bills" or "Acts" in the Constitution. A Bill is a "proposed law" until such time as it is passed. This is a "proposed law" appropriating a certain portion of the revenue which has come into the hands of the Commonwealth through the Customs for the purposes of Government.

An Honorable Member. - No; applying it only.

Mr.V.L. SOLOMON. -It undoubtedly appropriates revenue. I think it a mistake to argue about the terms

"appropriation" and "supply," and I will give the reason why. I will only deal with the first two lines in Section 53 of the Constitution. A little lower down the first sub-section says-
The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

Further on again, section 54 says -

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

Is this Bill, which we send on to the Senate, only the ordinary appropriation for the annual services of the Government? I venture to think that there are some very extraordinary items of expenditure in the schedule, such as the extraordinary expenditure in connexion with the Commonwealth celebrations, and the extraordinary expenditure in connexion with the military display, amounting altogether to about £50,000. I say that neither of these items can be considered as expenditure for the ordinary annual services of the Government.

Sir George Turner

- " Ordinary " means as compared with something else. We have nothing with which to compare these items, and they are therefore the ordinary annual services of this year.

Mr V L SOLOMON

- They are not the ordinary annual expenditure even of this year, because I think the Treasurer will admit that we do not anticipate that this expenditure will be repeated next year. Therefore it is an extraordinary expenditure, and not an ordinary one.

Sir George Turner

- They are the ordinary expenses of this year; that I am prepared to stand by.

Mr V L SOLOMON

- I am viewing this question only from the stand-point of one who has had experience in a State Parliament - accustomed to deal with such questions. In South Australia we have had Supply Bills brought forward, and invariably these Bills have dealt only with the ordinary expenses in regard to the various departments, and they have contained a clause that no payments to officers under that Supply Bill, should exceed the payments in the previous year.

Sir John Forrest

- We never did that.

Mr V L SOLOMON

- I think that the Minister for Trade and Customs, if he will give me his attention for a moment, will remember that in our Supply Bills in South Australia, we invariably had a clause stipulating that the expenditure in regard to certain services and salaries should not exceed that of the previous ordinary Supply Bill. I am inclined to interpret this in exactly the same way.

Sir George Turner

- That is not the English practice.

Mr V L SOLOMON

- Then will the Prime Minister and Treasurer put their minds for a moment to the question whether, although we retain the right to originate Money Bills in this House, the Senate has not the right to amend even this particular Bill, because it deals with something more than the ordinary expenditure of Government - because it deals with an extraordinary expenditure not connected with the departments taken over by the Commonwealth at its inception and since its inception. I would ask the honorable and learned member for North Melbourne and the honorable and learned member for Bendigo to give their minds to this question.

Sir John Forrest

- To what items does the honorable member refer ?

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Mr V L SOLOMON

- I have just referred to one special item of £10,000 for the entertainment of Commonwealth guests, and to another item of £40,000 odd for military displays in connexion with the opening of Parliament and the Royal reception in the various States.

Sir GEORGE Turner

- We may call those items " non-recurring items."

Mr V L SOLOMON

- I have no desire to put obstacles in the way of the Government coming to a conclusion upon this question, but, as we are dealing with it, I think that the sooner we sift the absolute position, as laid down in our Commonwealth Constitution, and determine whether it requires alteration, the better. That would be much better than, owing to looseness somewhere, having constantly-recurring trouble with another branch of the Legislature.

An HONORABLE Member. - The difficulty is that we have passed it ; it is of no use to discuss that question now.

Mr V L SOLOMON

- I am not discussing our right to pass it. The -only question is whether the ordinary appropriation should not have been kept under one head - that is, the ordinary payment for the services rendered to the Commonwealth for those departments which, by virtue of the Constitution, were taken over on the 1st January and since, or whether the payment for those services should not have been kept entirely and absolutely separate from any extraordinary payments.

Sir George Turner

- If we were to adopt that practice, we should have never-ending disputes between the two Houses.

Mr V L SOLOMON

- I fear we shall have, unless we arrive at that understanding. Let the right honorable gentleman look at section 54 of the Constitution Act. It says : -

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

Does the Treasurer say that this Bill would come under that section ? Was it an Appropriation Bill at all under that section? Whether the charges I have just mentioned are charges for the ordinary services of the Government, or whether they are not, is a question in dispute. I think they are not. I think they were special services, for which it would have been perfectly competent to pass a special appropriation.

However, I merely point to these particular matters in order that they may receive proper consideration. I would ask the Treasurer whether the course that is now being adopted is thoroughly clear under our standing orders, or is provided for under the ordinary custom of the House of Commons. So far, we have not had a suspension of the standing orders, and I should like to know whether there is anything in them providing for dealing with a Bill which is returned with a message from the Senate in -any other way than by considering that message and amending the Bill ? The Prime Minister is proposing to lay aside the old Bill and introduce a new Bill altogether. It is just as well, seeing that we have some learned gentlemen in the other branch of the Legislature who are closely watching lest their privileges should be infringed, that we should deal very carefully with this question. Would it not be wise .to deal with it in the way suggested by the Senate itself - namely, by considering the Bill again and introducing a word or two, to meet the desire of that Chamber ? Should we not attach to the Bill, in the form of a schedule, the Estimates, to be alluded to in clause 1 ? We have been told that the members of the other branch of the Legislature have had an opportunity of seeing the details. I have only raised the point as to the right of the Senate to deal with those details, which were not ordinary expenditure, for the purpose of showing the importance of dealing with the question now in such a way as not to challenge more trouble with those learned gentlemen elsewhere, some of whom seem ready to protect their privileges against any fancied slight. I put it to the Prime Minister and the Treasurer, whether it would not be better to deal with the Bill as suggested, by simply providing a schedule and attaching it to the Bill?

Mr Barton

- I assure the honorable member that we are taking the regular course.

Mr V L SOLOMON

- Well, considering the people we have to deal with in another branch of the Legislature, I hope a little more care has been taken in adopting this course than was evinced in dealing with the subject in the first instance.

Mr SPEAKER

- The honorable member desires to know under what standing order we are proceeding. I direct his attention to Standing Order No. 381, which provides that any message from the Senate may " by leave be

dealt with at once."

Mr Higgins

- Does that mean laying the Bill on one side ?

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Mr SPEAKER

- The Prime Minister asked the House to deal with the message at once. The House granted leave as required by the standing order, and now we are dealing with the message. On the consideration of the message it is perfectly competent for the motion, which is now before the House, to be carried. Therefore, the honorable member sees, the standing order covers what we are now doing.

Treasurer

Sir GEORGE TURNER

. - I do not desire to stop debate, but I wish to point out to honorable members that it is absolutely necessary that we should have this Bill passed into law at the earliest possible moment. The Senate will, perhaps, sit for only an hour longer; and I wish to ask honorable members who desire to speak on the matter to do so as briefly as possible, in order that the Bill may be sent up to the Senate within a reasonable time. Otherwise, the Senate will have no time to deal with it. They will say that they have not been fairly treated, and we may not get the Bill passed until the end of next week. That being so, I should be unable to make the payments to the States which they should have on the 30th June, in order to deal satisfactorily with their finances, and that would create difficulties. Under these circumstances, I trust honorable members will allow the matter to be dealt with at once.

Mr PIESSE

- It is with the desire to facilitate what the Treasurer has stated that I rise to address the House for a few minutes. It is, no doubt, a matter of difficulty for those who have to deal with this question to decide what is the right procedure. There are naturally five or six practices existing in as many States ; but the nearest approach to the set of circumstances we find arising in connexion with this Bill is to be found in the State of Tasmania, where we have an Upper House which has to some extent similar privileges to those which have been granted to the Senate. The Legislative Council of Tasmania has for years possessed the privilege of amending Appropriation Bills, and it would seem that possibly they may have in their precedents something which will guide us in the consideration of the present difficulty. I notice that the Bill before us makes a distinction between the powers of the Houses in regard to the appropriation of money, but the Constitution Act appears to make only one distinction ; that is to say that origination of Bills of Taxation and Bills appropriating revenue shall be with the House of Representatives. But it goes on to say -

Except as provided in this section, the Senate shall have equal powers with the House of Representatives in respect to proposed laws.

Sir George Turner

- Does the honorable and learned member refer to the preamble of the Bill?

Mr PIESSE

- Yes.

Sir George Turner. - I propose to strike out that portion to prevent any question arising.

Mr PIESSE

- If the Treasurer has foreseen these difficulties I need say no more. Then clause 2 of the Bill also raises the same point.

Sir George Turner

- That is altered in the new Bill. I have met all those difficulties in the new Bill.

Mr O'MALLEY

- What I want to know Mr. Speaker is this - supposing we give way now, is this to be taken as an evidence that we shall give way in everything in the future ? I want to feel that we are not about in any shape or form to alienate any fundamental rights which belong to this House. I feel strongly on this matter. I have seen the United States Senate bully the House and the President time after time.

Mr Deakin

- The honorable member must recollect that under our Constitution we are liable to a double dissolution.

Mr O'MALLEY

- I quite agree with the honorable and learned member as to that ; and there are not many members who would care to fight an election again just now. I had to fight a whole State, not a district. If this is simply a compromise to enable us to carry on, I shall willingly agree to the course proposed ; but I want it to be distinctly understood that, as a member of this House, I am not to be frightened by bulldozing, or stampeded by intimidation.

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Mr CONROY

- We should be careful that in the introductory words of this Bill we do not grant co-ordinate powers to the Senate in matters of taxation. In New South Wales the form of preamble used in Appropriation Bills is this - " Your Majesty's most dutiful and loyal subjects, the members of the Legislative Assembly of New South Wales in Parliament assembled" grant, and so on. In the Supply Bill sent up to the Senate from this House, it was said -

Your Majesty's most dutiful and loyal subjects, the House of Representatives in Parliament assembled. That shows that this House appropriates to itself a right in connexion with all Money Bills. While I should be glad to see the difficulty in which the Treasurer finds himself got over as speedily as possible, still in our anxiety to get over it we should not give away any of the rights this House possesses. We should never forget that two-thirds of the people have less representation in the Senate than one-third of the people; and, if we once grant co-ordinate powers to the Senate in Money Bills we should be making a serious innovation, and one not contemplated by the Constitution. I hope that in any Bill brought forward it will not be proposed, even by implication, that we grant to the other House co-ordinate rights with ourselves.

Mr JOSEPH COOK

- I cannot help feeling that the Government are responsible for the trouble that has arisen. In fact, they themselves admit it. I take exception to the way the Government are proposing to remedy the trouble they have already fallen into. It seems to me that there is very much in the point of the honorable member for South Australia, Mr. V. L. Solomon, that when we send up this fresh Bill with a schedule attached to it, and make no reference in our message to the message which the Senate has sent to us, they will have some reasonable ground of complaint as to the way in which we have treated their message. We admit that what has been done is the result of pure inadvertence, and that the Senate were justified in sending back the Bill to us for amendment. In- stead of asking the House to rectify an inadvertence, the Government ask us to take an independent course: AVe practically pitch the message of the Senate under the table. That is the plain English of what we are doing. We are not treating the Senate with that courtesy to which they are entitled, and to which we admit they are entitled when we supply them with what they have demanded. It seems to me to be probable that when the Senate sees the independent course of action we have taken, they will take exception to what we have done. They will complain of the treatment meted out to them.

Mr Mauger

- Do not make the suggestion to them.

Mr JOSEPH COOK

- I am not doing so; but the Senate are as much entitled to reasonable and courteous treatment as we are. Are we treating them courteously in pitching their message under the table, and taking an independent course of action without reference to the suggestion they have made to us?

Sir John Forrest

- This practice is frequently adopted in the States.

Mr JOSEPH COOK

- There is no analogy between the action taken in the States and the action it is proposed to take here. Here the Senate have an undoubted right to send this Bill back to us for amendment. That right is given to them by the Constitution, and we acknowledge it. I, for one, believe that we are creating a fresh ground of serious trouble which must inevitably arise, owing to conflicts with regard to the powers of the two Chambers. Since the Senate have this undoubted right, ought we to treat their suggestion in the way we are proposing to treat it? We simply ignore all they say to us, put their message in the waste-paper basket, and begin again tie novo. If the Senate refuse to submit to this treatment, we have no right to complain, but I fear that this is not the last trouble that will arise over this matter. I am inclined to agree

with the suggestion made by the honorable and learned member for Northern Melbourne, that this is not an Appropriation Bill in the ordinary sense of the term. The title is totally different from that of the ordinary annual Appropriation Bill. All supplementary Bills of this character are spoken of as Bills for the application of certain revenues out of the Consolidated Revenue Fund. But in the ordinary Appropriation Bill at the end of the year other words are added, making clear the distinction between an ordinary Supply Bill and an annual Appropriation Bill. One is to supply certain sums out of the consolidated revenue, but the other is not only to apply them, but also to appropriate them. It seems to me that there is a clear distinction in the minds of those who have named these Bills time after time, or they would not have preserved the distinction in language through so many generations.

Mr McDonald

- Does not an ordinary Supply Bill give power to appropriate certain sums ?

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Mr JOSEPH COOK

- No, it supplies, sums, but in an Appropriation Bill the sums are not only applied but appropriated. I take it that the Appropriation Bill at the end of the year appropriates every item included in the Supply Bills that have been passed during the year. I think it is only a matter of courtesy, apart from the constitutional aspect, that we should send up to the Senate some details regarding the application of the moneys, the voting of which we ask the Senate to consent to. For instance, the Legislative Council of New South Wales, the most autocratic body in Australia - a body that has less representative functions than has any other

Legislative Council in Australia, since it is a purely nominee Chamber - always has sent up to it details even in connexion with Supply Bills. I have a copy of one such Bill in my hands at the present moment. We give the Council such items as - " for railways, for safety appliances, grain-sheds, railway bonding, additional cars and car-sheds.

Sir George Turner

- Is that a revenue Bill or a loan Bill ?

Mr JOSEPH COOK

- It includes loan moneys.

Sir George Turner

- The honorable member referred to loan works exclusively

Mr JOSEPH COOK

- No, it also includes expenditure from revenue.

Sir George Turner

- I could understand the information being given in regard to a Loan Bill.

Mr JOSEPH COOK

-It includes expenditure from revenue and also out of loan funds. We give the Legislative Council any particulars which it is desirable to give to make their course clear. If we do that in a case where the Upper House has no power to touch these Bills, how much more careful should we be to treat the Senate with the courtesy and consideration to which they are entitled, and to give them all the information which will enable them to know how and for what purposes the money is to be spent? I therefore think there should be some detail, and all the particulars the Senate desire when discussing the Bill. But I say again that I do not think we are treating the Senate quite fairly or courteously. We are simply preparing to throw this message under the table, and sending to the Senate an entirely different Bill without any reference whatever to their message.

Mr WILKS

- After the remarks of the honorable member who has just resumed his seat, I feel compelled to say a few words. I have listened with a great deal of attention to the remarks which have been made, and I feel that the discussion of this question should be free from party influence. This House can maintain its dignity and power much better by avoiding party influence and feeling in a question of this kind. As to the question of courtesy to which the honorable member for Parramatta referred, I do not think it need have been imported into the debate. The Prime Minister admits that he is to blame. The position is new to him, and all the conditions are new : and he practically admits that the Senate has been awake to its powers and responsibilities and has pointed out a mistake made in this House.

The only course which occurs to me, as one who studies the rights of the people's House, is whether the treatment of the message by throwing it under the table, makes the position of the House stronger or better. The Prime Minister has asserted in a remarkable manner the power of this House by placing the message under the table and introducing a new Bill. And, in admitting a mistake has been made, he does not concede any of the rights and privileges of this Chamber. As to anticipations of trouble in the future, they need not be considered at the present moment. When the Senate interferes with a Bill sent from this House, and takes a stand which infringes on our rights and privileges, that will be the moment to assert our authority. I listened carefully to the opinions of members, and, from a practical and constitutional point of view, I think the Prime Minister has adopted the proper course in introducing a new Bill, and supplying the information we are compelled to supply, thus anticipating any objection on the part of the Senate. In my opinion any anticipated trouble either to the Senate or to ourselves, or any trouble or detriment to the Commonwealth, could not be better met than by the course the Government propose to take. The Prime Minister admits that we are liable to error, and tells us to be more careful in future.

Question resolved in the affirmative.

Motion (by Sir George Turner) proposed -

That the standing orders be suspended in order to allow a Supply Bill to be introduced and passed through all its stages this day.

Mr McDONALD

-I have no objection to a suspension of the standing orders on this occasion, because I understand this is a case of urgency ; but I hope the practice of continually suspending the standing orders will not be allowed to creep into this Chamber. It is a dangerous practice, which ought not to be allowed.

Question resolved in the affirmative.

Ordered -

That the Clerk read the resolution reported from the Committee of Ways and Means, and adopted by this House on the 12th June inst.

Resolution reads as follows : -

Resolved -

That towards making good the supply granted to His Majesty for the service of the period ending the 30th of June, 1901, the sum of £491,882 be granted out of the Consolidated Revenue Fund.

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Sir JOHN QUICK

- Is that the correct sum that was stated in Committee of Supply, taking into consideration the reductions ?

Sir George Turner

- Yes.

Bill presented and read a first time. second reading.

Sir GEORGE TURNER

- I move -

That this Bill be now read a second time. I desire to point out that there are practically two alterations which the Government have thought fit to make in the Bill. The first is the addition of a schedule, instead of simply referring to the supply granted by the House of Representatives, and the second is the leaving out of what is called the " free gift " preamble. We simply adopt for this Bill the preamble used in an ordinary Bill. There are different practices in this respect in the different States. In some Parliaments they use the " free gift " preamble, sometimes referred to as " the flag," whilst other Legislatures do not. There is no virtue in this particular preamble, which is merely an intimation on the face of the Bill that it is a certain class of Bill. Whether the preamble be in the Bill or not does not in any shape or form affect the rights of this House, or the rights of the Senate. Whatever rights we have will be preserved whether the preamble is there or not, and the mere putting in of the preamble cannot possibly take away any of the privileges the Senate may have. The Government have therefore thought it wiser to adopt the practice of many of the States, and merely attach the ordinary form of preamble instead of the "free gift" preamble.

Sir WILLIAM McMILLAN

- Notwithstanding what the Treasurer has said we must be very careful, even if we express no definite opinion in the preamble concerning the position as between the two Houses, that we do not have

anything in the verbiage of these Bills that in any way appears to give up our privileges. I notice a point which was not exactly that to which the Treasurer referred. In the first Bill which was brought forward I noticed the words- "Your Majesty's most dutiful and loyal subjects the members of the House of Representatives" - in other words, it was this House which granted the Supply.

Sir George Turner

- That is what is referred to as the " free gift" preamble.

Sir WILLIAM McMILLAN

- I am not referring to the "free gift" business, but am pointing out that in the preamble it was set forth that it was the House of Representatives which dealt primarily with the question of Supply. But in the Bill now before us we read, " Be it enacted by the King's Most Excellent Majesty and the Senate and the House of Representatives of the Commonwealth of Australia." In one Bill there is a recognition that there is a primary position of this House, especially in matters of appropriation. In the other Bill, whether the words have the effect or not, co-ordinate powers are practically allowed between the two Houses. I have looked up Bills of a similar kind introduced in the New South Wales Parliament, and they run, " Whereas we, your Majesty's most dutiful and loyal subjects, the members of the Legislative Assembly." We must be particularly careful in this Bill, because it is very difficult to know whether it is an Appropriation Bill or an interim Supply Bill. If it is an Appropriation Bill pure and simple, then the Senate have no right whatever to amend, not even, I think, by suggestion.

Sir George Turner

- The Senate can make suggestions. When the Senate cannot amend, it can make suggestions.

Sir WILLIAM McMILLAN

- I see ; but the Appropriation Bill is not one which is as a rule, touched by the other House, because a struggle between the two Houses on the matter of the ordinary appropriation for the services - not the bringing in of new taxation - would be absolutely revolutionary. The principle that we have to keep in view is that the machinery of Parliament must be workable, and certainly no machinery of Parliament that implied co-ordinate powers on the question of the ordinary appropriation of money under different Acts can be workable. I should, therefore, myself prefer to see introduced into the preamble the name of the House of Representatives as primarily granting this Supply. I speak, of course, with a great deal of reticence, and with much respect towards my honorable friends, who have much larger experience, and who are students of constitutional matters. But it does seem to me that at this early period of our Commonwealth financial legislation we might, possibly, inadvertently create an inference with regard to the powers of the other Chamber which was never intended by the Constitution.

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Mr McDONALD

- I should like to point out that even in the speech of His Excellency the Governor we see -
Gentlemen of the House of Representatives. - Estimates of Expenditure will be submitted to you in due course, and will be economical. They will, however, safeguard the efficiency of the services of the Commonwealth-.

That, I think, bears out what the honorable member for Wentworth has just said, and it would be far better for us to omit the

Senate from the preamble to the Bill. We must be very careful in what we are doing or we may find ourselves giving such co-ordinate powers to the Senate as will lead ultimately to an endless amount of discussion. We were told the other evening, when the Bill was passed, that it was an Appropriation Bill to finish up this year, so that we might start another financial year on the 1st July, and the Estimates were submitted to us on that understanding. But what will the position be at the end of the session when we pass the final Appropriation Bill? Are we going to tack the Estimates that have been passed dealing with the whole of the services of the Commonwealth to the Appropriation Bill, and allow the Senate to discuss them in the sense in which they discuss an ordinary Bill? If we do, when we take into consideration that the Appropriation Bill is practically the last passed before Parliament rises, we may find, or may not find, the Senate discussing the Estimates for another month or six weeks. Under the circumstances we ought to be very careful in giving way on this point. Personally, I would prefer to see the Bill go back, showing, instead of the various items, so much expenditure for defence, so much for Customs, and so much for the Attorney-General's department, in a similar way to that adopted in Queensland with the final Appropriation

Bill. That would be far better than putting in all the details, because if the details go in now, we are admitting that the Estimates must go in with the final Appropriation Bill.

Mr. F. E. McLEAN (Lang). - I think the progress of this Bill would be facilitated if the right honorable gentleman in charge of it would consent to the preamble being amended by the insertion of words that were in the preamble of the previous Bill, namely - "Whereas your Majesty's loyal subjects, the members of the House of Representatives, have granted to your Majesty for the services of the Commonwealth" so much money.

An Honorable Member. - The money cannot be granted without the Senate.

Mr F E McLEAN

- I agree that all legislation must be by the concurrence of both Houses. But to assert the old and time honoured privilege of the people's representatives, these words might be inserted in the preamble. That would settle the whole matter, and practically there need be no further alteration in the Bill.

Sir JOHN

QUICK (Bendigo). - The form in which this Bill is now presented, in my

opinion, undoubtedly constitutes an Appropriation Bill - not a Supply Bill, but an Appropriation Bill. It could not possibly come within the definition of an ordinary Supply Bill, because it grants, as well as appropriates, specific sums for specific services for the Commonwealth for a specific period. Therefore, the first point that arises on the face of the Bill is that it must appear in the introductory title that it is an appropriation, and consequently I would suggest that the word "appropriated" should be used, instead of the word "applied." The second point that arises is a more serious one, namely, the omission of the time honoured "free gift" preamble. I must say I feel somewhat concerned about this, because a very serious principle is involved. I remember that in Victoria many years ago a very serious dead-lock occurred over the form of preamble in an Appropriation Bill, and the result was a compromise by which the preamble was made to read in a somewhat modified form. I think it was made to read in the form, not that the Legislative Assembly actually granted, but that it agreed to grant, and I think some such introductory words are necessary under this Constitution. That ought to be insisted on, for the reason that if it be not insisted on in connexion with appropriations of Supply, there will be nothing in the Supply or Appropriation Bills to indicate the originating power of this House. That is the great constitutional principle, and the privilege of this House, which differentiates it from the other Chamber. This House has the power of originating appropriations, and it is for that reason the Governor-General, in his speech when opening Parliament, addresses the members of the House of Representatives with reference to the question of appropriation. The authority on which the Bill originates is the message from the Crown, addressed to this House, and this House would be abandoning one of its constitutional privileges and rights if it abandoned some form of preamble. I do not think it necessary to insist on the old form as it appeared in the previous Bill, and say we have granted Supplies; but we cannot say that we have agreed to do so. That does not assume a legislative or inactive force, and no objection could be taken to a form of words stating that we had agreed to grant supply. We took the Governor-General's message into consideration in committee and agreed to grant Supplies.

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Sir William McMillan

- The word "agreed" would not be necessary.

Sir JOHN QUICK

- Some form of words is necessary to show our originating power. I am not particular about the form of words, but we ought to insist on our originating power appearing in some form in these appropriations.

Mr Deakin

- That is in the Constitution ; you cannot add to or take away from that.

Sir JOHN QUICK

- The Constitution is all right ; but we must show our originating power in all these Appropriation Bills, so that when they go to the Senate it will be a notice to them that we are determined to exercise our rights and keep within our constitutional limits. While cheerfully acceding to the proposed procedure of bringing in a new Bill with the appropriation annexed in the form of a schedule, I hope we will not go to any unnecessary surrender in the matter. I, for one, am determined at this initial stage in the history of our

parliamentary proceedings, not to surrender one jot or one tittle of the constitutional rights or privileges of this House. If we do surrender our rights and privileges they are gone for ever - absolutely gone, and we can never insist on them in a future session. Therefore I would suggest to the Prime Minister that he should reconsider this question, and frame such a form of preamble as will meet the requirements of this particular case, whilst giving expression to our undoubted exclusive right to originate Supplies for the Crown.

Mr HIGGINS

- In reference to what the honorable and learned member for Bendigo has Said, I wish to point out that I have the message sent from the President of the other place, and I find that in that message there is no complaint made of the form of the preamble at all. The only request is to amend the Bill so that it may show the items of expenditure comprised in the sums which the Bill purports to grant to His Majesty. All that the Senate wants is to be seised of the details, and, with all respect, I do not see that there was any occasion to raise this grave constitutional question which has been raised by the honorable and learned member for Bendigo. I would suggest as the best way out of the difficulty, that having regard to the gravity of the position as a precedent, there should be a little conversation between those who are responsible for the dignity of this House and those who are responsible for the dignity of the other House, and I think that half-an-hour's talk would be sufficient to enable us to form a preamble which would be acceptable to both Houses.

Mr Barton

- We are particularly anxious to get this Bill through to-day.

Mr HIGGINS

- I would like to help the Government to get the Bill through, but what I want to know is how we shall get out of this impasse if we once pass the Bill in this form. I think there is no need for the form of preamble which we had in the Supply Bill as first sent up. I think that, having regard to the Constitution, it will be quite possible to frame a preamble which will give both Houses their exact rights. At the same time, I do not think that this new Bill which has been put before us retains our just rights; it puts this measure, which is really an Appropriation Bill and a Supply Bill together, in the form of a Bill for ordinary purposes passing between the two Houses. I think that we ought to consider this matter with deliberation. I recognise that it is a serious thing to postpone Supply. If Ministers will assure us that they will undertake to have a conference - unofficial - between those who are responsible for the dignity of this House and those who are responsible for the dignity of the other House--

Mr Solomon

- That would be a confession of weakness, would it not?

Mr HIGGINS

- I do not think so. There is no confession of weakness in trying to meet the other side to a quarrel.

Mr Glynn

- The threat has come from them. They have been talking about doing this to the preamble.

Mr HIGGINS

- I do not think this is a question of dignity of all. We want to do this thing in an orderly way. We are all willing to concede a little with regard to the question of dignity--

Sir WILLIAM McMILLAN

- But why should we not keep to the old form?

Mr HIGGINS

- There is no occasion to alter the form so far as the matter has come to us. But I think there ought to be some different form from that which has hitherto prevailed between the two Houses, and that the honorable and learned member for Bendigo was right upon that point, although I can hardly agree with the particular alteration which he suggests. I think that by a little adjournment and conversation we should be able to arrange in a friendly way the particular form which this preamble should take.

Sir William McMillan

- The other House does not suggest any question as to the preamble.

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Mr Barton

- They said that they could not consider the Bill at all without a schedule 1 to it.

Mr HIGGINS

- The other House has made no objection to the form of the preamble. We have altered the preamble without being asked to do so. The only course out of the difficulty that I can see is to allow this thing to stand ; then before we pass the next Supply Bill that the authorities of the Houses should agree upon some form that would be mutually acceptable. I think that a little conversation between the Minister in charge of the Bill, the Ministerial representative in the Senate, the Speaker of the House of Representatives, and the President of the Senate would result in an understanding being come to that would prevent friction hereafter. I hope that the Ministry will submit to a postponement for that purpose.

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Minister for External Affairs

Mr BARTON

. - I do not wish to take up the time of the House upon this matter. I think that it is too small to warrant my doing so. The tendency of all modern Bill drafting is to cut down the preamble and to confine Bills to the enacting words. In this case it would be impossible to leave out the Senate, because the Bill needs the assent of both Houses to clothe the grant with the form of law. It is unnecessary to recite the grant, simply because the grant under the Constitution must necessarily be first made in the House in which the Bill originated, and that is the House of Representatives. It is not necessary to draw distinctions between this and other Appropriation Bills, because any Bill which professes to apply money out of the consolidated revenue to a specific purpose is an Appropriation Bill, whether it is called a Supply Bill or not. This is an Appropriation Bill, and it is also a Supply Bill. Let us take the parallel of the six months' Supply Bills passed in the New South Wales Parliament That is called - "An Act to appropriate and apply, out of the Consolidated Revenue Fund of New South Wales, certain sums to make good the supplies, &c." That was a Supply Bill, but, nevertheless, it was an Appropriation Bill, and it did appropriate. It is of no importance which term we use, because the fact remains that if we set apart money out of the Consolidated Revenue, we appropriate that money. That gets rid of the entire objection that by adopting this form we may obliterate the distinction between Appropriation and Supply Bills. I hold a very clear opinion on that question. Any Bill which applies money out of the consolidated revenue to a specific purpose, is an Appropriation Bill. I do not think there will be any occasion for any conversation such as has been suggested by the honorable and learned member for North Melbourne. The reasons for adopting this form of preamble are twofold. First, it is in accordance with the modern system of Bill drafting, as followed in South Australia and other places. But it has been adopted confessedly for another reason, namely, that it helps to avoid discussion. We have, a written Constitution. We are not troubled by considerations which, affect such matters in England, but with an unwritten Constitution, the Houses being regulated in their disputes with each other by their standing orders, it has been necessary, in order to assert rights, to make these statements in preambles. They will all fade away, and drop off like old leaves as Bill drafting improves. Our case is different from that of England, because our Constitution is written, and we have it here that - " Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate."

They must originate in the House of Representatives. That appears by direct implication in the Constitution, and therefore it is unnecessary to put it in the preamble. Indeed, I think that we might take some credit to Ourselves for having attempted to do something to shorten the form of procedure without jeopardizing by one jot the privileges of this House. As I have already said, I am prepared to maintain the privileges of this House with any man, but I do not want to cause unnecessary friction, especially if we can adopt a practice which is modern, and which is sanctioned by common sense. After all let us remember as a canon of the construction of Acts of Parliaments, that unless there is grave ambiguity in a Bill which cannot be solved in any other way, a court of justice does not look at all to the preambles of Bills. Every one, therefore, will see to what narrow dimensions preambles have sunk ; how shrivelled they are, how they are generally omitted, and how unnecessary it is to talk about our free grant, because we have a Constitution which makes it certain that from us alone can that free grant proceed. It is unnecessary, therefore, to assert it every day in a preamble. If honorable members will refer to section 53 of our Constitution, they will see how dangerous their contention is, that a Supply Bill is not an Appropriation Bill, because under that section, if this Bill is not an Appropriation Bill, it could have originated in the Senate. Obviously, none of us mean that, and none of us

would have submitted to it.

Mr JOSEPH COOK

- Those honorable members who have been trying, to make this matter clear, did not want to- Bug-- <gest the possibility alluded to by the Prime Minister, but rather wished to avoid it by making the title of the Bill, clear, before it left this House. We do not want to give away one jot or tittle of our rights, so- far as this House is concerned. I take it that while we should be careful to "give the Senate all the rights due to it, we should' maintain all the rights that belong to this House. It seems to me that if this matter of the preamble is of such an immaterial character as the Prime Minister suggests - if it is the very harmless thing which it is represented to be - then we might well leave the preamble in its original form.

Mr Barton

-The honorable member's head would be as warm if he wore two hats as one. What is the use of it ?

Mr JOSEPH COOK

- According to the Prime Minister, we have all been adopting a very useless practice for years. I do not share in that opinion. I believe that all these things have had their origin in some practical necessity which has arisen at the moment, and I think it can do no harm, but a great deal of good, if we assert in this respectful way the right of this Chamber to initiate Money Bills. All that we need do is to respectfully recite the procedure adopted, and to say that in accordance with the Constitution we have granted the supply asked for by the Governor-General. Is there anything in that course to create friction or. trouble with the other House ? Whilst we are prepared to give the Senate every consideration that we possibly can, I think that- is the way in which this Bill should have been sent up to them in the first place. Whilst I am prepared to give members of the Senate every consideration, I will at. the same time maintain every right which this House undoubtedly possesses. I think therefore that we cannot do better than stick to the. preamble of the Bill in the form that has- stood the test of years. I think it is . a very, wise thing simply to recite in this, preamble, exactly the constitutional course; that has been followed. When I get .to know that the High Court is going to have anything- to do in determining the relations between the two Houses--

An Honorable Member, - Is. this, stone;walling.?

Mr JOSEPH COOK

- No ; I am simply making a few remarks on an all-important question, and I do not know that that can be construed into stone-walling. I do not want to anticipate trouble with the other House. I desire to avoid it, but at the same time I want to assert every right that this House undoubtedly possesses. We have paramountcy over the other Chamber in connexion with these Money Bills, and having that undoubted right, we should assert it in a respectful way in the preamble of the Bill.

Question resolved in the affirmative.

Bill read a second time.

Clauses 1 to 3 agreed to.

Preamble -

Be it enacted by the King's Most Excellent Majesty and the Senate and the House of Representatives of the Commonwealth of Australia as follows.

Mr CONROY

- I would point out that under section 54 of the Constitution Act a " proposed law " which appropriates revenue or moneys for the ordinary annual services of the Government must deal only with such appropriations. Have the Government considered that in relation to this expenditure ?

Mr Barton

- -That section was adopted to avoid " tacking," and there is not even the semblance of " tacking " in this Bill.

Sir WILLIAM MCMILLAN

- Have the Government made up their minds to propose, the insertion of the words " House of Representatives " in the preamble 1 On the whole, I think that would be the safer course.

Mr Barton

- I am prepared to insert these words in a way that I think will satisfy my honorable friend.

Sir WILLIAM MCMILLAN

- I think it would be the safer course to do so.

Mr BARTON

- I will make the preamble read -

Be it enacted by the King's Most Excellent Majesty and the Senate and for the purpose of appropriating the grant made by the House of Representatives as follows.

Preamble amended accordingly.

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Sir William McMillan

- That is perfectly satisfactory.

Mr. HIGGINS

(Northern Melbourne). I think that the House is- indebted to the Prime Minister for acceding to the- generally expressed wish, and there is no doubt that the amendment, if accepted, will, at least, get over some of the difficulties. But it would have been well if we could have ascertained by a little talking with those whom I have, already indicated whether this amendment will be acceptable. I am not at all sure that it will meet with the views of members of the other House, but I sincerely hope that it will. It must be recognised now that this becomes a final appropriation, and it means that we have abolished the whole system of Supply Bills. That will work consequent alterations in our practice, which will have to be very carefully watched. At all events this is an Appropriation Bill; it uses the word "appropriate."

Mr Barton

- If it were not appropriating something it would not have the force of law. intended for it.

Mr HIGGINS

- I am not disputing that; but, being an Appropriation Bill, we have no Supply Bill, and we are starting a new practice, which I am afraid it will puzzle even the learned clerks of this House to make out

Sir JOHN QUICK

- My honorable and learned friend the member for Northern Melbourne has referred to the dictum that Supply Bills are not Appropriation Bills, and consequently might be amended by the Senate. I take this opportunity of respectfully expressing my entire dissent from that view.

Mr Higgins

- I do not say that now. I say that this new Bill is an Appropriation Bill.

Sir JOHN QUICK

- A Supply Bill when it did not appropriate would clearly not have the force of law. I do not see how money could be drawn from the Treasury unless it were appropriated. However, it is satisfactory to know that the Prime Minister has acquiesced in the suggestion that there should appear on the face of this Bill some express recognition of the originating and granting power of the House of Representatives. I suggest, in addition to that, that the words of the title should be altered to make it read "to apply and appropriate."

Mr Barton

- If it applies it does appropriate, .

Sir JOHN QUICK

- If the right honorable and learned gentleman, is clear on that point I do not press it.

Bill reported with amendments; report adopted.

Bill read a third time.

RATE OF WAGES- HOURS OF LABOUR

Debate resumed (on motion by Mr. Mauger; vide page 826).

Mr SALMON

- When I was interrupted early in the afternoon I had stated that I seconded the motion of the honorable member for Melbourne Ports. I wish to suggest to the Prime Minister that, as the time of private members has been taken up with Government business this afternoon, it might be desirable to allow us the privilege of having this motion discussed on a more suitable occasion. The motion is one of very grave importance to the Commonwealth. The Commonwealth will very shortly be entering into various contracts, and it would be well that those employed on these contracts should be paid according to the wish of Parliament, and not altogether according to the wish of the contractors. Under the circumstances, I would ask, before I proceed further, if the Prime Minister is prepared to give up a night for the consideration of the question.

Minister for External Affairs

Mr BARTON

. - I am prepared to make the concession asked for. I take it that the best course to pursue would be to adjourn the debate until this day fortnight. That is on order day, and not a motion day, but this question can take precedence, because there is no other order on the paper that day.

Debate adjourned.

LABOUR LAWS;

Mr. HIGGINS

(Northern Melbourne). The following motion stands upon the notice paper in my name -

That in the opinion of this House it is expedient for the Parliament of the Commonwealth to acquire (if the State Parliaments see fit to grant, it, under section 51, sub-section 37, of the Constitution Act). full-power to make: laws for Australia as to wages and hours and conditions of labour.

As we have now reached the hour when it is usual for the House to adjourn, and as the whole time this afternoon has been occupied by Government business, I would ask the Prime Minister whether he will give us a Government day for the discussion of private members' motions'!

Minister for External Affairs

Mr BARTON

. - I cannot undertake to give a Government day at present; but if the honorable and learned member will place his motion on the paper for a future day, I will see whether we can give him a few hours for the purpose of discussing it at a favorable opportunity. I shall be glad to do so. Such opportunities, do occur during the session, and I will try to meet the honorable and. learned member's views.

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Mr Higgins

- On that condition, of course, I will postpone the motion.

KANAKAS

Ordered

(on motion by

Mr. Bamford)

-

That there be laid before this House a return showing -

The number of kanakas to whom exemption tickets have been granted under the provisions of section II of the Pacific Island Labourers Act Amendment Act of 1880 (47 Vic. No. 12).

The number of kanakas, so far as is ascertainable, now in Queensland to whom such exemption tickets have been granted.

PERMANENT MILITARY FORCES

Mr CROUCH

- I move-

That there be laid before this House a return showing -

The number of non-commissioned officers and men in the Permanent Military Forces of Australia on the 1st March last.

How many of these were officially known to be married on that date.

How many men were dismissed or discharged or had deserted during the previous twelve months, distinguishing the different States. I may say that the Minister for Defence has informed me that he consents to this motion. In fact, he has already had a return prepared.

Question resolved in the affirmative.

ADJOURNMENT

Hour of Meeting.

Motion (by Mr. Barton) proposed -

That this House do now adjourn.

Sir WILLIAM McMILLAN

- I think the Government will have to consider the question of sitting earlier on Fridays, because I do not see that there is any possibility of getting the business done in the time available on Friday afternoon.

Mr. BARTON

(Hunter- Minister for External Affairs). - I will have the question considered by the Cabinet next week.

Question resolved in the affirmative.

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16:55:00

House adjourned at 4.9 p.m..