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1901-06-13

Senate.

The President took the chair at 2.30 p.m.

PETITION

Senator MACFARLANE

(Tasmania) presented a petition from the General Assembly of the Presbyterian Church of Tasmania, praying that the Post-office shall not be allowed to be used for the purpose of gambling.

Petition received.

ADJOURNMENT

Question of Urgency.

Senator MCGREGOR

- Before the business of the day is gone into, on a question of urgency, I move -
That the Senate, at its rising, adjourn until half-past one o'clock on Friday the 14th.

Senator Lt Col Neild

-I object.

The PRESIDENT

- The honorable senator, I am afraid, cannot proceed.

Senator Pulsford

- The unkindest cut of all.

The PRESIDENT

- I call the attention of Senator McGregor, and of the Senate generally, to Standing Order No. 48. It is as follows : -

A motion without notice that the House, at its rising, adjourn to any day or hour other than that fixed for the next ordinary meeting of the House, for the purpose of debating some matter of urgency, can only be made after petitions have been presented and notices of questions and motions given, and before the business of the day is proceeded with ; and such motion can be made notwithstanding that there be on the paper a motion for adjournment to a time other than that of the next ordinary meeting ; but only the matter in respect of which such motion is made can be debated. If any member object thereto, the business of the House must be at once proceeded with.

Senator MCGREGOR

- I thank you sir. I shall take another opportunity.

QUESTIONS

PRODUCTION OF PAPERS

Senator Sir FREDERICK SARGOOD

>upon notice, called the attention of the Postmaster-General to the fact that, on Thursday last (on which date both Houses were sitting), an important letter from "The Lieut.-General Commanding the British, Contingent, China Field Force," to "the Prime Minister of the Australian Commonwealth," was read in the House of Representatives upon the motion of the Right Honorable the Premier ; and asked why the said letter was not also laid upon the table of the Senate on the same date?

Postmaster-General

Senator DRAKE

- The Government agree with the honorable senator's desire that in general papers which are of sufficient importance to read in Parliament, should be laid before both Houses unless they relate exclusively to the business of either House, and that course will be followed in future. Instructions have been given that all copies of papers laid upon the table of one House only shall be circulated amongst the members of the other. The Government will take "care that no undue preference is shown in this matter to either House of the Legislature.

PUNCTUATION OF BILLS

Senator HIGGS

asked the Postmaster-General, upon notice -

Will the Government give instructions that all Bills be punctuated ?

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Senator DRAKE

- The Attorney-General has given instructions that all Bills be punctuated.

Senator Sir JOSIAH SYMON

- May I ask a question on that answer, sir?

The PRESIDENT

- Yes.

Senator Sir JOSIAH SYMON

- Has Senator Drake considered by whom that punctuation shall be made, who will be responsible for it, and to whom the direction will be given.

Senator Lt Col Neild

- An engineer in chief for punctuation.

Senator DRAKE

- In the first place the gentleman who drafts the Bill will be responsible ; next to him the Minister will be responsible, and after the Minister, I think that Parliament will be responsible.

COMMONWEALTH BOOKKEEPING

Senator Sir FREDERICK SARGOOD

asked the Postmaster-General, upon notice -

Whether it is the intention of the Government to appoint, at an early date, a small committee of qualified business men and professional accountants to prepare a proper system of bookkeeping to be used by the Commonwealth ?

Senator DRAKE

- I am informed by the Treasurer that it is not intended to appoint such a committee. The system of bookkeeping to be used will be devised by officers of large experience in Government accounts.

SUPPLY BILL

Suspension of Standing Orders.

Bill received from the House of Representatives, and, on the motion of Senator Drake, read a first time.

Postmaster-General

Senator DRAKE

- -According to the notice given, I move -

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

Senator Lt Col NEILD

- I hope, that the Senate will not entertain the 'motion. This is the most deliberate attempt that could possibly be made to belittle the Senate and treat it as occupying the position of the second Chambers of the different States. We are apparently to be treated by the Ministry in the matter of the public expenditure simply as a Chamber of revision.

Senator Major Gould

- Not even that.

Senator Lt Col NEILD

- Scarcely that. I suppose I am not out of order in referring incidentally to the fact that the Bill contains matter that has been the subject of a lengthy debate in another place, and may reasonably be considered as entitled to full consideration here. But the practice that has obtained in the colonies, now States, of treating the Upper Chambers as having no right practically to discuss finance is apparently to be applied by the Government to the Senate in connexion with finance.

Senator Drake

- Exactly the same thing was done in the other House.

Senator Lt Col NEILD

- The items, I would remind Senator Drake, went under an exhaustive examination in Committee of Supply, and the Bill stage was merely the outcome of those proceedings. The reverse is the case here.

Senator Best

- We shall do the same here, surely.

Senator Lt Col NEILD

- My honorable and learned friend has been a Minister of the Crown, and he knows perfectly well that we

have to consider the Bill in Committee.

Senator Best

- Certainly.

Senator Drake

- The honorable senator is wrong. The standing orders of the other House were suspended on Wednesday.

Senator Lt Col NEILD

- I do not want to take the third in a trio with my honorable friends opposite.

Senator Drake

- The standing orders were suspended for the Committee of Supply and the Bill yesterday.

Senator Lt Col NEILD

.- They were suspended after the Estimates had been under consideration for some length of time.

Senator Drake

- No ; the honorable senator is wrong.

Senator Lt Col NEILD

.- I think I am correct.

Senator Drake

- If the honorable senator will allow me, I will quote from the record.

Senator Lt Col NEILD

- Never mind what happened there ; it does not matter. If the honorable and learned senator says I am under some misapprehension, it will save time if I do not discuss the matter. He may be right, and I am quite willing to assume that he is right ; but that does not alter the fact that a Bill involving the expenditure of practically half-a-million is sent here, and we are asked to hurry-scurry it through practically without consideration.

Senator Best

- I hope not.

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Senator Lt Col NEILD

.- I take it, sir, that my honorable and learned, and I was going to say serio-comic friend,

Senator Sir John

Downer, who told us with so much emphasis the other "day that he stood by the Constitution, will stand by the Constitution to-day as regards this motion, and see that at least the Senate has a proper opportunity of dealing with these important questions. I may refer, I assume without being guilty of any breach of decorum, to the fact that we have every reason to believe that in the Bill there are items relating to 'the officers of the Senate. It may be the wish of the Senate to make certain suggestions to the other House on some of the items. I do not see how we can be expected to deal properly with the measure if we are to suspend the standing orders, and rush it through, in the manner indicated. Besides, sir, this is a peculiar motion. It is apparently to apply not only to this Bill, but to every Bill of a similar character that comes up, and I for one certainly protest against the Ministry, [do not care pf whom they are constituted, asking for power for all time, or for the whole session, to rush through appropriation measures in this way.

Senator Drake

- We have not done that. If the honorable senator will look at the notice he will see that it says " the Bill." It refers to this Bill only.

Senator Major Gould

- This is an important Bill, because it is the first financial Bill we have received, and we ought to lay down our course.

Senator Drake

- The honorable senator is basing his argument on- the supposition that it applies to all Bills, and to all time.

Senator Lt Col NEILD

.- If the Postmaster-General will do himself, the justice of reading the words in the contingent notice of motion he will see that I am perfectly correct -

Contingent on any Supply Bill being received from the House of Representatives.

Senator Drake

- Yes, read on.

Senator Lt Col NEILD

-

The Postmaster-General to move that the standing orders be suspended to enable the Bill to pass through all its remaining stages without delay.

Any Bill. I take it that this is intended as a kind of sessional order. What else is it ? It distinctly applies to any other Bill which may be sent up by the other House.

Senator Drake

- To-day.

Senator Lt Col NEILD

- I,t does not say so, with all respect.

Senator Drake

- If another Bill came up I would have to move it again.

Senator Lt Col NEILD

- That may be the intention of the Minister, but it certainly is not expressed in the motion. Where is the hurry ? . The Senate has been in session for about five weeks. I understand that this money is not wanted until the end of the month. There are two weeks' sittings before us, and what possible excuse is there for rushing the Bill through ? '

Senator Drake

- I am not in a hurry.

Senator Lt Col NEILD

.- If the honorable and learned gentleman is not in a hurry perhaps he will withdraw the motion and let the Senate proceed with the Bill in the ordinary manner. I certainly, if need be, will call for a division on the motion, because I consider that it means the initiation of a most pernicious practice. I cannot believe that the Federal Cabinet, who are not ignorant of constitutional usage or unacquainted with the intentions of the Commonwealth Act, are acting in this manner without proper consideration. I am driven to the conclusion that this is a deliberate attempt to interfere with the 1 known powers of the Senate in dealing with matters of finance, and as such I offer the proposal my absolute objection.

Senator Major GOULD

- It appears to me that upon an occasion like this it is well to lay down some definite course of action as to what shall be done with Money Bills from the other House. The Postmaster-General in submitting this motion places in om1 hands a Bill which in the tersest and shortest form ' possible asks us to approve of an expenditure of £491, S82; not one single item is set out in the Bill.

Senator Best

- Here are the items.

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Senator Major GOULD

- An honorable senator, holding up a document - the Estimates of Expenditure - interjects that we have the whole of the items. Now, these Estimates -of Expenditure to the 30th . June, 1901, were prepared and submitted to the House of Representatives in the first instance, but they do not show us in any one particular any alterations that may have been made by that House. I am aware that the question of the salary of the President . of the Senate came under consideration. The House was asked to appropriate a salary at the rate of £1,500 per annum, and it determined to grant £1,100, plus the parliamentary allowance of £400. We have not got this information shown to us at all ; , we are simply asked to take an Appropriation Bill in which the sum total is mentioned. When we go into committee, how are we to discuss these items of expenditure when they are not alluded to in any way t The Bill simply says -

There -shall and may be issued and applied for or towards ma.ki.ng good the supply granted to His Majesty for the service of the period ending the 30th day of June, .1901, the sum of £491,882 Out of the Consolidated Revenue Fund, and the Treasurer is hereby authorized and empowered to issue and apply the moneys authorized to be issued and applied.

The said sum Shall be available to satisfy the warrants under the hand of the Governor-General in respect to any services voted by the House of Representatives in this present session of Parliament.

Where is our power to deal with a money Bill under a provision of that character ? If we go into committee, and we attempt to discuss the question of an officer's salary, the Chairman of Committees will say, " What are you discussing % There is no provision of that kind in the Bill." We are absolutely precluded from discussing a single item. If the Government, instead of submitting the expenditure on a separate paper, had embodied in the Bill that expenditure which they desire us to authorize, then we could have dealt with the whole question very easily and very readily. The difficulty now is that the Senate is not in the position of a Legislative Council. This Bill and these Estimates are sent to us on the assumption that we occupy the same position as a State Legislative Council. But what is our position under the Constitution Act 1

Senator Ewing

- In what form was the Bill introduced in the House of Representatives'*

Senator Major GOULD

- In that House they went into Committee 'of Supply on the Estimates of Expenditure. The items were all discussed. Alterations and amendments were made, and then, when they were completed, a Bill was introduced, and it was passed through all its stages as a mere formal matter. We cannot be asked to deal with a measure of the kind in this way. What are our powers ? Our powers are to suggest amendments to Money Bills. How can we do that when we have nothing to show in what way it is proposed that the money shall be appropriated ?

Senator DAWSON

- We can reject the Bill.

Senator Major GOULD

- We can reject the Bill if we see fit. AVe can reject this motion if we see fit. But we are in this position, that if money is required it is only a reasonable thing that the Senate should give its assistance to provide the necessary funds, but not to provide those funds in the dark. We are not going to say - " We will give you power to spend £500,00.0 as you please to direct." Would that not be an absurd position, when we have powers given to us by way of suggestion. Having such powers, -it becomes our duty to exercise them whenever we find it necessary to do so ; otherwise we are false to our trust and false to our duty. I say that, in the present position of affairs, this is a direct insult, a flout to this Chamber.

Senator Lt Col Neild

- A challenge.

Senator Major GOULD

- Yes. It may have been given unwittingly, and in gross ignorance, but is it creditable to a Government ? Are they to come here with legislation and say - " We do not mean what this thing says on the face of it. We mean something else. We were too ignorant to understand the Constitution, and to understand the position you occupy as a second Chamber. We thought you were going to be content to accept the position of a Legislative Council." That is the position, notwithstanding the brave words uttered by the Vice-President of the Executive Council the other day, .when he, a member of the Government, claimed the rights and powers and duties which we believe we are entitled to and intend to insist upon. On the very first opportunity that arises we are met with a document that is either a flout or a challenge, or an evidence of - gross ignorance. I certainly feel I should be false to the position I occupy as a representative of the people, because we are really representatives of the people as much as the members of the other Chamber, if I consented to this action.

Senator DAWSON

- Much more so ; we represent the States.

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Senator Major GOULD

- Yes, as the honorable senator interjects, we represent the States. Six men from each State represent, not a portion, but the whole of the State, and I say therefore that we have no right to allow a matter like- this to be passed by in silence. I am quite sure that my honorable friend, Sir John Downer, will take up the same position I take up, because he has proved himself to be a champion of the rights of this Chamber, and he will see that we are treated constitutionally and with respect, and that our position is properly considered. I say again that if we pass this motion and allow the Bill to come before us in its present -state, we shall invite the contempt of the people.

Senator DAWSON

- We shall be false to our trust.

Senator Major GOULD

- False to our trust, and false to our position. The Postmaster-General may smile. Probably his colleagues down below would feel inclined to smile also if they saw that this Chamber was willing to accept the position attempted to be thrust upon them at the present time. We do not want to have any conflict between the two Houses. That would be a mistake in the interests of the Commonwealth, but if the Government see fit to force a conflict, I presume we shall be prepared to meet it, and prepared to act within our rights and privileges under the Constitution. My advice is that the Postmaster-General, and it is advice which he may say is unsought, and of which he will take no heed, should have the Bill withdrawn, and submit a Bill giving us the particulars of the votes we are called upon to pass. I know we* cannot increase taxation under our Constitution Act, but here we find the salaries of some individuals set down at £1,500 and £1,000. We may think it undesirable that so large a salary should be paid. What becomes of our rights in regard to making suggestions? How are we going to make suggestions 1 The Estimates of Expenditure are not before us, and we cannot discuss them item by item, as they would be discussed in committee of supply in the other Chamber. We might say that this sum of £ 91,000 should be reduced by £90,000, assuming that was the amount of money we wanted to cut off, but the Bill says that the Government shall appropriate it in such way as they shall see fit, so that our objection would have no effect. We can do nothing. Unless the honorable gentleman can devise some means by which we can go through the whole of these Estimates of Expenditure before the Bill comes on for our consideration, 1 for one am not prepared to vote for the suspension of the standing orders. I know he can proceed with the Bill in the ordinary course, but if he attempts to proceed with it as it now stands I shall deem it to be my duty to vote against the second reading, or to go to the extent of moving that the second reading stand an order for the day for this day six months. We have our rights to conserve. We have our duties to observe. We have certain trusts placed in our hands by the people of the Commonwealth, and unless we are going to be false to them we cannot allow a measure of this kind to be thrust down our throats or assent to the position which the Government are attempting to assume. I do not want to take up a long time at the present moment, but on this matter of suspending the standing orders, I should deem it my duty to vote against the motion, unless we are treated in the way that we are fairly and honestly entitled to be treated under the Constitution. If we are treated in that way, I shall offer no obstacle, speaking personally, to the Government proceeding with its business. I shall be prepared to give them as much assistance as is in my power consistent with the right of free criticism. I will give them that fair play that I should hope to see given to any Government, but, no matter whether it was a Government I was supporting or opposing, or a Government to which I was indifferent, I would, under circumstances such as these, make the stand I am now making in vindication of the rights and privileges of this Chamber, and in the interests of the people of this Commonwealth, who have intrusted us with powers, that it is our duty to observe and perform to the utmost of our ability.

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Senator Sir FREDERICK SARGOOD

- I think it exceedingly to be regretted that this, the first Supply Bill that has come up to the Senate, should be in the form it is. Of course, those who have sat in a Legislative Council, recognise it* as a very old friend, It is in the form in which we have been accustomed to deal with such measures for many years past. Being a Money Bill we had either to reject or pass it ; we could not amend it. But under the Commonwealth Constitution, this Senate now stands in a different position, and, as has been pointed out, it is clearly a part and parcel of the power of this House to deal with any of the items in any Money Bill. Clearly we are not in this instance given an opportunity of doing so. The Bill deals with a lump sum of £491,000, and, as the last speaker has pointed out, it denies to this Chamber the right specifically granted to it under the Constitution. Now, I can hardly imagine that this was done by the Ministry intentionally. I can only assume that as the members of the present Ministry have been connected with Lower Chambers, they have innocently, and without thought, followed the usual practice of a State Parliament. I cannot conceive for a moment that they would deliberately, in the face of the Commonwealth Constitution Act, send up to us a Bill that absolutely defies our rights. Of course there are two courses that may be pursued. One is to lay the Bill aside, and another is to reject it. There is yet another course which might

be pursued, and that is when the Bill gets into committee to move that these details be attached to it as a schedule. That, of course, would bring up the whole question of our rights. That would go to another place, and they could accept or reject it. If they rejected it, it would throw on that Chamber the responsibility of delay in the payment of the public servants, i. think that on the whole the Postmaster-General will see that a mistake has been made, and I should hope that he will on his own motion devise some means, either by withdrawing the Bill or otherwise, of placing this Chamber in its proper position ; a position recognised by the Vice-President of the Executive. Council more than once in unmistakable language, and which the Postmaster-General has also recognised. I should hope that there would be no question on the part of any senator as to our determination to carry out absolutely and without fear the duties imposed upon us by the Constitution.

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Senator BEST

- I must say that honorable senators sitting on the other side have stated their views with very great force. I am quite prepared to think that the Bill was not sent up in its present form by the Government for the purpose of flouting this Chamber. When we come to remember the actual terms of the Constitution, it does appear to me that there will be no alternative for us but to see that the items which have been circulated only for our information are attached as a schedule. If my honorable friend, the Postmaster-General sees his way to concede that which I think is a most reasonable request, then it will be competent for us to exercise the powers which are reposed in us by the Constitution Act. All that we learn from the Bill that has been circulated, is that a sum of £491,882 is to be applied out of the consolidated revenue in the manner set forth in clause 2, which says -

The said sum shall be available to satisfy the warrants under the hand of the Governor-General in respect of any services voted by the House of Representatives in this present session of Parliament.

That seems in itself to indicate that we are to have no opportunity of discussing item by item the means by which this sum has been arrived at. Now let me just draw the attention of honorable senators to this fact. By the terms of the Constitution Act certain powers are given to the other Chamber to originate certain Money Bills, and we are denied the right of amending any Bill which imposes taxation and any measure providing for the ordinary services of the year. .Supposing that this sum of £4-91,000 includes one or more items which do not belong to the category of the ordinary services of the year, I want to know how we are to deal with a contingency of that kind unless we have the items before us ? I observe from a hurried glance at the Estimates which have been circulated that they do include, according to my opinion, things which do not belong to the ordinary services of the year. For instance, I observe two items which to my mind are extraordinary services. On page 9 I observe " Expenses in connexion with the opening of Parliament and the Royal reception," and then I see on page 14 " Military and naval demonstration in connexion with the opening of Parliament in Melbourne and the Royal visit to Melbourne, Sydney, and Brisbane." I do not think those two items come within the ordinary services of the year. They are extraordinary items and non-recurring. I do not mean to argue for a moment" that a non-recurring item is necessarily an extraordinary item. What I do say is that these items have been incurred by reason of some extraordinary event which has happened. Suppose that it was within the contemplation of the Government that we were to have a visit from a member of the Royal family, that in order to provide for that contingency they put upon the Estimates £100,000, and that we were aware from certain information we had that it was intended to spend the sum in the erection of a bridge over the Derwent and monuments in Melbourne and Sydney. I ask this honorable Senate to consider does not the Constitution Act practically enable us to have an opportunity of expressing an opinion as to how extraordinary expenditure of that kind shall be laid out.

Senator Sir Josiah Symon

- We have a right to amend such an item.

Senator BEST

- I want to point out the difficulty. According to the terms of our Constitution Act we have the right to amend Bills having for their object the construction of public works. It is only in Bills which have for their object the expenditure of money for the ordinary services of the year that we have the right of suggesting Amendments. So, therefore, I say that if there was an item of the kind to which I have referred, it would be an extraordinary expenditure, and, arguing by analogy, we would have the right of making a suggestion

as to how the expenditure should take place. If, for instance, it was proposed to expend £50,000 on such a work as a monumental bridge, we would have- the right to say whether the money should be so expended or not. If we look at the terms of the Constitution Act we see that -

The Senate may not amend proposed laws imposing taxation or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

Then section 54 says -

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

This, as has been very properly said, is the first Appropriation Act placed before the Senate, and the way in which we deal with it will involve the creation of a precedent. If this measure includes items which are of an extraordinary nature, then it means that we consent to extraordinary items being so included, and that we have no right to amend these particular items. I confess that I feel a great difficulty in this case.

Supposing, for instance, that the Postmaster-General yields to what I conceive to be a reasonable suggestion, that the Estimates as circulated should be added as a schedule, the Bill then becomes an ordinary Appropriation Act.

Senator Sir John Downer

- I am afraid that would be an amendment.

Senator BEST

- If the honorable and learned member will pardon me for a moment. The Bill then becomes an ordinary Appropriation Act, and if this is so, then we have not got power to amend it. We have the power, however, to make suggestions.

Senator Charleston

- Almost equivalent.

Senator BEST

- If it contains improperly extraordinary items such as I have suggested, we have no opportunity of making suggestions in regard to them, and they ought never to have been there. That is the difficulty we shall have to consider in this connexion. I am certain that, quite unwittingly, the Government have forgotten the altered conditions. The Government have failed to realize that this is not a mere glorified Upper House. I want it to be understood that do not suggest for one moment that we are co-ordinate in, all respects with the other House. I realize that responsible government has been embodied in the Commonwealth Act; that the other Chamber have the power to make and unmake Governments; that it predominates in numbers, which is an important consideration in certain conditions; and that certain excessive powers are given to it in regard to finance. I do not suggest, therefore, that we are coordinate in every respect with the other House ; but, barring finance, we are. The Act distinctly says in section 54 -

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

That throws upon the Senate the actual responsibility of criticising every item, and of saying, in regard to these several details, whether they do come under the ordinary annual services. If' they come within that category, then it is laid down constitutionally what our rights are. I suggest to my honorable and learned friend that, if possible, he should withdraw the Bill, and have it sent up with the schedule attached. I feel it is not possible for us to make an alteration in it by attaching the schedule. Under the circumstances, I think it will be advisable for the Postmaster-General to reconsider the matter, for, as it stands at present, the Senate is not in a position to deal with the measure. In conclusion, I would simply say that, in seconding this motion, as a matter of courtesy---

Senator Sir John Downer

- Why not put the schedule in by suggestion ?

Senator BEST

-- I must say that I do not see for the moment how that can be done.

Senator Pulsford

- -The very schedule is incorrect.

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Senator BEST

- What I was going to say is that I do not for one moment intend, neither does the Postmaster General

intend, by this motion that our power of examination, and the exercise of our constitutional rights, should be in any way curtailed by enabling the Bill to pass through all its stages. I, with other honorable senators, may insist that we should discuss every item in connexion with the Bill, because the onus of doing so is cast upon us.

Senator Major GOULD

(New South Wales). - I rise to make a personal explanation. I interjected just now that the Bill which was handed to us was evidently not the Bill passed by the other Chamber. I was under the impression that the amount mentioned in it was the amount mentioned in the Estimates. I find, however, that that is not so, and I therefore wish to explain that I believe the Bill is in the form in which it was passed by another place.

Senator Sir JOSIAH SYMON

- I think the Senate is greatly indebted to Senator Best for the exceedingly practical and lucid way in which he has laid his finger upon the peculiarity with which we are now faced. His address was most interesting to me, and it was exceedingly useful from the point of view of the constitutional question which is now being raised, and which probably it is all the better to raise at a very early stage of our proceedings. I quite agree with Senator Best that what has happened has not been the result of any intention or any desire on the part of the Ministry to flout the Senate. I think myself it is a mistake ; it is an inadvertence. In the peculiar circumstances in which we are placed, dealing with a Constitution which is new to us, with conditions, so far as they relate to the powers of the Senate, which are certainly novel, we should consider this matter with no undue heat or passion, but make all the allowance we can for the Government in the position in which they are placed. At any rate, that is what I myself am prepared to do. The constitutional question that is involved will lose nothing of its significance and importance by being discussed calmly, without any attempt at recrimination, and without assuming that an insult was intended, when probably nothing was further from the minds of the Ministry. At the same time there can be no doubt whatever that a very grave misapprehension has arisen as to the relations between the two Houses, and particularly as to the functions of the Senate. Of course, we must make allowances for the Government. The best of men get confused over these difficulties, and it is our business, as far as we can, to assist in setting them right, and in putting the thing in the real channel of constitutional order.

Senator Higgs

- That is always the duty of the Opposition.

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Senator Sir JOSIAH SYMON

- It is the duty of every honorable senator, whatever view he may take as to issues that divide us. I wish to ask Senator Drake whether the items now before us are the items as passed by the House of Representatives. So far as I understand, they are not. The first difficulty that occurs to one is this: Here we have a Supply Bill in the ordinary form of a Supply Bill, as it could be presented to any of the existing Upper Houses in the States, in which a certain sum of money is to be appropriated according as the expenditure has been voted by the Lower House. At first sight our duty apparently would be to pass it as it stands in five minutes. It generally takes the ordinary Upper House about that time to deal with such a measure, and there the matter ends. Of course the Ministry are perfectly well aware that that is not the state of things that now exists. As Senator Best has pointed out we are in a very different position from that. We are not to have a Supply Bill sent up in a bald form, and to be told to vote half-a-million of money simply as a house of registration of the decrees of the other Chamber. That is not our position. The Ministry recognise that, and we must give them credit for it, but they have not recognised it in the right way. They have recognised it by thrusting before us papers containing items of expenditure which are in no way connected with this Bill. These papers have no more to do with the Supply Bill, so far as can be seen on the face of it, than the man in the moon. They are not embodied in the way of summary in this Bill ; they are not incorporated in a schedule, they are simply handed round as a matter of courtesy for the information of honorable senators as to matters of which no doubt they have already learnt something from the newspapers. We are supposed to have before us a Bill as passed by the House of Representatives. It comes up under a message soliciting our concurrence in it. I understand that this paper, called Estimates of Expenditure, does not represent the Estimates as they passed the House of Representatives, and, therefore, the Bill, if the two are to be incorporated, is not the Bill which was passed by the House of Representatives and to which our concurrence is invited.

Senator Fraser

- It is irregular.

Senator Sir JOSIAH SYMON

- Yes, it is irregular.

Senator Best

- The figures do not tally.

Senator Sir JOSIAH SYMON

- No, they do not tally,, and even if they do tally-

Senator Stewart

- There is nothing to show that this is the Bill as passed by the House of Representatives.

Senator Sir JOSIAH SYMON

- We have to accept the message telling us that this is the Bill, but there is nothing to show that these Estimates which make up the amount of Supply, as required for the public service, are the Estimates which were approved by the House of Representatives, and which are practically part of this Bill. This' is like giving us something with one hand and withdrawing it with the other. In the ordinary circumstances, of course, when an Appropriation Bill comes to an Upper House the Estimates are not laid before the legislative Council to be gone into in detail. But the Senate is in a different position. It is our duty and our right to go into these Estimates in detail, and if that is to be done they must be brought before us either in the Bill or in some way similar to that in which they are introduced in the other House, by means of our going into a sort of Committee of Supply to consider these details. In some shape or other there must be brought under the notice of the Senate the Estimates as adopted by the other House, because they are the matters which are for our revision. Instead of that, however, there have been handed round with the Bill Estimates that are entirely new ; not the Estimates as they emanated from the House of Representatives, but something quite fresh for us to deal with.

Senator Best

- The Estimates are for £491,998, and the Bill is for £491,882.

Senator Sir JOSIAH SYMON

- That is so. Of course, we only want to arrive at what should be the proper constitutional practice. Apart from that, we understand, for instance, as has been suggested, that alterations have been made in the salaries of high officers of the Senate. There are no alterations in these Estimates at all. We are not asked to consider what has been done by the House of Representatives. We are asked to deal with entirely new Estimates, and to that extent, quite unintentionally I am sure, the position of the Senate has been altogether ignored. There is another reason which the Senate will see why we should have this brought before us in a constitutional way, so that we may be able to exercise our best judgment upon it. These Estimates are not merely concerned with the ordinary services. They are absolutely fixing these salaries. They are appointing officers and fixing salaries which have been hitherto unknown to the Constitution and to Australian Government. Therefore they ought to be brought before us in such a way that we can express clear and definite opinions upon them, and give them effect if we think that should be done. It appears to me that the proper and the dignified way, if I may say so, of dealing with this matter would be for the representative of the Government in the Senate to withdraw the Bill. That is the only course. The honorable and learned senator should withdraw the Bill until to-morrow, get the Estimates rectified by being made to represent what has been voted in the other House, and then have them brought under our consideration, either- as a schedule to the Bill, or in some other way which you, Mr. President, or the Government, may define as being the constitutional way of bringing under our notice financial votes upon which we have to exercise our privileges and our constitutional rights. Then let us deal with the matter in the ordinary manner.

Senator Best

- Would not that involve another Bill from the other House 1

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Senator Sir JOSIAH SYMON

- It seems to me that the initial difficulty has arisen in the way this measure has been carried through the other House. That House - I am not blaming them - have not unnaturally failed to recognise the altered conditions. AVe are engaged in a new practice, and must try to arrive at a proper' way of carrying it out.

The difficulty must either be remedied in the other House, where it has arisen, or we must have something in the nature of a Committee of Supply here to which the Estimates as passed by the other House may be submitted for revision. I suggest, not merely as a matter affecting the privileges of the Senate at all, but as one affecting a new system of parliamentary government under the Constitution of the Commonwealth, that the position had better be reconsidered, because this -will be a precedent that will govern us as long as we last as a Parliament. After all, I think, time will be saved and difficulty will be avoided if that course is now adopted.

Senator HIGGS

- I wish to consult you, Mr. President, on a point of

Order, Is the motion in order, having regard to the fact that it appears on the notice-paper for Friday ?

The PRESIDENT

- It is a contingent notice of motion, and it is quite in order.

Senator DRAKE

(Queensland - Postmaster-General). - I should like to make a few remarks.

The PRESIDENT

- I will put it to the Senate that leave be granted to Senator Drake to speak a second time.

Senator Sir Josiah Symon

- For this occasion only ?

The-PRESIDENT.- Yes.

Leave having been granted,

Senator DRAKE

said. I think the debate that has taken place would have been more appropriate upon the Bill than upon this particular motion. I moved this motion after giving notice in accordance with the practice which I think is observed in all legislative Chambers, whether Legislative Assemblies or Legislative Councils, throughout the British dominions. There, the standing orders are suspended in order to allow an Appropriation Bill to go through all its stages in one day. Of course, each House is absolutely master of its own proceedings, and when the Senate or any other Assembly elects to suspend its standing orders, it does so with a view of putting 'it in its own power to expedite business if it chooses to do so. But if the other House is not anxious to go on with business I can see no advantage whatever in suspending the standing orders. However, this debate on the Bill has taken place on the motion I have moved, and I see that the case does present some difficulty, in consequence of honorable senators not having in a proper and official way before them the Estimates on which the Bill has been framed. I think that difficulty can be overcome by laying on the table a copy of the Estimates and moving that they be referred to the committee.

Senator Sir Frederick Sargood

- That will not do.

Senator Pulsford

- The Estimates are correct themselves.

Senator Lt Col Neild

- How did the Estimates get here ?

Senator DRAKE

- A document which was circulated in the other House has been circulated here for the information of honorable senators.

Senator Sir Josiah Symon

- Is this Estimate the same as that which passed the House of Representatives ?

Senator DRAKE

- A slight correction will have to be made. The copy I propose to lay on the table, and ask the Senate to refer to the committee on the Bill, will be a correct copy of the Estimates. And then I apprehend, if the Senate desires to exercise its right under the 'Constitution of suggesting alterations, it can suggest, if it choose, that the amount be reduced by a certain sum, and indicate the particular item to which objection is taken. I think that no difficulty will occur then. I do not suppose the Senate has any objection to the ordinary practice of suspending the standing orders to enable the passage of measures to be expedited. If it is agreeable to honorable senators who have taken such a lively interest in this question, as no doubt

is their duty and their right, I would suggest that they allow this motion to pass. I shall then move that the second reading of the Bill be an order of the day for to-morrow, and in the meantime I shall take all necessary steps to have all the information that is desired placed at their disposal.

A Senator. - What will be the effect of that?

Senator DRAKE

- The only effect of that will be - it might, perhaps, be done in another way - that the standing orders will have to be suspended for this particular Bill.

The PRESIDENT

- For one day only under our standing orders, I think.

Senator DRAKE

- There is no reference to one day. It is done sometimes. I know that in the State House, with whose practice I am familiar, it is customary to move the suspension of the standing orders for one day.

Senator Sir Josiah Symon

- It only applies to one day'.

Senator DRAKE

- But the motion which has been moved applies to this Bill.

Senator Lt Col Neild

- Any Bill.

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Senator DRAKE

- Therefore I apprehend that if the motion is agreed to that suspension will stand good for to-morrow.

Senator Lt Col Neild

- It will stand good for the session.

Senator DRAKE

- I had no desire to force this Bill on at all. I think it is the general feeling among honorable senators that an Appropriation Bill should not be unnecessarily delayed, and therefore I desire that the Senate shall have power, if it choose to do so, of proceeding from the second reading stage to the committee stage, and from the committee stage to the third reading stage.

Senator Playford

- The honorable and learned senator could move that this debate be now adjourned, and take it up at the same stage to-morrow.

Senator DRAKE

- That can be done, or it could be done in another way. I would suggest, if the Senate prefer it, that I be allowed to withdraw the motion, and give notice of it for to-morrow.

Senator Sir JOSIAH SYMON

- Or give notice to make the second reading of the Bill an order of the day for to-morrow.

Senator DRAKE

- I am not in a position now to give notice for to-morrow, except with consent, because the time for giving notice has expired. If this motion is not kept alive there will be no means by which the Senate can proceed with the Bill and dispose of it entirely to-morrow, if it choose to do so.

Senator Playford

- If the honorable and learned senator moves the adjournment of the debate it will be much better.

Senator Sir Frederick Sargood

- May I point out that laying a paper on the table will not constitute it a proposed law in accordance with section 53 of the Constitution Act?

Senator DRAKE

- It will be exactly the same law which has been passed by the other House. The committee will have placed in its possession full details of the Estimates, showing how the total amount named in the Bill has been made up. With that information in their hands, honorable senators will be able to exercise to the full the rights that are preserved to the Senate under the Constitution.

Senator Sir Josiah Symon

- May I suggest that there be a message from the other House, sending up the Estimates to us as they passed them.

Senator DRAKE

- I propose to be the bearer of the message.

Senator Sir JOSIAH SYMON

- Oh, no.

Senator DRAKE

- Why not? A Minister brings a message down from the Governor-General.

Senator Sir Josiah Symon

- We could not have a better Mercury in some respects.

Senator BEST

- I would ask how we could make any suggestions in connexion with something that does not appear in the Bill ?

Senator DRAKE

- The suggestion that can be made is that the amount named in the Bill be reduced by a certain sum representing some particular item in the estimates.

Senator Sir Josiah Symon

- That is not giving us our rights.

Senator DRAKE

- I think that preserves the rights of the Senate fully.

Senator Sir Frederick Sargood

- No.

Senator DRAKE

- The amount of the proposed appropriation is £491,000. Suppose we send down a suggestion that it be reduced by £50, being the amount of a certain item in the Treasurer's Estimates-

Senator Best

- What is the guarantee that that suggestion if accepted will be carried out unless it is in the Bill itself?

Senator DRAKE

- There is every guarantee. The amount will have been reduced by that sum, and it will be a direction, I take it, to the Government not to pay the item which has been objected to, supposing the other House consents to that suggestion. However, I am quite willing to move the adjournment of the debate until to-morrow, and in the meantime I shall take every step to see that all information is supplied to the Senate, and do everything that can be done to preserve to the full its rights under the Constitution. I move, with concurrence -

That the debate be now adjourned.

Senator Sir Josiah Symon

- And to bring before us the actual Bill which was passed by the other House?

Senator Major GOULD

(New South Wales). - Before the motion is submitted, I would like to ask you, sir, whether it would be possible to debate the Estimates of Expenditure that the Postmaster-General proposes to lay on the table ? In what way are we to get at them ; how are we to deal with them ? Is it possible to deal with them in accordance with the constitutional rule laid down in the Commonwealth Act?

The PRESIDENT

- The honorable member is making another speech.

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Senator Major GOULD

- I am only asking a question.

Senator Drake

- The honorable and learned member could raise that then.

Senator Major GOULD

- I suggest that it is better to raise it now. I do not wish to make another speech, but I wish to get your ruling, sir, as to whether it would be practicable for us to do anything.

The PRESIDENT

- I do not feel inclined now to give a ruling on a question of the gravest importance. If I am asked for a ruling I certainly should like time to consider it.

Senator Drake

- I shall lay the paper on the table now if that motion is agreed to.

Motion agreed to ; debate adjourned.

Senator DRAKE

(Queensland - Postmaster-General). - I move -

That the adjourned, debate be an order of the day for to-morrow.

Senator Sir JOSIAH

SYMON (South Australia). - I wish to ask, sir, how shall we be situated on the resumption of the debate, supposing the Postmaster-General makes a change in the procedure that has been adopted - that is, brings down these Estimates in some altered shape, or circulates them in some different way - with regard to debating the subject? Of course this is very important, and we are all anxious to have our true constitutional path marked out for us. We shall all be glad to assist in getting the thing put on right lines. With that view, of course, if this debate is adjourned, and there is another step taken, it will be advisable that the Senate shall have an opportunity of discussing the matter at length, if necessary, with a view to bringing it to a proper conclusion.

Senator Best

- It has only been on the motion so far.

Senator Sir JOSIAH SYMON

- We shall be in exactly the same position tomorrow unless you, sir, can help us, because we shall then have to vote against the motion if we are not satisfied with the way in which the privileges of the Senate are maintained. We shall not do so with a view to causing irritation or discomfiting the Minister, or anything of that kind.

Senator Sir John Downer

- What is the honorable member's suggestion ?

Senator Sir JOSIAH SYMON

- I am not making a suggestion. I am asking the Postmaster-General if he will consider the position in which we are placed in relation to discussing the change he may make in the procedure he proposes to adopt with a view of getting rid of this difficulty. He may find himself in the position of not being able to carry his motion for the suspension of the standing orders to-morrow. Supposing the Senate disagrees with the new procedure he may suggest, then we shall be left exactly where we are. What I ask him to consider in the interim is, what course will be adopted in that event, so as to save time? We do not want this thing to have to go back to the other House if it can be avoided. I am simply calling the honorable gentleman's attention, through you, sir, to that position, so that he may be prepared to give us the fullest information, and also to decide on the course he shall adopt supposing that the Senate disagree with the procedure that is proposed.

Senator Sir FREDERICK

SARGOOD (Victoria). - This matter is so important that it appears to me that we shall need to proceed with very great caution. With all due deference, I am not at all sure that the House is the best place in which to decide a question of the kind, although, of course, ultimately it must deal with it. Would it not be very much better to appoint a small select committee to consider this very important question, and thrash it out fully, and then report to the Senate ?

Senator McGregor

- And then thrash it out again.

Senator Sir FREDERICK SARGOOD

- I believe that time would be saved by it. Apparently the Ministry have not decided yet what is the proper course to pursue. We are in the same dilemma. The Minister proposes to lay these Estimates on the table. What is the good of that? They will not form a part of the Bill. Moreover, section 53 of the Constitution refers distinctly to the fact that we may return a proposed law to another place with suggestions. These Estimates are certainly not a proposed law.

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Senator Drake

- We do not return the Estimates ; we return a Bill with suggestions.

Senator Sir FREDERICK

CK SARGOOD. We cannot make

a

suggestion about something which is not in the Bill," and that cuts the ground from under

Senator Drake's

feet at once. I believe that this is such a very important matter that it would be wise for the Senate to take a very considerable time before coming to a final conclusion. What we do now will, one honorable senator said, form a precedent.

Let us) at all events, start on safe and sound lines, and we shall save an immense amount of discussion, and, it may be, friction between the two Houses hereafter.

Senator PLAYFORD

- I entirely agree with the remarks of the last speaker. It is exceedingly important that we should proceed with very great care. I have been thinking the matter over very carefully while the discussion has been going on, and I can see a way out of the difficulty. By the Constitution Act we have the right of making suggestions, and therefore it is only proper that we should be placed in a position to make suggestions. We cannot make the suggestions we desire to make on this Bill. We may desire to make alterations on a variety of lines, and the point taken by the Postmaster-General, that we might reduce the total amount, and indicate the lines, might lead to all sorts of trouble, because the other House might agree to slight alterations on some of the lines, but not on the others, and there would be no means of arriving at a definite conclusion. The only possible way by which effect can be given to our constitutional rights is that we should be able to put our finger on an item, and say - "That is an item we want to reduce," or "that is an item which we suggest should be reduced." The other House would be in a position to agree or disagree with the alteration. Whatever course is adopted, there is only one possible way out of the difficulty, and that is to embody these Estimates in some way in the Bill. The other House, I dare say, in all good faith, sent up the Estimates in the ordinary form, and they did not very probably foresee the difficulties that might arise in connexion with the power of the Senate to make suggestions.

Senator Sir Josiah Symon

- They have not sent the Estimates at all; it is only the Bill which has come up.

Senator PLAYFORD

- The Estimates, as they have passed, might be authoritatively sent up for our information. If we go into committee on the Bill, one of the suggestions we can make is that the Estimates form a schedule to the Bill, then we can go through the items and offer suggestions on them. I do not know whether we should - the chances are that we should not - suggest very many alterations. On looking through the items casually, I see no particular lines on which I shall propose to offer the slightest suggestion. If we adopt the course I propose, it will be a precedent for the Government on future occasions to embody in Appropriation Bills the items. I think that may be done very readily, and we can get over the difficulty in that way.

Senator MCGREGOR

- I would like that we should all thoroughly understand our position in connexion with this and any similar situation that may arise. When the Estimates come before another place, and the Chairman is moved into the chair, every honorable member is allowed the privilege of discussing everything, from Dan to Beersheba; and if we want equality with the other House, outside of imposing additional taxation or increasing the Estimates, we ought to be placed in the very same position.

Senator Playford

- The standing orders will do that.

Senator MCGREGOR

- But we want it now. We want to know where we are now. It has been agreed that this debate be adjourned, and the motion we are speaking to is that it be an order of the day for tomorrow. A number of senators have already addressed themselves to the subject. If this motion comes on to-morrow, that the standing orders be suspended, only those members who have not yet spoken on the question will be privileged to do so. Then supposing the standing orders are suspended, and the second reading carried, the suggestion of Senator Playford is the only means of getting out of the difficulty we are in. Those honorable senators who have shown so much fire and made so much smoke have not yet indicated anything that is wrong on the Estimates. None of them have said that they will take off £10,000, £20,000,

or £30,000 from the military expenditure in connexion with the opening of Parliament, and I dare say when they get the opportunity they will not do so.

Senator Lt Col Neild

- We would not* be in order in doing it.

Senator McGREGOR

- If honorable senators knew all this, what they should have done was to move that the Bill be sent back to another place, and then it would have come up in a proper manner. Many senators have had a say on the question of the suspension of the standing orders, and they have allowed the debate to be adjourned.

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Senator Charleston

- Out of courtesy to the Government.

Senator McGREGOR

- They are very kind to the Government ! I think the Government have a great deal to thank them for. I entirely agree that we have a sight to maintain the privileges of the Senate, and I think that every senator will -tlo that as long as the Senate lasts. I hope the Government will take the hint given to them. I would like to understand this. To-morrow, when the Chairman is moved into the- chair, will we have the same privilege as members in another place have of discussing any question we like 1 Unless we have that, I say, we are losing one of the greatest privileges we are entitled to under the Constitution. If they have it in another place we should have it here. I would like to understand that before this question is finally put. I hope that the suggestion of Senator Playford will be adopted. It does not matter if there are ten items in the Estimates that senators wish to reduce - and they can only reduce them - I am sure that the Government will learn something from to-day's speeches, and will pay every respect to the suggestion of the Senate, and no honorable senator need have the least alarm for the future. I believe this will be a lesson to the Government. I believe they will take it to heart, and endeavour to treat members of the Senate with that respect that they are entitled to.

Senator FRASER

(Victoria)'. - - The simple way of putting the Senate right is to adopt the course suggested by

Senator Playford,

and when the Estimates of Expenditure come before us in committee suggest that they be attached to the Bill. Then, of course, we can reduce any item we please.

Senator Sir Josiah Symon

- Send the Bill back with a courteous request that the Estimates should be added.

Senator FRASER

- Yes. Then we would be on very strong ground, and it would come .back to us in the form we wish. If we take that course the way is perfectly clear. The Government should have no hesitation in adopting' that view.

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Senator HARNEY

- When the motion for adjournment was moved I said "No," and for the same reason I .am opposed to this debate being made an order of the day for to-morrow. I do not think that any good purpose can be served by agreeing to the motion. It is putting off the difficulty to another day.

The suspension of the standing orders has been asked for in order that the Bill may be hurried through its stages. Now nothing that the Postmaster-General can do between this and to-morrow can alter the character of the Bill, and when we meet the question still will be - ought the standing orders to be suspended in order that the Bill may go through all its stages ? Now it seems to me that the suggestion of Senator Playford creates a difficulty. What he says is that to-morrow we may suggest that the Estimates be tacked on to the Bill, but our suggestion does not make them part of the Bill. That suggestion will have to be embodied in a substantive measure by the other House. We shall not be in a position to exercise our constitutional rights until the Bill is presented to us in such a form that we can deal with it as the Constitution provides. The Constitution says : -

The Senate may at any stage return to the House of Representatives any proposed law, requesting by message the omission or amendment of any items or provisions therein.

It is therefore essential, in order that we may exercise our constitutional rights, that the items be attached

to- the Bill, so that we can use our discretion regarding them. That might be done in the roundabout way suggested by Senator Playford, but the objections to that are first, that it would be a roundabout way, and secondly that it would be an admission of the course adopted by the other Chamber. Better for us to insist upon - the straightforward course, namely, that this Bill be withdrawn, and a Bill be submitted containing items and provisions which it is within our power to make suggestions upon. I entirely agree - with the remarks that were made at the first stage of this debate. This is not a mere academical point. It is one of grave constitutional moment, because owing to the way the Commonwealth Act has been drawn up, our powers must largely depend upon our jealous superintendence of such privileges as have been given to us. An honorable senator opposite has stated, and we are forced to agree with him, that owing to the fact that this is a responsible form of Government, and that the other House has entire control of the Executive, we never can really be what the Act says we ought to be, a House of co-ordinate jurisdiction. For my part, I say that the fact of the other House having absolute control over the Executive is a grave flaw upon our federal union.

The PRESIDENT

- Does the honorable senator not think he is wandering away from the subject ?

Senator HARNEY

- The point I was making is this. It is essential for us in order to guard against the power given to the other House, to jealously insist on our privileges, and if we now agree with the -compromise suggested by Senator Playford, we do not assert in a sufficiently definite manner the privileges which are essential to our becoming, at all events in some sense, a House of co-ordinate jurisdiction.

Senator Best

- Do you argue that we cannot suggest this schedule. Do you go as far as that ?

Senator HARNEY

- What I say is this. We can take the Bill that is before us, and we can suggest that the Estimates be incorporated with that Bill.

Senator Best

- Can we do that under the terms of the 53rd section 1

Senator Major Gould

- It says any " items or provisions therein."

Senator HARNEY

- That is an answer, and shows the suggestion to be unworkable. We have only power to suggest amendments as to "items and provisions therein." We can only attack, matter in the Bill, and cannot suggest that matter should be put there which is omitted. Now, another reason why I feel it to be imperative that this Bill should be withdrawn, and a new one in accordance with the Constitution, submitted, is this, How are we to know, unless we get a Bill showing all the items and provisions, whether the whole Bill ought, or ought not, to be rejected ? For instance, I see in section 54 of the Constitution Act, that -

Any proposed law which appropriates money or revenue for the ordinary annual expenses of the Government shall deal only with such appropriation.

Suppose it does not deal only with such appropriation, is not the whole Bill bad and is it not our business to reject it ? How can we exercise our undoubted right unless we have all the items before us. These are the only remarks I have to make. I make them not only for the purpose of pointing out that the remedy suggested is impracticable, but in order that I, with others, may avail myself of this opportunity of showing the House of Representatives that we will not by any carelessness on our part allow the Senate to fall into that second place which the other House would apparently have it occupy.

Senator DOBSON

- I would like to ask two questions which have an important bearing on the debate. The first has been touched upon by the honorable senator who has just resumed his seat. The trouble we have got into is that another place has not performed its duty in a proper manner, having regard to the Constitution. I take it that no Bill like this should have come from the other Chamber without having attached to it the Estimates.. My first question is this - " Have we any right to say that the Bill .which passed the other House has not come before us and therefore to intimate that we want a message from the other House sending us the Bill and 'the Estimates. Although the Bill is identical in its wording with the Bill which

passed the other House, there is no doubt whatever that they did consider the Estimates, which we have here not as Estimates, but as a public document, submitted' for om- information. The whole Bill has not, I contend, been sent to us. I quite agree with Senator Harney that we ought not consider the Bill at all until we have the Estimates attached. My point is,, have we not a right to treat the matter as. if no Bill had come before us, and wait until', another Bill is sent with the Estimates attached.

Senator Drake

- I am willing to lay the Estimates on the table and move that they be referred to the Committee.

Senator DOBSON

-I take it that a Bill of this sort ought to come to us with the schedule attached. That is the only proper course. We have here an admitted evil, and we are not going to the root of it. The only way to attack it is by going to the root, and not considering the Bill at all until it is before us in the exact shape in which it was dealt with by the other House. I think therefore we ought to adopt the advice tendered by Senator Harney. The next question is the very important one raised by Senator Best. If there is one item on these Estimates, which is not ordinary expenditure of the year, will not another Bill for that one item be required ?

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The PRESIDENT

- I may answer the first question off-hand. The House of Representatives has sent us a Bill by message. It is the only Bill before us. The fact that the Minister proposes to lay a paper -oh. the table, does not alter the Bill, which contains only one or two clauses, so that I do not think the point is whether the whole Bill is before us. We have the whole Bill in the form in which it has been sent to us. What they did in the other House I do not know, and I do not think it matters. They have only sent to us a Bill containing one or two clauses and mentioning a lump sum. As to the other point, I should like time to consider it.

Senator HIGGS

(Queensland). - I move -

That all the words after " that " be struck out, with a view to inserting in lieu thereof the words - " the Bill be withdrawn and returned to the House of Representatives, with a request that the Estimates of expenditure provided in the Bill be attached to the Bill as a schedule."

The PRESIDENT

- The question before the Senate is that the adjourned debate be an order of the day for to-morrow. I admit that I have allowed senators to extend their remarks more than they ought to have done, but, seeing the great importance of the matter, I thought myself justified in doing so. Still we must deal with the motion before us, and the only amendment that could be moved would be one adjourning the debate to some other day or hour.

Senator GLASSEY

- I think this is an important discussion and a very important occasion, but I do not think it is wise for honorable senators, particularly at the initial stages of our new work, to get into an angry mood with regard to some mistake that may have occurred in another place. Suggestions have been made by certain members, and more particularly by Senator Playford, a man of long parliamentary experience, who has held high office, and who would not arrive at a hasty or irrational conclusion, and the debate has been adjourned. Undoubtedly a mistake has been made. Honorable senators recognise that fact. I yield to no honorable senator in my determination to see that the rights of this Senate are vindicated when the hour arises, but I do not think that this is the hour. I think the proposal that the debate should be adjourned until to-morrow is a proper one. The Postmaster-General would, of course, in the ordinary way, without receiving any instructions at all from us, consult his colleagues in the meantime as to the best course to pursue in order to prevent any friction between the two Houses. The request made is not an unfair one. I have no doubt that the Minister will consult his colleagues, who are all men of experience and of wide constitutional knowledge. I am satisfied a mistake has been made, and that if this matter is adjourned the Postmaster-General, when we resume to-morrow, will be able to give us such a satisfactory statement that the Senate will accept it, and no harm will come. I would be sorry to see any friction at this early stage of our proceedings between the two Houses. When the occasion arises, and the rights of the Senate are infringed, then I have not the slightest doubt that on both sides of the chamber there will be found men capable of vindicating our privileges to the fullest extent. I do not think it is wise to

precipitate a conflict, and therefore I consider that the debate should stand adjourned.

Senator Major GOULD

(New South Wales). -I really think it would be well if the honorable and learned senator representing the Government would consider whether it would not be better to abandon his motion, and withdraw this Bill.

Senator Drake

- Was not the honorable and learned senator one of those who suggested this course ?

Senator Major GOULD

- I suggested that the Bill should be withdrawn.

Senator Drake

- Someone suggested that this course should be taken.

Senator Major GOULD

-I shall not take up much of the time of the Senate. We have seen as this discussion has gone on that the difficulties are insuperable. The question that has to be considered by the Minister is. whether, after all, he will gain anything by resuming this debate to-morrow ?

Senator DAWSON

- Can we not send the Bill back for amendment?

Senator Major GOULD

- We can reject it, but we cannot send it back for amendment. We must deal with the Bill ourselves. We find first of all that the President has clearly expressed his opinion that we have only to deal with the Bill as sent up by the other House. We cannot consider with the Bill any of the Estimates of Expenditure which the Postmaster-General proposes to lay on the table.

Senator Drake

- I did not understand the President to say that.

The PRESIDENT

-I said that the whole Bill as sent up by the other House was before us.

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Senator Drake

- The contention raised by Senator Dobson was that we had not the Bill before us as it left the other House, and the President ruled that we had.

Senator Major GOULD

- We have a Bill before us of three clauses, and I understood the President- to rule also that the Estimates of Expenditure as laid on the table of the Senate could not be regarded as forming any part of that measure.

The PRESIDENT

- Certainly that is so.

Senator Dobson

- If the other House can consider Estimates not incorporated in the Bill can we not do the same ?

Senator Major GOULD

- Does the honorable and learned member mean that the House dealt with the Bill in the first instance ?

Senator Dobson

- Yes.

Senator Major GOULD

- As a matter of fact the other House went into Committee of Supply and dealt with the Estimates, and then the Bill was framed on those Estimates.

Senator Best

- Are we not bound to take notice of what they did ? The Constitution says -

In respect of services voted by the House of Representatives in the present session of Parliament.

That throws upon us the onus of taking notice of what they did in the other House.

Senator Drake

- When the Senate goes into committee we shall have the whole matter before us.

Senator Major GOULD

- The Bill provides : -

The said sum shall be available to satisfy the warrants under the hand of the Governor-General in respect

of any services voted by the House of Representatives in this present session of Parliament.

Senator Dobson

- It does not ear-mark the Estimates.

Senator Major GOULD

- That is so. How are we to amend them 1 I do not think we can adopt the course suggested by Senator Playford. In the 53rd section of the Constitution Act it is stated very clearly -

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting by message the omission or amendment of any items or provisions therein. If we add this schedule to the Bill we shall exceed our powers, because we are not making a suggestion for the omission of anything or for the amendment of any items or the provisions in the Bill itself.

Senator Sir Josiah Symon

- We should? be adding.

Senator Playford

- And that is amending.

Senator Major GOULD

- I contend that it Will not be possible to make any such addition to the Bill as has been suggested by Senator Playford. I shall be prepared, if we get sofar, to take the ruling, not only of the honorable senator who may be in the chair, but, if necessary, the ruling of the President himself on the point. It seems to me to be a most important matter, and a matter that I do not think we can get over. If I am- ' correctly advised, what is the good of postponing this ' order of the day until tomorrow f As pointed out by Senator Best,, section 54 of the Commonwealth Constitution Act says -

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

The question will, therefore, come up whether these items, to which exception has been taken, can be regarded as coming within the provisions of the ordinary annual services of the Government. If they cannot,, then it appears to me that the Bill is improperly before us, and we cannot legally deal with it.

Senator Drake

- Cannot the honorable senator deal with that when we have the. Bill before us ?

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Senator Major GOULD

- Is it not better to point out this difficulty at the present stage, and to urge the Postmaster-General to adopt what is a very simple course ? H& should withdraw the Bill, and get the other Chamber to pass a Bill in such a form that it will meet with the requirements of the Constitution. Then we can deal with it ; our rights will be recognised, and we shall have no trouble or friction in the matter. I would urge the Postmaster-General to say whether that is not the best course to> adopt. What is the good of resuming this, debate to-morrow if we are to be met with this difficulty, and this difficulty proves fatal to our proceeding any further with the measure? It is all very well for the, Minister to say - " I will chance it." We want these things to be looked at carefully from the stand-point of the Constitution and! the rights of the Senate. The President is. the first guardian of the Senate, but the Postmaster-General is just ais 'much concerned in maintaining the, rights, and dignity- of this Chamber as any one else. Honorable senators have spoken with considerably less heat than perhaps I have done. They recognise that possibly the Government have made a mistake inadvertently, and that it is really a new procedure they are called upon to consider. But after all will there be any going back in their position by doing the right and proper thing which we believe should be done under the law 1 It is better to admit a mistake and to try and rectify it than to endeavour to brazen it out, especially as in the long run such an attempt might result in a greater rebuff to the Government.

Senator Playford

- Does the honorable and learned senator object to give the Postmaster-General time to consult his colleagues?

Senator Major GOULD

- Certainly not, if the Postmaster-General tells us he requires the adjournment for that purpose. But will the consultation lead to the alteration of the Bill ? I do not propose to move any adverse motion to-day ; I only urge this for the Postmaster-General's consideration, and I do not intend to vote against the motion

he has submitted, if he requires the adjournment for the purpose of enabling him to consult his colleagues.

Senator BEST

(Victoria).- This Bill, as it is presented to us, is a well-recognised Supply Bill, and it varies very considerably from what we have hitherto known as the usual Appropriation Bill. What we want to try and do is to initiate a new arrangement as between the two Houses, in regard to Supply Bills. If the Supply Bill followed the precedent of the Appropriation Bill, the grave constitutional difficulty which we are now experiencing could not arise.

Senator Playford

made a suggestion as to how we might practically deal with the matter now. I have taken the liberty of calling attention to the provision in section 53 of the Constitution Act, where, in my opinion, there arises a difficulty in the way of carrying out what we desire to do. The true way is an alteration of the arrangements as between the two Houses, and therefore I rise to support the motion to give the necessary time, to the representative of the Government in the Senate to consider the point. If necessary, there should be a conference between the two Houses for the purpose of settling this important matter, so that we may decide upon the constitutional method of dealing with these questions, having regard to the difficulties which have been raised. If the Postmaster-General can persuade his colleagues to alter the practice, and to send us up an interim Appropriation Bill - that is to say, a Supply Bill with this schedule added - then I venture to say we will have no difficulty in dealing with it. That is the spirit and intention of section 53, and I think it will be found to be the only constitutional procedure.

Senator Sir FREDERICK

SARGOOD (Victoria). - I think the Postmaster-General must feel that the Senate is practically unanimous against the Bill in its present form. We have listened to a most interesting discussion upon it, and as time goes on fresh points are taken. Probably, with a little delay, some other points equally as important may arise. The Postmaster-General is in charge of this Bill, and he asks us to agree to the postponement of the discussion till to-morrow. As a matter of courtesy I think we ought to accede to his request. That will enable him to consult his colleagues, and I feel perfectly certain that when they have looked into this matter fully they will be convinced that the Senate is right.

The PRESIDENT

- This debate has greatly exceeded the limits which it should strictly have been allowed to take. The whole matter has been discussed on a motion for fixing a day for the resumption of the debate. I have allowed the discussion because I thought it was a matter of very great importance, and that under the circumstances it was wise to do so ; but I ask honorable senators to understand that this must not be regarded as a precedent.

Question resolved in the affirmative.

Senator DRAKE

(Queensland - Postmaster General). - I beg to move -

That the Bill be printed, and the second reading be an order of the day for to-morrow.

Several Senators. - No, no.

Senator Sir Josiah Symon

- That cannot be done now.

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Senator DRAKE

- The Bill has been read a first time, and I am within my rights in moving this motion, which is necessary in order that the Bill may appear on the notice paper.. .

Senator Sir JOSIAH

SYMON (South Australia). - It does seem to me that we do not know where we are now. My desire is to assist as much as possible, but what on earth do we want this done for now, when the whole thing can be carried through if the motion for the suspension of the standing orders is carried to-morrow. I do not see how we are advantaged in any way whatever. I feel bound to resist another step being taken with a Bill of which the Senate have disapproved.

Senator Drake

- But we must deal with it.

Senator Sir JOSIAH SYMON

- Really I do think that this is trifling with the Chamber. The honorable the Postmaster-General proposes to have the second reading made an order of the day for to-morrow. He proposes an exceptional procedure. This is a Supply Bill, and in accordance with the usual practice Supply Bills are hurried through by means of the suspension of the standing orders. The Postmaster-General intended to adopt that course this evening, but the universal feeling of the Senate was that the procedure ought to be considered, and he moved the adjournment of the debate on the motion till to-morrow. That means that the whole of the proceedings with regard to this Bill are to stand over, otherwise we have been wasting two hours in endeavouring to explain the opinions which we all entertain in regard to this procedure, with a view of assisting the Postmaster-General to rectify it. I do not think that it is treating us fairly, that this motion for the suspension of the standing orders should be adjourned until to-morrow, and that meantime another step should be taken in this Bill, to which the Senate does not assent. If we pass this motion, we accept the position that this is a Bill which ought to be set down for debate on its second reading, when we all say that it is irregular. I think we have made a mistake already in permitting the Postmaster-General to have the first reading. The honorable and learned gentleman tells us that the time for raising these constitutional questions is the second reading. I do not wish to occupy any further time on this point, because I think the Minister must see that there is nothing to be gained whatever by making the second reading of the Bill an order of the day for to-morrow.

Senator Drake

- If I do not do that it will go off the paper.

Senator Sir JOSIAH SYMON

- No ; it is intercepted. Of course, if that were the case I assure the Postmaster-General that it would greatly mitigate what I have to say about his proposal. The position I point out to the Minister is that he has the Bill read a first time, and then moves a motion for the suspension of the standing orders in order to enable the Bill to pass through all its remaining stages, including second reading, without delay.

Senator Drake

- To-day?

Senator Sir JOSIAH SYMON

- Not to-day.

Senator Drake

- The standing orders do not allow it to be done to-day, but they allow it to be done to-morrow. Now the standing orders have not been suspended, I am taking the ordinary course.

Senator Sir JOSIAH SYMON

- Instead of moving the adjournment of the debate on the motion for the suspension of the standing orders, it would have been very much better for the honorable and learned gentleman to have withdrawn the motion, and given this notice.

Senator Drake

- Others desired otherwise.

Senator Sir JOSIAH SYMON

- I am not complaining of its having been done. I am only pointing out that as we still have the motion for the suspension of the standing orders it intercepts all other proceedings. It was intended to intercept them. It was intended that no other step should be taken in relation to this Bill, either in moving its second reading, or in setting it down for second reading, until the Standing orders were suspended. Then the Minister says I shall not proceed with it today, I shall proceed with it to-morrow. Very good. It is ruled that that is in order. He moves it to-morrow ; then, if it is carried, he moves his second reading, and goes into committee and takes his third reading.

Senator Drake

- The Bill would have gone off the paper.

Senator Sir JOSIAH SYMON

- Not at all, because it is on the paper and the Senate is seised of it.

Senator Drake

- The first reading is gone.

Senator Sir JOSIAH SYMON

- The first reading is gone ; the second reading is intercepted by the motion for suspension of standing orders, and that keeps the Bill before us.

Senator Drake

- The second reading has not been made an order of the day. There is no order for second reading.

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Senator Sir JOSIAH SYMON

-I know there is not, but as Senator Playford says, the Bill is before us, and is kept before us, for to-morrow by means of the adjourned motion. It seems to me that the irregularities we shall be getting into will land us in greater complications than even the confusion as to these financial Hills. I feel that as we have a motion on the paper for the suspension of standing orders, which opens the door for all future proceedings, we had better leave it there. Do not let us confuse the thing by setting this down for to-morrow. If we set the Bill down for second reading to-morrow, what is the use of our adjourned motion 1 That drops off the paper it seems to me. But if, on the other hand, the motion for the suspension of standing orders is not carried, then the Minister can set it down for the next day of sitting for second reading, or can adopt any other course he pleases, and I am sure that the Senate will assist him to adopt any other course which is possible. What I point out and ask him seriously to consider is whether, having tied up the Bill with one motion for the suspension of the standing orders, he can make it bob up serenely on the other side by setting it down as an order of the day.

Senator Playford

- And bringing it on as the first order of the day for to-morrow.

Sir JOSIAH SYMON

- And bringing it on as the first order of the day for tomorrow when we may be in the middle of the adjourned debate - which may or not be an order of the day - on the suspension of the standing orders.

Senator DRAKE

(Queensland - Postmaster-General). - If I may be permitted I wish to say a few words as I did not speak in moving the motion because I thought it would go as a formal matter. The practice under the standing orders is somewhat different from the practice I have been accustomed to in the suspension of the standing orders. I. have been accustomed always to the suspension of the standing orders before the Bill comes down. If we knew that a Bill was coming down we moved for the suspension of the standing orders to enable that Bill to pass through all its stages in the one day. The course adopted here by the standing orders is to allow the Bill to be read a first time, and then to move as a contingent motion that the standing orders be suspended in order to enable the Bill to go through all other stages without delay. If that is agreed to it allows the second reading to be taken at once on the same day, next the committee stage, and then the third-reading stage. After the Bill has been read a first time, I move a motion for the suspension of the standing orders. The House has not agreed yet to pass that motion, and the debate has been adjourned until to-morrow. Therefore, the Senate has decided up to the present time, so far as to-day is concerned, that it will not suspend the standing orders. Then I act under our standing orders, and move that the second reading shall be made an order of the day for to-morrow, and if I do not do that the Bill lapses altogether.

Senator Sir Josiah Symon

- No.

Senator DRAKE

- It is perfectly clear that the Bill lapses.

Senator Sir Josiah Symon

- How can it ?

The PRESIDENT

- It will not appear on the business-paper unless it is set down.

Senator DRAKE

- It will not appear on the paper, and that is quite in accord with the practice I have been accustomed to.

Senator Sir Josiah Symon

- Surely it will appear on the paper under the motion for suspension of standing orders to allow it to go through its remaining stages.

Senator DRAKE

- But the Bill itself will not be on the paper.

Senator Sir Josiah Symon

- The motion will.

Senator DRAKE

- It gets on to the notice-paper first of all either by introduction or by coming up from another place and being read the first time. From that point, whenever the Bill goes through one stage it is necessary to get the order of the House that it should be put on the notice-paper for the next stage, and so on right away to the end. And if that motion is not made the Bill lapses.

Senator Sir Josiah Symon

- The Bill is on the notice-paper with this motion.

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Senator DRAKE

- All I am asking the Senate to do now is to follow exactly the course which would have been followed if I had not asked it to suspend the standing orders ? The Bill has been read a first time, and a difficulty has arisen. The Bill has been strongly criticised, and while a number of honorable senators think that some alterations should be made, perhaps some hold that no alteration will make the Bill satisfactory to the Senate. But whichever view they take there has been a general feeling to allow this matter to stand over till to-morrow, and let us see in the meantime whether anything can be done to cure what I would call the alleged defects. Let us have until to-morrow to see whether we can present the Bill in such a way, or supplement it in such a way as will get over the defects which have been pointed out.

Senator Harney

- Then withdraw the motion, and put it down for second reading.

Senator DRAKE

- Must I say again that if I did withdraw the motion the Bill would lapse? The next step is that it appears on the business-paper for its second reading.

Senator Charleston

- But the Minister desires to see whether he can alter the Bill.

Senator DRAKE

- Not to see whether we can alter the Bill, but to see whether we can do anything to cure the alleged defects by some supplementary means - to meet the objections which have been raised. Just one point, before I sit down. The reason why it is necessary to have still on the paper the motion for the suspension of the standing orders, is not in order to allow the Bill to be read a second time to-morrow, but to enable the Senate, if it chooses to do so, to proceed from the second reading stage to committee, and from committee to third-reading stage. But if we can get over this difficulty, and the Senate is satisfied to allow the Bill to pass, it will have power to pass it to-morrow, which it would not have if this motion for suspension did not so appear. So, really, if the Senate will consent to the motion I have moved - and it is absolutely necessary that it should be done unless the Bill is to disappear from the paper - we shall be in this position tomorrow : The Bill comes up for the second reading ; honorable senators can discuss it at full length ; if they are not satisfied with it they can-

Senator Stewart

- Throw it out.

Senator DRAKE

- Throw it out.

Senator Stewart

- The proper thing to do.

Senator DRAKE

- If they are not satisfied with it they certainly are not compelled to pass it, although I think the Senate may be trusted in a matter of this kind to act in the interests of the whole country and not in a factious way.

Senator Sir Josiah Symon

- We should not contemplate the idea of throwing it out, anyhow.

Senator DRAKE

- I should not have contemplated the idea of throwing it out. But it will be there for second reading if the

Senate wishes to discuss it at length, and the adjourned debate on the motion for suspension of the standing orders may come on, and if the Senate think that the Bill should pass the second reading then I have no doubt that it will be of opinion also that it should go through the committee stage and the third reading stage as an ordinary Appropriation Bill does.

Senator FRASER

(Victoria). - With every wish to help the Government, I fear that we are now committing ourselves to a course which is not regular. We now know the difficulty, and if we have actually turned the key and locked the door against further proceedings in regard to the Bill how can we then take the motion for the second reading, knowing that the Bill is irregular, and that we have not the option of dealing with it as the Constitution gives us. Would it not be better to let the Bill lapse?

Senator Drake

- No. That is practically throwing out an Appropriation Bill.

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Senator FRASER

- That is not our fault. That is an accident of circumstances for which none of us is responsible. If the Bill is allowed to lapse all the difficulties, will disappear. I want to help the Government out of the difficulty. I can plainly see that if the Bill is discussed on the second reading to-morrow evening, all the difficulties will be fresh, and I do not see any way out of the dilemma except to reject the Bill. The simpler course would be for the Government to bring up a Bill with a schedule, and then we would have no difficulty.

Senator Sir FREDERICK SARGOOD (Victoria). - The course proposed by the Postmaster-General seems to me the only course we can pursue. The standing orders, which differ somewhat from those which we have been accustomed to in Victoria, distinctly lay down that after the first reading the second reading shall be made an order of the day for some future day. I do not know that we shall be in any worse position to-morrow unless honorable senators decide at once to reject the Bill. But it must be borne in mind that tacitly, if not actually, we have agreed, as a matter of courtesy, to the Minister's request for time to consider what should be done, and to report practically to us tomorrow what steps would be taken with the Bill. I do not think that is an unreasonable request for any Minister to make in connexion with a Bill, and I am quite sure the Senate will grant it. I see no harm in it. Suppose the Minister comes down to-morrow and moves the second reading of the Bill, we shall know exactly what to do, but I can hardly conceive that he will be so unwise, if I may use the expression, as to take that course.

Senator Drake

- I will lay the Estimates on the table.

Senator Sir FREDERICK SARGOOD

- That is trifling with the question.

Senator Best

- I certainly think the Minister should have time.

Senator Sir FREDERICK SARGOOD. - Let us, by all means, extend to the Minister the courtesy which we in his position would like to have accorded to us.

Senator Sir Josiah Symon

- We have extended the courtesy.

Senator Sir FREDERICK

SARGOOD. I find, sir, that your ruling in regard to speaking on the first reading of a Bill is entirely new, so far as we in Victoria are concerned, and I think it is contrary to the practice of the House of Commons. I happened to be at home when the Compensation of Workmen's Bill was introduced, and on the first reading 134 members spoke.

Senator STEWART

- I have been thinking over this very abstruse and important subject which has been occupying the attention of honorable senators for the entire afternoon. But it has latterly appeared to me that the more we discuss the matter the more confused we are becoming.

Several Senators. - No, no.

Senator STEWART

- I may tell honorable senators that the one thing which has prompted me to rise was an interjection made by Senator Sir Josiah Symon. He said he would not contemplate throwing out this Bill. Suppose we adopt

the motion of the Postmaster-General, and permit the second reading to become an order of the day for to-morrow, and it comes up in exactly the same form, that is without the addition of the Estimates, what can we do ? We can do nothing except to reject it.

Senator Lt Col Neild

- Ask them to withdraw it.

Senator STEWART

- We can vote against the second reading. That is the only thing we can consistently do. I agreed with Senator Eraser when he said that the proper thing to do is to permit the Bill to lapse. My opinion is that it will have to be reintroduced in the other House with the Estimates appearing as a schedule. Honorable gentlemen in another place, it appears to me, have not exactly grasped the different situation in which we are placed. Previously, Upper Houses had no option except to swallow Money Bills holusbolus without discussion, but now we have the power of suggestion.

Senator Charleston

- The power of: amendment in some cases.

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Senator STEWART

- We have the power of suggestion, not the power of amendment, so far as this Bill is concerned.. The duty of scrutinizing every item in the Estimates is imposed upon us by the Constitution. If the Constitution did not contemplate that we should make that scrutiny it would never have given us the power of suggesting amendments. How can we suggest amendments on something which is not before us? The tiling is simply impossible. I cannot see any way of getting the Estimates placed before the Senate in a regular fashion except by the re-introduction of the Bill in the other House with the Estimates tacked on as a schedule, and then when it is sent up in that form we can discuss it. I think the proper course for the Minister is to permit the Bill to lapse, because if it comes up before us to-morrow I shall not have the slightest scruple in voting against it. As a member of the Senate, I claim the right to scrutinize every item in the Estimates. I may not exercise that right, but I am sent here by my constituents for that purpose, and I claim that I ought to be afforded every facility to carry out my duty: Unless the Bill is brought up in an altered form, I certainly shall vote against it. I do not see that anything is to be gained by this procedure, except that in the interim the Minister may consult with his colleagues, and the Government may see the stupidity of the position in which they have placed themselves, and may put the whole matter in shape by doing what I have suggested or taking some other course which may seem to them proper and right. I really do think that the best thing for the honorable gentleman to do would be to let the Bill lapse.

Senator HARNEY

(Western Australia). - I feel inclined to vote against this motion to have the second reading of the Bill put down for to-morrow. I am not at all disposed to be factious in my opposition, or to do anything that would hinder the Postmaster-General from consulting his colleagues. In the first place I do not see how consultation can metamorphose the Bill on the table. Unless consultation can put another Bill there, it will not do any good. As

Senator Sir Josiah

Symon correctly pointed out, this is an attempt on the part of the Postmaster-General to put two strings to his bow, in order to effect what he knows is contrary to the wishes of the Senate. The honorable gentleman stated that he was doing what he would have been entitled to do had he never moved the suspension of the standing orders at all. He claims to be put in the position he would have been in had that motion not been brought forward. Let him withdraw the motion.

Senator Drake

-For the suspension of the standing orders?

Senator HARNEY

- Yes.

Senator Drake

- We have dealt with that, and adjourned the debate.

Senator HARNEY

- Since the Postmaster-General cannot withdraw the motion for the suspension of the standing orders let the question be fought out on the adjournment. I consider that this is trifling with the House. We know that

the same arguments could be used on that motion as on the second reading. Nothing is to be gained by this proposal.

Senator MCGREGOR

(South Australia). - I do not think that a little more time wasted in endeavouring to get ourselves out of the tangle we have got ourselves into will be amiss. Every senator has a right to express his opinion. I agree with

Senator Harney

as to the Government wanting two strings to their bow, and they are quite justified in having them if we allow them. The position we have got into is a peculiar one, and arises out of the different standing orders that have been adopted in the different States that now form the Commonwealth. The Government showed a want of consideration by sending up a measure that was not in accordance with the Senate's interpretation of the Constitution. As far as I understand the position it is this : The Postmaster-General came here to-day with a Bill which was read a first time. The suspension of the standing orders was then moved for the purpose of passing that Bill through all its stages without delay, and the debate on the motion was adjourned at the request of senators and with the concurrence of

Senator Drake.

Now that is unfinished business. There was also a motion moved that the adjourned debate come on tomorrow. It does not matter whether the motion now before the Senate is carried or not. That is bound to come before the House to-morrow unless we take other action.

Senator Drake

- No.

Senator MCGREGOR

- It is bound to be on the notice-paper. A discussion on the suspension of the standing orders has been made an order of the day for to-morrow, and it is bound to come on. When that comes on all the fears that Senator Drake has got with respect to this Bill going off the noticepaper must disappear. If the suspension of the standing orders is carried what is to be done then ?

Senator Drake

- That will not restore the Bill.

Senator MCGREGOR

- It must, because that is the purpose for which the suspension is carried. Suppose, now, that Senator Drake is right, if the suspension of the standing orders was carried to-morrow, could the honorable gentleman not bring the Bill on ? He could move anything. He could move that the House do now adjourn. But, as the Bill is specially mentioned in the motion, that is the business we must do as soon as the standing orders are suspended. The Postmaster-General has no reason to be alarmed, nor would the motion before the Senate put him in a better position. The Senate has shown by this discussion that it will vindicate its position. We need not make any mistake about that. Very well ; seeing that the suspension of the standing orders will be on the notice paper, seeing that all the powers required will be there, what is the use of moving this motion 1 Because if the Senate refuses to pass the suspension of the standing orders to discuss the Bill, will it not refuse to pass the second reading? I say it is unwise on the part of the leader of the Government to attempt to force a motion of this kind when he is in a position to bring the measure forward. 1 would ask the honorable gentleman not to press his motion.

Senator Drake

- I must do it.

Senator MCGREGOR

- It will put the honorable member in no better position !

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Senator Drake

- I have no choice.

Senator MCGREGOR

- If he succeeds in putting the second reading on the notice paper for to-morrow, how much further forward will he be 1 If the House refuses to suspend the standing orders he cannot go further, but if it passes the suspension of the standing orders he may carry his whole Bill.

Senator Sir JOSIAH

SYMON (South Australia). -

Mr. President,

I would like to ask your ruling on a point of order. If the Minister carries his motion for the suspension of the standing orders, will he not be in a position to immediately move the second reading of the Bill ?

The PRESIDENT

- I should think he would, because the motion to suspend the standing orders is to enable a certain Bill to be passed through its remaining stages without delay. If that is carried it will be competent for him to move the second reading .

Senator Sir Frederick Sargood

- Suppose that is not done and the Bill is put on the notice paper for its second reading, what difference will there be ?

The PRESIDENT

- A great difference. We have also to consider the committee and third reading stages. I presume the second reading would be moved whether the motion for the suspension of the standing orders were carried or not.

Senator DRAKE

(Queensland - Postmaster-General). - If the two motions are on the paper, then if the motion for the suspension of the standing orders is not carried [can go on to the second reading. On the other hand, if the motion before the Chamber now is not carried - if the second reading is not made an order of the day for to-morrow - what position will I be in?

Senator McGregor

- The Bill goes out.

Senator DRAKE

- Surely it is not desired that the Bill should be put an end to?

Senator Sir Josiah Symon

- Would not you at once give notice to make the second reading an order of the day for next day ?

Senator DRAKE

- The Bill will be off the notice-paper then. There seems to be a feeling of misapprehension in regard to the order of business. I shall certainly put the motion for the suspension of the standing orders first. We can then continue the debate and decide the matter one way or the other. I would ask any senator what harm can there be in this Bill appearing on the notice-paper. If the Senate -agrees that the standing orders are not to be suspended, I shall be in a position to move the second reading. On the other hand if the Senate allows the standing orders to be suspended, then also I shall be in a position to move the second reading. There has been a general feeling on the part of the Senate that it is desirable that this should be postponed and a decision come to tomorrow, and I therefore trust there will be no further opposition.

Question resolved in the affirmative.

ESTIMATES OF EXPENDITURE

Senator DRAKE

- I beg to lay upon the table Estimates of Expenditure for the period ending 30th June, 1901, as voted by the House of Representatives. I move -

That the document be referred to the committee on the Supply Bill.

The PRESIDENT

- I do not think that motion can be moved, because we have no committee on the Supply Bill.

Senator DRAKE

- Then I withdraw the motion, and move -

That the document be printed.

Question resolved in the affirmative.

POST AND TELEGRAPH BILL

second reading.

Debate resumed from 12th June, vide. page 941, on motion by Senator Drake -

That the Bill be now read the second time.

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Senator DAWSON

- I have heard so much law this afternoon, and have listened so carefully to notes of interrogation, that I have forgotten most of the things I had to say on this question. I will address myself more particularly to clause 54, and leave other matters to be dealt with by other senators. I wish it to be distinctly understood that any remarks I make concerning any one are not made in a frivolous spirit. I am told by my distinguished friend Sir Josiah Symon, an. eminent legal gentleman, by Sir John Downer, another eminent legal gentleman,, and by a representative of the Government who is a distinguished legal gentleman, that the one thing that must be insisted upon in an Act of Parliament is, that the language shall be precise and easily understood. It is not to have a dozen meanings. In this Clause 54 we have a provision evidently meant to. abolish gambling, and the language is not. strictly correct in the legal sense or according; to the tenets of the legal profession. It says - " The Postmaster-General if he has reasonable grounds to suppose any person to be engaged either in the Commonwealth or elsewhere in receiving money or any valuable thing."

Whatever a " valuable thing " may be in the mind of the Postmaster-General is a question I cannot answer, but he will probably be able to answer it himself -

under pretence of foretelling future events,

in connexion with a fraudulent, obscene, indecent, or immoral business or undertaking.

Now, I direct attention to the fact that while " under the pretence of foretelling future events," the Postmaster-General may do away with palmists or fortune tellers, he may do away with a large number of other persons ; and I would like to know in what position our meteorologists will stand under that provision. Does the Postmaster-General presume to say that all correspondence, either by telegraph or post, or any circular directed to Clement Wragge, in Queensland, is to be confiscated by the Deputy Postmaster-General ? Does the honorable gentleman mean that ? If he does not, I want to know why he puts those words in. Does he mean that the sporting writers of the Age or Argus, who foretell, or pretend to foretell, what horse is going to win a race, are to have their correspondence confiscated by the Deputy Postmaster-General or his agent ? I think the language is very loose. I would like to know also what would become of Dr. L. L. Smith under that provision ? The effort to make people moral by Act of Parliament, in my opinion, is bound to fail. I think there is a way of regulating, but absolute restriction is going to fail every time. In his effort to stop the gambling spirit by absolute restriction, the Postmaster-General will never succeed any more than any other statesman who has tried to suppress the liquor traffic. . Why have we licensed premises where men can go and have whatever they like ? Each house is subject to inspection. A man when he goes in knows he is going to receive proper treatment and have a decent drink. The reason is that we have not restricted but have regulated. If you passed a law to-morrow that no licences should be granted, or a total prohibition law, you would not stop the liquor traffic. If you closed all the licensed premises' shanties would be opened.

Senator Glassey

- That is not the case.

Senator DAWSON

- It is the case. I venture to say to my friend, Senator Glassey, that I have been in places where the local option law has operated and where total prohibition has been in force, but it has not stopped the sale of liquor. Liquor has been sold of a worse quality and there has been increased drunkenness. Let honorable senators look at what I suppose is the greatest prohibition state in the whole of the civilized world, the State of Maine. What happens there ? Not a decrease of the sale of liquor.

Senator Fraser

- Oh, yes, there is.

Senator DAWSON

- Prohibition there has given rise to the shanty, and the doctor who orders " medicinal comforts." Bad liquor is sold there; liquor inferior in quality to that obtainable in any other place where they have regulations. The same thing applies to gambling. I say, Mr. President, that until the public mind is thoroughly imbued with the desire to rid us of gambling, and a demand is made by the general public to stop it, we cannot stop it by law. No rules or regulations that we can possibly lay down at the present stage of public feeling will ever stop public gambling. Honorable senators here have singled out Tattersall's sweeps for criticism. Why single out Tattersall only? Sweeps are run everywhere. Tattersall is

not the only sweep promoter, and why should we single out consultations ? What is the meaning of gambling ? I understand the meaning to be that you risk something to get something greater ?

Senator Harney

- On a chance.

Senator DAWSON

- Yes, on a chance. I am no more guilty of breaking the Suppression of Gambling Act which you have in "Victoria by purchasing surreptitiously a ticket in Tattersall's sweep than when I put a shilling on a horse race ?

Senator Harney

- Or on the Stock Exchange.

Senator DAWSON

- The greatest gambling that is to be found takes place on the Stock Exchange. There is another that runs it very close, namely, that of land agents. I fail to see why you should stop a consultation while you allow a man to play a game of yankee grab.

Senator Charleston

- Yankee grab - what is that ?

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Senator DAWSON

- Considering the fact that I " took the honorable senator flown" for half-a-crown I do not think it is necessary for me to answer that question.

Senator Charleston

- I have never had the pleasure of joining in the game.

Senator McGregor

- Oh ! do not deny it now.

Senator DAWSON

- In my opinion the stopping of letters addressed to any particular person who may be running a sweep is not going to do the Commonwealth any good. We have had some experience in Queensland regarding this matter. Tattersall was established there, and the sweeps were adding to the revenue of Queensland something like £30,000 a year, principally through the Postal and Telegraph department. A large amount of money was being circulated. Tattersall employed a large staff of clerks and all the benefits derivable from the spirit of gambling* possessed by the people of Australia were given to the people of Queensland. In a weak moment, and I think in an idiotic moment, the Queensland Government passed an Act for the suppression of gambling, and hunted Tattersall out of the State. With what result ? Did it stop gambling ? Not a bit of it. The people in Queensland still send their money to George Adams, of Tattersalls sweeps, who is now located in Hobart, with the difference that the revenue of Queensland has been reduced £30,000 per year, and that the benefit derived by the circulation of a large sum of money has been lost to that State.

Senator Drake

- Did the honorable senator say £30,000]

Senator DAWSON

- Tes. When th Suppression of Gambling Bill was under discussion in the Queensland Parliament - the Postmaster-General was a member of that Parliament at the time - that statement was made by the then Home Secretary, Sir Horace Tozer, in reply to a question by myself.

Senator Drake

- Are you sure the answer was tine %

Senator DAWSON

- I am not sure about it, but I presume that the humble private member always takes the word of a Minister. The hunting of these sweep promoters out of the Commonwealth will not prevent gambling. You have in Melbourne a place of gambling, a place of gambling that is prohibited by law, but that does not prevent gambling. It simply means that all kinds of deception is used. They still gamble, and the people have to develop the faculty of deception. . They have to become hypocrites, practically, instead of honest men. As a matter of fact - and this is a point which I would like some of our protectionist friends to consider - a law unnecessarily taxing a necessary commodity, gives rise to the smuggler. It does not

mean that that commodity will not come into the place. It simply develops deceit and hypocrisy in the people, and they will do that which renders themselves liable ' to the criminal law. In- this respect I would like to point out that, notwithstanding all the efforts that have been made to prevent gambling, it is on the increase. The anti-gambling efforts have simply resulted in ' branding people as criminals, in increasing the business of the lawyer, and the work of the magistrate. In every country, I venture to say, even in Victoria, since Acts for the suppression of gambling have come into force, the average number of persons charged before magistrates and convicted has increased. It is bound to follow, in my opinion, that total suppression means resistance, and if you make the resistance a criminal act, then you increase the, number of your criminals. There is one other matter which I wish to bring under the notice of Senator Drake. It appears to me to be rather a peculiar thing that we have a provision in the very first Bill brought forward by the Government - a wished to be respectable, Christian, moral Government, that wishes to save the morals of the people by Act of Parliament - which says that nothing in the shape of gambling is to receive the seal of the Commonwealth, . and yet a representative of the Government in this Senate made the first Parliament say that honorable senators should enter into a game of chance - a lottery. The proposal has been made that we should have a lottery, though under clause 54 of this Bill it is proposed to make such a thing a criminal offence. If this Bill is passed, then it will be necessary to pass an indemnity Bill through this Chamber, otherwise Senator O'Connor will have to be indicted under this very section and punished..

Senator Harney

- They ought to stop the honorable and learned senator's letters coming to the House.

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Senator DAWSON

- All the honorable senator's correspondence, his circulars, everything that travels by parcels post, his telegrams, and so on, should }>e taken up by the Deputy Postmaster-General and burned. The lottery I am referring to is that Senator O'Connor proposes to decide who shall retire from the Senate at the end of three years and at the end of six by drawing lots. If we can indulge in a lottery here, surely the people outside can do the same. We are supposed to be the representatives of the people. It is supposed that in our representative capacity we should set a good example to others, and if we set that example by indulging in a lottery surely the people will be entitled to do the same. Either Senator O'Connor should withdraw his proposal or else the prohibition against lotteries contained in clause 54 of this Bill should be struck out. What a king may do I think the subject may easily do.

Senator Fraser

- Oh, no, that is not so.

Senator Best

- The king can do no wrong.

Senator DAWSON

- I mean that what a king can do against the law.

Senator Glassey

- A king can make a belted knight.

Senator DAWSON

- What a king may do against the law, surely a subject may do. What a magistrate may do, surely the man who is liable at any time to stand in the box before him may do within the meaning of the law.

Senator McGregor

- It is "don't do as I do, do as I tell you."

Senator DAWSON

- My honorable and reverend friend is thinking of his church, and not of his Parliament. There is another clause in the Bill winch enables the Postmaster-General to open the letters of any suspected person.

Senator Glassey

- That is a very big order.

Senator DAWSON

- I think it is a very dangerous power to place in the hands of any official.

Senator Drake

- Where is that provision in the Bill?

Senator DAWSON

- I think it is in clause 27, but I am not certain. I view the granting of the power with very great distrust, because the value of our post-office is that all matters between person and person are held to be absolutely sacred and confidential, and are not to be interfered with by any other person. To give authority to open correspondence between person and person is in my opinion to destroy the real value of our postal system. There* is one thing that we can all boast of as Britishers, that whenever a man is persecuted in his own country the one place where he can be absolutely protected is the British Empire. There was at one time a man named Mazzini who fled from Italy and found shelter in England. The postal authorities, yielding to the demands of the Italian Government, ventured to open all the reformer's correspondence. The matter, however, was taken up and it was passed in the House of Commons that in no set of circumstances whatever should correspondence be interfered with in any of the post-offices of Great Britain. We should not start the Commonwealth by permitting a postmaster or any one under him to open the correspondence belonging to another.

Senator Drake

- I do not remember having seen any such provision in the Bill as that, to which the honorable senator referred just now.

Senator DAWSON

- There are clauses- 27, 90, and 54 which are very much in the same strain.

Senator Drake

- Where is the provision giving power to open the letters of a suspected person?

Senator DAWSON

- The Postmaster-General may suspect the letters addressed to the leader of the Opposition and open his correspondence.

Senator Drake

- I do not know where there is any such provision.

Senator Keating

- There is power given to the Postmaster-General to destroy correspondence addressed to certain persons.

Senator McGregor

- If the person is suspected of being a witch.

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Senator DAWSON

- Or a palmist. It would be the easiest thing in the world for the head of the Government to suspect the head of the Opposition of being a sweep promoter. This system of espionage is very wrong, and if we adopt it we shall be making a very bad start. I do not think it will be acceptable to the people we are supposed to represent. Another point to which I desire to make reference is the question of punishment. I shall be able to deal with that when we get into committee, but I would direct the Postmaster-General's attention to the fact that in his punishments he has not been wise. Punishments for trivial offences carry fines of £50, while for serious offences they are £5. In many cases no punishment at all is provided in the Bill. In some instances a fine of £5 is provided for, and in default a certain term of imprisonment ; and in other cases a fine of £50 is provided for, but there is no imprisonment in default. Thus all that the convicted party has to do is to refuse to pay the £50 and to get away clear. I think the matter ought to be looked into by Senator Drake, so that he may be prepared to make alterations when we get into committee.

Senator GLASSEY

- We have had another lengthy and, on the whole, I think an interesting debate. We have had gambling discussed in various forms. As to the Tightness or the wrongness of it I am not here to express an opinion. I know little of it myself, therefore if I were to give an opinion I fear that it would be a bad one. We have also had a number of subjects, including even constitutional questions, raised by my very esteemed friend, and I might almost say the leading constitutional light in the Senate -Senator Harney. These are matters of some considerable moment, and certainly deserve a good deal of consideration. The Bill on the whole, with some exceptions - and I dare say every measure is open to some exceptions - is, I think, a good one. Considering the short time which has been at their disposal to mature a measure dealing

with all the postal, telegraphic, and telephonic services of Australia, I think the Minister, and indeed the Government generally, are to be highly commended. Considering that the Ministry only took over these large departments in March last, and that it is now approaching the middle of June, this consolidation Bill dealing with over 6,000 post-offices shows that they have not been idle, and I join with others in complimenting them and commending very highly their work during that period. There are one or two little matters to which I wish to direct the attention of the Postmaster-General. In the Senate a good deal has been said with regard to economy. I certainly favour economy where economy and efficiency can be combined, but first and foremost we must have efficiency, and it is necessary to have that efficiency with the most rigid economy we can enact. I observe that clause 6 provides, and I think rightly provides, for a principal secretary, who is to be clothed with authority and armed with some power under the Minister, and whom I would regard as being his primary functionary to act in his absence, and to supervise and control the whole of the departments. But clause 7 provides for the appointment of six Deputy Postmasters-General. I do not approve of that provision, and if the Postmaster-General will act wisely I think he will be content with making the principal secretary his Deputy Postmaster-General, to act in all circumstances and to control and supervise the whole of the departments in his absence, or according to his directions.

Senator Sib Frederick Sargood

- But we must have a head in each State.

Senator GLASSEY

- Certainly ; but I think the under secretary in each State acting under the supervision and control of the Postmaster-General and his deputy would serve all purposes.

Senator Best

- Is not that what is intended ?

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Senator GLASSEY

- I like the intention to be expressed in clear language, and I merely ask the Minister to be content with the appointment of one Deputy Postmaster-General, and not to have a deputy in each State, but to have an under-secretary in each State, who will be subordinate to the Postmaster-General and his deputy. I remember very well that during the federal campaign in our State all these matters were discussed. Some of us who have taken for many years an active part in federal matters had a great deal to do in trying to convince a number of people scattered over our vast territory of 664,000 square miles, no place being exempt from population, as to the desirability - nay, the necessity - of adopting federation as not only a good thing for that State but as a good thing for Australia. Among the reasons we had to advance was, that so far from having six Postmasters-General, we would have only one Postmaster-General ; that, so far from having six commandants over the military and naval forces, we would have only one commandant. So I might go the round of the circle, but it is not necessary to do so. I respectfully suggest to the Minister that he should be content to have a Deputy Postmaster-General, to be paid reasonably, and to be armed with authority such as he would exercise himself on all occasions, in his absence or under his direction. I come now to a very important provision of the Bill. Clause 15 rightly gives power to the Postmaster-General to enter into contracts with steam-ship companies, and in other ways, for the carriage of mails. It has been said that in contracts of this kind it should be stipulated that all mail boats subsidized by the Commonwealth should be manned by white crews. I entirely agree with that view. I think I may reasonably claim to have some little concern in this matter. In 1889, from my place in Parliament, I think I was instrumental in inducing the Queensland Government to insert that stipulation in the mail contracts with the steam-ship companies. I hope to see the Senate approving of an amendment of this character, which, if it is not moved by another honorable senator, I shall move myself. It should be stipulated in clear and unmistakable language that no steam-ship company, unless its ships are manned with white crews, shall be subsidized for the carriage of our mails to any part of the world. That will be in harmony with the policy of Queensland for many years, and I am quite sure it will be gauging correctly the feeling and the desire of the people of the Commonwealth. I hope the Minister will bring forward such an amendment, and save a private member the duty of moving it. Some reference has been made to the withholding of the royal assent to a Bill which passed the Queensland Parliament last year, empowering the Government to give a grant of money to still further aid some of the existing sugar mills, and some

sugar mills to be brought into existence, to enable them to carry on their operations, and if I judge correctly the sentiments expressed by some honorable senators it is the sound of a warning note to be careful of what we are doing, in case the royal assent is withheld. I do not regard that refusal as a warning. Certainly I do not regard it as a very serious warning, and I am sure that Queensland, without coming unnecessarily into conflict with the Home Government or with the mother country, will assert itself, and will see that no harm be done, and that the aid and assistance which was granted last year will find its way in some other direction. But if we have to be deterred from carrying out the great principle of a white Australia merely from fear that the royal assent may be withheld from any Bill that we may pass, then I think there is sufficient manhood and vigour in the country to assert itself, and in such a manner that the principle will be established, and that some means will be found of giving effect to the wish and the will of the people. I pay no heed at all to that warning note which has been sounded. I certainly shall assert my opinions, and I am quite sure that the opinions which have been expressed by some honorable senators are not in entire harmony with the views of the great mass of the people. If it be essential, as I think it is, for the preservation of the race, and for other reasons which it is not necessary to go into in detail, to establish a white Australia and to exclude all coloured¹ aliens, then in order to carry out that policy thoroughly it should be provided that any mail ships which are subsidized by the Government shall be manned with white labour. It may be contended that a difficulty may arise inasmuch as we may be limited to one company. That I do not think is a difficulty at all. I think that one of the largest companies sending mail boats to these shores has for years manned its vessels with white crews. I refer to the Orient Company. Then the British India Company, one of the most powerful companies in the world - which for many years clung tenaciously even in Australian ports to black crews - has entered into an arrangement with the Queensland Government to carry their mails in boats with white crews, and the mails are being carried more quickly and efficiently than they were carried when the ships were manned with black crews.

Senator Walker

- Equally economically T

Senator GLASSEY

- I am not prepared to measure this great question on the lines of £ s. d. If it is merely a question of cheapness, I tell the honorable senator that. I am not in the cheap market. I am by no means gauging a matter of this kind by the consideration of how much it is going to cost - whether it is going to cost £1 or 15s. If it is going to cost £1 to vindicate this great principle, and make this land the home of free white men, and not run the risk of deteriorating the race, I for one am prepared, to give the £1 rather than the 15s.

A Senator. - The honorable senator is a protectionist.

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Senator GLASSEY

- I am a protectionist in certain things. In other matters I am exceedingly free-trade. I am sure that I voice the opinions of the vast majority of the people of the Commonwealth when I say that I think they are prepared, even if it be a question of £ s. d., to pay a little more for the establishment of this great principle that Australia shall be a home for white people,, and that ships carrying our mails on subsidy shall be manned by men of our race'

That brings me to a point very properly raised by Senator Staniforth Smith, that even from a patriotic point of view it is desirable that this class of ships should be manned by white crews. Honorable senators who have followed the fortunes and the misfortunes of the war which has been waged in South Africa during the last two years will see that when supplies are to be carried long distances, it may be to some remote part of the world, in the event of our getting entangled in any war or conflict with another power, it will be necessary to have these vessels equipped in the best way and manned by the best material possible for their safe working and the efficient discharge of important duties under such circumstances. This is a matter which I think deserves our serious attention, and I hope the Postmaster-General will accept an amendment in order to make the Commonwealth law" harmonize with the law of Queensland. Coming to clause 54, I think the powers asked for by the Minister are rather severe and strong, and while we have every desire to give him sufficient power to enable him to perform his duties effectually for the protection of the people of the country generally, yet I think that there is a possibility of our going too far. I am quite sure that that clause and clause 27 want modification, and I know from my knowledge of the

Postmaster-General that he desires no weapon to be placed in his hands which he would use in a disadvantageous way against the people. I am quite sure that he only desires to do that which is reasonable and fair in the performance of his duties. We now come to the constitutional question raised by Senator Harney. While I have every desire to give full weight to his arguments I cannot agree with them, and I am sure the honorable senator will forgive me, as a layman, for saying that I cannot agree with his conclusions, which have been concurred in by the young senator from Tasmania, Senator "Keating. While I have every desire to attach full weight to the opinions expressed by those honorable senators, yet I am bound to confess I do not agree with them. Moreover, I am strengthened in my position as a layman by the fact that the present Government have, out of seven or eight members, no less than five legal gentlemen among them. I admit that that may not be a sufficient argument, because it is just possible that Senator Harney may possess more legal knowledge. I do not say that he has more legal experience - because his age will not warrant me in saying that - than the five legal gentlemen I have referred to, some of whom are regarded as able constitutional lawyers. More particularly I refer to the Prime Minister, whom public opinion has placed in his present position, and who is a constitutional authority of no mean order. We have, in the first place, the Prime Minister, a gentleman of eminence and ability as a constitutional lawyer, and we have his colleague, Senator O'Connor, a gentleman who certainly holds a high place in legal circles in New South Wales, and who is credited with being one of the soundest and safest lawyers to be found within the confines of the Commonwealth. That is the reputation which he has earned, and I fully agree with it.

Senator HARNEY

- The clause may be legal, and yet be an evasion of the spirit of the Constitution.

Senator GLASSEY

- I say this clause is in harmony with the Constitution, or it is not. If it is not, then I think it is a serious reflection on the five legal gentlemen who are included in the Ministry, and more particularly the two to whom I have alluded, who have 'a standing and position in the Commonwealth that they have well earned. Then we have Senator Drake, a gentleman of high standing as a lawyer. I have been in the State of Queensland with him for many years, and his opinion is always valued and respected and sought after on constitutional matters. Then we have our esteemed friend Mr. Kingston, a gentleman who has held a very high position both politically and legally in the State of South Australia, and deservedly so; and we have, in addition, the 'present Attorney-General, Mr. Deakin, all of them lawyers of considerable standing from a constitutional point of view. Notwithstanding all this, we have Senator Harney, supported by Senator Keating - young gentlemen against whom I have not a single word to say - opposing the clause; but they will pardon me if I attach more weight and give more consideration to the opinions of the gentlemen to whom I have referred than I do to theirs.

Senator Keating

- You have not heard the opinions of those five gentlemen.

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Senator GLASSEY

- I presume, when this Bill has passed the ordeal and criticism of a Cabinet comprising those gentlemen, I can reasonably conclude that it has met with their acquiescence, and they would not acquiesce unless the touchstone of their authority was put on this particular provision. As a layman I have to accept the opinions of legal gentlemen without going too minutely into these matters, and I am sure that these young gentlemen will pardon me if I say that, judging the whole matter and weighing the evidence on all sides, I think the balance of argument rests in favour of the provision as being perfectly constitutional. We may fairly put that matter on one side as being settled. Senator Sir Josiah Symon is also a gentleman of high standing in the legal profession, and I did not gather from his remarks that he took exception to this clause from a constitutional stand-point. Nor did I hear any exception taken to it by Senator Sir John Downer. Those two names are not mean additions to the list of eminent legal gentlemen I have given. I do not know any man who has a higher standing in legal circles in South Australia than Senator Sir Josiah Symon, and I think he has an able second in Senator Sir John Downer. All these legal gentlemen have, I presume, agreed to this particular provision, and therefore I do not regard it in the light in which it has been presented by Senator Harney.

Senator Harney

- Young men are often wise.

Senator GLASSEY

- Of course, and sometimes even old men get off the track. I do not know that I am always on the track myself, but it is pardonable on the part of young men who are ardent and vigorous.

Senator Keating

- You have not heard the opinions of all the gentlemen you have named yet,

Senator GLASSEY

- I am assuming that, inasmuch as the Bill is presented by a legal gentleman having as colleagues four other legal gentlemen, they have agreed that the provision is a right one. Then we come to the provision in clause 150, which confers certain large powers upon the Minister. In the case of a defaulter or any member of the staff who may commit a breach of discipline, the clause gives the Postmaster - General power to settle the matter without a prosecution. I think that is a wise provision. I have had some little experience in the post-office as an employee, and I cannot say that there were during my time any very serious breaches of discipline or peculations.

Senator Best

- Were you ever before the Minister?

Senator GLASSEY

- I was not, but I have been before some of the subordinates. From my experience and observation, after coming into close contact with persons connected with the Post and Telegraph department, I think this is a very wise provision. Certainly, persons sometimes do foolish and reckless, and even wild things; but they may not be so serious but that the Minister can settle them, and he should do so, provided there is an agreement in writing, such as is provided for in this clause, that the person is guilty.

Senator Harney

- That is not provided for in the clause.

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Senator GLASSEY

- I think that is what is intended. Clause 150 says -

Where any person is alleged to be guilty of any breach of this Act other than an indictable offence, Postmaster-General may, with the consent in writing of such person, determine the matter, and may order such person to pay such pecuniary penalty as he may think proper, and upon payment of such penalty, such person shall not be liable to be further proceeded against in respect of the same matter.

I have in my mind two or three instances which have occurred, but which it is not necessary to relate, because they might be traced to the individuals concerned, in which offences were committed in the postal and other departments in the State of Queensland. The cases were settled by the Minister; but supposing they had been brought into court they would have involved the exposure, not only of the individual but of all his connexions. A person accused might have a family of daughters, and for a trifling offence he might not only be disgraced himself, but a grave reflection might be cast on his family. I say, viewing the thing all round from an employee's stand point, and from my knowledge of numbers of persons connected with this department, while I have no desire to screen or cover up that which is wrong, yet I certainly think this is a wise, a prudent, and in some respects, a just provision. Of course, if it requires modification, or requires to be made more explicit, it can be dealt with in committee. Then another constitutional point has been raised in an indirect way. I refer to the clause giving power to the Commonwealth to use the railways for the carriage of mails. It is alleged that this is rather a strong provision, and that we have no constitutional authority for it. I think we have, and I think it is a proper provision. The Postmaster - General cannot perform his duties in a proper and efficient manner unless there is such a provision. I therefore am of opinion that it is not only wise, but essential; and I am quite sure that the Postmaster-General is not going to do anything under it that will be detrimental to the people as a whole. His whole aim and object is to serve the people in the most efficient way, but he can only do that if he has proper appliances, and I know of nothing so essential as command of the railways. Of course the Postmaster-General will enter into arrangements with the railway authorities as to the best means of carrying the mails, and I am quite sure this provision would not have been inserted unless the Minister believed that he had power under the Constitution to insert it. Private railways can be used in the same way, and if there be any difficulty as to the rates and charges, that will be a matter for mutual

arrangement, and, if need be, for arbitration. The Bill as a whole, and subject to a few modifications, especially in clause 27, is, I consider, worthy of support. I agree with Senator Keating that it is a great power taken, in clause 27, to prevent the passage through the post of newspapers on account of seditious language. Then, with regard to opening letters, even for the purpose of suppressing gambling, that is a very dangerous power, and one that I would not place in the hands of any man, no matter who he might be. I have just as much confidence in the integrity and fairness of the Postmaster-General as in any man I know, and I am sure he will not exceed his powers. Perhaps he would not act up to the powers that are given to him, but it is unwise to place such a power in the hands of any individual as is contained in the clause to which I have referred, and I say that it is a provision that wants very considerable modification. Taking the Bill as a whole, it is a very excellent measure. A great amount of labour has been bestowed upon it, for which I think the Postmaster-General is to be commended, especially when it is remembered that these large departments were only taken over in March last. I will give the second reading my support, but some of the points to which I have alluded, particularly the question of manning ships and carrying mails, I certainly think should be carefully considered, and I hope the Senate will insist on a provision being inserted in every contract that ships shall be manned by white crews.

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Senator DE LARGIE

- Whilst agreeing on the whole with the Bill, which I think is a very good one, there are certain clauses in it that I hope to see amended. I believe we are all more or less inclined to look at the Bill from the point of view of how it will affect our own State first, and the Commonwealth secondly. As far as I can see, there are many clauses in it which are very indefinite, and unless they are made clear to me and my colleagues we may have to move amendments. I refer particularly to the clause relating to the rates for the carriage of mails, and for telegrams. As far as the Bill has been outlined there is to be no alteration of the rates that existed before federation. If federation is to be anything more than a name - a mere sentiment - in postal affairs, I think it is only right for Western Australia to expect some advantage from it in this direction. If we, as a united country, are not to have uniform telegraph rates, then I think the federal idea in regard to postal matters is very much of a fraud. We have been in the habit of hearing of the great advantages of a united people. Unless there is to be an advantage so far as the telegraph charges are concerned, I think it will be a very great hardship for those living in remote parts. I know that in my own State we will be under a disadvantage. Our State being a very large one, extensions will be continually looked for, but I do not think that the federal people will be as ready to attend to these new postal requirements as they should be. We have new gold-fields springing up constantly in Western Australia, and population springing up with them, which require postal and telegraphic communication, and I am afraid the federal authorities will not give such attention to them as we have received from the State. I think it is only fair that there should be some uniform rates for telegrams. If not, then we are altogether different from other countries that have united. Where other federations have been accomplished that principle has been observed. In the United States and also in the United Kingdom there are uniform rates. Of course, we do not know what the regulations may be, but in my opinion it should not be left to regulations. The matter should be clearly and definitely stated in the Bill. In Western Australia we have suffered in the past, as Senator Ewing pointed out yesterday, by regulations being sprung upon the people that were not according to the spirit of the Act. The honorable and learned senator referred to the regulations framed when Parliament was not in session in Western Australia that took away the right of the alluvial diggers to follow their lawful calling. That was contrary to the Act. It was done in a very drastic manner, and almost brought the country into a state of civil war.

Senator DAWSON

- Forrest was mobbed.

Senator DE LARGIE

- At any rate, Sir John Forrest suffered a great deal of unpopularity over it, although he was not so much to blame as the gentleman in charge of the Mines department. Under regulations it is possible for an unscrupulous man in office to alter the intention of the Act. do not mean to say that the Postmaster-General would do such a thing in his right senses, but we should take steps to prevent such a possibility by amending the Bill. Senator Glassey has referred to mail carrying on boats. I think it should

be made clear that we are not going to subsidize mail steamers which are manned by Asiatic crews. We should remember that these boats enter into competition for our postal trade with those who are compelled by us to pay a fair wage. We have an Arbitration Act in Western Australia, under which we compel a decent wage to be paid by our shipping companies, and I think it is only fair to those companies that the same provision should be made in regard to all steamers trading along the coast, no matter where they come from. The gambling clauses of the Bill have received a great amount of attention, both from Senator Harney and from Senator Keating. I think the two best speeches made during this debate were those delivered by the honorable and learned senators, and that they made their best points on these particular clauses. I was sorry, however, to see them - if I may say so - making such good speeches in support of gambling. If this totalizator system is to be continued, I think the Government of the country should reap the benefit of it. If such a course were adopted, the Federal Government would derive a very fair income, and the profits would be put in a proper channel, instead of being allowed to go into the pockets of people who are doing their very best to encourage the spirit of gambling. If the matter were placed in the hands of the Government that spirit would not be encouraged. If it is to be continued, then the adoption of the course I suggest would result in whatever benefits accrue going into the Commonwealth treasury.

Senator Harney

- Why should we interfere with gambling ? What power have we to do so 1

Senator DE LARGIE

- We should interfere for the good of the Commonwealth. If we can regulate it, if there is any profit in it - and I think that if there were not large profits it would not be receiving so much encouragement to-day - we should do so, and allow the Commonwealth Government to reap the advantage. So far as Western Australia is concerned, there is a great deal more gambling there than some honorable senators seem to understand. We have heard a great deal about the totalizator as practised in Tasmania, and while that State has been dubbed the Australian Monte Carlo, I believe that in the matter of the totalizator Western Australia holds a very good second place. If my suggestion were adopted with regard to the totalizator we should put on a brake, and the step would be one in the right direction. Reference has been made to interference with the liberty of the subject. We cannot possibly have laws unless this is done more or less ; the more laws you pass the more circumscribed is the liberty of the subject. , If the alterations I have suggested are made in committee I shall be prepared to support the Bill.

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Senator MCGREGOR

- Before the honorable and learned gentleman who represents the Government in the Senate replies, I should like, as nearly every other senator has had something to say in this matter, to join in congratulating the Postmaster-General, who introduced the Bill, on the manner in which he did so. Unlike some honorable senators I am not going to say that I congratulate the Government on the Bill, and then begin to find fault with a good many provisions that are contained in it. I am going, so far as my intelligence will, allow me, to criticise what has been said, and the difficulties that I see arising out of some of the clauses in the Bill. It has been stated here that the Senate ought to be the guardian of the State interests. T, for one, will always take my place as the guardian of the interests of the State which I have been sent to represent here; but I do not think that that State will ever expect me to advocate anything in its interest which would be a disadvantage to any other portion of the Commonwealth. It is from that stand-point that I would like to approach this question. I think there are many points that have been omitted from the interpretation clause. At the present time I will mention one term that is employed in the Bill, which, in my opinion, ought to be defined in the interpretation clause. I refer to "Local Governing Bodies." The Postmaster-General under this Bill, when it becomes law, will have power to make arrangements with local governing bodies to carry out what has been suggested by some honorable senators are matters for the development of the country; that is the development of the property of the States. Very probably Senator Drake, when speaking of local governing bodies, means State governments, but he may mean State governments or municipal or district councils, county councils or anything else of that kind. I therefore think that what is really meant by that term should be defined in the interpretation clause. We have been told that it is to the interests of the Commonwealth Government to assist the States in the development of their territory. I consider that this is purely a matter for the States themselves to deal with

as far as this Constitution is concerned, except when a State has applied to the Commonwealth for financial assistance, and that is not involved in this Bill. The Bill deals only with postal and telegraph affairs. It has been pointed out that we might send coaches where it has been indicated by Senator Drake that a horse service would be quite sufficient. It has been said that in the interests of the development of the country we should have a coach service. I have always found in the case of State government that where mail coaches have been sent, or services of that description have been established, they have been established in the interests of the passengers. The contractor, when dealing with the local Postmaster-General, always takes into calculation the number of passengers and the fares he can charge. I am sure, as far as the Commonwealth is concerned, that when we are dealing with the subject from that point of view the passenger traffic will be the consideration of the mail contractor and the local governing bodies. The mails should only be the business of the Commonwealth. Much has been said in the Senate, and I believe that stronger criticisms have been indulged in outside, with regard to the provisions of clause 16. That clause provides that the chief officer of the railways of any State shall do certain things ; that he shall carry the mails when required, and shall provide certain facilities. We are told by those who would lead us to believe that they are very eminent legal authorities that the Commonwealth has no right to do this ; that it has no right to interfere with any of the services of the State that do not come within its jurisdiction as far as the Constitution is concerned. I entirely disagree with that, and I want to point out that this very same point runs right through the Bill. It is provided in clause 13 that any officers of the postal department are free from tolls; no toll can be charged against them. Then carts, their vans, their tools are all to be free from these charges, and they cannot be stopped. There is nothing in the Constitution with the exception of what I am going to call attention to presently that gives the Commonwealth any power to make such a provision. Then, again, the Postmaster-General or those under his authority can go into any State and dig up a man's garden, cut down his fruit trees, go into any municipality, tear up the streets, stick up posts wherever they like, and do almost anything they please. Yet there is nothing in the Constitution excepting the matter that I am going to refer to that gives such a power. There are many other ways in which the Post and Telegraph department is bound to interfere with the affairs of the State, and yet no objection has been raised. But when the Bill says that the chief railway officer of a State shall do a certain thing, then we are told we have no right to interfere with the affairs of the States. I think I have shown that in nearly every instance, with the exception of the chief officer of the railways in each State, the Postmaster-General has the power, as to postal, telegraphic, and telephonic matters, to interfere with State affairs to a very great extent, and not a word has been said about it. If we turn to the Constitution itself, of course we are told that under section 51 this Parliament has power to legislate for the peace, order, and good government of the Commonwealth in certain directions, and one of them is as to postal, telegraphic, and telephonic matters. I must confess that a year or so ago I did not so thoroughly understand or comprehend the meaning of subsection 39 of this section as I begin to realize it now, and I give more credit now to the wisdom of the framers of our Constitution, particularly section 51, when I come to that sub-section. It clearly enacts that in regard to any matter which has been handed over to the Commonwealth this Parliament has power to legislate. In other words it has power to legislate on any matter incidental to the carrying out of any of the services that are handed over to the Commonwealth. That is my interpretation of the provision, and I am not a lawyer. I am sure that a constitutional difficulty of that sort ought to be got over in a Senate in which there are the twelve signs of the zodiac, or the twelve tribes of Israel. But it seems twelve gentlemen belonging to the legal profession cannot get over a constitutional difficulty where it does not exist. Where any services have been handed over to the Commonwealth I hold that this Parliament has power to control by legislation the officers in the State departments who have any connexion with the transmission or the operation of anything in relation to those services. Of course we are State representatives, and have a right to protect the States, but we have no right to be silly and foolish, and imagine that the services of the Commonwealth, especially such a service as the Postal department, are to be at the mercy of the petty spleen of any officer in that State - that at the caprice of an individual the whole postal arrangements maybe set aside, if clause 16 of this Bill is not carried. After all, what does it mean ? It means that the chief officer of the Railway department in any State shall do a certain thing - a certain thing that is necessary to be done to effectually carry on a department that has been put under the control of the Commonwealth.

Senator Glassey

- And in the interests of the State itself.

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Senator MCGREGOR

- And in the interests of the State itself. What should we do? Should the Postmaster-General, who looks after these affairs for the Commonwealth, have to go down on his knees to every railway commissioner in the States for the purpose of making an agreement with him 1

It " shall " be done, is what the Commonwealth should say. There should be no " may " or " but " about it. Suppose that we do not look at it in that light. Suppose, as some of our legal friends have said, "We are to approach these mighty dignitaries at the head of the Railway department in an humble manner, and say ' beg your pardon ; if you please/ At any rate you must do something of this description." Is the Postmaster-General to be put in a position of this kind? The very least we can do in connexion with this clause is to say that he shall enter into an agreement with the chief officer of the Railway department of each State, because there must be no "may" or " if " .or " but " about the question, at all. But all that is provided for in the next clause. It is only just putting the whole of clause 17 in front of clause 16, and the question is complete that the Postmaster-General is to make arrangements with- the chief officer or the responsible authority in connexion with the service, and if he cannot come to terms he is to settle it by arbitration, and then he shall do it. There should be no hesitation in the mind of any honorable senator with respect to the federal legislation for carrying out the Commonwealth services. If you go over every State I guarantee that the great majority of the people imagine, that the Commonwealth ought to have taken over the control of the service, or that it has done it. In the Commonwealth there are thousands of persons - and we have to disabuse their minds of it - who believe that this Parliament has control over the railways. And the people when they voted to accept the Commonwealth Bill containing clause 51, with subclause 39, entirely consented to the action, that the Government has taken now, in inserting clause 16 in this Bill. Then again, some exception has been taken by some honorable senators to the question of rates. I agree; that we ought to have uniform rates as far as possible. But I want to point out to some; honorable senators, who are just as anxious; in that direction as I am, that in this, matter the Postmaster-General, the Government, -and the Commonwealth are in a peculiar position in respect to the States.. It has been clearly pointed out by the. Postmaster-General that the revenues derived from the Post and Telegraph Department have 'to be dealt with in exactly the. same way as those derived from the Customs, or any other source under the Braddon blot. Of course, honorable senators must recognise that if certain rates are charged in certain States to-day, and those rates are reduced, the Commonwealth Government cannot return a sufficient amount to the States if that affects their revenue. And in the same way with respect to State expenditure. "It interferes so much with the financial relationship of the Commonwealth with each State, that until such time as the Parliament otherwise provides, or until the Braddon blot is wiped out, it is almost impossible to bring about these uniform rates, but we all hope - and I am sure we shall be assisted by both the Government and the Postmaster-General - that, so far as possible, the rates which are charged for postal and telegraphic communications, will be made uniform to the greatest extent. We must all recognise the difficulties that stand in the way, and not be unreasonable. I wish now to refer to a question which has been asked - who is going to fix the rates ? Clause 19 gives this power to the Governor-General. Of course, we all know that His Excellency is not going to trouble himself very much about it, but in this instance, as in every other where his name is mentioned in a Bill, it means the Government, and when it means the Government, it does not only mean the Government, but the recommendation of every postal authority in the Commonwealth. Every one of them will be called together probably to give their advice, or they will have to give their advice in some way or other so as to draw up a schedule of postage rates. Considering the length of time it took to discuss an adjournment question here this afternoon, how long would it take the Senate and another place to agree on a schedule to select every item, and to put them together in the way in which they ought to be put ? Would it not be far more sensible if those honorable senators would allow the Postal department, with all its experts and all its intelligence, under the control of Senator Drake, to draw up that schedule % And then clause 19 distinctly sets out that it is to lie on the table for fourteen days for our approval if Parliament is in session, and if it is not in session it is to be submitted as soon as possible after it meets.

Senator Charleston

- It is law all the time. .

Senator McGREGOR

- Does the honorable senator think that the Postmaster-General and the authorities who have had so much experience are going to do something which will cause a volcano to spring, up in central Australia because Parliament is not sitting? It is law all the time, I hear. Of course, it will be in operation, I know as well as the honorable senator, from the time it is gazetted ; but what damage can be done in six months or even in twelve months ? We have been living under six different postal systems for the last 501 years in the different States, and we have managed to drag along. The people have prayed for federation so that they should be all brought together, and now we are afraid that the very authorities that dragged¹ us so far without catastrophe are going to lead us into a bush and there leave us like strayed billygoats. Honorable senators should have some sense in discussing a question of this description. The reasonable position which .they should take up is to allow those who have the greatest knowledge and the most experience to fix this schedule in the interests, of all the States. And when they have done that and laid it on the table of the Houses,, whether it has been in existence or not, it will not hurt the people very much more than they have been hurt up to the present time, and then if there is anything objectionable, they can employ their individual wisdom and their individual intelligence in ferreting out anything which is wrong, or which is likely to oppress them or then- friends, or any citizen in the Commonwealth. If they do that they will be doing their duty to the people they are representing. In clause 6 we find the definition of a newspaper. I. would like that definition to be extended, It states that this publication is to have certain qualities, and that it must, be published at least once every seven days. With that portion of the clause I disagree, and I shall certainly do all I possibly can to assist in amending it. In the different States there are sections of the community who have not an intimate knowledge of our language and to whom our daily,, our weekly, and our bi-weekly publications are of very little use. Through associating together and working in a co-operative manner, they have been able to establish periodicals that to them are really newspapers, but the readers are not of .such magnitude that it would pay them to publish weekly. In some instances they may be published every fortnight. In other instances they may be published only once a month. I would like to alter the term of seven days. I do not care how stringent we make the definition of a newspaper in other respects, but I hope we shall give every section, whether they be Scandinavians, or French, or German, or Irish, or "Welsh, or Gaelic, for that matter, a show, so that they may read the news of the day and have public questions debated or reasoned out in their own language. It is in the interests of these sections of the community that I would like the term to be extended. I would also like the definition of a newspaper to be so relaxed that many monthly publications which are of very great value, I dare say, to the great majority of the senators-

Senator Lt Col Neild

- Magazines.

Senator McGREGOR

- There are magazines which, besides giving honorable senators and every person in the community information as to what is going on in all parts of the world - which probably they would have no chance of getting in any weekly or daily newspaper - have not only an educative influence, but have the effect of enlarging the opinion of every reader with respect to the affairs of other countries, and our relationship with all the different parts of the world. In the interests of these magazines, I think that something might be done even to extend the definition, so that it might include a great number of them. But there is something else - I do not know whether it ought to be included in this Bill, but it ought to be dealt with somewhere in the legislation of the Commonwealth. There are a great many periodicals transmitted by post in all directions through the Commonwealth that come here in bulk, and act to a very great extent to the detriment of our journalists, printers, and publishers. They only pay the ordinary postage from our ports to the different parts of the Commonwealth. In the interests of our own people I think something should be done to see that they pay double postage, or something of that kind, so that they can not go broadcast and injure what is being done here.

Senator Charleston

- You would not put obstacles in the way of education ¹

Senator McGREGOR

- Certainly not; but there are many things that come in here, such as " Scraps " and things of that

description, that have no educative effect. They are full of nonsense, and yet they are spread all over the country, and do very little good. They might make some people laugh, and that would be as good as medicine; but then again it would injure the doctors.

SenatorWalker. - What about "Punch."

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Senator McGREGOR

- I know how to make punch all right. I was going to refer also to clause 47. That provides for the registration of newspapers, and it also provides that if there is anything seditious, or blasphemous, or objectionable published in them, the Postmaster-General, or any of his deputies, or those in Authority, can take action. Those papers can be struck off the register, and ultimately be destroyed. Now, I do not want to place any such responsibility on any postal authorities. I do not want any postmaster, or even the Postmaster-General, to take upon himself to say what is either blasphemous, obscene, or objectionable. It might so happen that some conscientious postmaster or Deputy Postmaster-General, or even the Postmaster-General himself, might think that when people like John Norton call God to witness to the truth of their statements, that is blasphemous, and consequently the registrar would be appealed to and the registration taken away from the paper that published anything of that sort. Many things might appear in a newspaper which a Pecksniffian individual might consider obscene, but which was not intended to be obscene, and a grave injury might be done to the paper. Then, as to the word "objectionable." Who will define what is objectionable in a public print? A man might consider, so far as he personally was concerned, anything objectionable; but in a public position he might have no right to do so. Now, there is a way out of all this difficulty, and I do not think the Postal department should be put into the position either of a detective or an executioner, but it might be put into the position of a prosecutor, or any one else might have power to prosecute, and if there was a law in any State against the publication of anything that was seditious or improper, that law could be put into operation against the person publishing the objectionable matter, and that would relieve the Postal department of doing something that might lead to an injustice. The only appeal in case of an injustice of this description would be to the High Court of the Commonwealth. I think, when we consider clause 27 in committee, some little attention might be paid to it "from the point of view of allowing either the Postmaster-General or some of his officers to prosecute, or leave it to some member of the public; but to make the postal authorities judge, jury, and executioner I consider would be entirely wrong. Now, the next thing I would like to call the attention of honorable senators to is clause 41. That refers to letter cards, and there is a provision in it something similar to that contained in clause 27. The Postmaster-General and his officers are to be the judges of objectionable postal matter. I once heard a conundrum as to what Eve said to Adam when he asked if he might kiss her. She said, "I don't care A-dam if you do." Some people might consider that that was objectionable; and I say that a postmaster or any postal officer would have no right to come in as a critic in such a case.

Senator Glassey

- It ought to be left to Eve in that case.

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Senator McGREGOR

- Yes; or to the ordinary courts of law to decide. If anyone considers that sending through the postoffice certain matter is contrary to the law, he should have a right to prosecute, - and the postal authorities should not be judge and executioner again. The next clause has been dealt with at the greatest length, and I do not intend to expend the same amount of energy upon it as some honorable senators have done. Of course, every senator who spoke in connexion with clause 54 tried to make this honorable Senate believe that he was innocent; that he had violated any of the existing laws of the various States to a very small degree; and that, morally speaking, he was just as pure as St. Peter, who cut the ear off the servant of the high priest. It is my duty now to show how innocent I am, because, if I do not, the course of action I am going to take will not be understood. I am going on commercial lines this time, and I hope commercial people will pay attention. I hope all the reporters and newspapers will take notice of this, and show up my innocence to the same extent as they have done with other honorable senators. I have never speculated very much myself, except in the way of getting married, or building a house, or planting a few potatoes, or sowing a few peas, and that was a speculation sometimes, because it did not matter how

fine the weather was, I had to contend with the sparrows and snails, and very often got no crop. But that would hardly be gambling in the minds of many persons. I never thought there was any harm in it. I remember another instance. Some fifteen years ago I put 5s. on an old horse that ran in the Melbourne Cup, and when senators know the reason they will sympathize with me. The reason I backed " Cyclops " was that the poor old fellow was blind of an eye, and I had a fellow feeling with him, and lost my 5s. through sympathy. Now that is all the gambling I ever did in my life. Other honorable senators have tried to make the world believe that they are very innocent, and I have a right to do the same. But with respect to this clause 54, leaving out the question of fortune telling, or predicting the weather, or, tipping horses, I was going to deal with a matter which has been more extensively discussed, - Tattersalls consultations. Now I am sure every one must admit that orator - I beg his pardon, Senator - Harney, made an excellent speech in connexion with that aspect of the question. He defended to a great extent Tattersalls sweeps, and the little white lamb Tasmania, in its action towards that institution. Our good friend, Senator Keating, also did the same, and I never heard him so eloquent as he was in referring to the little white lamb. . I do not like to apply the term which Senator De Largie applied to Tasmania - the Australian Monte Carlo. Instead of likening Tasmania to a little white lamb, I was going to liken it to a silly goat, a very, very, silly goat. If ever there was a State in the Commonwealth which acted the goat to a greater extent than Tasmania it was Queensland. Victoria itself, and West Australia have almost been in the same paddock. New South Wales, Queensland, and West Australia have all had the opportunity of harboring this benefactor, and at last he had to find refuge in Tasmania. I am not saying a word against the promoters of Tattersalls consultations. I am going on commercial lines. I have nothing to say against the gentleman or gentlemen who carry on this business, but I am going to show that those States that originally had the business in their own hands were as silly as it is possible to be. In Tasmania they are giving one individual the opportunity of pocketing from £100,000 to £150,000 a year, and they are thoroughly satisfied, and consider they are the most moral and business-like people in the world because they get £10,000 or £15,000 a year out of it.

Senator Keating

- We would like to take it over altogether.

Senator MCGREGOR

- Is not that running things on business lines? I like business lines ! I would like to set up business where I would have the same facilities put at my disposal, and be able to take the same advantage of the people. If this little silly kid, Tasmania, instead of giving this extensive privilege to George Adams, had taken it over for herself in the interests of her own people, there would have been something in it. Some senator has said that if you put a million pounds through Tattersall every year, in ten years that amount would accrue, to him except the little mite he paid to the Tasmanian Government. Now, that is a great loss to Tasmania and its people, but if Tasmania had been running that show herself the people would never have lost the million, because if it went through a State institution, at the end of ten years 'the million would still be in the hands of the people. Only the Government would have it, and would expend it very probably more to the advantage of the silly individuals who try to "make a haul." I might be called a vile sinner for suggesting such a thing, but as has been so ably argued by Senators Harney and Keating, there is really no moral evil in putting your five shillings into a consultation. They say it injures nobody if you invest it in an honorable way - in the way that Senator Keating did himself, twenty times in twenty years. But if the State was running the concern, look at the income there would be every year ! Religious people will say that the arguments of Senators Harney and Keating are really wrong ; that there is a moral evil in connexion with the thing, and that we have no right to tolerate it in any way. Honorable senators have shown that it does not matter whether it is wrong or immoral, it is impossible to get rid of it, and if it is impossible to get rid of anything is it not our duty to make the best use of it we possibly can ? The best use we can possibly make of this evil is to take the money from the people, and use it in the people's, interests, instead of leaving somebody else to take it and use it in a questionable manner.

Senator Harney

- You believe in Government lotteries ?

Senator MCGREGOR

- Certainly ; that is what I am advocating at the present time. It would be more in the interests of the people of Tasmania, New South Wales, Queensland, or West Australia, instead of banishing George

Adams and allowing their people to send away the money out of their own State, to institute a concern of that kind themselves, keep the money there, and give the people less opportunity of being fleeced. Most people will admit that it is almost impossible to get rid of the evil. If we establish an institution of that kind, what do we do ? We give the people an opportunity of dealing with an institution in which they cannot but have confidence. Would there be any necessity for legislating against all these other swindles then? Not the slightest ! Because when the people knew they had a legitimate place to go to, these institutions would be forsaken and the people who run them would have to go to work, or carry on the same business in other parts of the world. Not that I would put a cent into these institutions, but there are thousands in the Commonwealth who will do it no matter how you restrict them. Look at Melbourne today. Go to Adelaide or any other of the States. It does not matter what laws they have passed to purify the State, there the evil still exists ! The more they do the worse it gets, and some senators have said it has broken out in a worse form and in places where it is more difficult to deal with. That is the reason why we should do as they have done in Denmark. There the people have some common sense. I do not know that they recognised gambling as an evil, but they recognised it was something they could not eradicate, and the result was that they established a State institution. It was only this morning I learnt that last year the income from that institution amounted to from £125,000 to £150,000. That a mount was spent in Denmark, not upon old-age pensions or anything of that kind, because in Denmark they have a system of old-age pensions ; but for the purpose of maintaining other institutions, such as homes for incurables, infirmaries, and even theatres to give the people rational enjoyment.

Senator O'Keefe

- The same thing applies in France

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Senator McGREGOR

- As Senator O'Keefe says, the same thing applies in.

France, and it applies in many of the German towns, and we do not hear of them suffering very greatly from it. Therefore, I think that Tasmania and the other States who have sent these individuals away, instead of making a State monopoly of it, have been very silly indeed. Even apart from that, if it is against the law that residents in the Commonwealth should send their money to George Adams, or any one else who carries on a business of this description, is it the business of the Postal department to interfere ? If it is against the law, give the police or any one else power to prosecute, and let the Postal department do their own business, and let them do it faithfully. As in the case of letters referred to in clause 54, so in regard to telegrams dealt with in clause 90. Let the Postal department do its own business faithfully, and let it not unduly pry into the business of the people. Let those who are paid to maintain the laws of the public attend to such matters. Let these people prosecute the offenders, and give them a chance of proving their innocence, or let them be proved guilty, and punished in a legitimate way. By all means let the Postal department attend to its own business ; do it well, and let it do it so that the secrecy of the system and the benefit of the public will be secured. Another important matter will be found in clause 63 which gives the Postmaster-General power to compel skippers of vessels to provide lockers or places of that description in which, I suppose, to put the mails. At no time during the voyage are the mails to be exposed.

Senator DAWSON

- How can the mails be exposed ?

Senator McGREGOR

- I am going to deal with another aspect of the question on which Senator Dawson will agree with me more readily than he may do in connexion with the regulation of mails. If the Postmaster-General is to be given power to compel a skipper of a ship who carries our communications from one port to another to have a locker and to put his mails in it, surely he can compel him to employ white men to carry those mails to their proper destination in a proper manner. We are told that the British authorities might object. We have been given instances where the Home authorities have objected to legislation that had the intention of interfering with the employment of coloured aliens. One of the reasons given by the Home Secretary was that the Japanese were a highly civilized people and that we had no right to offend them. Well, I suppose, the Chinese are highly civilized and we have no right to offend them ; so are the

Hindoos, and every one else. They are all right when they are at home. I would like to go to Great Britain itself for the authority to do things which would offend other people in this world. Go to Great Britain herself, and see if she is very particular about offending the feelings, or the dignities, or the privileges of any other country in the world. Why, one of the qualifications required of the very King who sits on the throne of Great Britain is that he shall be a Protestant. That may be offensive to millions of people, yet no one objects to it. I do not object to it, because I am a Protestant myself, but that very same King is bound to make a declaration that is offensive to millions of others all over the world - in France, Spain, Italy, South Germany, Russia, Greece, and other places.

Senator Harney

- And Ireland.

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Senator McGREGOR

- He is obliged to make it, but no one must object to it. Yet we, who have the power, or who are taking the power, to compel the skipper of a ship to provide a locker for postal matter on board his vessel, must not say to that skipper, " You cannot carry other than white men to work your ships," because we would be violating some of the laws of the nations of the earth, and we must not do it. The absurdity of the thing appears on the very surface of it. If we have power to say to a skipper - " You must provide a locker " - then we have power to say that his ship must be manned either by German, English, Chinese, Japanese, or anyone else. We can make it part of our contract with the masters of vessels. The Postmaster-General has said, and some other honorable senators have agreed with him, " Oh, we will put this in the contract." Do the contracts come before Parliament for ratification ? Cannot the Postmaster-General, if we pass this Bill, enter into these contracts without consulting us, if he likes, and is it not better for us, in the interests of that policy, that almost every senator has declared himself to be in favour of - the policy of a white Australia. - to make this provision in the Bill? Almost every senator has travelled to all parts of the State, to declare himself in favour of a white Australia, and yet we here decline, or hesitate to put into this Bill, our instructions to the Postmaster-General, that the policy we have all advocated must be carried out.

Senator Sir William Zeal

- The British Government would refuse to bear their proportion of the cost of subsidizing the mail steamers. They pay half the cost of the mails.

Senator McGREGOR

- And they send half of the communications, so that we have nothing to thank them for. If we say we are prepared to subsidize a service which carries only white crews to Great Britain, we will very soon see that instead of subsidizing a ship manned by blackfellows, the British authorities will be ready to fall in with our wishes. We are of far more importance commercially to Great Britain than Great Britain is to us.

Several Senators. - No, no.

Senator McGREGOR

- I will prove it. We can live in South Australia for the next hundred years without ever importing any thing from Great Britain.

Senator FRASER

- Or exporting.

Senator McGREGOR

- Yes, certainly. If we do not owe them any money why do we want to export to them?

Senator Harney

- But what are we going to live on ?

Senator McGREGOR

- We are living on the products of our own country.

Senator Major Gould

- But where do we come from?

Senator McGREGOR

- Oh, I do not want to cut the painter ; but we want to assert our nationhood, to stand up for our rights.

Those who are talking in this way are those who have declared themselves in favour of a white Australia.

What are they shuffling for ? I say these things for the purpose of inducing them to contradict the very statements they made before the electors. I urge them to do the same thing now as they were prepared

to do when they were on the public platform. I know the Postmaster-General will tell us that by adopting the course I have suggested we should be at the mercy of one company, and that there is only one company that does not man her vessels with coloured aliens.

Senator Drake

- What about the German line ?

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Senator McGREGOR

- There are the French, the German, and the White Star lines, and there are dozens of others that would be here very soon if they only had the inducement that these piebald companies; receive in the way of subsidies. These companies are subsidized with our money, the money of people who have been struggling for years for a white Australia. And yet the people are afraid to assert their positions. We are afraid to say - "You will get none of our money unless you man your boats with our countrymen, and carry out your contract on the lines we indicate." I hope honorable senators will be true to their pledges, and that when they come to clause 63, which relates to the provision of lockers on board ship, they will add something to it to compel the skipper to man his ship with our fellow countrymen, or at least with people whose skins are as white as our own. I think I have expressed my opinion on that question quite fully. Clause 150, which has been dealt with during the debate, gives the Postmaster-General power to deal with certain offences. It is a clause that I do not thoroughly understand. It refers to offences other than indictable offences. Indictable offences! If I were certain that evenhanded justice would be meted out I would agree with Senator Glassey, and several other honorable senators, that it was right to leave it in the hands of the Postmaster-General and his subordinates. But I have in my recollection offences of this description, and even offences, that might be classed as indictable, that have been committed in certain Postal departments. For the reason, however, that the offenders were sons of Members of Parliament, or could bring strong influence to bear on their behalf in connexion with the Postal department, they got off, and nothing was heard about the affair - save in a private way. If I were sure that the son of a poor widow, or that the poor orphan who had neither father or mother to guide him, and who had committed a trifling offence of the same description, would be treated in the same way, then I would say by all means give this power. Unless, however, there is some one to appeal to outside the Postal department in case of an injustice - it may be a private appeal either to the Cabinet itself or to any member of the Ministry, or to a committee of two or three, or even to some official in connexion with the Public Service Board - to allow any officer in any single department to have the sole power of dealing with offences of this description might give rise to temptation. An officer might be induced, from undue influence, to favour one offender more than another. I have given my objections to some of the clauses, and have indicated the directions in which I hope, with the assistance of other honorable senators, to attempt to amend them. I know from the feeling that exists in the Senate that all attempt will be made to bring an Act into existence that will be in the best interests of every State in the Commonwealth, and in the best interests of the Commonwealth itself, and I know when the measure gets into committee it will be treated as it ought to be, with every consideration.

Senator DOBSON

- I trust the question will be put within the next five minutes. I do not intend to occupy more than that time. It appears to have escaped the attention of senators that this is essentially a Bill for the committee. I do not think that it is a measure for long second reading speeches. Having listened to the arguments of honorable senators, I would say, however, that there has been no waste of time ; but the whole of these arguments will come up again when each particular section is before the committee. Our honorable friend Senator McGregor, with his usual sterling common sense, has, as a layman, really acted as lawyer to the Senate in regard to clauses 16 and 17, which some senators at the first glance imagined to be ultra vires, and which they thought this Parliament had no power to enact. The whole of the authorities bearing on the point are collected in the case of McCulloch v. the State of Maryland. I will read two or three clauses from the judgment, which will enable senators to gain some information upon the way in which the consideration of our powers would be dealt with by the High Court. The judgment says - The Government which has a right to do an Act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means ; and those who contend, that it may not select any appropriate means, that one particular mode of effecting the object is excepted, take

upon themselves the burden of establishing that exception.

In another clause it says -

This great principle is that the constitution and the laws made in pursuance thereof are supreme ; that they control the constitution and laws of the respective States, and cannot be controlled, by them. From this, which may be almost termed an axiom, other propositions are deduced as corollaries, on the truth or error of which, and on their application to this case, the cause has been supposed to depend. These are -
-1. That a power to create implies a power to preserve. 2. That a power to destroy, if wielded by a different hand, is hostile to, and incompatible with these powers to create and to preserve. 3. That where this repugnancy exists, that authority which is supreme must control, not yield, to that over which it is supreme.

It is further stated in this judgment -

The court has bestowed on this subject its most deliberate consideration. The result is a conviction that the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by congress to carry into execution the powers vested in the general government. This is, we think, the unavoidable consequence of that supremacy which the constitution has declared.

Senator Harney

- What was the question there 1

Senator DOBSON

- It was in regard to the State of Maryland taxing the United States Bank.

Senator Keating

- That is quite a different affair.

Senator DOBSON

- It is not much in point, but the clauses I have read are in point. It is impossible to suppose that we are in such a fix that the Post and Telegraph departments of the whole of the States having been transferred to the Commonwealth, we cannot compel the States to carry our mails over their railways, which practically is the only way of carrying them. If the Governments of New South Wales and South Australia, for example, were to say - " We do not care for your Act - we will not carry your mails between Melbourne and Sydney 'or Melbourne and Adelaide" does any one suppose that the High- Court would not follow the decision laid down in this case, and say that the States, having given over the entire control of the Postal department to the Commonwealth, were not bound to carry our mails ?

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Postmaster-General

Senator DRAKE

. - In reply, I would like to acknowledge the very generous nature of the criticism which has been given on this Bill. I have made a note of the suggestions that have been put forward, and in committee I shall be able to meet them, or give effect to them. I had thought of referring to arguments that have been used in regard to some of the principal matters connected with the Bill, but if it is the desire of the Senate to go into committee at once I will postpone my remarks until we reach that stage.

There is only one point that has been made to which I should like to reply, perhaps, at this stage, because I may not have an opportunity afterwards. I refer to the objection made by Senator Pulsford to the effect that there was no necessity for the transfer of the departments to the Commonwealth on the 1st March. The necessity is shown in this fact that if the transfer had not taken place then, there would not have been any Postmaster -General. The honorable senator does not consider that the departments should have been transferred between the 1st March and now, and therefore I presume he holds the opinion that the transfer would be premature even at this time.

Senator Pulsford

- Hear, hear.

Senator DRAKE

- It was necessary to make the transfer, in order to enable a Minister to be charged with the administration of the department, and to formulate a Bill and prepare his Estimates. These last three months have been months of great educational value, and certainly if the departments had not been transferred on the 1st March, there would have been no possibility of a Bill being presented to Parliament at this period. I thank

honorable senators generally for the very kindly way in which they have treated the Bill, and I hope that, working together in committee, we shall be able to make it a really good measure.

Question resolved in the affirmative.

Bill read a second time.

Question - "That the President do now leave the chair, and the House resolve itself into a committee of the whole for the consideration of this Bill - put.

Senator DRAKE

(Queensland - Postmaster-General). - As we are in the peculiar position of not having yet appointed a Chairman of Committees, and as you, sir, cannot act as chairman, I move -

That the question be amended by the addition of the words "and that Senator Best be appointed Chairman of the Committee for this sitting.

Senator HARNEY

(Western Australia). - A difficulty occurs to me, sir. AVE are now conducting our proceedings under the South Australian standing orders, which apparently contemplate that we should have a regular Chairman, of Committees. We have not got a chairman, and the difficulty is sought to be met by an amendment:

Standing Order 287 says -

Amendments may be moved to the question for the Speaker to leave the chair, by leaving out all the words after "that" in order to add the words "this House will on this day three months (or six months, or other time) resolve itself into committee on this Bill."

That seems to me to imply that no other amendment is possible to the motion referred to in the standing order, and that therefore the Postmaster-General is out of order in proposing his amendment. I do not raise this difficulty to embarrass him, but for this reason, that if we are to carry on our business under the South Australian standing orders at present, it is necessary for us to have a permanent Chairman of Committees. If we have not, the difficulty I now suggest will arise on every occasion when the Senate has to go into committee. And if it is impossible to get out of the absence of a permanent chairman - and I do not think it is - in any other way than that suggested by Senator Drake, and if that way is not in order, it is impossible for us to conduct our business without first appointing a Chairman of Committees.

Senator DRAKE

(Queensland - Postmaster-General). - Before you rule on that point, sir, may I point out that Standing Order 287 only refers to Standing Order 286. The difference between Standing Order 286 and Standing Order 285 is a very important one. In Standing Order 285 the motion is put from the Chair, but is not moved by any one.

The PRESIDENT

- "The Speaker shall put the question."

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Senator DRAKE

- "The Speaker shall put the question " so that it has not to be moved by any honorable senator. Standing Order 286 deals, as the side note shows, with how Bills are committed after report from select committee. When a Bill has been referred to a select committee and reported after the second reading, notice may be given for the committal of the Bill ; and when it is moved, the Speaker shall put the question, "That the Speaker do now leave the chair, and the House resolve itself into a committee of the whole for the consideration of this Bill," which, being resolved in the affirmative, the House shall resolve itself into a committee of the whole House on the Bill ; but where the committee has reported progress, the Speaker shall leave the chair without putting any question.

I submit, therefore, that Standing Order 287 refers to Standing Order 286. After that motion has been made by an honorable senator, then Standing Order 287 prescribes the way in which an amendment to it may be moved.

Senator DAWSON

- Standing Order 287 is a motion of censure.

Senator Harney

- Standing Order 287 refers to the question, no matter whether it is put by the Speaker or by any one else ; it draws no distinction.

Senator DRAKE

- I think it does.

Senator Harney

- According to the English language it does not.

Senator DRAKE

- That may be the opinion of the honorable and learned senator.

Senator Harney

- I beg pardon.

Senator DRAKE

- But it is not at all clear to me that that refers to Standing Order 285. There is that very great difference that Standing Order 286 deals with a case after the Bill has been referred to a select committee, and there in that case a motion has to be moved and is put from the chair, and Standing Order 287, I submit, refers back to Standing Order 286, but not to Standing Order 285.

Senator Harney

- To the question, no matter who puts it.

Senator DRAKE

- To the question, but that refers to Standing Order 286, or it immediately follows 286.

Senator Harney

- It qualifies all the preceding matter.

Senator DRAKE

- I submit not ; Standing Order 285 deals with the reference of a Bill to a select committee, after its second reading, and it is obligatory on the Speaker to put that question, and it is not moved. I submit that in this case, seeing that no chairman has been appointed, it is quite competent to add these words to the motion.

Senator Sir JOSIAH SYMON

- It seems to me that the Postmaster-General is perfectly in order in moving this amendment, because first of all Standing Order 378 provides that -

A member shall be appointed Chairman of Committees of the whole House, and when so appointed should continue to act as such chairman during the continuance of the House, unless the House shall otherwise direct.

Senator Playford

- It may otherwise direct at any time.

Senator Sir JOSIAH SYMON

- That is so. It is perfectly competent for a Chairman of Committees to be appointed at this sitting temporarily, or until some other time has arrived, or for a shorter or longer duration.

Senator DAWSON

- What about the precedent 1

Senator Sir JOSIAH SYMON

- It must be remembered that the standing orders which we are now proceeding under are only adopted temporarily - until standing orders are adopted by the Senate on the consideration of the report which may be brought up from the Standing Orders Committee. Therefore it seems to me - and I am sure that Senator Harney will see that it would be altogether out of place, and improper for us to attempt, under a temporary set of standing orders, to appoint a permanent Chairman of Committees, when, if the permanent standing orders are adopted, any provision for the appointment of a Chairman of Committees may be omitted. Therefore the only course, if we are to proceed with business at all, is to adopt some such course as that which the Minister has suggested to the Senate.

Senator Harney

- It is not possible.

Senator Sir JOSIAH SYMON

- It narrows itself down to an extremely fine technical point as to whether-

Senator Sir John Downer

- Whether we suspend the standing orders ; but it is not necessary.

Senator Sir JOSIAH SYMON

- Whether we suspend the standing orders, or whether the Minister should have given notice yesterday to

appoint a Chairman of Committees temporarily, until the report of the Standing Orders Committee is brought up, in order to determine what shall be our permanent standing orders. Of course, sir, it is for you to determine, so far as the mere technical irregularity is concerned.

Senator Drake

- We did not adopt these standing orders until after the time necessary to give notice had expired. I gave informal notice.

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Senator Sir JOSIAH SYMON

- Of course we are all anxious to get on with business. What is pointed out is that, by virtue of Standing Order 287, no other amendment on the question may be moved. It does not say that at all. It provides a means by which one can defeat a Bill, that is all. It is within a set of standing orders which provide for the disposal of a Bill which comes before the Senate. One may either move that the Bill be read a second time this day three months or this day six months, or if one does not do that then, on a motion to go into committee on the Bill, one may move that the House go into committee this day three months or this day six months, but it is not exhaustive of the amendments which can be moved on a motion of this kind - at least I should think not. I know of no authority for it.

Senator Harney

- What is the necessity for mentioning that at all if it was not to be exhaustive 1

Senator Sir JOSIAH SYMON

- In the same way as it is mentioned .that, on the Order of the day for the second reading of a Bill, one may move amendments that it be read a second time this day three months or this day six months ; but one can move Other amendments as well - it is not exhaustive.

The PRESIDENT

- The standing order says so specially.

Senator Sir JOSIAH SYMON

- Then in Standing Order 378 there is a provision that a member shall be appointed Chairman of Committees of the whole House, and it provides that it may be for a longer or shorter period. Of course if the Minister has to give notice he must give notice, but I venture to submit that he is perfectly in order in moving it as an amendment on the question to go into committee of the whole on the Bill, otherwise I submit that the President will have to take the chair.

Senator Sir JOHN DOWNER

- As one who is not altogether unacquainted with these standing orders, I would like to call your attention, sir, to the previous standing orders. Standing Orders 282, 283, and 284 are quite conclusive on the question, because there identically the same provisions relates to the second reading of a Bill. Can any one contend that there can be no debate on a second reading ?

Senator DAWSON

- This is not a question of reading a Bill a second time.

Senator Sir JOHN DOWNER

- If my honorable friend would allow me very humbly to assist him on a subject I am more conversant with than he is, I should be glad. Standing orders 282, 283, and 284 refer to second readings ; standing orders 285, 286, and subsequent ones refer to committal and subsequent considerations. Identically the same words are used with respect to the second reading of a Bill, as have been referred to by Senator Harney, with reference to the proceedings on the motion to go into committee - 282. On the older of the day being read for the second reading of a Bill, the question shall be put " That this Bill be now read a second time." Is there no debate on it 1 On the motion for the second reading of the Bill, is there to be no debate? And is there to be no debate because of this 1 283. Amendments may be moved to such question by leaving out " now" and adding " this day three months," "six months," or any other time, or the question may be negatived, or the previous question moved. 284. No other amendment may be moved to such question, unless the same be strictly relevant to the Bill.

It is absolutely conclusive. If this argument which has been raised has any effect at all, then it equally applies to the second reading of a Bill, and there can be no discussion except on a limited class of amendments which have been moved here. Besides- as. a matter of practice within your knowledge, sir, we have frequently put a chairman in the chair temporarily.

Senator Sir Josiah Symon

- It is only quite lately that we have adopted the practice of appointing a chairman.

The PRESIDENT

- There is no doubt whatever that Standing Orders 285, 286, and 287 are based on the supposition that the Senate has acted under Standing Order 378, and appointed a Chairman of Committees.

Senator Sir John Downer

- Probably.

The PRESIDENT

- That is the supposition which underlies those three standing orders. I am inclined to think that Senator Harney is correct. At the same time, I am going to put the amendment. I feel that the Senate wishes to get on with business, and I am not going to allow a technicality to stand in the way when we have only temporary standing orders.

Senator FRASER

- That is common sense.

The PRESIDENT

- I do not follow the reasoning of Senator Sir John Downer in reference to amendments to the second reading of a Bill, because Standing Orders 283 and 284 set out what amendments can be moved on the second reading of a Bill. Still, unless the Senate otherwise directs, I shall put the amendment.

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Senator Harney

- May I ask, sir, does your ruling stand during the continuance of these standing orders, or is it narrowed down to this particular occasion ?

The PRESIDENT

- It is narrowed down to this particular occasion. I only give a ruling as the occasion arises.

Senator Sir Josiah Symon

- May I suggest through you, sir, to Senator Drake that if he altered his motion so as to make it apply until a Chairman of Committees is formally appointed it would save any renewal of the discussion from day to day.

Senator Major Gould

- I shall object to an amendment of that kind.

Senator Drake

- I am under a pledge to only move it for this sitting. I might do it to-morrow.

Senator DAWSON

(Queensland).- While entirely agreeing with you, sir, that strictness should not operate to our disadvantage in carrying on the conduct of public business, at the same time I think there is a very grave question to be considered by honorable senators in accepting this amendment. As a Senate, we have not yet decided whether we shall have a Chairman of Committees ; and I think until we decide that question we ought to be particularly careful about appointing a temporary chairman, whether it is for one hour or for twelve hours, for one sitting or for twelve sittings.

The PRESIDENT

- Honorable senators will see that our standing orders declare that a Bill must go into committee, and that there must be a Chairman of Committees.

Senator DAWSON

- Must go into committee at the one sitting?

The PRESIDENT

- It must go into committee at some time or other.

Senator DAWSON

- Yes ; but that is quite another question. Senator Drake is asking for two things ; first, to get the opportunity of appointing a Chairman of Committees, which the Senate has not agreed to yet ; and the other is to go into committee on a Bill immediately after the second reading, without asking leave of the Senate.

Senator Drake

- It is according to the standing orders; it is different from our practice.

The PRESIDENT

- I shall read the standing orders.

After the second reading, unless it be moved that " this Bill be referred to a select committee" - that has not been moved - the Speaker- that is, the President - shall put the question "that the Speaker do now leave the chair, and the House resolve itself into a committee of the whole for the consideration of this Bill."

That motion has to be put in pursuance of the standing order. While I have grave doubts as to whether the amendment is technically correct, still I am putting it, because I think it will be conducive to the conduct of the business of the Senate.

Senator HIGGS

- I do not agree with those who consider that we should appoint a Chairman of Committees, at any rate at this stage of our history.

Senator Walker

- For one night.

Senator HIGGS

- Undoubtedly, as Senator Dawson said, we are creating a precedent which will give those who believe in the appointment of a Chairman of Committees a considerable vantage ground. I am of opinion that, after this year, in all probability, the Senate will not have a very great deal to do. I do not think we should indulge in the expenditure which will be created by the appointment of a Chairman of Committees until we see that it will be absolutely necessary.

Senator Glassey

- What do you base that upon 1 Do you think there will be no work after this year?

Senator HIGGS

- I do not say that, but I do say that we shall not have very much to do. The Senate is only meeting three days a week, and after we get out of the way certain important measures, such as the Tariff, the Post and Telegraph Bill, the Arbitration and Conciliation Bill, Old age Pensions, and a Banking Law, I do not think we shall have Very much to do.. We may sit for only three months in the year.

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The PRESIDENT

- Will the honorable senator take his seat ! I would point out to the Senate that this is not a question of the appointment of a Chairman of Committees. We have got a standing order which provides that Bills shall be referred to a committee of the whole. If they are referred to a committee somebody must be chairman. I understood myself not that there was to be a Chairman of Committees appointed, but that somebody was to temporarily take the chair. That must be so, but who the individual shall be is another question.

Senator HIGGS

- I beg to move as a further amendment -

That the words ' ' Senator Best " be left out with a view to the insertion, in lieu thereof, of the words, " the President."

There may be some other honorable member of the Senate who desires to become Chairman of Committees, and I think he should not be disadvantaged by the Senate appointing any one now.

Senator Drake

-For one sitting.

Senator HIGGS

- I am sure senators will agree that if a particular senator is put in the position of chairman to-night it certainly does give him an advantage over all other candidates who may be proposed later on.

Senator Stewart

- It might be a disadvantage to him. It might show his incapacity.

Senator HIGGS

- It certainly might, but we do not anticipate that.

Senator Harney

- The President cannot leave his place and take the chair.

Senator Keating

- That is the practice in South Australia.

Senator HIGGS

- I understand from honorable senators who come from South Australia that for years the President has done double duty in this respect, and so far as the rules are concerned, they do not bind us. We are not compelled to appoint a chairman. We may appoint one, and if it would not be asking too much of you, sir, I think you should take the position of Chairman of ' Committees temporarily, in order that we may have time to consider whether it is really necessary for the Senate to make a permanent appointment.

Senator Harney

- That is not the question now.

Senator HIGGS

- No. But honorable senators surely will see that this Senate is about to commit itself to what may be an unnecessary expenditure.

Question - That the words proposed to be left out stand part of the proposed amendment - put. The Senate divided.

14

AYES

14

NOES

AYES

NOES

The PRESIDENT

- The numbers being equal, the motion is therefore passed in the negative, and the words are struck out.

Question so resolved in the negative.

Senator Gould

-I presume I can move an amendment now.

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The PRESIDENT

- The House must first of all divide on the question that the words proposed to be inserted.

Question - That the words "the President " proposed to be inserted, be so inserted - put. The Senate divided.

0

AYES

0

NOES

AYES

NOES

Question so resolved in the negative.

Amendment (by Senator Major Gould) agreed to -

That the blank be filled by the insertion of the name " Senator Dobson."

Amendment (by Senator Sir Josiah Symon) proposed - ;

That the words " for this sitting " be omitted, with a view to the insertion of the words " temporarily until permanent standing orders are adopted by the Senate on the. report of the committee appointed' to prepare the same. "

Senator HIGGS

(Queensland). - I think it will be far better for the Senate to decide at a very early date whether we are to have a Chairman of Committees or not. Let a motion be given notice of to deal with the matter early next week. If this motion is carried it means that

Senator

Dobson will have to occupy the chair for at least one month..

Senator Playford

- That is not long.

Senator HIGGS

- Or, perhaps longer. The Standing Orders Committee will not be able to meet more than once a week, and I imagine that it will be some weeks before we are able to present to this Senate a report on the

standing orders. I think it would be far better for the Senate to decide whether it is proposed to have a Chairman of Committees and to issue instructions to the Standing Orders Committee. .

The PRESIDENT

- That is hardly relevant to the question we are now discussing. "We are discussing a particular amendment as to who shall act temporarily.

Amendment - that the words proposed to be omitted be omitted - agreed to.

The PRESIDENT

- The question now is that the words proposed to be inserted be inserted.

Senator DOBSON

(Tasmania). - As I am slightly interested, inasmuch as I am taken from the floor of the Senate to be put in the chair, a position which I do not desire to occupy, might I suggest that the remarks of

Senator Higgs

are very much to the point. I think the Standing Orders Committee have been restrained in making an interim report in reference to the appointment of Chairman of Committees, because of an understanding, or a promise made or implied, that we should appoint no permanent chairman until the permanent report had been brought up. We sat for two hours today and we find that we can only meet once a week if the Senate sits on Friday mornings, so that it may be a month or six weeks before the report on the standing orders can be brought up. As I have no wish to occupy the chair for more than a night or two, I should like to know whether we can get instructions from the Senate that, the Standing Orders Committee shall bring up an interim report. I understand that the committee is in favour by a majority of five to one of appointing a permanent Chairman of Committees, and if this instruction is given, we can settle the question to-morrow.

Senator Sir Josiah Symon

- The honorable and learned member ought not to disclose that now.

Senator DOBSON

- I may be a little bit out of order, but as I am interested and may be compelled to sit in the chair for six weeks, think I should mention it.

Senator PLAYFORD

- According to the practice of the South Australian House, where these standing orders have been in force for many years, the Chairman of Committees always has the right to ask some other honorable member to take his place, temporarily, at any time he likes. So far as the Chairman is concerned there will be plenty of honorable senators prepared to assist him.

The PRESIDENT

- The amendment has now taken this form -

And that Senator Dobson do take the chair on this Bill temporarily, until permanent standing orders are adopted by the Senate on the report of the committee appointed to prepare the same.

Senator Sir Josiah Symon

- The words " on this Bill " ought to come out.

The PRESIDENT

- We cannot go back. We must have finality. I will put the question.

Question - That the words proposed to be inserted be inserted - resolved in the affirmative.

The PRESIDENT

- I will now put the whole motion -

That the President do now leave the chair, and the Senate resolve itself into a committee of the whole for the consideration of this Bill, and that Senator Dobson do take the chair on this Bill temporarily, until permanent standing orders are adopted by the Senate, on the report of the committee appointed to prepare the same.

Senator DAWSON

(Queensland). - I beg to move, by way of amendment - -

The PRESIDENT

- The honorable member cannot move an amendment, except it be an addition.

Senator DAWSON

- I want to move an omission.

The PRESIDENT

- The honorable senator cannot do that.

Senator DAWSON

- I wish to move -

That the President do not leave the chair.

The PRESIDENT

- The honorable senator cannot do that now. It is too late. The Senate can negative the motion if it chooses.

Senator DAWSON

- Very well, we will negative the motion.

Senator Sir JOSIAH

SYMON (South Australia). - I think that the grammatical credit of the Senate requires that some additional words should be added to the motion. I therefore move -

That the following words be added, at the end of the motion - "and on every occasion when the Senate resolves itself into a committee of the whole."

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The PRESIDENT

- That would be . contradictory of what we have already done.

Senator Major Gould

- Has not the honorable and learned senator already spoken ?

Senator Sir JOSIAH SYMON

- This is a new amendment. I move the addition of these words, and I do not think they are contradictory.

Senator Sir Frederick Sargood

- That would be for all time.

Senator Sir JOSIAH SYMON

- No. Only until the permanent standing orders are adopted, which gives us the whole position. The amendment is not in the grammatical order it would have been in if. the words " on this Bill " had been left out ; but it carries out the same effect.

Senator HARNEY

(Queensland). - I rise to a point of order. Is the honorable and learned senator in order in moving an amendment that is a direct contradiction of what has already been carried ?

The PRESIDENT

- Certainly not; if the amendment is a direct contradiction.

Senator HARNEY

- The motion that has been carried is only in relation to this Bill. The new words provide that the Chairman shall occupy the chair for a period longer than the time which the consideration of this Bill will require.

According to the words used by the honorable and learned senator, I think the amendment is out of order.

The PRESIDENT

- I am waiting for the honorable and learned senator to put his amendment into writing before I decide.

Senator Sir JOSIAH SYMON

- I will hand in my amendment in writing.

The PRESIDENT

- The amendment proposed by Senator Sir Josiah Symon is to add to the motion which has now become the substantive motion, the words - and on every occasion when the Senate resolves itself into a committee of the whole.

The question I am asked is whether that is contradictory.

Senator Drake

- How will the motion read if the amendment is carried ?

The PRESIDENT

- In this way-

That the President do now leave the chair; that the Senate resolve itself into a committee of the whole for the consideration of this Bill, and that Senator Dobson do take the chair on this Bill temporarily until the permanent standing orders are adopted for the Senate on the report of the Standing Orders Committee,

and on every occasion when the Senate resolves into committee of the whole.

I do not think I can put the amendment, for this reason. The motion as amended relates to this Bill, and I do not think that we can extend it so as to provide for the appointment of a member of the Senate to take the chair on other Bills.

Senator Sir Josiah Symon

- In order to have the matter fully discussed, I respectfully except to your ruling, Mr. President.

The PRESIDENT

- If the honorable senator accepts my ruling I will put the motion.

Question as amended resolved in the affirmative.

In Committee :

Clause 1 -

This Act may be cited as the Post and Telegraph Act 1901, and shall commence on the day of One thousand nine hundred and one.

Postmaster-General

Senator DRAKE

. - May I be permitted to congratulate you, Senator Dobson, on the high position to which you have been appointed. I hope you will not be kept there any longer than you desire ; but at the same time I am sure that, while you occupy that position, you will discharge the duties appertaining to it very efficiently. I hardly think the Senate will be in the position at this late hour to commence a discussion on the Bill in detail. We have had some little trouble in getting a chairman, and now that we have obtained one I think it will be advisable not to proceed any further with the discussion of the Bill in detail to-night.

Senator Playford

- Surely we can pass clause 1.

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Senator DRAKE

- Very well; if the Senate desires it. The first clause requires that blanks shall be filled up providing for the date on which the Act shall come into operation. I left those blanks because I was doubtful how long it would take to get the Bill passed by Parliament. I am in hopes that it will go through the other Chamber pretty quickly, and I think it is possible that it will be brought into operation on the 1st October next. That will be exactly six months after the transfer of the department. My inclination at one time was to make it commence from the 1st January next, but I think it is desirable that we should get it into operation as soon as we can. We shall require, of course, a small margin to enable the necessary preparations to be made.

I move -

That after the word "the" (line 3), the word "first" be inserted, and that after the word "of," (line 3), the word " October" be inserted.

Amendments agreed to.

Clause as amended agreed to.

Clause 2 -

The State Acts specified in the first schedule to this Act are repealed to the extent in the said schedule indicated. But the regulations fees rates and dues in force under any of the State Acts hereby repealed in any State shall as regards that State continue in force as if made or fixed under this Act until revoked by the Governor- General.

Senator DRAKE

- There will be a considerable amount of discussion upon this clause. I have no objection if the Senate desires to go on for a little time, but I hope we will not sit late. I am not speaking on my own account at all, because I have some other business to attend to after the House rises. I do not ask for any concession for myself, but perhaps it may be profitable, as there are some honorable senators who desire to have a discussion upon this clause, for us to go on for a quarter of an hour or so. I do not think we can possibly settle the clause this evening, because it is upon this clause that the question of the power of fixing rates should be discussed, seeing that it refers to the Governor-General, who has the power to fix them. I would just like to say as a guide to members that it is a mistake to suppose that the Postmaster-General is desirous of getting a large amount of power into his hands. He recognises that additional powers always bring additional responsibilities. I would ask honorable senators not to take the view that some

seem to have taken during the discussion, that the Postmaster-General is exceedingly desirous of getting all sorts of powers, a sort of insinuation being made that he wants to get these powers in order to use them tyrannically. Those who use these arguments present all the advantages that the adoption of their view would bring about. It is the natural infirmity of all minds that they do not lay any stress upon the disadvantages, but I always try to present the disadvantages as well as the advantages. Honorable senators who object to the clause may see that even from their point of view there may be some disadvantage in taking this power of fixing rates out of the hands of the Governor-General. The practice has been different in the different States. In Victoria, for instance, the rates have been fixed by Act of Parliament, with the result that they cannot be altered except by Act of Parliament. In other States the rates can be altered by the Governor in Council. In Queensland they are fixed by schedule, and cannot be altered except by Act of Parliament. Some honorable senators, on looking at the matter from the point of view of the Postmaster-General, who is trying to get a lot of power into his hands in order that he may exercise it tyrannically, may not see the disadvantages that may result from adopting a too rigid method of fixing the rates, by putting them into a schedule in an Act of Parliament. However, I really think, Mr. Dobson, that this discussion should be postponed. I can plainly see the Senate does not wish to listen to me at this late hour. I will be able when the matter comes before us again to go fully into the question, and to show the advantages and disadvantages of adopting the system proposed. All wish to say in regard to this is that I have selected a plan which I think, on the whole, will give the best results.

Progress reported.

SERVICE AND EXECUTION OF PROCESS BILL

Resolved

(on motion by

Senator Drake,

Queensland - Postmaster-General) -

That he have leave to introduce a Bill for an Act to provide for the service and execution throughout the Commonwealth of the civil and criminal process, and the judgments of the courts of the States and other parts of the Commonwealth, and for other purposes connected therewith.

Bill presented and read a first time.

Senator Sir Frederick Sargood

- May I ask when the Bill will be circulated ?

Senator DRAKE

- I shall get the Bill printed at once and endeavour to get it circulated to-morrow ; if not then, at all events before Wednesday.

STATE LAWS AND RECORDS RECOGNITION BILL

Resolved

(on motion by

Senator Drake,

Queensland - Postmaster-General) -

That he have leave to introduce a Bill for an Act to provide for the recognition throughout the Commonwealth of the laws, the public acts and records, and the judicial proceedings of the States.

Bill presented and read a first time.

ADJOURNMENT

Chairman of Committees

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Motion (by Senator DRAKE) proposed -

That the Senate do now adjourn.

Senator HIGGS

- Would you allow me, sir, to ask the Minister whether, in view of the motion which was carried to-night as to the appointment of Senator Dobson, he will consider the advisability of having settled at an early date the question whether we are to have a Chairman of Committees or not, and that he may do that by giving notice of motion at an early date?

Senator DRAKE (Queensland - Postmaster-General). - With the permission of the Senate I may be

permitted to say that we are waiting for the report of the Standing Orders Committee. I have no doubt that they are attending to the work which they have been deputed to do, and that we shall have their report in due time.

Senator Sir JOSIAH SYMON (South Australia). - I would like to ask, sir, as reference has been made to it, what was the motion which was carried in reference to Senator Dobson? I ask that the Clerk shall read it.

The PRESIDENT

- I may point out that all this is quite irregular.

Senator Sir John Downer. - Quite ; there can be no discussion on the motion for adjournment.

Senator Sir JOSIAH SYMON

- It is only fair that we should know. It has not been read.

The PRESIDENT

- I read it three times.

Senator Harney

- It was drafted by the honorable and learned member himself.

The PRESIDENT

-I think so. The whole of this is irregular. The question is that the Senate do now adjourn.

Question resolved in the affirmative.

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21:35:00

Senate adjourned at 9.35 p.m.