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1901-08-30
House ofRepresentatives.
The Speaker took the chair at 10 o'clock a.m., and read prayers. .
PROPERTY PURCHASED BY COMMONWEALTH
Ordered(on motion by Mr. E. Solomon) - That there be laid before this House a return showing -
The cost of all freehold property purchased by the Commonwealth from each State to date, and where located. 2.the detailed estimated cost to the Common wealth of all properties to betaken over from the various States.
TRANSMISSION OF ENGLISH MAILS
Ordered(on motion by Mr. A. McLean, for Sir Malcolm McEacharn) -
That a return be prepared, and laid before this House, showing the average time occupied in transmission of mails from London to Sydney during the last six months, as compared with the lame occupied during the last six months that the mail steamers were calling at Albany.
SERGEANT INSTRUCTORS, QUEENSLAND
Ordered(on motion by Mr. Wilkinson) - That there be laid before this House a return showing : -
The names of Sergeant Instructors on the staff of the Queensland Defence Force on the 1st March and 1st August, 1901, respectively: 2.Date of appointment of each.
Rank in Imperial Army or Queensland
Defence Force on date of appointment.
Present rank.
Service in Imperial Army or Queensland Defence Force, or both, prior to date of appointment.
Annual salary and allowances for rent, fuel, and light.
OFFICERS OF PERMANENT DEFENCE FORCES
Sir LANGDON BONYTHON
- On behalf of the honorable member for South Australia, Mr. Glynn, I move -
That there be laid before this House a return showing, in the case of each officer in the Permanent Defence Forces -
His corps and rank.
The date on which he joined his corps, his then rank, and rate of pay.
The record of his promotions, the number of years served in each rank, and his present rank and rate of pay.
I may say that the motion as it now stands on the paper does not correspond with the form in which it appeared in the first instance. At the suggestion of the Prime Minister I consented to an amendment, because I was told that the information, as sought for at first, would have involved much cost and considerable delay.
Question resolved in the affirmative.
DISTILLATION BILL
In Committee(consideration resumed from29th August, vide page 4342) ;
Clause 66 (Power to search vehicles).
Mr KENNEDY
- There appears to be something unusual in the power given, in this clause, to any officer, on reasonable suspicion, to stop and search any vehicle Or boat. I would ask the Minister whether it is customary to give an officer such power without requiring him to produce any authority?
Minister for Trade and Customs
Mr KINGSTON
- The clause confers the usual power, and the House has ' already provided for similar action being taken under the Customs Act.
Clause agreed to.
Clause 72 -
The following are forfeited to the King : - (vii.) All wort or wash in a distillery the gravity of which cannot be correctly ascertained by the prescribed saccharometer.
<page>4372</page>

Mr MAUGER
- I have been requested by a number of persons interested to represent that it has been the custom in Great Britain and other countries to use fine wine in connexion with the manufacture of whisky, and to urge that every facility should be offered to our local distillers for obtaining such wine upon similarly advantageous terms to those granted to foreign distillers.
Mr KINGSTON
- I will look into the matter, but it does not seem to me just at present that any amendment is required.
Sir LANGDON BONYTHON
- I move - .
That the word "correctly," paragraph (7), be omitted, with a view to insert in lieu thereof the word " approximately."
I propose this amendment owing to representations made by those who are interested in the matter in South Australia, and because it seems to me that the suggested amendment is a reasonable one.
Mr KINGSTON
- I am afraid I cannot consent to the amendment proposed. It is highly undesirable that the distiller should be allowed to do anything to prevent the application of the saccharometer test, but if we amended the clause in the way suggested, I do not know where we should be. I would ask the honorable member not to press his amendment just now, on the understanding that I will consider the matter, and that, if I can possibly take his view I will do so, and amend the clause accordingly.
Sir LANGDON BONYTHON
- Since the Minister puts the matter in that way, I have no alternative but to accept what he says and to withdraw the amendment.
Amendment, by leave, withdrawn.
Clause agreed to.
Clause 75 (Sale of wine or spirits unlawfully dealt with).
Sir LANGDONBONYTHON (South Australia). - I have an amendment to propose in this clause. It consists in the insertion of the words "except sweetened gin " at the end of the first paragraph, which provides that no person shall sell spirits of a less strength than 25 degrees under proof.
Mr KINGSTON
- We have decided, so far as distillers are concerned, that no exception shall be made, but, as this clause has a wider application, I will consider the matter, and in the meantime ask that the clause may be postponed.
Clause postponed.
Clause 81 -
The Minister may make regulations for prescribing all matters which by this Act are required or permitted to be prescribed, -or which may be necessary or convenient to be prescribed for giving effect to this Act.
Mr KENNEDY
- I would point out that in connexion with the agricultural and viticultural colleges carried on in the several States at the present time stills are used for purely educational purposes, and I would ask the Minister to make such regulations as would permit of the continued use of these stills, which are under efficient control.
Mr Kingston
- I shall be very happy to look into the matter. In accordance, with promise, I move -
That the words "not inconsistent with this Act " be inserted after the word " regulations," line 1.
Amendment agreed to.
Clause, as amended, agreed to.
Clause 82 (Regulations to be confirmed).
Mr McCOLL
- This clause provides that regulations made by the Minister shall, after confirmation by the Governor-General, be laid before both Houses of Parliament- within 30 days after publication, but that either House of Parliament may, within fifteen days, pass a resolution disallowing any regulation. This seems to me to be a procedure that has very little to commend it, because, supposing that any honorable member should object to any of these regulations within the fifteen days allowed, what opportunity is he

likely to have of getting a resolution on the subject passed ? Something more should be done in the case of an important industry like this to enable Parliament to be properly seised of the effect of these regulations. Of course this Bill as regards the schedule is very full, but I think the Minister may be fairly asked to amend its provisions to insure that the regulations shall have the approval of Parliament. I have seen regulations enacted which were almostultra vires, and which carried out its provisions in a way that was quite different from the intention of the Legislature.

Mr KINGSTON

- I shall be happy to consider that matter. We settled the procedure to be adopted in connexion with the Customs Bill. We followed it in the Excise on Beer Bill, and here we have it repeated in the same words. It is quite possible that it may be desirable some day to frame an Act dealing generally with regulations.

Clause agreed to.

<page>4373</page>

Mr KINGSTON

- Before moving to report progress, I wish to say that I find I have been misunderstood by some honorable members as to the meaning of clause 48. It was suggested, I found afterwards, that it prescribed the mode in which duty shall be levied." I wish to make it perfectly clear that it does nothing of the sort. It merely prescribes the mode in which the quantity of proof spirit is to be computed. It has not any bearing on the subject of either import or excise.

Mr. McCOLL(Echuca).- Before the Minister reports progress, I wish to ask him to give special consideration to the proposed amendments. The changes which will be made in the wine-making and distilling industry under this Bill are very great. Indeed, the measure will virtually preclude the possibility of a large number of people continuing to engage in that industry unless they are met in some way. This is a Federal Bill, and the manner in which the producer's interests are conserved will be taken as an indication of the policy of the Government and of this Parliament. There are many thousands who are keenly interested in this matter. The Minister must recognise that in embodying in this Bill the drastic conditions which it contains, and in taking away privileges which people have enjoyed for many years, he is bringing about a great change. I am not wedded to the system of the 'past. Indeed, I think that it needs alteration in many ways. But where privileges are taken away I trust that some effort will be made to meet those people who are directly affected.

Mr KINGSTON

- The Government have already given grave consideration to the matter suggested. They will give further consideration to it. The interval between this and the next sitting day 'will afford them another opportunity of so doing. I was glad to hear the honorable member admit that the system, as it has been administered in Victoria in relation to vignerons' licences, requires alteration, and is altogether too lax.' I consider that it will be very difficult to justify the extension of such a system to all the States. However, the Government are desirous of doing what ever is fair to the vignerons and just to the revenue. But the unnecessary multiplication of opportunities for defrauding the revenue cannot be justified. However, the best attention will be given to the interests both of the revenue and of the producer, and I hope to be able to arrange something which will be satisfactory to both.

Progress reported.

SERVICE AND EXECUTION OF PROCESS BILL

Debate resumed (from 1st August, vide page 3441) on motion by Mr. Barton -

That the Bill be now read a second time.

<page>4374</page>

Sir JOHN QUICK

- I moved the adjournment of the debate on the second reading of this Bill some time ago, not with a view of originating on the present occasion any prolonged discussion, because it appears to me that most of the details and principles of the measure are pretty well accepted, and that it is chiefly a matter for consideration in committee. I welcome this Bill as likely to give the people of the Commonwealth, one of the first practical fruits of Australian federation, inasmuch as it will largely assist in giving us a unified judicial system - a unified system for the purpose of service of civil and criminal processes throughout the States, and for the execution of judgments as well as the execution of other various processes known to the law. Hitherto a great deal of inconvenience has been felt in the enforcement,of judgments and of legal

proceedings Inter-State. Great technical difficulties have been experienced, and, to a large extent, we have had to rely upon Imperial legislation, especially in regard to the execution of criminal processes. Under this Bill, however, facilities will be given, not only for the recognition of, but for the enforcement of, judgments Interstate. This Bill might have been drawn upon different lines, and it might have provided that judgments should be executed Inter-State without the intervention of what is known as registration or the backing of warrants. It might have provided that a warrant issued, say, in Victoria, for the apprehension of a criminal should be enforceable in any part of the Commonwealth, without the intervention of or backing by a magistrate in the State where it is proposed that the warrant shall be executed. However, the backing process has been engrafted upon this Bill. Probably it was derived from the Fugitive Offenders Act, but certainly the process could have been made much simpler. There was no absolute necessity for retaining the backing process. A warrant might have been executed without the intervention of any local fiat. I do not say that the intervention of the backing process is objectionable, but the . Bill would have been much simpler without that process. I do not see what danger is to be apprehended from such a simplification. There is no danger of spurious warrants being issued by a magistrate. It could be provided that a warrant issued under the seal of one court should be enforceable throughout the Commonwealth without the necessity of its being sanctioned or authorized by the signature of a justice or Judge in the State where it is to be enforced. I am merely pointing out a method of procedure which might be adopted in time to come in the direction of simplification. In the same way under this Bill, before a judgment of the court which gives such judgment can be enforced in an adjoining State, it must be registered in that adjoining State on the same principle as the backing. But the process could have been much simpler by providing for its direct enforcement instead of for securing the intervention of local registration. There is no necessity for retaining the old process of registration. Under the old system, when there was reciprocity between the courts to secure the execution of judgments, it was necessary that there should be registration, and that there should be secured the intervention and sanction of the local court in which the judgment of a court in another State was to be enforced. Under the provisions of our Constitution, there is no necessity for the backing of warrants before execution, or for the registration of judgments before execution. I am simply directing attention to the powers which might have been exercised in this Bill in the direction of simplification and uniformity. With reference to the powers taken for the execution of warrants under clause 16, it has occurred to me that there is a rather serious deficiency. In other words, it does not meet a very important class of cases which it is desirable should be met, which it is intended should be met, and which the draftsman no doubt thought was met. Sub-clause (a) of clause 1 6 provides for the apprehension of any person -

Who is charged with any offence alleged to have been committed within such State or part, whether such offence is indictable or punishable upon summary conviction.

Provision is made for two cases - for the issue of a warrant in the one case, and for its execution in another. It has occurred to me that sub-clauses («) and (b) do not make provision for the arrest of absconding fathers and husbands. That is a very 13 f 2 important class of case. In Victoria, one of the grievances under which we have been labouring for many years is that a man may desert his wife and family, fly to Western Australia, (Queensland, or some other part of Australia, and there is no provision for his apprehension under the Fugitive Offenders Act. A great deal of difficulty has been occasioned in dealing with that class of offender.

Mr Watson

- Some of them have cheap railway fares.

Sir JOHN QUICK

-- In New South Wales and other States I believe provision is made to bring wife and child deserters within reach of the criminal law by making the offence a misdemeanour. A warrant may be issued for the arrest of a deserting father or husband, but the offence is not punishable by summary jurisdiction as a misdemeanour. Sub-clause (ft) deals with the case of a person who is charged with an offence alleged to have been committed. There may be a wrong for which a warrant may be issued in Victoria, but it is not an offence punishable by summary jurisdiction, nor is it a misdemeanour under which a warrant may be issued under the Fugitive Offenders Act. I propose an addition to the sub-clause which will provide for the. apprehension of any person charged with deserting, or leaving without means of support, his wife or children. The Bill as it stands will, of course, apply to a State like New South Wales, where this is an

offence punishable by imprisonment as a misdemeanour, but it will not be applicable in Victoria.
Mr McCay
- Is there not a Bill to that effect before the Victorian Legislature ?
<page>4375</page>
Sir JOHN QUICK
- I am not sure, but, at any rate, I think it is desirable to have the amendment I suggest. There is another matter which I am not sure is provided for by the Bill, namely, the service of civil writs and civil processes on corporations in a State outside the jurisdiction of the court which issues the process. I am aware that it is believed that the Acts Interpretation Act provides for the extension of the principles of this Bill to corporations, but I am not sure that this is sufficient. By clause 10 it will be noticed that in order to make service effective it must appear to the court or Judge that the writ was personally served on the defendant, or it must also appear that reasonable efforts were made to effect personal service, and that this came to the knowledge of the defendant. The use of these words would seem to contemplate only individuals upon whom personal service could be effected, and individuals who must have knowledge of the efforts made to serve them.
Mr McCay
- Is there not a decision in the Victorian Supreme Court giving that interpretation 1
Sir JOHN QUICK
- In Victoria it has been decided that the Act on which this clause is based was intended to apply to only service on individuals and not on corporations, and the words to which I have referred evidently contemplate the former, service. I have already drawn the attention of the draftsman to this matter, and have given notice of several amendments, which, I trust, will ' be accepted by the Minister in charge of the Bill. On the whole, the Bill is a very important and useful one, and, subject to certain improvements and alterations, some of which have been suggested by the Minister himself, and some to which I intend to direct attention, I think it will be found a very practical measure.
<page>4376</page>
Mr McCAY
- I do not know that I should have spoken on the second reading had it not been for the points raised by the honorable and learned member for Bendigo as to Inter-State backing of warrants and registration of judgments. He has suggested that the formality proposed by the Bill is undesirable or unnecessary. I would like to submit that although there may be objections capable of being urged to the provision, and that it may add to a certain extent to the elaborateness of the process, the formality is nevertheless desirable. We must recollect that under the Bill a process of any kind, whether it be the initial or final process, may be issued in Victoria and executed in the remotest parts of the Commonwealth. It is quite conceivable that injustice can be done even under the provisions of the Bill as it stands, but that is a risk that has to be taken in view of the great and undoubted advantages which are to be gained. It is desirable, as far as we can do so, without overloading the Bill with precautions, to minimize any risks ; and the backing of a warrant and the registration of a judgment in the State in which it is proposed to enforce the judgment or execute the warrant, does to a certain extent - to my mind, to a considerable extent - prevent the possible abuse of the relief afforded by .the Bill. I have no doubt that such were the considerations present to the mind of the framers of the Acts on which this Bill is largely founded, and were the considerations present to the minds of those who framed and determined the policy of this particular Bill. Without provision for Inter-State backing and registration I see risks', difficulties, and dangers, which to a large extent are obviated by the proposals of the Bill. ' I am aware that the honorable and learned member merely draws attention to this matter ; but I would suggest to him that it would not be desirable to lessen the protection afforded by these precautions to those who might otherwise be wrongfully harassed by improper processes. The only Other matter to which I wish to call attention is one which has already been referred to by the honorable and learned member for Bendigo. It seems to me that cases in which warrants are issued, not because of the alleged commission of criminal offences, but are, or may be, issued, so to speak, as security foi" the appearance of the defendant in. quasi-criminal matters, such as wife desertion, are not covered by clause 10. These are the cases in which men skip over the border, and in which most frequently the existing state of affairs has been noticed. These are not purely civil matters, nor are they purely criminal matters, but offences for which men can be arrested and

held to bail because they are called upon to answer quasi-criminal charges. Most honorable members know perfectly well the difficulty which has been experienced in the past with regard to wife and children deserters, and it would be very undesirable if, after passing the Bill into law, we were to find any reasonable doubt cast on the efficacy of the measure. I join in urging on the Attorney - General the desirability of making sure that this Bill will cover the very cases which it is desired shall be covered. It would be of great advantage to the States to have some such measure as this, but, on the other hand, it is desirable that there should not be an absence of any reasonable precautions to prevent the abuse of what otherwise will be a very useful measure.
Question resolved in the affirmative.
Bill read a second time.
In Committee :
Clause 3 -
In this Act, unless the contrary intention appears -
"Suit" means any suit, action, or original proceeding between parties or in rem;
"Writ of summons" includes any writ or other mesne process by which a suit is commenced, or of which the object is to require the appearance of any person against whom relief is sought in a suit or who is interested in resisting such relief.
"Court of a State" includes the Vice-Admiralty courts in the States of New South Wales and Victoria respectively ;
"Court of Record" includes any court which is required to keep a record of its proceedings.
Sir JOHN QUICK
- I should like to have the meaning of the word "suit" made clear beyond all doubt. Is the word intended to cover proceedings in all courts, such as courts of petty sessions, county courts, courts of mines, wardens' courts, and so on 1 A doubt has been suggested to me whether "suit" is sufficiently wide to cover the proceedings in all the courts I have mentioned.
Attorney-General
Mr DEAKIN
. - The words are intended to embrace all possible proceedings in all the courts the honorable and learned member has mentioned. The word "action" covers all proceedings at common law, and " suit " those in the equitable jurisdiction; and the words " original proceeding " will relate to all other matters.
Sir John Quick
- Will the word cover proceedings in a court of petty sessions?
Attorney-General
Mr DEAKIN
- I think so ; surely those are original proceedings.
Sir JOHNQUICK (Bendigo). - The object of definition (d) is to provide that legal proceedings in a court of a State shall include proceedings in the Vice- Admiralty courts, processes in regard to which may be served in the manner directed by this Bill. The question is whether we have jurisdiction to deal with the practice and procedure of Vice-Admiralty courts. These are Imperial courts founded on Imperial law, and according to Webb, in his Imperial Law, page 68, it is not competent for the local Legislature to deal either with the practice or procedure of the Vice-Admiralty courts. If it is not competent for us to deal with the practice and procedure in such courts, it may be worth considering whether this definition ought not to be struck out. My impression, as a result not only of my own consideration, but of inquiry in authoritative quarters, is that the Vice- Admiralty courts are not within the jurisdiction of this Parliament.
Mr DEAKIN
- I should not claim that Vice-Admiralty courts are within our jurisdiction, but it. is another question whether those courts having exercised their jurisdiction, we cannot provide as to the service and execution of their processes. But the matter may be open to some doubt, and since attention has been called to it, I will reconsider the point before finally disposing of the Bill. While fully recognising that we cannot control the jurisdiction of Vice-Admiralty courts, the honorable and learned member might consider the question from this aspect. We are not altering its jurisdiction ; we are giving effect to it, enabling it to operate over a larger area. Although, no doubt, on ' the border line, it may be fairly contended that it can be included within " court of a State."

Mr PIESSE
- I should like to ask the Attorney-General why the interpretation of " court of a State " is limited to the Vice-Admiralty courts of only two States ?
Mr Deakin
- Because they are the only two States in which the court exists ; at least, I think so.
Mr PIESSE
- I know that there is a Vice-Admiralty court jurisdiction in Tasmania, and that there have been suits in the court there.
Mr Deakin
- I understand that like the rest of the Supreme Courts the Supreme Court of Tasmania has since been vested with this jurisdiction.
<page>4377</page>
Mr THOMSON
- This is such a purely legal measure that I do not intend to offer any opinion of my own upon it. I wish to ask the Attorney-General, however, whether the representations made by the legal committee of the Sydney Chamber of Commerce in regard to this Bill have been considered. They object to a stipendiary magistrate or justice of the peace having the power to issue a summons which requires a defendant to proceed from one State to another. They prefer that that power should be limited to the Supreme Court and district courts of each State.
Mr DEAKIN
- The representations certainly have received consideration. If the honorable member had been present some little time ago he would have heard the measure challenged from exactly the opposite stand-point by the honorable and learned member for Bendigo. In view of the representations that have been made in this regard, it is proposed in this Bill that the service of process shall not be, as it might have been made, absolutely unified throughout the whole of Australia, so that the action of a single justice of the peace in Victoria could affect a man in a most remote portion of the continent. We here require as a safeguard, to meet cases which the honorable member and the Sydney Chamber of Commerce have in mind, that the process shall be backed in the State in which it is sought to be exercised. We have provided that additional check so as to give a feeling of security to those who have apprehensions that this power placed in the control of the unpaid justices of the peace might possibly be abused. We have retained that guarantee which has already existed and has been found to afford sufficient protection. The matter was considered, and it was believed that it would curtail the operation of this Bill and limit its advantages to an indefensible degree if we were to confine its operation only to the higher courts referred to.
Mr. PIESSE(Tasmania).- No doubt a great deal is to be said for the Bill in regard to opportunities which it gives for the prosecution of legitimate suits. But there are also some dangers of misuse of the extended powers in the facilities which these give for bogus suits, the object of which is to black-mail the defendant. The Attorney-General has provided a partial remedy in his proposed new clause to follow clause 9, by giving the defendant liberty to apply for security for costs. It is very desirable that such a provision should be made, because cases may occur in which a man living in a remote part of the country would rather pay, although he had a good defence, than travel a long distance, and run the risk of losing both the suit and expenses. I know such cases have occurred in the States. The sum involved in travelling to a court may be about equal to the amount claimed, and rather than run the risk of losing the suit as well as having to pay his travelling expenses, a defendant submits to an injustice. I do not know whether the Attorney-General's amendment giving the defendant liberty to apply for security for costs would apply to the smaller courts ; if not, it should , be extended to them.
Sir JOHNQUICK (Bendigo).- As to the terms "plaintiff" and " defendant, "~ no doubt it is intended, under the Interpretation Act, that they should cover " corporations," but when we come to clause 10 I shall ask the Attorney-General to make a verbal alteration there in order to make the matter clear.
Clause agreed to.
Clause 4 -
A writ of summons issued out of any court of record of a State or part of the Commonwealth may be served on the defendant in any other State or part of the Commonwealth.
Such service may, subject to any rules of court which may be made under this Act, be effected in the

same manner as if the writ were served on the defendant in the State or port of the Commonwealth in which the writ was issued.
Sir JOHN QUICK
- I should like to know whether "a writ of summons" is intended to include a summons for a police court, or warden's court, or court of mines, or county court. It seems to me to be an unusual expression to apply to a police court summons. This term, coupled with the provision for appearance in other clauses, would seem to lend colour to the view that a writ of summons does not apply to proceedings in courts of inferior jurisdiction.
Mr DEAKIN
- The honorable and learned member has looked at the definition?
Sir John Quick
- Yes.
Mr DEAKIN
- The honorable member has referred to the definition in the previous clause of the words "writ of summons." We have couched the definition there as wide as possible. We say that - "Writ of summons" includes any writ or other mesne process by which a, suit is commenced, or of which the object is to require the appearance of any person against whom relief is sought in a suit, "or who is interested in resisting such relief.
Sir JOHNQUICK (Bendigo). - I have already drawn attention to the vagueness of the word "suit." A proceeding in a court of petty sessions is neither a suit nor an action, and we say here that a writ of summons includes a process.
<page>4378</page>
Mr Deakin
- Suit includes an original proceeding.
Sir JOHN QUICK
- An "original proceeding " seems to be a very vague term to apply to a proceeding in the warden's court.
Mr Deakin
- Very well, I will reconsider the matter.
Sir JOHN QUICK
- A " writ of summons," a " suit," or an " action " all refer to proceedings in the superior courts, and no one would dream of applying them to the inferior courts, such as a warden's court, or a court of petty sessions.
Mr Deakin
- Unless coupled with an original proceeding.
Sir JOHN QUICK
- The term I have referred to might receive a technical interpretation which would exclude those courts to which we wish the Bill to apply.
Mr McCAY
- It seems to me that when this Bill was being drafted, there was present in the mind of the draftsman proceedings in the higher rather than the lower courts. Any lawyer or layman who first reads the interpretation clause, and then clause 4, will at once have his attention directed rather to higher courts than lower courts. The prima facie impression most certainly is that the clause refers only to higher courts. The whole scheme of the Bill turns our attention to higher courts, and not to those of petty jurisdiction, and even a closer perusal of it does not shake the first impression. However, the Attorney-General has promised to look into the matter, and I do think that more apt language could be secured to express what is desired. It is an immense extension of power to give to courts of summary jurisdiction, and in. a case before the Supreme Court there might be an unconscious inclination to see the dangers rather than the benefits of applying these provisions to the inferior courts. Consequently the Act might be interpreted by the Supreme Court in a way in which this committee would not desire.
Clause agreed to.
Clause 5 (Indorsement on writ for service outside State).
Mr PIESSE
- I find that service of a writ summons may be made under clause 4 -

In the same manner as if the writ were served on the defendant in the State or part of the Commonwealth in which the writ was issued.
I would point out that in Tasmania summonses for some of the smaller petty courts may be served merely by leaving them at the residence of the defendant. Personal service is not required. The provision I have quoted from clause 4 seems to govern what we are coming to in clause 5 ; that is to say, that in regard to the rule as to service, we must look to the practice of the State. Therefore, if in the case of a small local court, service of a proceeding may be effected by leaving the writ at the residence of the defendant, as in Tasmania, personal service in some cases will not be necessary. I have known cases where a man has been absent from home, and the first he has heard of any proceeding against him has been the appearance of the bailiff with a writ of execution in his house.
Mr V L SOLOMON
- In South Australia I believe a summons may be served at the last known place of abode of the defendant.
Mr PIESSE
- I only want the Attorney-General to bear this fact in mind in considering the proceedings under the Bill. I know that there are provisions in clause 10 as to non-appearance.
<page>4379</page>
Mr Deakin
- If the defendant appears he is not hurt ; but if he does not appear he is protected.
Mr. McCAY(Corinella).- I should like to ask whether under clause 5, when a summons is issued out of a court of petty sessions, the defendant is to be compelled to enter an appearance, although he is not required to do so in an ordinary case coming before courts of petty sessions. Supposing he does not enter an appearance and give an address, will he be injured, even if he actually does appear on the hearing of the summons ? It appears to me that this clause contemplates the necessity for an appearance. Of course it is another phase of the question as to what sort of courts the Bill applies to. Clause 5 provides that the indorsement on the writ for service must contain a statement to the effect, that " your appearance to this summons must give an address." It does not distinctly say that a person must enter an appearance, but it is to be strongly inferred that it must be done. We do not want persons to be compelled to enter an appearance in courts in respect of which that requirement does not now exist. The only court in Victoria in which a man is compelled to enter an appearance, except in the case of a special summons in the county court, is the Supreme Court.
Sir JOHNQUICK (Bendigo).- I feel very strongly that the provision in this clause requiring an appearance to be entered, supports the view that this procedure applies to superior courts only. It would be absurd to talk of an appearance being entered in a court of petty sessions. Even in the county court no appearance is required, except in a special class of action. I should be very glad if the Attorney-General would consider and clear up this matter. It would be very unfortunate, if, after attention had been called to this matter here, the Bill should be limited to only half the courts to which we desire it to apply.
Mr DEAKIN
- I think the point raised by the honorable and learned member for Corinella will need some consideration, although I doubt if this is the place to deal with it. As I understand, the honorable and learned member's point is that in all cases in which an appearance is not now necessary within the State, it should not be necessary beyond the State - that is to say, the formal appearance. As long as the defendant is there when the case is called on, that should be sufficient to meet the ends of justice. I think there is something in that, and that perhaps clause 10 will be the proper place in which to make the provision. I have made a note of the suggestion because, as this is a technical measure, I prefer to consider the matter quietly, rather than to attempt amendments off-hand.
Clause agreed to.
Clause 6 -
If a writ of summons or copy thereof does not bear all the indorsements hereby required, it shall be void.
Mr DEAKIN
- I move-
That the word "void" at the end of the clause be omitted with a view to insert in lieu thereof the words "ineffective for service under this Act."

This expression is more precise, and may possibly obviate disputes.
Sir JOHN QUICK
- I think the proposed amendment is a very proper one, but I should like to suggest the addition of the words "unless the court or Judge otherwise orders." There may be special cases in which the requirements of Clause 5 have been inadvertently omitted, and it may not be desirable that the service should be absolutely ineffective. Therefore I propose that the court or Judge in special cases should have the power to dispense with this formal requirement. I believe these words were originally in the Bill, but were struck out in another place.
Mr McCAY
- I feel that the powers given under this Bill are so large that we should consider the very real dangers that would arise from their unrestricted use and not do away with any precautions that are not absolute clogs.
<page>4380</page>
Mr DEAKIN
- I feel the attraction of the theoretical completeness at which the honorable and learned member for Bendigo aims, but in view of all the circumstances I have been led to adopt the clause in its present form. The indorsement upon a writ of summons may be necessary to a man who is in a remote place, who may have forgotten the circumstances, or who may be without legal advice. If the appearance is left entirely optional and under the thumb of a court of petty sessions, that court might strike out what in the minds of better-informed men might be considered a very essential condition. I do not think we ought to take such a step as that suggested by the honorable and learned member for Bendigo until we have had some experience of the working of this measure. As the country becomes more settled, and legal processes become easy of administration, no doubt advances will be made. I would hesitate to take such a step as that now indicated, at the present time.
Amendment agreed to.
Clause, as amended, agreed to.
Clause 7 (Concurrent writs may be issued).
Mr. McCAY(Corinella). - I would like to suggest what may possibly happen under this clause. A is suing B in a court of petty sessions. A knows that B is out of a State, and he issues a summons for foreign service and a concurrent summons for local service, the latter being served at the last known place of abode of the defendant. A also endeavours to serve the foreign summons. If the defendant does not turn up, A says nothing about the foreign summons, but proceeds on the domestic summons, keeping to himself what he may regard as the unnecessary information that B is out of the jurisdiction of the Court. If a plaintiff is to have the right to issue a summons for foreign service or domestic service, he should have his choice only. The Attorney-General will probably be able to see the possibility of danger under the circumstances I have mentioned.
Mr Deakin
- Will it not meet the honorable member's objection if, in every case" in which a concurrent summons is issued, the fact that it is a. concurrent summons appears on the face of it ?
Mr McCAY
- Yes. But I think that there should be some way of bringing to the attention of the courts of summary jurisdiction, that are not familiar with the technicalities of the law, the fact that the plaintiff knows that the defendant either is, or may be, out of the jurisdiction of the court. This would make it appear at once that the summons should not be proceeded on.
Mr Deakin
- I think that is a point for consideration.
Clause agreed to.
Clause 9 (Appearance to state address for service).
Mr CONROY
- This clause provides that every appearance on behalf of the defendant shall give an address at some place within 5 miles of the office of the court, at which address all proceedings and notices may be left for him. I think the distance is rather too great.
Mr. DEAKIN.Ipropose to reduce the distance from 5 miles to 1 mile. I move -

That the word " five " be omitted with a view to insert in lieu thereof the word " one."
Amendment agreed to.
Mr PIESSE
- I would point out that a consequent amendment will have to be made in clause 5, where the distance will also have to be reduced from 5 miles to 1 mile.
Clause 10 -
When no appearance is entered by a defendant to a writ of summons served on him under this Act, if it is made to appear to the court from which the writ was issued or a Judge thereof - and if it is also made to appear to such court or Judge -
that the writ was personally served on the defendant, or
that reasonable efforts were made to effect personal service thereof on the defendant, and that it came to his knowledge (in which case it shall be deemed to have been served on him), and that he neglects to appear to the writ, or is living out of such State or part in order to defeat or delay his creditors or deprive the plaintiff of the relief to which he is entitled such court or Judge may on the application of the plaintiff order from time to time that the plaintiff shall be at liberty to proceed in the suit in such manner and subject to such conditions as such court or
Judge may deem fit, and thereupon the plaintiff may proceed in the suit against such defendant accordingly.
Sir JOHN QUICK
- I move -
That after the word" defendant " paragraph (g) the words " or in the case of a corporation served on its principal officer," be inserted.
These words are intended to meet a doubt that might be raised as to whether this clause applies to corporations. Personal service only is referred to in the clause, and the words are necessary in "order to make the full purpose clear.
Mr CONROY
- Supposing that in the case of goods shipped from Melbourne or Sydney to say a port in Western Australia, it is found on arrival at the port of destination that they are damaged, is it intended that the man who ships the goods should be liable to be sued at the place to which the goods were sent, and at which the damage was discovered 1
Mr Deakin
- Yes.
Mr CONROY
- That seems to me to be a very extreme power.
Mr Deakin
- That identical clause has been in force under a Federal Council Act in all the States excepting New South Wales for the last fifteen years, without inflicting any great hardship.
Mr CONROY
- Yes, but nobody was bound by that, and the mere fact that that clause was put in the Federal Council Act, and that its consequences were never understood, affords no reason why we should adopt it here. I really think this clause proposes to go too far. In some cases I can understand that it might be advantageous to provide that proceedings should be taken at these outlying places, but in nine cases out of ten it would be very easy to make exceptions in favour of those who desired proceedings to be taken at the place at which the contract was made.
Mr Deakin
- No limitation could be imposed that would not be more obnoxious than the proposal itself. It is absolutely necessary that power should be given to deal with breaches of contract where they arise.
<page>4381</page>
Mr CONROY
- Yes.- But in such cases as I have mentioned, in which goods are shipped to far-away places, such as Cairns or Port Darwin, the shipper of the goods, if threatened with an action, might find it better to abandon all his defence, even although there might be no real cause of action.
Mr Deakin

- The chief object of the Bill is to enable suits to be brought wherever the breaches of the contract take place.
Mr CONROY
- It seems to me that great hardship might be inflicted under circumstances in which a person shipping the goods from say Melbourne, might be called upon to go to Port Darwin and carry all his witnesses with him to defend an action.
Mr Deakin
- The contract would be its own evidence, and if a breach takes place, the object of the Bill is to enable an action to be brought in the place where the cause occurs.
Mr CONROY
- I can conceive of a score of cases in which it would be manifestly unjust to drag a man from one end of the continent to the other, because some damage might be done to goods shipped by him, when such goods were thousands of miles away from the port at which the contract was made.
Sir MALCOLM MCEACHARN
- Every one must feel obliged to the honorable and learned member for having brought this matter forward. But if the parties to a contract are in Sydney, and the breach takes place in "Western Australia, they are more likely to bring their action in Sydney than in Western Australia. If a man ships goods from Sydney to Perth, the consignee being in Perth, he will naturally desire to bring his action in the place where he resides, and it would' be unfair to compel him to journey to the place where the goods were shipped. It is only just that he shall have the option of bringing his action in the State where he may be resident. I think that the advantage to the consignee would be greater than it would be to the shipowner under the circumstances.
Mr E SOLOMON
- I hope that the Attorney-General will not make any alteration in the clause. From my experience as a magistrate I know that many cases have been dealt with in Western Australia which it would have been impossible to deal with in a fair spirit if it had been necessary for them to be determined at the port of shipment. Of course, the case mentioned by the honorable and learned member for Werriwa is an isolated one. It is very seldom that a case will arise in the northern territory or in the north-west part of Western Australia. The principal cases will arise at Fremantle, which is the shipping port. I hope that the Attorney-General will not make any alteration in the clause.
Mr FULLER
- I suggest that paragraph (/) should be omitted. I am aware that the Federal Parliament have power to legislate upon matrimonial matters, and I think that this subject would be more properly dealt with under another Bill.
Mr DEAKIN
-- We do not affect State jurisdictions. We only give them a wider sphere of operation. We do not wish to alter their jurisdiction in any way. I would not propose any legislation which would affect the divorce laws of any State. In this case, however, we are simply giving a wider area. A doubt suggests itself to me as to whether by the "principal officer" the honorable and learned member for Bendigo means the principal officer in the State or the Commonwealth, as the case may be.
Sir John Quick
- If the principal officer is in another State in which the service is to be effected, the service would be on him in that State.
Mr DEAKIN
- In the next amendment the same question arises. As I think the honorable and learned member has pointed to an obscurity which it is desirable to clear up, the best way is to accept the words proposed by him and then to alter them afterwards.
Mr. CONROY(Werriwa).-I wish to ask if paragraph (e) will not, in many cases, have a retrospective effect. If the liability -has arisen before the passing of this Bill but the writ is not issued until after it has passed, might it not interfere with the regular jurisdiction of the States as they now exist 1
Mr Deakin
- I will look into that matter.
Mr CONROY

- It might be a very serious matter. As this is a service and execution of process Bill, if the liability arose prior to its passing and the writ was not issued until after it had been passed, serious difficulties might arise through the parties being in different States.
Mr Deakin
- I will look at the matter, and make sure of the clause before I allow it to go through.
<page>4382</page>
Mr CROUCH
- I wish to direct attention to paragraph (f). A man who has been domiciled in Victoria may go to New South Wales and desert his wife. He then gets a New South Wales domicile.
The wife does not lose her Victorian domicile, because she is still here. But she will lose the advantage of this provision by having, in order to use it, to follow her husband to New South Wales to obtain a new domicile. If she retained her Victorian domicile, she would have to go New South Wales before she could get the relief which this Bill proposes to give her.
Amendment agreed to.
Amendment (by Sir John Quick) agreed to-
That in paragraph (h), after the word " knowledge," the following words be inserted - "and in the case of a corporation that it comes to the knowledge of its principal officer. "
Sir JOHNQUICK (Bendigo). - I move -
That the word " neglects," line 15, be omitted, with, a view to insert in lieu thereof the word "omits."
There will then be no question as to whether evidence of neglect is involved or not.
Amendment agreed to.
Sir JOHNQUICK (Bendigo).- I invite the Attorney-General to consider whether the words " or is living out of ' such State or part, in order to defeat or delay his creditors, or deprive the plaintiff of the relief to which he is entitled," ought not to be struck out. I think that they ought to be. The only element now involved is not neglect, but the mere omission to appear. The other elements, such as living out of the State, &c, are quite irrelevant in the reconstructed scheme of service. The clause ought to be simplified by omitting the words which I have suggested.
Mr DEAKIN
- I will take that point into consideration. The objection of the honorable and learned member to the words indicated as surplusage appears to be good. I will consider the matter before dealing with it finally.
Clause, as amended, agreed to.
Clause 11 (Effect of judgment).
Mr. CONROY(Werriwa). - I think that this clause should be struck out,because it seems inconsistent with the wording of clause 18. How can a judgment obtained in one State have the same force as if the writ had been served on the defendant in the State or part of the Commonwealth in which the writ was issued ? Yet the plaintiff is to be compelled to register his judgment in the State in which the defendant was served.
Mr DEAKIN
- I would point out that we are dealing here with two distinct matters. The first relates to the service and execution of the civil process. It simply provides that when one has taken advantage of the liberties conferred by this Bill, and has obtained a judgment, that judgment shall be as good as if it had been got within a State. When we come to clause 18, we shall be dealing with a new part of the Bill altogether, and with a new set of difficulties. The honorable and learned member must see that the clauses relate to two different sets of cases.
Clause agreed to.
Clause 13 -
If such person fails to appear at the time and place mentioned in such summons, all such proceedings may be taken as if the summons had been served in the State or part of the Commonwealth in which it was issued.
<page>4383</page>
Mr CROUCH
- I should certainly like the committee to understand the meaning of this clause. It really means that a justice of the peace can issue a process for any part of Australia, and that the defendant will have to

appear before the court. Seeing that we are now giving powers to justices of the peace to order imprisonment up to a term of two years, and to fine up to£100, it means that a man who does not appear before a justice can be forced to appear under the ordinary warrant which a justice can enforce. Upon the non-appearance of a defendant, a justice can now issue his warrant to any part of Australia to compel him to attend. That may be right ; but I would point out that the defendant may have a very good defence, and not possess the necessary means to enable him to attend. There is no provision here by which the defendant is provided with the means to attend. A Victorian justice of the peace can force a defendant to appear here, and in the event of his non-appearance can either issue a warrant, or go on with the case in his absence. If an innocent man is alleged to have committed an offence in Victoria, for which he has not been prosecuted, and he is in the Northern Territory, another man, possibly actuated by spite, may, by paying half-a-crown, force the alleged offender to come back, or, if the justices choose, have him tried in his absence and possibly sent to gaol for two years, or fined £100. That is a power which ought not to be given to justices, and it is to be regretted there are so few honorable members present to- deal with this important question.

Mr G B EDWARDS

- If the circumstances are as stated by the honorable and learned member for Corio, the Attorney-General ought to afford some further information before asking 'the committee to extend such extraordinary powers in reference to small alleged offences. It has been pointed out that the powers of justices vary in the different States, so that what may happen to a man in one State, cannot possibly happen to him in another.

Mr CONROY

- The objection taken to the clause is a very sound one, and I ask the Attorney-General to consider the propriety of inserting words providing that in the case of a defendant, who is absent or in another State, the leave of a County Court Judge or a Supreme Court Judge should be first obtained. There are certain cases, of course, in which this power ought to be exercised, but we should be very careful that it is not made an instrument of oppression. Justices of the peace have not, as a rule, all the legal knowledge and training that is sometimes desirable, although, of course, they perform very valuable services, and render great assistance in the administration of justice.

Mr PIESSE

- Certain precautions are taken as to civil processes under clause 10, but under this clause I do not see any precaution taken against injustice being done to a defendant, who may be called upon to answer possibly a very trivial offence of which he is not guilty. Can the Attorney-General say whether the law, to the extent here proposed, is in force in the federation of the United States 1 If so, the clause might be accepted by us, although it gives very extended powers to courts of summary jurisdiction in trivial offences. There is also to be considered the indignity put on a man who is wrongly charged, and has a judgment entered against him in his absence.

Mr E SOLOMON

- An alteration might well be made in the clause, relieving justices of the peace from the performance of duties which are sometimes not very acceptable to them, t has been stated that justices of the peace are not legally qualified men, but it must be pointed out that very often, even stipendiary magistrates are not fully qualified legal practitioners.

Mr. PIESSE(Tasmania).- The manner of the service is regulated by the practice in the State, but a more important point is that, under this clause, no provision is made in regard to time. If a civil process be served in the Northern Territory, 45 days are allowed, but under the present clause, if a man does not appear, it may be, within seven days, the proceedings, which may be for a heavy penalty, may go on, although it maybe utterly impossible for the person to comply with the order.

Mr DEAKIN

- Honorable members, as I have already explained on more than one occasion, have to recognise that the whole object' of the Bill is the service of civil and criminal processes, and, so far as it can reasonably be done, the abolition of distinctions between the several States, so that throughout the whole of the Commonwealth a writ of summons may run. There is an exact analogy between this provision and those we have already dealt with in regard to civil processes. Of course, there is a distinction between civil and criminal process, and any distinction which requires to be maintained, is maintained. Under this clause a

man may be served in any part or the Commonwealth, and if he fails to appear, proceedings may be taken as if the summons had been served in the State in which it was issued. But if any remedy is sought against the man himself, it can only be obtained by the execution of a warrant under circumstances which are afterwards provided for in clause 16, and which are carefully hedged round, as will be seen, with the same precautions as have been used in other instances.

Mr G B EDWARDS

- Will the Attorney-General deal with the case of an innocent man? -

Mr DEAKIN

- Does the honorable member suppose we ever deal at law with innocent men ? The case of the innocent man is always put by way of illustration, in order to prepossess honorable members, before they start, with the idea that man sued is innocent, and the man suing him is wickedly injuring him. That is rarely the case.

Mr Piesse

- It sometimes happens.

<page>4384</page>

Mr DEAKIN

- The man is informed of the offence which is alleged against him, and he knows the penalty, whatever it may be, that is proposed to be imposed. He himself is in a distant part of the Commonwealth, and cannot be touched under clause 13. He can only be touched under a procedure which we have yet to deal with.

Mr Piesse

- But he can be fined under clause 13.

Mr DEAKIN

- He can be found guilty and fined in default of appearance.

Mr Thomson

- He might have to travel all round the continent in order to appear.

Mr DEAKIN

- If he considered the matter serious enough to defend.

Mr CROUCH

- He maybe imprisoned.

Mr DEAKIN

- But he has to be got before he can be imprisoned, and that procedure comes under another clause. There is no doubt that under the clause a man who fails or neglects to appear may be fined.

Mr Piesse

- Up to a large sum.

Ma-. DEAKIN.- Possibly ; but unless he has property within the jurisdiction of the State his property cannot be touched, and, until he himself chooses to come into the State, he cannot be touched except under the provisions which are attached to the issue and execution of warrants. Before anything effective or serious can be done - although to be found guilty of even an alleged trifling offence may well be resented - clauses which provide safeguards have to be put in operation, and these have yet to be dealt with by the committee. If honorable members wish to curtail the powers in that regard, they will to that extent curtail the operation of the Bill.

Mr Conroy

- The objection is to justices of the peace, who are not always trained men, and do not understand the effect of what they are doing. The consent of a County Court Judge or Supreme Court Judge should be obtained.

Mr DEAKIN

- Or the leave of a stipendiary magistrate.

Mr Conroy

- I would not object to that, because a stipendiary magistrate is accustomed to deal with such matters.

Mr DEAKIN

- That is not an unreasonable proposal, and I shall postpone the clause with a view of seeing whether we can introduce an amendment to the effect that a stipendiary magistrate, who is usually a man trained in the law, shall be required to deal with cases of the sort.

Mr Piesse
- I trust the Attorney-General will also give some attention to the point of time allowed for appearance.
Mr DEAKIN
- Certainly.
Mr Thomson
- Is 45 days enough?
Mr Deakin
- It has hitherto been found sufficient.
Mr. CROUCH(Corio).- Before the Attorney-General decides to allow stipendiary magistrates to issue these processes I should like to draw his attention to section 77, sub-section (9), of the Victorian Justices Act 1890, The Attorney-General is under the impression, and has conveyed that impression to the committee, that in the event of the defendant not appearing the only penalty involved is that of a fine. In the Court of General Sessions or at the criminal sittings of the Supreme Court a defendant, unless he is present, cannot be ordered to be imprisoned, but under this section it is provided that-
Wherein the case of any information the defendant does not appear at the time and place mentioned in the summons, if it appear to the court on oath that the summons was duly served at least 72 hours before the time therein appointed for appearing, and if no sufficient grounds be shown for an adjournment, the court may either proceed ex parte to hear and determine the information or may adjourn the hearing to a future day, or may issue a warrant under the hand of any justice then sitting to apprehend the person so summoned and bring nim before the said court.
Mr Deakin
- That comes under the provisions I have just spoken of.
<page>4385</page>
Mr CROUCH
- If the honorable and learned gentlemen will turn to subclause (3) he will see that if such person fails to appear the ordinary procedure applies. If a man does not appear, or has not the means to appear before a Victorian court of petty sessions - and there are hundreds of people who cannot afford to travel from Brisbane or Perth to Melbourne in order to attend before a court here - then in his absence a warrant can be issued to bring him here, or the case may go on in his absence, and an order may be made for his imprisonment for two years. I am quite willing to admit that this is an exceptional case. We are only appealing to the committee in the interests of innocent persons, but every man is entitled to be held innocent until he has had a fair trial and proved to be guilty. Therefore, I submit that every person is entitled to consideration at our hands, as we must see that we protect every man's freedom. What I should like to see would be the insertion after the word " summons," in line 2, of the words "any Judge may order all such proceedings to be taken," in lieu of the words "all such proceedings may be taken." That would mean that the justices would issue the processes, but that before a further stage could be proceeded with the matter would have to come before one of the Supreme Court or County Court Judges, who are far more likely to look after the interests of an innocent man. Some stipendiary magistrates may be all right, but I have had experience of some whom I would not trust more than any ordinary justice of the peace to deal with these matters.
Clause postponed.
Clause 14 -
When a subpoena or summons has been issued by any court or Judge, or by any justice of the peace in any State or part of the Commonwealth, requiring any person to appear and give evidence in any civil or criminal trial or proceeding, such subpoena or summons may by leave of such court Judge or justice on such terms as the court Judge or justice may impose be served on such person in any other State or part of the Commonwealth.
If such person fails to attend at the time and place mentioned in such subpoena or summons, such court Judge or justice or any other justice of the peace having jurisdiction in the State or part of the State or part of the Commonwealth in which the subpoena or summons was issued may on proof that the subpoena or summons was duly served on such person, and that a reasonable gum was tendered to him for his expenses issue such warrant for the apprehension of such person us such court Judge or justice might have issued if the subpoena or summons had been served in the State or part of the

Commonwealth in which it was issued .
Amendment (by Mr. Piesse for Sir John Quick)proposed -
That the words "that the attendance of such person as a witness is in the interests of justice indispensable" be inserted after the word " person," line 18.
Mr FULLER
- Is it advisable to give justices of the peace power to issue summonses compelling people to travel from one State to another in order to give evidence in a case which may be of a very paltry kind indeed? It might be advisable to give them this power in large matters, but I do not think it is wise in small cases to compel people to travel from one State to another in this way. I think the matter should be left entirely to a court or a Judge to decide.
Mr DEAKIN
- The honorable member will see that the real gist of the clause lies in the later sub-clause and the amendment which has been proposed, that is to say that, although the first part of the clause gives the power to serve a subpoena or summons, it is only when we come to the power of compulsion that there can be any dispute. That provision . is contained in subclause (2), and there we require proof that a reasonable sum was tendered to the witness for expenses. Of course, in a sense it is a hardship for any man to be called upon to leave his business to attend and give evidence at a court even if it is in his own town, but in the interests of justice it is absolutely necessary that we should all be liable to that service, and it is a generally admitted principle that provided our expenses are paid we have to make the necessary sacrifice.
Mr Fuller
- Is it advisable to give justices this power in a matter punishable by summary jurisdiction?
Mr DEAKIN
- If the witness is sought to be brought from another State his expenses will be heavy. The only practical proof, I think, which we can ever obtain as to the necessity of a witness is the willingness of the party calling him to pay for his attendance. The greater the distance the greater the penalty. If honorable members, as they have a right to do, put the most extreme cases, and speak of residents of Perth or Port Darwin being brought over here as witnesses, then they have to realize that those who call those witnesses have to be prepared to pay their expenses. That would be a very serious matter indeed in such cases. Consequently, witnesses are never likely to be brought such long distances in small or trifling cases, unless their attendance is absolutely indispensable.
Mr Thomson
- If the party has to go to the court in the second stage, might it not be well to make the same provision in the first part of the clause?
Mr DEAKIN
- The first part is only an intimation that a man is called to attend, but he is not under any obligation.
Mr Conroy
- We understand that, but laymen will not, and they are not likely to seek legal information on the subject.
<page>4386</page>
Mr DEAKIN
- Most people are well informed, at all events, as to the necessity of getting their expenses before they give evidence. My difficulty is that I cannot see what other provision we can make. This is indispensably necessary, although it may work a hardship in certain cases. The only test, however, is that of the pocket. If a party is prepared to pay for a witness' attendance, it proves, especially if that witness be very far distant, that his attendance must be considered necessary. No man is going to pay the cost of bringing a witness from Perth or Port Darwin to Melbourne unless that witness is absolutely essential to his case.
Mr ISAACS
- In other portions of the Bill provision is made for serving the parties to any suit, or for serving with a criminal process any person charged. This is a clause, however, which is designed to compel the attendance of a person who has no interest whatever in the proceedings, who has nothing to gain and nothing to lose, but is supposed to be in a position to give some fragment of evidence it may be. At- the instance of one of the parties, a justice of the peace, who may be a layman, is to issue a subpoena to bring that man it mav be from the Gulf of Carpentaria to Melbourne, or from Fremantle to Sydney, and

that subpoena has to be obeyed. The discretion is to be left to a justice of the peace, who may not be a lawyer, to drag any person unconnected with a suit from one end of the continent to the other. That is too great a power.

Mr Deakin

- The justice will not do it on his own motion. He will be moved , by some one else who has to bear the expense.

Mr ISAACS

- The party may not be able to bear the expense, although he may be liable, if means can be found of recovering the cost. I think this is too great a power to give a justice of the peace. If such a power is given it ought to be restricted to a Judge of the Supreme Court. We might allow, in the first instance, subpoenas to be issued' by a Judge or court, but the issue of a subpoena to bring a man from one end of the Commonwealth to another ought not to be confided in any person but a Judge of the Supreme Court. If the matter is of so great importance that this supreme step is .necessary, the power ought to be administered by a person in a high and responsible position. Speaking from memory, there' are same instances in. our law, particularly under the Fugitive Offenders Act, where a warrant may be issued for a person who is in Queensland, for instance, to appear before a court in Victoria. The man may be resident there, but a Judge in Queensland may say that the warrant shall not be executed ; that the man shall not be brought down.

Mr Deakin

- AVe have a somewhat similar provision in this Bill.

Mr ISAACS

- Yes ; but still more ought that provision to apply in the case of a witness. Surely a Judge ought to be able to say that a man is not to be brought down, say. from Queensland to Melbourne, merely because, in the opinion of some one, his evidence is thought to be necessary. It may be that in a police court case involving a sum of £10, the plaintiff may get a justice of the peace to issue a summons for the attendance of a witness living in some distant part of the Commonwealth. It seems to me that we should take care not to make this federal process a burden on the people. . One instance of that kind would make the people very dissatisfied with the position. I would ask the Attorney-General whether this power of compulsion ought not to be restricted to Judges of the Supreme Court, and whether the clause should not be so worded that the Judge should have an indication of the intention of the Legislature that such power should be exercised only in certain restricted cases ; in a case where he considered that the issue, or the amount involved, or the peculiar circumstances connected with it, were such that it was a special matter. It ought to be made plain that this procedure is not -to be adopted as an ordinary course. If that were done, it might be very beneficial, and prevent gross injustice. I should certainly like to see the Attorney-General restrict the operation of the clause in the way I have mentioned.

Mr CROUCH

- I can speak from experience of the necessity for this clause. I was once a clerk in the Victorian Crown Law department, and I know of cases where men would not come from New South Wales to Victoria as witnesses unless they received beforehand from the secretary of the department very large expenses. I have known men to require a promise from the Crown Law department of very large fees before they would attend, although these men were in responsible positions, and might have been expected to regard their attendance at court as a duty. It is provided in the clause that a reasonable sum must be paid to a witness for his expenses.

Mr Isaacs

- Yes, but his business may be ruined.

<page>4387</page>

Mr CROUCH

- If reasonable expenses are to be paid, a man cannot be brought down from Queensland to Melbourne without the person who 'requires his attendance becoming liable for a very serious sum in regard to those expenses. In one way the clause will be inoperative, as under the Victorian law, if the person failed to attend, he could only be fined. No warrant could be issued against him for his non-attendance. The penalty in that case would be limited to £5. That is the extent of the fine for which a man may be made liable under the Victorian Justices Act for non-attendance as a witness.

Mr E SOLOMON
- I do not think that such grave responsibilities as those proposed under the clause should be placed in the hands of a layman such as a justice of the peace. We know that very often mistakes in the issue of an ordinary warrant involve great expense, and a justice of the peace should not be empowered to summon a witness from one end of the Commonwealth to the other.
Mr DEAKIN
- It is evident that the balance of opinion is against the clause as it stands, although I look forward with apprehension to the task of expressing in so many words any limitation upon this power that could be defended. I believe that in China, when a street accident or disturbance takes place, the rapidity with which every one in the locality disappears is most remarkable. Every one turns his back upon the scene of the fray and departs as quickly as he can so that he may not be called as a witness. In China no consideration is shown to witnesses, who are brought up and detained as long as may be thought necessary in the interests of justice, and are tortured if they do not give the evidence that is expected of them. I could understand resistance being offered to these powers under the Chinese law, but under our own law the interests of the citizen in the proper administration of justice are supposed to be so great that all men are called upon to make sacrifices if necessary in order to give testimony in the courts. We all know, for instance, that if the honorable and learned member for Indi were the witness of an accident, he would be liable to be called upon to appear, and would have to sacrifice all his briefs for the day in order that he might give his evidence ; and any expenses that might be tendered to him would not be more than a fraction of the loss he had incurred. No attempt has ever been made in connexion with our judicial procedure to remunerate persons for the losses they have incurred in the discharge of such a public duty as that of giving evidence. While a case may not involve a very large sum of money, the issue may be a vital one, involving a man's character and reputation, and the circumstances may be such as to render it absolutely indispensable that he should obtain all the evidence possible in order to rehabilitate himself in the eyes of the community. If it is to be required that a Judge in a distant part of the continent shall say whether a certain man's evidence is necessary or not, it seems to me that we shall be rendering .the ordinary practical processes for securing evidence unnecessarily difficult and complex. However, as the feeling of the committee seems to be in favour of a reconsideration of the clause, with a view to having some restrictions placed upon the power to call witnesses, I will endeavour to see how far their wishes can be met. At the same time, I think that we shall lend ourselves less to the administration of justice by restricting these powers in the way suggested than if we rely upon the practical safeguard of the cost attending the summoning of witnesses from distant parts.
<page>4388</page>
Mr BRUCE SMITH
- There is another aspect of this clause which I ' think it would be well for the Attorney-General to consider. There is no doubt that lying at the root of all these clauses there is a difficulty that we are apt to lose sight of. We are inclined to suppose that because the law hitherto has provided that a man may be called from one part of a State to another part of the same State, the same argument* can be extended to the whole of the Commonwealth ; but we have to remember that to call a man from one extreme of the Commonwealth to the other, for perhaps a most trivial purpose, is a very serious matter. A man resident in Adelaide might for business purposes visit the Gulf of Carpentaria, and he might be called upon by summons to travel back the the length the continent and give evidence in connexion with some trivial matter. It might be in connexion with .police court proceedings or a civil matter. The arguments that might apply very well in the case of an individual State do not extend with equal force to the whole continent, as the whole circumstances are altered. Whereas it may be an easy matter to get from one part to another of the same State, it may be a very difficult thing to get from one part o the Commonwealth to another. We can conceive of the case of a man, in a large way of business, having to travel from say Perth, where he resides, to Rockhampton, and being called away from the latter place, where his presence may be very necessary, on a summons issued by a justice of the peace who may be a most ignorant man. Then, again, if he did not immediately answer the summons requiring bis attendance as a witness, he would be liable, under this clause, to have a warrant issued for his arrest. I quite agree with other honorable members that the earlier part of the clause may very well stand, because no very serious consequences attach to it, but there is strong objection to proceeding to the second stage, except upon the authority of

some very competent person. No warrant should be issued for the arrest of a citizen for not immediately responding to a summons, until the matter has been very carefully considered by some one occupying a position equivalent to that of a S upreme Court Judge. The evidence required from a witness may be of a very simple character, and may be as well obtained by commission as by requiring his personal attendance at court.. Power should be given to a Judge to issue a commission if he thinks that that will meet the case. I understand that the clause is to be postponed, and I would suggest to the Attorney-General the propriety of providing for that in the clause as amended.
Mr Isaacs
- The ordinary State laws make provision for commissions.
Mr BRUCE SMITH
- Yes, but I think the alternative power should be given in this clause.
Mr PIESSE
- In view of the proposal to postpone the clause, I will withdraw the amendment.
Amendment, by leave, withdrawn.
Clause postponed.
Clause 15 -
When any writ notice decree or other process, has, under the provisions of this Act, been served out of the State or part of the Commonwealth in which it was issued such service may be proved -
By affidavit sworn before any justice of the peace having jurisdiction in the State, or part of the State or part of the Commonwealth in which such service was effected ; or
Amendment (by Mr. Deakin) proposed -
That the words " or before a commissioner for affidavits or declarations or notary public for that State or part," be inserted after the word "effected," at the end of paragraph (a).
Mr CROUCH
- I would like to know whether the term "commissioner for affidavits " is intended to include all commissioners for affidavits, or only commissioners of the Supreme Court?
Mr DEAKIN
- It is intended to include all commissioners for affidavits but I will take a note of the point mentioned by the honorable member and look into it.
Amendment agreed to.
Clause as amended, agreed to.
Clause 16 -
When a warrant has been issued by any Court or Judge or any justice of the peace having jurisdiction in any State or part of a State or part of the Commonwealth for the apprehension of any person -
who is charged with any offence alleged to have been committed within such State or part, whether such offence is indictable or punishable upon summary conviction ; or
against whom an indictment for any such offence has been found or presented.
Such justice of the peace shall for the purposes of this section have the same power to remand the person and admit him to bail as he has in the case of persons apprehended under warrants issued by him ; and if it be made to appear to him that the charge is of a trivial nature, or that the application for return has not been made in good faith in the interests of justice, or that for any reason it would be unjust or oppressive to return the person either at all or until the expiration of a certain period, he may discharge the person either absolutely or on bail, or order that he shall be returned after the expiration of the period named in the order, or may make such other order as he thinks just.
Amendment (by Mr. Piesse) agreed to - .
That the following words be inserted as paragraph (c), "who is charged with deserting or leaving without means of support his wife and children."
<page>4389</page>
Mr ISAACS
- In connexion with sub-clause (4) I should like to see alternative, if not exclusive, power given to a Judge of the Supreme Court. In this clause we again have a provision giving a layman the sole discretion to say whether a person has been apprehended for any trivial matter and I think that nothing will be lost, but, on the other hand, everything may be gained by extending this power of decision to a Judge of the Supreme

Court of the State in which the person accused resides. I move -
That the words " or any Judge of a State" be inserted after " him," line 18.
Amendment agreed to.
Clause, as amended, agreed to. .
Clause18 -
Any person in whose favour a judgment is given or made, whether before or after the commencement of this Act, in a suit by any Court of Record of any State or part of the Commonwealth, may obtain from the prothonotary or registrar or other proper officer of such court a certificate of such judgment in the form and containing the particulars set forth in the third schedule hereto or as near thereto as the circumstances will permit, which certificate such prothonotary registrar or other officer is hereby required to grant under his hand and the seal of such court.
Mr CROUCH
- I should like to draw attention to the words "before or after the commencement of this Act." Those words mean that a judgment now in existence in any State can be removed. I know, of my own personal knowledge, of advice having been given to certain persons that they should not attend actions brought in the courts of other States, upon the ground that those courts, not having jurisdiction in Victoria, would not be allowed by the Supreme Court here to enforce their judgments. There are decisions under which, if a judgment is wrongly procured in another State, it cannot be removed to Victoria unless the contract arose in Victoria. To allow these judgments to be revived, and to give the power of removing them to Victoria, would inflict an injustice upon persons who would have defended the actions if brought against them in their own State. I therefore ask the Attorney-General to strike out the words "whether before or ? "
Mr DEAKIN
- I would point out to the honorable and learned member that for some time past there has been power such as is conferred by this clause, only in wider terms. That power is conferred under the Federal Councils Act of Australasia. It extends to cases where a writ of summons has been served within the colony, where a judgment has been made after civil process, or where a person against whom a judgment has been made has submitted. The question is a simple one. In this part of the Bill we are enabling the enforcement of judgments obtained in one State to take effect in a comparatively simple manner in another State.
Mr ISAACS
- I do not think that the Attorney-General has quite caught the point of the honorable and learned member for Corio. There is no doubt that under the various Acts of the States provision is made for getting summary execution on a certificate of judgment. But notably, in New South Wales some years ago, there was the Emerson Brisbane Oyster Fishery case, in which the Supreme Court of that State said that it would not regard as valid judgments given in Victoria against a person not resident here, but who was served with a process while passing through this State. The honorable and learned member for Corio objects that this particular clause might make binding and operative judgments which are not at present regarded in New South Wales as valid. The request is to make this provision apply to future judgments, and not to allow it to have a retrospective effect. I think that there is some force in that suggestion.
Mr Deakin
- Under the circumstances. I think there is. I, therefore, move -
That the words "whether before or," line 2, be omitted.
Amendment agreed to.
Mr PIESSE
- This provision proposes to repeal the Federal Council Act, and therefore may possibly take away rights existing in certain of the States to have judgments registered and enforced under that Act.
Mr Deakin
- I do not think so, but I will look into the matter.
Amendment (by Mr. Deakin) agreed to -
That the words "prothonotary or registrar or other," lines 5 and 6, be omitted.
Clause, as amended, agreed to.
Clause 19 -
(3.).....

No certificate of judgment shall be so registered after the lapse of twelve months from the date of the judgment, unless leave in that behalf has been first obtained by the court in which the certificate is proposed to be registered, or from a Judge thereof.
<page>4390</page>
Mr BRUCE SMITH
- I would point out that this paragraph provides that no certificate of judgment shall be registered after the lapse of twelve months. Under the present procedure a judgment can be enforced without application within six years. I know of no reason why there should be this sudden jump from six years to one year, unless leave be granted. Formerly the period in New South Wales, unless leave were granted, was six years. I would direct attention to the fact that clause 21 provides that no execution shall be issued upon a certificate, unless an affidavit is first filed stating that the amount for which execution is proposed to be issued is actually due and unpaid. Unless there is some very good reason for changing the period from six years to one, I would ask the Attorney-General to further consider this matter ? Twelve months is a very short time. The provision means that if by any mishap a period of one year were allowed to elapse before execution was issued special leave would have to be obtained.
Mr Deakin
- The Federal Council Act which applies to all the other States fixes the period at twelve months. There will be no difficulty in getting leave.
Mr BRUCE SMITH
- I am speaking on the authority of the legal committee which sat upon this Bill in New South Wales.
Mr Deakin
- Let us say two years, then.
Amendment (by Mr. Bruce Smith) agreed to -
That the words " twelve months," line 2, be omitted with a view to insert in lieu thereof the words "two years."
Clause, as amended, agreed to.
Clause 20 (Courts of like jurisdiction).
Mr CROUCH
- I think the effect of this clause is that any lower court may register in a higher court. The court of petty sessions, for instance, may register either in the County Court or the Supreme Court. I would point out that under this provision the man who is anxious to make costs can easily do so. A man who gets a judgment in a court of petty sessions in Tasmania will be able to register in the Supreme Court in Victoria at great expense to a judgment debate.
Mr DEAKIN
- Under clause 19 such a person has to register in a court of like jurisdiction. It is only when there is no court of like jurisdiction that he has to go to another court.
Clause agreed to.
Clause 21-
No execution shall be issued or other proceedings taken upon such certificate unless an affidavit is first filed in the Court .... by the person in whose favour the judgment was given or made, or by some other person cognizant of the facts of the case, stating - . . . .
Mr PIESSE
- On behalf of the honorable and learned member for Bendigo, I move -
That the words "some other" line 5, be omitted with a view to insert the word " any" in lieu thereof.
An Honorable Member. - What is the object of the amendment?
Mr PIESSE
- It leaves the provision a little more open as to the person who shall give evidence.
Mr DEAKIN
- I do not see that the amendment makes any difference whatever, for the words " some other " certainly include every person in the world.
Amendment, by leave, withdrawn.
Clause agreed to.
Clause 22 (Proceedings subject to the control of the court).

Mr CROUCH
--I see that this clause speaks only of Judges, although we have decided that " court " includes a Judge or justices. Is it intended to exclude justices in this clause, and to confine the power to Judges of the Supreme Court?
Mr Deakin
- After the indisposition of the committee to include justices, I am not prepared to include them in this clause.
Clause agreed to.
Clause 25 (Judges of Supreme Courts may make rules).
Amendment (by Mr. Piesse) proposed -
That the following new sub-clause stand as subclause (c) : - " Until such rules have been made and as far as any made do not provide for the circumstances of any particular case the practice and procedure of the State in which the process is issued or in which the service is effected or the execution is enforced respectively shall apply as far as practicable."
Mr CONROY
- Has the Attorney-General fully considered the effect of this amendment. It would seem as if there would be conflict between the rules of the various States.
Mr DEAKIN
- The new sub-clause shows what is to be done in each case.
Amendment agreed to.
Clause, as amended, agreed to.
<page>4391</page>
Mr DEAKIN
- I move-
That the following new clause stand clause 10 : "Any defendant who has been served under this Act with a writ of summons may apply to the court out of which the writ was issued, or a Judge thereof, for an order compelling the plaintiff to give security for costs, and upon such application the court or Judge may make the order."
Mr. CONROY(Werriwa).- There would appear to be a certain amount of risk involved in this proposal, and perhaps the Attorney-General would offer some explanation as to the operation of the proposed new clause.
Mr Deakin
- The clause simply applies to security of costs in the ordinary way.
Mr CONROY
- Supposing a poor person be injured and brings a bona fide action, he would be compelled under this clause to give security for costs.
Mr Deakin
- Yes, in a civil action.
Mr CONROY
- I think that is rather going beyond what we ought to do, although I know that we desire to put a stop to speculative actions.
Mr Deakin
- Especially when one of the parties may be in a remote place. We must trust our Judges.
Mr CONROY
- I see that it is left to the Judge, and perhaps such a clause may be desirable where the territory is so vast.
Clause agreed to.
Mr DEAKIN
- I move-
That the following new clause stand clause 12 : - " This part of this Act does not confer on any court jurisdiction to hear or determine any suit which it would not have jurisdiction to hear and determine if the writ of summons had been served within the State or part of the Commonwealth in which the writ was issued."

This clause is simply to remove a doubt. This is not a Bill to confer jurisdiction or interfere with jurisdiction, and this clause is an intimation intended to place that fact beyond possibility of contention.
Sir Edward Braddon
- Is there any necessity for the intimation? "
Mr DEAKIN
- Personally, I do not think so, but as the Bill has been criticised as open to some refinement of argument, it would perhaps be better in the interests of the public to remove any doubt.
Clause agreed to.
Second Schedule -
Mr CROUCH
- This schedule has apparently been taken from an existing Act, and has not been carefully looked into. According to clause 16, as amended, a Judge or a court can issue or endorse a warrant ; but this schedule apparently confines that power to justices of the peace, and will require amendment.
Schedule verbally amended and agreed to.
Progress reported.
DEFENCE BILL
In Committee(consideration resumed from 9th August, vide page 3608).
Clause 1 (Short title).
Mr WINTER COOKE
- I should like to ask the Minister for Defence whether he really intends to go on with this Bill this afternoon. It is a very important measure, and many honorable members who have taken great interest in it are absent. One amendment which has been circulated is in regard to the interpretation of the word " emergency," in clause 4, and is highly important. I would suggest that the Bill be postponed until we have a larger number of those honorable members present who take an interest in it. We were led to believe yesterday that this Bill would not be taken to-day. Personally, I am prepared to proceed with its consideration, but I think it would be well to postpone it.
Mr WILKS
- I would ask the Minister to postpone the Bill for the reasons that have been already advanced by the honorable member for Wannon. The Bill contains so many principles of importance to the Commonwealth that I do not think it should be proceeded with in the absence of many honorable members who were not aware that it was coming on to-day. We should like to have a full committee to vote on many of the contentious clauses, and the Government might proceed with the Postal Bill, which is of a more peaceful character, and take this measure next week. If my memory serves me correctly, we were led to believe last night that only the Distillation Bill, and the Service and Execution of Process Bill would be taken to-day. Those measures have been allowed to pass through quietly, and I think the Defence Bill ought not to be brought on this afternoon.
<page>4392</page>
Mr HUGHES
- I wish to emphasize that which the honorable member for Dalley has said, and to point out that quite early in the Bill an important question will come up for consideration in an amendment which I have circulated, and which if carried would have the effect of rendering necessary a substantial alteration of the Bill. In clause 4, the term " citizen forces " is interpreted as meaning " the militia and volunteer forces." My amendment, if carried, would convey an entirely different meaning.
Mr Deakin
- Does not that come on under clause 28?
Mr HUGHES
- No. What good can there be in going through the Bill if my amendment is carried? If it is, then " citizen forces " will not connote anything of the sort described in the interpretation clause, and the whole machinery of the measure will have to be redrafted in order to give effect to my proposal. We were told that the Postal Bill would be proceeded with until completed, and I think this Bill can be very well dealt with, if there be time, either after we have disposed of the Postal Bill and sent the Tariff on to another place, or on some other equally convenient occasion. The measure is going to create a great deal of discussion, and it is ridiculous to suppose that we can do anything in the way of serious debate during the

limited time at our disposal this afternoon.
Mr O'MALLEY
- If the Government are in any trouble and have nothing to go on with, I would point out to them that I have a private motion down for discussion. I am only making this suggestion to enable the Government to get out of their trouble, but if they do not wish to allow that motion to proceed to-day I will not press it. .
Sir EDWARD BRADDON
- I hope that a Bill of this importance will not be dealt with in a thin House. There is no doubt that there will be a very great amount of discussion upon several of the clauses of this measure - discussion which will operate at the very root of the Bill itself, and tend to change the whole of its character. I feel assured that the Bill introduced will not be by any means the Bill that will pass the committee. For economy of time and labour, I would suggest that we should take some other measure for the two hours or so that we now have at our disposal this afternoon. As the honorable member for West Sydney has suggested, after we have got through the Tariff, or at any time when opportunity offers, we may deal with this Bill. I am not saying that with the slightest idea of helping my honorable friend from Tasmania, Mr. O'Malley, to bring on any of his motions, the only effect of which would be to shorten our labours this afternoon, and cause many of us to leave at an early hour.
Mr WATSON
- I think that the Government can at least expect from the committee a readiness to proceed with work this afternoon. Last night, however, we were told that the Postal Bill, the Distillation Bill, and the Service and Execution of Process Bill would be taken to-day. It seems that the Government are not ready to go on with the Postal Bill, but it is hardly fair to those honorable members who for some weeks past have been circulating amendments on the Defence Bill, and who are not here to-day, because they were not aware that the Bill was coming on, that we should proceed with its consideration now. Special reference might be made to the amendment which has been circulated by the honorable and learned member for Northern Melbourne, and which lies at the root of the whole Bill. Without the presence of the honorable and learned member, it could not receive that attention which it would otherwise gain. In the circumstances we might very well allow this measure to stand over.
Mr CONROY
- I think we might well call on the Minister for Defence to postpone this Bill. The very first clause provides that this Act shall be constituted as the Defence Act. Many of us hold that this is an aggressive measure, and there is bound to be a very large amount of discussion on that point:
Mr PAGE
- This is a most peculiar proceeding. We had the leader of the Labour party censuring the Government a fortnight ago for not proceeding with work expeditiously. Now we find the same honorable members who supported that complaint urging that business should be postponed. 1 only wish to draw the attention of the committee to the anomaly.
<page>4393</page>
Minister for Defence
Sir JOHN FORREST
. - I wish on this occasion, and, I hope, on every occasion, to try to the utmost to meet the wishes of honorable members. For my own part, I have not the slightest objection to postponing this measure, but not for the reason that my right honorable friend Sir Edward Braddon has put forward, because I do not agree with him that the Bill is likely to be altogether changed in its character. If the right honorable member really thought so, it might surely have been expected of him to propose some amendments with that object in view. I have not, however, seen any of a vital character suggested by him. I might say, in fact, that all the amendments which have been circulated, with the exception of that relating to the interpretation of the word "emergency," are far from being vital. Perhaps if we agreed to the proposal by the honorable member for West Sydney, who wishes to make every one a soldier, always reserving to ourselves the right to refrain from soldiering, that might be a vital alteration. I must say, however, that I am surprised, after so much talk, to fmd so few amendments put forward.
Mr V L SOLOMON
- Nine pages of amendments have been circulated.
Sir JOHN FORREST

- I hope I shall be able to agree to a good many of them. There are few which affect the principles of the Bill. I had some pleasure in reading the debate on the second reading, and it seemed to me that there was a good deal of talk but very few suggestions put forward. One honorable member told us that lie knew nothing whatever about defence.

Mr Hughes

- I rise to a point of order. Is the right honorable gentleman in order in criticising what other honorable members have said on the second-reading debate, and if so, will other honorable members be permitted to adopt the same course?

Sir John Forrest

- I see that the honorable member wishes to shut my mouth. Not having had an opportunity of speaking in reply to the second-reading debate, I thought I might have been allowed to say something on this occasion.

Mr Hughes

- I asked for your ruling, Mr. Chairman. The honorable gentleman is out of order in referring to matters which took place on the second-reading debate. The only matter we have before us is clause 1, and anything outside that is entirely out of order.

Sir John Quick

- I hope that the honorable member for West Sydney will not press his point of order. It is most desirable that the committee should be placed in possession of the views of the Minister for Defence. The right honorable gentleman was absent during the debate, and I was going to suggest that he might on this occasion be afforded the opportunity of expressing his views generally on the subject.

Mr Hughes

- I have no objection to allowing the Minister to say what he pleases ; but I do not intend that he shall be allowed to criticise any remarks I have made without my having an opportunity to reply,

Sir JOHN FORREST

- The honorable member would have no right of reply. I move -

That progress be reported.

The CHAIRMAN

- I would point out to the honorable member for West Sydney that I gathered from what transpired in committee a few days since that the standing orders were not to be strictly adhered to. As a matter of fact, every honorable member who has spoken on this clause has been out of order ; but the usual practice has been to allow requests for postponements to be made to Ministers, and in my opinion the Minister was only replying to those requests. If I had ruled the Minister out of order I should have had to rule other honorable members out of order.

Mr POYNTON

- I would suggest that as the Minister was away during the debate on the second reading of the Bill he should now be allowed to make whatever explanation he may think necessary, and thus save time later on. »

Mr WILKINSON

- I think it would be as well to postpone the consideration of this Bill, because, although it has been before the House for some considerable time, we must remember that the information regarding it has to reach very remote parts of the continent. I have in my hands now some notes with reference to the Bill, which only arrived to-day from' a remote part of Queensland. These notes are furnished by men who have a special knowledge of the subject, and I not only hope to learn something of value from them myself, but I trust that they will prove useful to the House in considering the Bill in committee. I think we should be doing well and wisely in the interests of the Commonwealth and our future defence forces, in postponing the consideration of the Bill until we have a larger committee.

<page>4394</page>

Mr MCDONALD

- I think we ought to afford the Minister every opportunity of explaining his position. We all sympathize with him in the necessity which he was under to absent himself from the second-reading debate, especially when we consider the junketing in which he took part, and the guards of honour he had to accompany him in the various parts of his State. At the same time, I think that in the case of such an

important Bill as this, the Minister in charge should be present during the second reading debate.
Mr V L SOLOMON
- Circumstances of which perhaps the honorable member does not know prevented the Minister from being present.
Mr McDONALD
- I do not know of any circumstances, but if, as has been suggested to me, the Minister was ill, that, of course, would be a sufficient reason for his absence. Still I think that it would have been better to postpone consideration of the Bill until the Minister could return. I hope we shall not take this as a precedent for allowing a Minister in charge of a Bill to make a second-reading speech in committee.
Mr. G.B. EDWARDS (South Sydney).It think it will be desirable for the Minister to make any explanation he may desire at this stage. It would greatly facilitate the passage of the Bill through committee if the Minister could now inform us how the Government are going to deal with the suggestions made during the debate on the second reading. I take exception to the statement of the honorable member for Maranoa that some honorable members on this side of the House are now opposing the progress of business after having complained of the delay which has occurred in carrying on the work of the House. I think every honorable member on this side of the House is desirous that good progress should be made with business, but there was a definite understanding that other business, in which a great many members who are absent are not specially interested, should be gone on with to-day. Had these honorable members known that the Defence Bill was to be gone on with this afternoon, many of them would certainly have been here, but they understood that attention was to be devoted to the Distillation Bill and the Service and Execution of Process Bill. I have, from the first, entertained the view that the Government would have been wise if they had remitted this Bill to the consideration of a select committee, and I am not certain that it would not be a good thing now to retire this Bill, upon which no party feeling exists, and remit it to a select committee. I am certain that by adopting this course we shall proceed much more expeditiously and satisfactorily than by dealing with the pages and pages of amendments which the House will be called upon to consider.
Mr PIESSE
- I hope the Minister will not postpone the consideration . of this Bill. I would point out to honorable members that the consideration of one Bill - the Immigration Restriction Bill - was postponed to meet the convenience of honorable members on the other side of the House, and that, with the exception of that measure and the Postal Bill we have taken the business in the order in which it appears on the notice paper. So far as the Postal Bill is concerned, there are only three postponed clauses to consider, and it was not possible to recommit the Bill to-day. I think it is rather unfair of honorable members to make complaints because they are not prepared to speak to the Bills that appear on the notice paper, and which are taken in their proper order.
Mr. WATSON"(Bland).- The honorable member for Tasmania, Mr. Piesse, is entirely mistaking the position taken up by honorable members on this side of the House. Our contention is, not that we should not proceed with business, but that the work set down for the day is not being proceeded with. We were told that the Postal Bill was to be taken to-day, and although there are only three postponed clauses, it is quite beside the question to mention that fact as indicating that the Bill would not occupy much time, because there are a number of new clauses which will take a long time to dispose of. We were informed that certain business was to be brought on, and it was the duty of the Government to be prepared with that business, and if they are not able to adhere to their programme, the responsibility rests entirely with them.
Mr. V.L. SOLOMON (South Australia). - It seems that some mistake has been made for which, perhaps, the Government are not entirely responsible. We are not able to proceed with the Postal Bill as anticipated, and as the Minister for Defence is desirous of filling up a certain amount of time by making an explanation, I think we ought to facilitate that course, especially when we know that he was not able to be present during the second-reading debate, owing to illness and other domestic troubles, which I am sure the honorable member for Kennedy did not thoroughly understand or appreciate when he made the remarks he did. I hope the Minister will withdraw his motion to report progress.
<page>4395</page>
Attorney-General

Mr DEAKIN
. - I only rise because honorable members have thought fit to cover a proceeding -which needed no justification by attempting to justify it at the expense of the Government. ' In the first place honorable members are not bound by what the Government say, but by what they see on the notice-paper. They were told last night that the Distillation Bill, the Postal Bill, and the Service and Execution of Process Bill would be dealt with to-day. The Distillation Bill was dealt with, and so was the Service and Execution of Process Bill. The Post and Telegraph Bill was not brought on, because I am perfectly well aware, as has been mentioned by the honorable member for Bland, that more time than we have at our disposal to-day will be required to finish it. There are not only the postponed clauses to be dealt with, but also several new clauses of which honorable members have given notice, and to which consideration has been promised. That consideration is not yet complete, so that if we had commenced the Bill to-day, we should have had to commit what "some honorable members consider the offence of bringing the Bill forward, and after partly considering it, postponing it again. The Government are bound to take the business as it appears on the paper as far as practicable. We intimated last night that if by any chance the Service and Execution of Process Bill did not occupy the whole of the time, we would proceed with the Immigration Restriction Bill if honorable members were ready. That was the next order of the day. We found, however, that honorable members were not prepared to go on with that measure, and it was for their sake that we postponed its consideration. Honorable members will thus see that we have taken the next Bill on the notice paper, and cannot complain that they had no warning as to what was to be done. Then when the House requested the Minister for Defence to set aside the Defence Bill, and abruptly required him to discontinue his remarks, we find ourselves reproached for once more inconveniencing them. Having shown that we have strictly adhered to the business paper, I propose that we shall now occupy the time remaining to us and occupy it profitably. On two occasions we have had to ask the honorable member for Grampians to sacrifice his right to speak upon the motion relating to the establishment of a national department of agriculture.
With the permission of the House, and the kind concurrence of the members who have prior business on the paper, I propose to postpone the intervening business, and to allow that motion to be brought forward thisafternoon.
Mr. WILKS(Dalley). - When the Attorney-General attempts to justify the action of the Ministry in regard to the transfer of business, and throws the on us of such action upon honorable members upon this side of the House, I think he is going too far. I contend that there are important principles embodied in the Defence Bill, such, for example, as that raised by the honorable member for Northern Melbourne, involving a matter of interpretation, requiring the presence of a full committee to determine. We merely asked that the Defence Bill should be postponed because honorable members were not aware that it was coming up for consideration this, afternoon, and we did not wish such an important measure to be discussed in a thin committee. I trust that this side of the House will not again be charged by the Attorney-General with having adopted obstructive tactics.
Progress reported.
ORDER OF BUSINESS
Motion (by Mr. Deakin) proposed -
That notices of motion and order of the day No. 1, general business, be postponed until after the consideration of order of the day No. 2, general business.
Mr MCDONALD
- I think it would have been far better if the honorable member for Tasmania, Mr. O'Malley,. who is in charge of the first order of the day, had made this request for the postponement of its consideration. It is not usual for the Government to ask for the postponement of any private business.
Question resolved in the affirmative.
NATIONAL DEPARTMENT OF AGRICULTURE
Debate resumed (from 26th July, vide page 3150), on motion by Sir John Quick -
That, in the opinion of this House, a National Department of Agriculture and Productive Industries, on the same Hues as that of the United States of America, ought to be organized and maintained in connexion with the Government of the Commonwealth.
<page>4396</page>

Mr T SKENE
- I will not disguise for a moment that I am. rather pleased at the turn events. have taken to-day, because next week is our great agricultural week in Melbourne, when all the agricultural societies in this State will probably be represented at our annual show, and I wished to have my remarks upon this subject in print before that gathering took place. 1 am specially indebted to the honorable member for Tasmania, Mr. O'Malley, for giving.#me precedence oh this occasion, and to other honorable members who followed his example. Indeed, I am indebted to the whole House for the opportunity which has been afforded me of speaking upon this question. 1 think it will be conceded on all sides that any movement having for its object the advancement of agriculture within the Commonwealth is entitled to earnest consideration. This is no debating-club subject. Our unkindest critic, I am sure, cannot say that. All my life T have been identified with rural pursuits, and representing, as I do, large agricultural and viticultural interests, I am naturally in deep sympathy with this motion, in so far as it can be given practical effect to. But I confess that I do not think all that is implied in it is practicable at the present time. To establish such a department of agriculture as they have in the United. States of America is impossible in this small community. It would be very much like the man with a few hundred pounds a year attempting tt> live up to one with as many thousands. We are met on the threshold of the consideration of this subject with two facts. The first is, that the States already have departments of their own. The second is, that they have need of them apart from any common. interests they may have in any legislation which the Commonwealth Parliament is empowered to enact in regard to agriculture. The last two Governments of Victoria have endeavoured to facilitate the system of closer settlement on the lands of the State by the purchase and subdivision of large estates. Now, if there is any vital interest which can be served by technical education it is that of enabling people to live on a small area of land. I am referring, of course, to those people who cultivate the earth for a livelihood, and not merely for an investment. That is one of the matters which will have to come within the purview of the State Parliaments. This matter of closer settlement touches upon one of the most vital questions with which we shall have to deal in the future - namely, the tendency of the people to leave the country and cling to the towns. If has been said that the United States of America did without a department for 75- years. But there is no analogy between the two cases. A.n unwholesome distribution of the population was not one of the troubles of the United States at the time of the inauguration of their Constitution.. When President Washington was installed in the President's chair in 1790, of the whole population of America - then some- 4,000,000 - 3 per cent, only lived in the towns. The remaining 97 per cent, resided in the rural districts. As late as 1840 the proportion had not very much increased,, and in 1880, some eighteen years after the first Act was passed relating to the department of Agriculture, only about 23 per cent.. of the population were living in the towns.
Mr Higgins
- Steam and machinery had not come in then.
<page>4397</page>
Mr SKENE
- Steam and machinery had not come into vogue so much then, of course. I am just leading up to the position as it is now. This urban population lived in 242 towns and cities. At the present time only some 37 per cent, of the population of the United States - notwithstanding all that has been done in the way of creating manufactures, and inducements for the people to live in the cities - reside in the towns. There are 580 towns, each containing some 4,000 or more inhabitants. I believe that at the last census it was found that some 35 per cent, of the population of New South Wales was living in Sydney, and in Victoria the proportion is possibly even greater. I am not going to refer to the fiscal issue, but the figures appear to show that under the protective policy of Victoria, or the free-trade policy of New South Wales, the tendency of population is to cling to the large towns. I suppose that at least 50 per cent, of population is to be found in the large towns of Victoria and New South Wales, and that is a reason why we should in the future try as far as possible to encourage the settlement of the people on the land. We can only encourage that settlement, I presume, by what I shall refer to later on, namely, by bounties on production and export ; but the States can encourage agricultural settlement as is being done now in Victoria and New South Wales,, by providing for closer settlement, and in this connexion the States cannot part with their own departments of agriculture. We are told that in the United States the political centre of gravity lies in the valley of the Mississippi, people having gravitated westward ; no eastern man having been, or

is likely to be, returned as President for a long time. Mr. Frederick Harrison, in a recent article in the NineteenthCentury, sets out that fact, and states that Chicago or St. Louis is destined to be the metropolis of the United States. I was pleased to hear the remarks of the honorable member for Echuca with regard to the possible advancement of irrigation, although I would be one to proceed very cautiously in this respect. Notice of motion has. been given by the honorable member for South Australia, Mr. Glynn, for the locking of the larger rivers of Australia, which run into the Murray and thence into the sea. People hardly recognise what are the possibilities in connexion with these rivers, when they
Are taken in hand and thoroughly locked ; but I do not think that very much can be done by the mere locking of the rivers. We know that those 'rivers are simply large ditches, whereas there are places on the mountains where huge reservoirs could be made, and a great deal of water conserved. There is another matter in connexion with that part of the country which perhaps honorable members do not know. Some few years ago an Attempt was made to strike artesian water at Hay. The bore went through one layer of drift, and the water rose a certain distance. Then the bore went through a layer of clay, and through successive layers of drift and clay for some 600 feet, when the water always rose to the same level within 70 feet of the surface. There are millions of acres of magnificent land there, which eventually, when we have sufficient population, will be under intense culture. Although I am not prepared to go quite so far as the motion of the honorable and learned member for Bendigo indicates, I can go with him in his proposal that there should be an Intelligence Bureau, because such an institution, with the most capable head we can obtain, would do a great deal of good in focussing the best work of the State departments. On the imposition of uniform duties, the question of the bounties on production and export will be cast on us, and we must have some means of deriving the most accurate and up-to-date information on the subject. We cannot deal with a matter of this kind simply on the knowledge which comes to us haphazard in the House, and we must have reports to enable us to adopt the most accurate methods. I heartily congratulate the honorable and learned members for Bendigo and Indi on the way in which they dealt with the literary and technological view of the question, showing that they had given the subject very great research. But their inspirations appear to be drawn from what is to be seen and heard inside the circle of educational establishments. As a practical man I am not quite so taken with that particular view, and my object to-day is to try and impress on the House the view that we want some action taken .which will embrace not only the technological part of education, bub, at the same time, will introduce into the scheme the practical man. Mr. Frederick Harrison, to whose recent article in the NineteenthCentury I have referred, and who was invited to Chicago to give the annual address in commemoration of George Washington, spoke very largely of the magnificent system of general education throughout the United States, and after remarking that libraries are not learning and museums and laboratories not knowledge, he said this : -
The passing visitor to the United States forms his own impression as to the bulk of tho diffusion of the instruments of education ; but he is in no better position than any one else to measure the product.
I feel very much in that way. Having lived most of my life in the country, and having been brought into contact with men following agricultural pursuits, I must say I have not found outside of our educational establishments the fruitful results I should have expected, and I think the reason is not far to seek. We have, I believe, most capable men connected with our agricultural and educational establishments in the various States, and I am quite sure that the agricultural population of Australia is as intelligent a population as is to be found in any part of the world. These educational establishments do not do as much as they ought to do, because the practical man and the teacher do not sufficiently play into each other's hands. There is a mistaken notion as to their proper relations. The practical man is not regarded as being of much value in educational schemes, but I contend that he is the first and last factor. Agriculture is not an exact science, and outside the exact sciences, I take it that the province of the teacher is not to lead but to follow - to follow, as I once heard it expressed, as the coachman follows his horses, guiding ' them. The province of science is to take hold of rough facts, sift them, explain the rationale of them, and make them current coin. The scientist does not evolve methods out of his inner consciousness, but obtains his lead possibly from some accidentally hit on physical circumstances. That, according to my reading, is the teaching of the history of science. The primary postulate of John Stuart Mill, in his Principles) qf Political Education, is that in every department of human affairs -
Practice long precedes science. Systematic inquiry into the modes of action of the powers of nature is the

tardy product of a long course of efforts to use these powers for practical ends.
AVe find that in everything which crops up in connexion- with not only agriculture, but with other matters. I remember a thorough scientific farmer in the south of Scotland telling me a story of a stupid boy who was sent to fetch home a set of harrows. That boy dragged the harrows through a field, where the crop was already five oi' six inches above the ground, with the result that at harvest time that part of the crop was six or eight inches higher than the rest. That was an accidental discovery which, no doubt, scientists took hold of, and -afterwards explained. In our dry districts in Australia, there is summer fallow, surface tilth, deep seeding, and other conditions that have been discovered by farmers for themselves. After such discoveries have been made, they can no doubt be improved on by those who have studied the matter with scientific knowledge, and who can state the result better than can men who accidentally hit on the rough fact. I now come to what I regard as the kernel of my subject. We have, I believe, in our practical agriculturists a splendid industrial army of research, and those agriculturists have already been unofficially organized to some extent through the agricultural societies of the States. I believe they are only waiting for official recognition, such as is given in the United States, to render them of infinite use. We have many points in common, and I have myself been trying for a long time to bring about an organisation similar to that in the United States. I have here the reports of the Royal Society of Victoria, with which I have been for a good many years connected, and it will be seen that several attempts have been made to organize some system of the kind. A lecture was delivered before the Victorian Royal Agricultural Society by Mr. J. L. Dow - then a member of the local Legislature - after his return from America, showing how similar societies there were organized, and how they fitted in with the Agricultural department of Washington. The late Dr. Plummer, who was for seven or eight years president of the Royal Agricultural Society, made one or two attempts to federate the agricultural bodies of Victoria, and it was at his request that Mr. Dow delivered the lecture. I shall not trouble honorable members with more than a few extracts, just to show as nearly as possible my ideas on the subject. Mr. Dow, who delivered his lecture in 18S4, said -
The idea of reading this paper had been suggested to him byDr. Plummer, hs the result of a conversation upon the federal system adopted by the agricultural societies of the United States. In that country there was, first the ordinary agricultural societies throughout the States, next the federation of these societies into central boards, which boards in their turn were knit together with the great central board, the Agricultural department at Washington. . fc
He goes on to explain the state system of California. He says : -
Here we have an association of representative men, working according to a plan by which they combine the offices held in Victoria by the Government departments of ' agriculture on the one hand, and the National Agricultural Society of Victoria on the other.
What is called the State Agricultural Society of California, may be described as a board of twelve members elected from, and representative of, all parts of California, whose proceedings are invested with the State authority by an Act passed specially to that end. The Act may be thus summarized : - The association is declared a State institution. Twelve resident citizens, representing different portions of the State, are appointed as a board of agriculture. The appointments are b3' the votes of the agricultural societies. The hoard classifies itself, by lot or otherwise, into four divisions of three members each, whose terms of office expire at the end of one, two, three, and four years respectively. These members are charged with full control of all the property of the institution and with the direction of all its proceedings, together with the appointment from their number of a president (holding office for one year), a secretary and a treasurer. They meet once a quarter, or oftener if required. The board uses all suitable means to collect and disseminate all kinds of information calculated to educate and benefit the industrial classes, develop the resources and advance the material interests of the State, and make such suggestions and ' recommendations as experience may suggest for the improvement and advancement of agriculture and kindred industries, reporting to the Governor of the State annually a full account of their transactions, statistics, information gained, together with a balance-sheet for the year. The Act has further provided for the division of the whole of California into twelve districts, each district including such a number oE counties as lie most conveniently into each other, and whose interests are most in common.
The presidents of the district boards form a central board and thus the whole system becomes complete. Mr. Dow also says -
The establishment of at least one agricultural college in each State of America is provided for by an Act of

Congress, and in connexion with these valuable educational institutions the central or State boards are found of great value. The central board receives suggestions through the district representative, calculated to be of benefit to the general agricultural interest, and combined with the influence brought to bear through the central boards, the legislature' is enabled to have necessary action taken ; and, on the other hand, after certain steps have been taken, such as for example, the establishment of an agricultural college, then it also comes in as a valuable auxiliary in the way of supervision.

I think [have read enough to show that the federation of agricultural societies is part of the American system, and a part which I think might very well be introduced here. If we could only have our agricultural societies federated in that way we should be able to do away with a number of public experimental plots. The experimental plots which have been carried on in "various parts of the world . have not been quite as successful as some honorable members imagine.

Mr Kennedy

- If they have been carried on as they are conducted in Victoria there is no cause for surprise at their failure.

<page>4400</page>

Mr SKENE

- The honorable and learned member for Indi laid great stress upon the work which has been carried out on the Rothamsted experimental farms in the old country. I find in the Nineteenth Century for November, 1899, a reference to that work in an article entitled, "Manuring with Brains," which deals with the experiments conducted at Dalmeny - Lord Rose.bery's Scottish cottage estate. The article sets forth that - It may be admitted, that as these continuous white crop-growing experiments are being carried out upon the same lines year after year, and each year's results only confirm those of previous years, while at the same time these crops are grown under conditions which never obtain in ordinary farm practice, the Rothamsted experiments have now lost much of the interest which they formerly had for the agricultural public.

The writer goes on to say that inspired by the example of the Rothamsted experiments, the national agricultural societies and several other public bodies, proceeded to establish similar experimental stations. These farms, however, have been abandoned to some extent. Then the article goes on to show that -

The Scottish National Agricultural Society abandoned their stations as a failure, and it is a. very open secret that in recent years the board of agricultural inspectors have urged the conductors of the grant-receiving experimental stations to try and hit upon some other form of research rather than go on testing the same, manures year after year with ever-varying results.

If we could secure the affiliation of our various agricultural bodies under some Act of Parliament - and I do not see why it should not be an Act of the Commonwealth - I am sure that a great many men would take such interest in these matters that they would lay out experimental plots, themselves. The great success which has been gained in the breeding of stock has been due to the fact that various, formers and pastoralists keep their little stud flocks and herds. I see no reason why a farmer, once he can be induced to experiment in a proper way by means of technical education, should not have his own experimental plots on his own farm, and take as much interest in them as graziers do in their stud flocks and herds, which are to be seen throughout the country. The great advantage of this would be that we should have a large industrial army of research. We should have a large number of men throughout the country looking for interesting facts connected with agriculture, facts which perhaps they could not explain themselves, but which might bring about important results, and could be explained by those who had a scientific education. Darwin puts the matter very forcibly in connexion with the breeding of stock, and the selection of animals, and the tendency of animals and plants to vary under domestication -

As variations manifestly useful or pleasing to man appear only occasionally, the chance of their appearance will be much increased by a large number of individuals being kept." Hence number is of the highest importance for success. Nurserymen, from keeping large stocks of the same plant, are generally far more successful in raising new and valuable varieties than amateurs.

From that I reason that if we have a large number of practical men experimenting throughout the country we shall have much greater chances of finding out something new that will be of use to the industry. The idea which I have in mind 1 have found very neatly epitomized in an article which I read the other day by

Sir Lyon Playfair, who I think was professor of chemistry in the Edinburgh university. A discussion took place some time ago, between that gentleman and Lord Armstrong, and the article 'I refer to was written by him, in reply to one by Lord Armstrong in regard to the cry for useless knowledge. Sir Lyon Playfair, in combating that noble lord's arguments, wrote -

Nevertheless the fact is true that the great revolutions of industry come from without and not from within. Watt, who transformed the steam engine, was a mender of philosophical instruments and first thought of the engine when called on to repair a model for the Andersonian Institution in Glasgow. There he got lectures in science, and the cross fertilization of this, with his practical aptitude, bore its glorious fruits. That epitomizes my ideas on this subject. I feel that our scientific men - and good men we have here too - and the men who have had practical training, have not been playing into each others hands as they should do. We want to bring about some system by which technical education will take root.

Mr Deakin

- I think Mr. A. N. Pearson, agricultural chemist to the Victorian Department of Agriculture, has been doing a great deal to bring the two parties together.

Mr SKENE

- Yes ; but we have never made proper use of their organizations. A small pamphlet by Dr. Howell, who is attached to the Agricultural Chemist's branch of the Victorian Department of Agriculture was published the other day, in which the writer suggests that extension lectures should be held. That would be a most useful course to adopt. If district and central bodies were organized, we might have extension lectures under their auspices for the people of the country, from which, I think, some practical benefit would be derived.

Mr HUME COOK

- Just as the University extension lectures are held.

Mr SKENE

- Yes. The University extension lectures first came into operation in connexion with the Cambridge University, in 1873 ; Oxford took them up in 1878, and the movement extended to the United States of America about 1890. I was fortunate enough to drop across a volume in Mullen's some years ago, from which I learned how well these lectures were not only delivered but thoroughly sifted in America. The practice seems to be that after the lecture has been delivered the professor remains, and any person in the audience may ask a question in regard to the former lecture of the series. In every respect they are remarkably well arranged, and have taken on so well that they are spreading across the whole union of America.

Mr Mauger

- It is the same in Germany.

Mr SKENE

- As an example of this, I would point out that during the first season 40 lectures were delivered in Roxborough, a suburb of Philadelphia, and were listened to by no less than 60,000 persons. If we only, as the honorable and learned member for Bendigo has said - establish an intelligence bureau and draw from the States departments and from the agricultural bodies the very best available information, I think we would do well. In America all the information which can be brought forward by the various departments is collected. Some affiliation of this kind would lead to the creation of a department which would be most useful in carrying on our work of agriculture. The whole thing, to my mind, wants vitalizing. I understand that the honorable and learned member for Bendigo is disposed to accept an amendment which has been suggested, in regard to the omission of the words " on the same lines as that of the United States of America," from the motion.

Sir John Quick

- No such amendment has been moved, but I have no objection to those words going out.

<page>4401</page>

Mr SKENE

- I feel that in view of the position which we at present occupy, the motion, as it stands, would make it appear that we contemplate the formation of an Agricultural department distinct from the State departments. I do not think that would be workable, but an intelligence bureau is, of course, practicable. We might draw on the State departments and obtain all the information possible from them. I propose to

move an amendment, which, I think, would place on the face of the motion exactly what I understand to be desired, and which would remove any idea that the State Parliaments may entertain that we are trying to ignore them in the matter.
We should, I think, be able to work in perfect harmony with them in the manner i have suggested, and if we do so the work will be pushed forward more rapidly. I believe that eventually the whole undertaking will be taken over by the Commonwealth. In the meantime, seeing that the States have retained control over their land, and are now entering into an important period of their existence - as has been pointed out, the people are being induced to go in for intense, instead of extensive culture, to endeavour to make much out of little land rather than comparatively little out of much land - I think the States will be inclined to have their Agricultural departments in close touch with them. The amendment I should like to propose is that the following words be added to the motion -
And that steps should be taken to ascertain whether the State Parliaments will co-operate to the extent, in the meantime, of placing the services of their Agricultural departments at the disposal of the Commonwealth department, in so fur us they may be an aid to the carrying out of those matters appertaining to agricultural interests, which will shortly come under the exclusive control of the Commonwealth.
The addition of those words would, I think, make the position plain.
Sir J ohn Quick
- It would greatly complicate the motion.
Mr SKENE
- I do not feel that I could vote for the motion as it stands. I think the motion, if amended as I propose, would have the effect of establishing at once that which the honorable and learned member for Bendigo desires. We should obtain periodical reports from the State departments on all matters of interest for an intelligence bureau. That would be a very good beginning, and afterwards these institutions might be taken over by the Commonwealth. Having thought the matter out, I feel that it would be advisable to amend the motion in the form that I have suggested, and I hope that honorable members will give full consideration to the proposal.
Mr KIRWAN
- A number of honorable members have delivered very long, able, and eloquent addresses in support of this motion. They all seem to be very enthusiastic about the immediate establishment of an agricultural department to be controlled by the Commonwealth. I do not, however, feel at all enthusiastic about adding to the responsibilities and increasing the labours of the federal authorities at this early stage in our existence. It will be time enough for us to talk about extending our powers and responsibilities when we have proved by the exercise of the undoubted powers that we have under the Constitution that we can properly administer the departments at present under our control, and that we are worthy of the public confidence. Up to* the present the Postal and Defence departments, that it was specially intended should be taken over - and the transfer of which formed one of the principal reasons for establishing the Federation - are not yet in proper working order, and it will be early enough for us to talk about the formation of an agricultural department in connexion with the Commonwealth in five or ten years time. In connexion with the United States, whose example has been so largely quoted, we should not forget that they were federated for some fifty years before they formed an agricultural department. The honorable member for Grampians said that this was no debating club question, but I think there is no question that is more worthy of being called a debating-club question, or one which could be more easily or more advantageously postponed, than that of establishing a federal agricultural department.
Mr A McLEAN
- The prosperity of the United States dates from the time that they dealt with this question.
<page>4402</page>
Mr KIRWAN
- That may be, but it cannot be contended that the establishment of the agricultural department brought about the prosperity of the United States. The motion itself seems very vague, and the amendment which has been proposed by the honorable member for Grampians certainly very much improves it. The motion in its original form refers to the establishment of a " National Department of Agriculture and Productive Industries." I would like the mover to tell us what is meant by productive industry. I take it that a

productive industry means an industry which produces something, and if an industry does not produce anything it is a misnomer to call it an industry at all. If it is intended that the motion shall refer only to agriculture and kindred industries it will ignore other industries which are just as much entitled to consideration as is the agricultural industry. Take the mining industry, for instance. I claim that that has done as much for the Commonwealth as has the agricultural industry. It is those who are engaged in mining who largely supply a market for the produce of those engaged in agriculture.

Mr A McLEAN

- Mining is a productive industry.

Mr KIRWAN

- Yes j and if this resolution does not embrace it it ought to. Why agriculture should be specially mentioned, and not mining, is one of those things which it is so difficult to understand. The mining industry is just as much, if not more, in need of the help to which the honorable and learned member for Bendigo referred. In connexion with the mining industry we need money for prospecting votes, for schools of mines, for the treatment of our refractory ores, and for many other things ; and money spent in these directions would prove just as beneficial as if it were devoted to the interests of agriculture. I am not going to say that we should establish a department of mining in connexion with the Commonwealth, because I consider that a department of mining, as well as a department of agriculture, can wait for many years ; but if the one is established the other ought to be, because they are equally essential and deserving. Then there is the constitutional aspect of the question. The honorable and learned member for Bendigo devoted himself to proving that it was within the power of the Commonwealth Parliament to establish a department of this kind. I have here a book which I presume honorable members of this House - and perhaps none more than the honorable and learned member for Bendigo - will regard as an authority on this particular subject. I refer to the Annotated Constitution qf the Australian Commonwealth. At page 935 the author's note says -

The residuary authority left to the Parliament of each State, after the exclusive and concurrent grants to the Federal Parliament, embraces a large mass of constitutional, territorial, municipal and social powers, including control over-

Then follows a list of something like 30 different subjects, and the very first one mentioned is " agriculture and the cultivation of the soil." Then, amongst the other matters that are left under the authority of the States is " inspection of goods imported or proposed to be exported in order to detect fraud or prevent the spread of disease." I would like to know whether honorable members are prepared to take this book as an . authority, or whether they will rely upon the opinion of the honorable and learned member for Bendigo. There is still another aspect of this matter which we have to consider. When the Federal Constitution was being discussed throughout Australia, we' were told, rightly or wrong!}*, that the Agricultural department, and all that affected the agricultural industry, would be left solely in the hands of the State Governments, and until the honorable member proposed this motion, I am sure that the majority of honorable members, and I believe most of the public, were firm in the idea that agriculture was one of those subjects over which the State Governments had exclusive control, lt was certainly a matter of very considerable surprise to find the honorable and learned member for Bendigo proposing at this early stage to extend the powers of the Commonwealth in this direction.

Sir John Quick

- The honorable member has omitted to consider section 90 Qf the Constitution.

Mr KIRWAN

- I do not know what the authors of the book have done in connexion with that. I am only falling into the same mistake that they have made.

Sir John Quick

- The matter is evidently too deep for the honorable member.

Mr KIRWAN

- I may say that I have a very great respect for this book, and I ant sure that that feeling is shared by honorable members generally, to whom the publication has been of considerable assistance.

Honorable Members.- - Hear, hear !

<page>4403</page>

Mr KIRWAN

- I would also like honorable members to consider whether it would! not be unadvisable at this stage, in the interests of the agriculturists themselves, to pass this motion. At present the agricultural industry is looked after by the various. State Departments of Agriculture ; but what would happen if the Commonwealth undertook the control of the agricultural industry?: There would be a kind of dual control. The Commonwealth has its hands pretty full at the present time, and could not pay the. necessary attention to this department; and as the States would make the responsibility of the Commonwealth an excuse for neglecting their own duty, the agriculturists would, between the two authorities, find themselves very much neglected indeed. I hope, therefore, that the House will pause.- before taking a step that was never contemplated when the Commonwealth Constitution was under Consideration. The Commonwealth ought not to undertake anything more than it can reasonably accomplish. We have already a sufficient number of heavy duties to discharge, and we should show our competence to administer the affairs now- under our control before undertaking fresh responsibilities. I think that the consideration of this matter might very well be postponed.

Mr. RONALD(Southern Melbourne).After the set-back that our enthusiasm has received from the other side, I think it is "time to say something as to the real intention of this proposal. I have as much fear of what is known as centralization in these matters as has any honorable member, and I realize that a centralized control might, under some circumstances, prove disastrous to the agriculturist. Nevertheless, there is a great deal to be done on the lines of this motion that certainly ought to be undertaken. We have reserved to ourselves the right to grant bonuses for the encouragement of "various industries, and it would be well for us to have some central authority to decide bow these bonuses should be applied, There is no doubt that this Parliament can do a great deal to encourage the agricultural and other productive industries. We know that the resources of this Commonwealth are infinite, and that there is abundance of work to be done in developing them. There are many admirable institutions already in existence in the various States, and I know that we have recently been making great progress in Victoria in the matter of entomological developments, in cross fertilization, and in endeavouring to produce a rust-resisting wheat. But all these researches should be systematized so that those who are working for the common end may derive the best fruits from their labours. We also require to give every encouragement to students of agriculture, and this is only to be done by giving them scholarships and other inducements of a similar kind. We should adopt the German method of the gymnasium. We keep our young lads at the State schools nowadays studying the three R's when they would probably be better employed if they were studying agricultural chemistry and the other sciences kindred to the calling of agriculturists. We can, by a system of scholarships, enable youths to attend evening classes and University extension lectures which might be established throughout the length and breadth of the country. This can be done only by united and uniform action throughout Australia, guarding against centralization, but at the same time having a central college and a teaching staff which would go forth to do the pioneering work. Of course we are all aware that the Scylla and Charybdis of our politics is to guard against centralization on the one hand and decentralization on the other. Decentralization in effort of this kind means dissipation of energy and progress, without anything like aim or object ; whereas if a national department of agriculture were recognised by Parliament, and came under the purview of a Minister of the Federal Parliament, it would certainly do much to unify and encourage scientific agriculture. The previous speaker has taken exception to the words " productive industry," and pointed out that mining is a productive industry. That is true, and I hope that when we create a national department of agriculture we shall also notice that the rudiments of geology are as much needed by the practical miner as are the rudiments of chemistry by the practical agriculturist. I should like to see some great national university or teaching staff, such as would embrace all these practical subjects. Then we should be able to call the institution a university in the proper sense, because I am certain that the word " university," which in the mediaeval sense included all professions, will soon become similarly employed in the industrial world. This is the genesis of a great idea which might be worked out to great purpose and utility. We need not be afraid of taking too much upon our shoulders. It is certainly good policy not to bite off more than we. can chew, but. I think we are able to undertake this work without any fear of encroaching on the rights and privileges of the various States. As to the question of whether we have any right to do this, I would point out that we are only seeking to work in co-operation with the States, so as to give point and purpose and national aim to their efforts. We are by no means trying to override the States,

or to take over from them that which they are not willing to grant. If this department can be organized better by united effort throughout Australia than by the separate efforts of the various States, I sincerely hope that the motion will be carried.
<page>4405</page>
Mr KENNEDY
- Having been engaged in agricultural and pastoral pursuits for more than 20 years, it is with considerable diffidence that I rise to address myself to this subject. I find that it is a generally accepted maxim that the more attention a man has given to a particular avocation in life, the more it seems to be assumed by those outside of that avocation that he knows little about it. I purpose to briefly express my views on the subject which has come before us somewhat unexpectedly. I cannot understand the mental attitude of the honorable member for Kalgoorlie, who took exception to a declaratory resolution of this sort because it did not lay down the dictum that the Federal Government - assuming that this motion is assented to - must immediately incur an extraordinary expenditure to create a department of agriculture, to the complete exclusion of mining and other productive industries. It is not even questioned by the honorable and learned member for Bendigo that mining is a productive industry. On reflection, I think that the honorable member for Kalgoorlie will admit that it would be to the best interests of those engaged in all industries relating to all our staple products if some efficient means could be devised whereby those in any particular State could have the best information, scientific and otherwise, that is available in any of the other States. It is not to be assumed for a moment that it was in the mind of the mover of this resolution that the Federal Government should immediately attempt to establish a national department of Agriculture. What was in the mind of the honorable and learned member for Bendigo was what has since been given expression to, namely, that when the Federal Government have time to deal with the matter which we hope will be, if not in the first recess, in the second - they will formulate some scheme by which they can disseminate information obtained from the different State departments, and work on from that. It is not necessary to rush into rash expenditure ; indeed, we have splendid landmarks in the different States to protect us against any of the extravagant expenditure of the past. In Victoria, of which I have some knowledge, we have an Agricultural College endowed by the Government. The council of that college have done a good deal of useful work, but, considering the endowment which they have received, and the opportunities at their disposal, I am free to admit that their efforts, howsoever well directed, have not been as successful as one could have hoped. In some of their colleges they have the best men available in Australia. But through some misfortune the results of the experiments carried out in these institutions, which should have been available to the agriculturists of Victoria, have never reached them. This may be due to parsimony on the part of the council in neglecting to have their reports printed and distributed. I remember visiting one particular agricultural college when it was under the control of a parental government, just prior to the holding of one of their annual stud stock sales. Looking through the stock I found an animal which appeared in the catalogue as a shorthorn bull. I attempted to dissuade a friend from buying this animal, which was represented to be a shorthorn yearling. He disregarded my advice, however, and twelve months later the shorthorn bull had developed into a Jersey. It is matters of this sort that frequently discredit our colleges. It is an extraordinary fact that up to the present time in Victoria. - and I have been informed that a similar condition of things prevails in the other States - few, if any, of the farmers' sons have taken advantage of the opportunities offered for education by these institutions. I do not know what are the reasons for this, but I do know of the results of the education imparted to some who have gone through the full course. In one case a student had gone through the full course, and was enabled through his credentials to obtain employment upon an agricultural and pastoral holding. Almost one of the first duties which he was asked to perform was that of killing a sheep for household purposes. It is scarcely to be credited that although he had been three years in one of the best colleges of Australia he did not even know how to kill a sheep. This fact serves to show that too much attention is paid in these institutions to the technical side of the education imparted, and too little to the practical side. If one considers what the respective States expend upon agricultural education, and comes to realize what little benefit the agriculturists derive from that expenditure, one can quite understand the hesitation of the honorable member for Kalgoorlie in giving any counten-alice whatever to this motion. But that fact should: not" deter us from getting the best and most reliable information that is obtainable from the authorities in the different States, and so collating it that it can be disseminated in a useful form

among those engaged in the different productive industries of Australia. I could quote many instances in my own personal experience, and I suppose the same conditions apply to every agriculturist and pastoralist in Australia who attempts to be up to date in his avocation. He may be groping in the dark for months or years, and spending hundreds of pounds in attempting to achieve certain results, which could be achieved at one-tenth the cost by experiment at an agricultural college. By way of illustration I may say that in the early days it was generally stated that on the Murray and in the northern districts of Victoria, it was impossible to grow lucerne, owing to the climatic conditions. But a number of us-thought differently, and we experimented for years. After sowing at different seasons of the year under different conditions, we were successful, inasmuch as we proved to our own satisfaction that lucerne would grow splendidly, and that its cultivation was one of the best investments, provided we selected suitable soil, and sowed in the right season of the year. After an experience extending over pretty well ten years, I found, on personal inquiry at an an agricultural college within 40 miles of my own place, and where there was the same class of soil and practically the same climatic conditions, that experiments had been made at the college over the same period, but had resulted in failure. I could quote many other illustrations of a like character. It is not alone with respect to the education of our agriculturists that a department of the character proposed could be of immense advantage in our productive industries. The operations of such a department could extend beyond our own shores, and keep us informed of what is going on in other nations of the world. If there be a mineralogist or a metallurgist, or a chemist, who has a world-wide .reputation, there is no reason why we should not have the light of his learning and knowledge brought to bear on our conditions here. "We boast that we are a progressive and enlightened people, and that we have undeveloped resources | which promise unbounded wealth. I have spoken in another place on this matter, when those who are responsible for some of the mistakes that have occurred were present, and I now ask whether there is any reason, simply because they did not meet the emergency, why we should not fulfil our obligations to the people 1 We are serving the same people, and the mistakes of the past should be used as an incentive to the different State departments to leave nothing undone in the shape of teaching or experiment to bring, their knowledge up to date in every industry.

Mr Poynton

- Is there any reason to suppose that we can manage this better than the States ?

Mr KENNEDY

- I do riot say that we should manage it at all. This is an abstract motion.

Mr Poynton

- There is not much that is abstract about it.

Mr KENNEDY

- Well, the motion is declaratory. As I understand the position, the motion is an intimation to the Government of the feeling of the House as to what are the functions of Parliament in regard to the interests of the people. If anything can be achieved by creating an intelligence bureau and collecting information. -

Mr SAWERS

- The honorable member would not stop at that ?

<page>4406</page>

Mr KENNEDY

- We have no right to say where the matter should stop. But I am not going to be led away on to side issues. All the information we have at present * goes to show what benefits may be derived from an interchange of ideas, and from experiments carried on in the different States. We, in the State of Victoria, went to New South Wales many years ago to learn something about butter factories, the latter State being the first in Australia to establish the manufacture of butter-on that system. I am not going to contrast the butter industry as it exists in the two States to-day, but it must be admitted that, owing to the application of the system, and more particularly to the direction given by the authorities, there have been in the State of Victoria splendid results for the expenditure. Many years ago representatives were sent from Victoria to America in search of information, and the Attorney-General, then a member of the State Parliament, went to India to make inquiries on the question of irrigation. The Government of "Victoria sunk some £2,000,000 or £3,000,000 in irrigation works, and a good many hundreds of thousands of pounds were expended in that direction, only to find in certain cases that there

was no water available. Notwithstanding the latter fact, however, a useful education was obtained. By the expenditure of a quarter of million of money, the productive value of every acre of land in an area some 50 miles by 50 miles, was improved by more than 100 per cent. Is not that a splendid investment? In a place where a landowner had a difficult contract to make a living on from 700 to 1,000 acres, the conditions were made such, by an expenditure of money, the greater portion of which the people are repaying, that any enterprising man can earn a comfortable living and make money on 300 acres to-day. 'We have immense areas of undeveloped land within the Commonwealth, and it is by the application of intelligence, science, chemistry, and anything of the kind that we can bring to our aid, that we shall further the best interests of the community. The honorable member for the Grampians referred with some dubiousness to the locking of the Murray, the Murrumbidgee, and the Darling, and stated that water was to be obtained by boring in certain localities in the Hay district. The honorable member knows the country just as well as I do, and I lived on it for years, but I would remind him that the water there is not fit for irrigation purposes.

Mr Skene

- It is perfectly fresh.

Mr KENNEDY

- The surface water is fresh.

Mr Skene

- So is the water underneath.

Mr KENNEDY

- The surface water is fresh, but the whole of the water in the lower strata is mineralized to such an extent that if it is put on the soil, extreme care has to be taken that it does not kill vegetation.

Mr Skene

- Not in the district to which I refer.

<page>4407</page>

Mr KENNEDY

- The honorable member may be referring to some district with which I am not acquainted, but over a considerable tract of country, the conditions which I have described prevail. There is another feature of the situation which is connected with the cause of a great many of the blunders we have made in the past. When we want information on agricultural or viticultural subjects, instead of using the best technical or practical knowledge to be obtained locally, we send to other nations for advice; and with what result? Those to whom we go may be well informed as to the conditions by which they have been surrounded all their lives, but they come here, and deal with a set of conditions which to them are entirely novel ; and we have had many failures in Victoria on that account. It is always desirable to get a man with local knowledge, because it is a fact that within a State, and much more so within the boundaries of the Commonwealth, the conditions vary to such an extent that experiments which may result in success in one instance, may result in complete failure in another. That can be proved by one illus- . tration. Some ten or twelve years ago the Chaffey Brothers came from America, and obtained concessions from the Victorian and South Australian Governments on certain conditions. These men had a splendid reputation as experts in viticulture, fruit culture, and irrigation. Yet their first application of water to the land in Mildura resulted in complete failure, owing to the peculiarities of the soil. No analysis had been made of the soil, with a view to ascertain what effect the water would have under the climatic conditions in that district ; and as soon as the water was applied in sufficient quantity to cause a growth of herbage, the . elements of the soil were brought into solution, and killed everything in the shape of vegetation. It was only after a good few of the unfortunate settlers had lost whatever they had invested, and after a considerable amount of experiment, that a remedy was found. These are all land-marks to guide us in the future. I am not prepared to go the whole of the way which some honorable members appear to think I have it in my mind to follow, when I support the motion. We should establish a department to supervise our productive industries and foster them in every way, but that the department should be established on an extravagant basis at the outset is not in my mind at all. I take it that what is in the mind of the honorable and learned member for Bendigo is, that this motion will be an intimation to the Government that they should, at the earliest opportunity, formulate some scheme by which all the best information available in the different State industries can be utilized in the interests of the citizens of the Commonwealth.

Motion (by Mr. A. McLean) proposed -
That the debate be adjourned.
Attorney-General
Mr DEAKIN
. - I hope that on the next occasion on which this motion is before the House, honorable members will assist us in bringing the debate to a conclusion. In making this request, I do not undervalue the importance of the motion. To me personally it appeals very strongly. But I nevertheless hope to see the debate concluded in order that its undue continuation may not exclude other subjects which call for attention.
Motion agreed to; debate adjourned.
ADJOURNMENT
Order of Business - Post and Telegraph requirements.--- agricultural show Day. - Statistics of Manufacturing Industries.
Attorney-General
Mr DEAKIN
. - I move -
That the House do now adjourn.
I wish to intimate on behalf of the Prime
Minister that the Government hope to be in a position next sitting day to take up three Bills which have been all but completed, namely, the Distillation Bill, which has a few clauses left for consideration ; the Postal and Telegraph Bill, for which amendments are now being drafted, and the Service and Execution of Process Bill, which also requires some further amendments. When these three Bills are disposed of, the Government hope to resume the debate on the Immigration Restriction Bill, and to carry that through. Honorable members will, of course, understand that this arrangement is subject to variation. The notice paper will convey the real order of business, so that honorable members must be prepared to take up other matters if necessary.
Mr WATSON
- Do the Government propose when they take up the Immigration Restriction Bill to carry it through committee, or merely to pass the second reading and formally commit the Bill? There is another matter I should like to bring under the attention of the Government. Various complaints are made by - honorable members with respect to the delay in carrying out necessary works, especially with regard to the Post-offices. In my own district - and I know other honorable members are in the same position - works have been asked for in connexion with the telephone exchanges, but, these being new works, they can be charged only against capital expenditure, and not against ordinary revenue. The Government might make a special effort to pass a temporary loan measure, or, at any rate, get some authority to proceed with these works without waiting until the whole of the financial proposals of the Government are brought down. I do not refer so much to public works of a general character as to works which are interfering with commercial development in various parts of the Commonwealth. Speaking for my own constituency, and for several other districts in New South Wales, I know that there are now , being held in abeyance a number of proposed works, for which the people are prepared to pay. For instance, there are people who are ready to pay the necessary fees for new telephones, but the Postal department has not the authority to spend money on new works. I believe this and the other Chamber would be willing to pass a short Bill authorizing the Government to raise money for such purposes, apart from any question of general policy.
Mr KENNEDY
- A public holiday occurs next week in connexion with the Royal Agricultural Society's show, and I should like to ask the Attorney-General what are the intentions of the Government in regard to sitting on that day.
Mr. DEAKIN(Ballarat - Attorney-General) in reply. - So far as I know the Government have not considered the question of a holiday on Thursday next. I am afraid that the holiday will extend only to the morning, as far as honorable members are concerned, and that work must be proceeded with in the afternoon. In reply to the honorable member for Bland, let me say that I hope that the progress made will be sufficient to enable us to go right through with the Immigration Restriction Bill, but of course, there is a kindred Bill relating to kanakas which may come on for consideration. It will depend on the progress made, and while we hope to go right through with the Immigration Restriction Bill, it may be necessary to bring on the

Pacific Islands Labourers Bill as well as the three measures which I have referred to.
<page>4408</page>
Mr Sawers
- The Defence Bill will not be taken next week.
Mr DEAKIN
- Apparently not, but wo have to be prepared to meet emergencies as they arise. As to the matter of interest to which the honorable member for Bland has alluded, and which applies not only to the works of the Post-office, but to other public works which are suspended for the same reason, the Treasurer has the question under his consideration. I expect that in the course of a comparatively few sitting days, when he lays his Budget before the House, it will be found to contain proposals to meet the case.
Mr SPEAKER
- A return ordered by the House giving statistics of the manufacturing industries of the States, was presented to the House on the 22nd instant, and ordered to be printed. On inquiry, however, I have ascertained that the cost of printing the whole of the information would amount to £245. As the return consists largely of printed schedules taken from statistical papers of the various States it was suggested that, in order to save expense, only the new matter should be printed, and that the printed schedules should be bound together and laid oil the table, where they could be referred to at any time. This suggestion I have ventured to adopt, being sure that I was giving effect to the wish of this House to save unnecessary expense. I may say that this proposal is made at the desire of the honorable member who moved for the return, and with the consent of the Minister who furnished it.
Question resolved in the affirmative.
<page>4409</page>
16:50:00
House adjourned at 4.5 p.m.