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1901-07-26

Senate

The President took the chair at 10.30 a.m., and read prayers.

QUESTIONS

EASTERN EXTENSION TELEGRAPH COMPANY

Senator McGREGOR

- I desire to ask the . Postmaster - General, without notice, whether he can inform the Senate - what is the duration of the agreement entered into between the Eastern Extension Telegraph Company and the Australian States ?

Postmaster-General

Senator DRAKE

- The agreement which was entered into between the Eastern Extension Telegraph Company and the Governments of the States of South Australia, Western Australia, and Tasmania, on the 14 th April, 1900, and the agreement entered into between the Eastern Extension Telegraph Company and the Government of New South Wales subsequently, are terminable by mutual consent expressed in writing, as set forth in article 21 of the principal agreement. The agreement between the Eastern Extension Telegraph Company and Tasmania, relating to the cable between Victoria and Tasmania, terminates in 1909.

ARMY TRANSPORT CORPS OF NEW SOUTH WALES

Senator Lt Col Neild

asked the Postmaster-General, upon notice -

What number of officers, men, horses, and vehicles constitute or belong to the Army Service Transport Corps of the New South Wales defence force?

Senator DRAKE

- This information is being prepared, and I hope to be able to furnish, a statement giving the required details early next week.

PROPOSED NEW STANDING ORDERS

Postmaster-General

Senator DRAKE

* - I have a telegram from Senator Best stating that, owing to circumstances which I think are well known to the Senate, he is not able to be present to-day, and at his request I beg to move - That the Standing Orders Committee have power to confer with the Standing Orders Committee of the House of Representatives with reference to the proposed new standing orders.

Question resolved in the affirmative.

STEAM-SHIP COMMUNICATION WITH TASMANIA

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Senator KEATING

- I move -

That, in the opinion of this Senate, it is desirable that a Royal commission be forthwith appointed for the purpose of inquiring into and reporting to Parliament upon -

The advisableness of the Government of the Commonwealth taking measures to improve the steam-ship communication between Tasmania and the mainland of Australia.

The best means to adopt, for such purpose.

The estimated cost involved in the adoption of such means.

I shall address myself to the ' subject as briefly as possible. Honorable senators, or many of them, may look on the motion with a great deal of surprise ; but, if they will have regard to the whole of the circumstances, they will see. that a motion of this character is necessary, particularly at this juncture in our federal history. We have recently entered into a federal union of the six States, and the State which I represent has the distinction of occupying, compared with the other States, an isolated and remote position. It is because of that isolation and remoteness from the larger and more important States of the union that a motion of this character is, in my opinion, necessary at an early stage of the career of the Commonwealth. During the last few years, before we entered into this union, a campaign was conducted

with a great deal of vigour and ability in favour of the acceptance of the Constitution framed for us by the Convention which met in 1897 ; and subsequently from each and every one of the gentlemen who advocated the acceptance of the Constitution, we heard that the object of the union was to draw the various States that were to be comprised in it closer together. "What is. this union ? It is, as has been expressed in this Chamber and elsewhere, nothing more nor less than a partnership - a partnership for business purposes. While each of the States preserves its identity and 'its individuality in general, all have combined for certain common purposes, which are laid down in specific terms in the Constitution. Among those common purposes are three of very great importance. One is the all-important subject of defence, another is the matter of postal and telegraphic communication, and another we are having due regard to, is the possibility of the Commonwealth taking over, subject to certain conditions, the railways of the various States; So far as we in Tasmania are concerned, owing to circumstances to which I have already referred, we feel that unless a motion of this character is given effect to, we cannot participate to the fullest extent, or to the extent we consider we are entitled to participate, in the advantages which will accrue from the amalgamation of the State departments of communication. We cannot fully participate unless something is done of a practical character to draw the State of Tasmania into closer communication with the mainland States. Take the first subject I mentioned - that of defence. Here, I think, I shall have the sympathy of the two honorable and gallant Legislative Councillors in this Chamber. I believe that Senator Sir Frederick Sargood agrees with me that, so far as Australia is concerned, perhaps the most vulnerable point is the State Of Tasmania.

Senator Drake

- How about Thursday Island ?

Senator Pearce

- And Fremantle 1

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Senator KEATING

- We have heard a great deal about Thursday Island, and Western Australian senators are anxious to show the weakness of, Fremantle. But we have heard from, I -think, Major-General Edwards - who was engaged to report on the position of . Australia from a strategic point of view - that Tasmania is one of the most vulnerable and easily assailable positions in the whole of the Australian States, and that if there should come about a war in which Great Britain was engaged, and Australia were in any way - assailed, possibly the harbors of Tasmania would be the theatres of a great deal of naval fighting. The communication we have had between Tasmania and the mainland in the past has not been altogether satisfactory. I do not wish to enter into details, because they are only wearisome. I will merely generalize by saying 'that for many years the communication was practically restricted to one particular company. Some ten years ago the people of Tasmania hailed with delight the advent of another company, which was going to break up the monopoly. To a great extent the monopoly was broken, and for some years we had rival steam-ship companies plying between Tasmania and the mainland, and vying with one another in the - endeavour to provide cheaper and quicker communication. After some few years had elapsed, however, we found that even those two companies felt it desirable, in their own interests, to combine, and then, to all intents and purposes, while they displayed the outward semblance of competition, there was a monopoly as before. The present communication is not so rapid as it might be. It is not, perhaps, so cheap as it might be,, and the facilities and comforts extended to those who avail themselves of the communication are not so great as people would desire. So far as the question of defence is concerned, we know as an absolute fact that in Australian waters there are plying boats belonging to foreign nations. These boats are coming here primarily with the object of entering into competition with steam-ships which belong to British companies, and which are plying for trade in Australian waters. We further know that these foreign boats actually carry as ballast, and always ready for the slightest emergency, arms and ammunition, which enable them to be converted at the shortest possible notice into cruisers or armed merchantmen, should the nations to which they belong require their assistance at any particular time. \[I should like to see existing between Tasmania and the mainland a fast line of steam-ships which would be capable, in cases of emergency, of being converted into cruisers or armed merchantmen to assist in the protection of the coasts, if such protection from hostile invasion were ever necessary. As far as our postal communication is concerned it has not been altogether satisfactory in the past. As I jointed out on a

previous occasion, we stand amongst the States as the most remote from the old world centres. We are the last to receive our communications from the old world, and upon us devolves the necessity of first despatching our replies. When we consider this, we must consider it desirable that the communication between these States - which must necessarily be for all time the centre of the political activity in the union - and Tasmania should be as rapid and efficient as possible. This should be so, not only in the interests of the Postal department, but in the interests of those who are endeavouring to secure the advantages of the amalgamation of the various Postal departments of the States. The railways of the various States have not yet been taken over by the Commonwealth, but it is quite conceivable that they may be at no very distant date, and I would point out the disadvantage which would attach to Tasmania unless the connecting link between the mainland and that State were owned, or, to a great extent, controlled by the Government. What would be the advantage to Tasmania if the Commonwealth acquired the railways of that State, and also the control or ownership of the railways of the mainland States if there were no connecting link between the two systems of railways. There would be nothing that would enable the people of Tasmania to participate as fully as I claim they are entitled to participate in any amalgamation of railway control, because we should have as a connecting link between the two railway systems a line of communication that would be in the hands of what I may call a foreign power - not foreign in the sense of being a power outside our own union, but foreign to the Commonwealth Government itself. I claim as part of the benefits that we are entitled to participate in, that the perfecting of the means of communication between the mainland States' and Tasmania should be taken in hand by the Commonwealth Government. Now, unless a motion of this character is carried, and effect is given to it, and the Commonwealth Government either acquires the absolute ownership of a line of communication between the mainland and Tasmania, or exercises an effective control over the existing line of communication, I have no hesitation in saying that the State I represent can never hope to participate to the extent that each State should participate in the practical benefits that we all consider should accrue from the union. Further, I maintain that the duty of placing us in the position which I claim we should occupy devolves upon the Commonwealth Government. For some years past the people of Tasmania have been alive to the fact that the communication with the mainland States has not been so good as it should be, and that by reason of that fact they have suffered to a great extent. The Government of Tasmania have been approached several times during the last few years to take up the matter, and I know that they have been inclined to give serious consideration to it. They were, as a matter of fact, approached on the subject no longer ago than eight or nine months. If the people of Tasmania have suffered from the lack of communication referred to, I have no hesitation in saying that the people of Australia have also suffered to a great extent from the same cause. I have been in the State of Victoria and also in New South Wales frequently, and I have met numbers of professional, commercial, and other people, very few of whom have not, at some time or other, been in Tasmania, but I regret to say that I have found a lesser percentage than ordinary of people who have visited Tasmania among the members of the Federal Parliament.

Senator Pearce

- They are all too healthy to need to go there.

Senator KEATING

- I think Senator Pearce will discover that Tasmania offers, not merely the benefits of a sanatorium, but far greater advantages than that. I think it is not merely the duty of the Commonwealth to take up a matter of this kind, but that it would be also to its advantage, and I sincerely hope that the motion that is now upon the paper will commend itself to the kindly consideration of senators. The representatives of Western Australia have on previous occasions made reference to the isolation of that State, and have urged the necessity of communication being established between it and the eastern States by means of a railway, and I sincerely sympathize with the representatives of the western State. They have pointed out that from the defence point of view such communication is essential. I understand the senators from Western Australia claim that some pledge was given to Western Australia with regard to the construction of this railway to induce that State to enter the Union.

Senator Staniforth Smith

- By whom?

Senator KEATING

- I have asked that question, but I have been unable to find out by whom the pledge was given. However, it is maintained by some Western Australian senators that a pledge was given to "Western Australia to induce that State to enter the union.

Senator Staniforth Smith

- So it was - by the prominent statesmen of Australia.

Senator KEATING

- I am not putting this motion on the same ground at all. I do not for a moment say that a pledge has been given to Tasmania, but Ave all hoped that with the establishment of federal union would come closer communication for commercial, 'postal, and defence purposes, and for the proper amalgamation of the railway systems of the various States, and I think we were justly entitled under the circumstances to expect it. All I ask under this motion is, not that the Commonwealth Government shall be committed to any particular scheme, or that it shall take over the control of any existing line of steam-ships, or establish a line of steamers to compete with the existing service, but that a Royal commission shall make full inquiry into the whole of the circumstances, and present a report to Parliament as to the advisability or otherwise of doing something in the direction indicated, the best method, and the probable cost. We have heard that in regard to the transcontinental railway inquiries are being made by some constituted authority.

Senator Staniforth Smith

- Not for the Federal Parliament.

Senator KEATING

- I did not say inquiries were being made for or by the Federal Parliament, but by some constituted authority. " It may 1:>e self-constituted, for all I know. At any rate, inquiries are being made, and I presume that the Federal Parliament, whether it has appointed this authority to investigate or not, will pay due regard to the result of their inquiries before any action is taken. All I ask is that we should be placed in the same position, so far as the requirements of Tasmania are concerned.

Senator Staniforth Smith

- Tasmania could take the initiative.

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Senator KEATING

- I ask the Government to appoint a Royal commission to make inquiries and to report the result to Parliament. So far as the transcontinental railway inquiry is concerned, I do not care whether those who are making the inquiry were appointed by the Commonwealth or not, and if Western Australians have not thought it desirable to ask Parliament to institute an inquiry, I presume they are satisfied that those who are investigating the matter are competent to do so, and that the result of their labours will be of some value in the future. I think I can fairly claim the sympathy of the representatives of Western Australia in this matter. I am not asking Parliament to commit itself to anything beyond having the matter fully inquired into. There may be a disposition on the part of some senators to treat a matter of this kind lightly. I know that during the proceedings of previous conventions of representatives of the various Australian States disparaging remarks have been made regarding Tasmania, on account of its smallness and comparative unimportance. But I- think all the members of this Chamber, at any rate, are animated by a sincere desire to do justice to all the States of the union, and to help forward the interests of the whole Commonwealth. The population of Tasmania is comparatively small, and our territory is comparatively small, but it is not on that account that a motion of this kind should be regarded as ill-timed. I think, on the contrary, that now is the time and now is the hour to attend to this matter. As far as I am concerned, I have very ardent hopes for the future of Tasmania, and I believe that a commission such as I have suggested would discover in the course of its investigations that Tasmania offers so many facilities and so many advantages, not- merely as a sanatorium, but as a possible manufacturing centre of the Commonwealth in the days that are to come, that it will be realized that with the removal of the Customs-house barriers which formerly divided the States, and a sound fiscal policy for the Commonwealth, Tasmania must necessarily go ahead far more rapidly in the future than she has in the past. I believe that the commission would perceive that owing to the many facilities Tasmania offers for manufactures of various kinds in the great water power it possesses, its excellent climatic conditions and other advantages of that kind, it will in the future attract far greater attention than it could have done under old the regime. I think it will be

advisable for the Commonwealth Government to take the earliest possible opportunity of inquiring into this matter. If it is granted that it is desirable that communication between the important centres of the various States should be facilitated as much as possible, I think honorable senators will not rely upon the argument that Tasmania is insignificant as compared with other States, and that the motion is ill-timed. If the State which I represent does progress in the way I anticipate it will in the healthier political atmosphere of the Commonwealth, I think it is quite possible that within a few years the difficulties which the Commonwealth will have in dealing with this matter would be multiplied and intensified. We have practically only one steam-ship company now holding the line of communication between the mainland and this island State. It is therefore much easier to deal with the matter now than it will be in the future, when there may be three or four companies running. As far as I am personally concerned, I am very much inclined to your opinion that it is desirable that the means of communication between the important centres of the States of the Union should be absolutely under the control of the Commonwealth Government. " I think it is desirable in the interests of our Post and Telegraph department, and that it would also be desirable if the necessities of our defence should require the transport of troops from one place to another. I am not asking Parliament to commit itself now to anything. I simply ask the Senate to recognise the desirability of facilitating communication between the various centres of the States as much as possible, and that a Royal commission shall be appointed for the purpose of making due and proper inquiries, and reporting the result of their inquiries, so that Parliament may deal with the matter. Under all the circumstances, such a course is not only desirable at the present juncture but absolutely necessary.

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Senator Lt Col CAMERON

- I second this motion, and at the same time I desire to accentuate, if possible, one or two remarks made by Senator Keating in bringing it forward. He has amplified the commercial view of the case, but I should like to say a word or two with regard to the desirability of subsidizing such a line in the interests of defence. In past years it has been the practice of the British Government to subsidize certain lines sailing from Liverpool, so that the vessels belonging to those lines can be utilized for the purposes of war in time of national emergency. If the British Government has seen fit to adopt such a course, I do not think there is anything extravagant in the view of the mover of this motion, that between the continent of Australia and one of the component parts of the Union - Tasmania - we ought to have boats of a somewhat similar kind, to be of use to us in the time of trial. In my opinion, no question of expenditure is involved at the present time. It is simply a question of practicability. There can be no harm in appointing a Royal commission to go into the merits of the case, and to place before us everything relating to the matter, so as to enable us to judge whether it is desirable that this proposal should be carried out or not. I think it would be inadvisable to have a Government line of boats if we could achieve the object aimed at by subsidizing a line of steamers running between the continent and Tasmania. If we are enabled in the future to take over the railways of the Commonwealth, I think that it is absolutely necessary that we should have some control over the steam communication between Tasmania and the continent, in order that the advantage of having control over the railways may not be nullified by any action of the steam-ship companies. That is a most important factor in support of the motion. I commend this proposal to the good sense and the good will of honorable senators, remembering that just as Western Australia desires to be connected with the centres of population and industry of the continent, so Tasmania equally desires that she should be connected with the mainland on fair and equitable terms.

Postmaster-General

Senator DRAKE

- The desire that animates Senator Keating for the removal of all barriers between the States and the Union, is, I think, a highly commendable one. I am not quite able to agree with him, however, with regard to his assertion that Tasmania is the most isolated of all the States. A number of the States may justly complain, in my opinion, that they are more isolated than Tasmania. It is true that there is a strip of sea between the mainland and Tasmania, but that does not necessarily constitute a barrier. A strip of sea may be a barrier or a highway. The ocean is no barrier to Great Britain. It is the highway by which the people of Great Britain reach and trade with all parts of the world. I cannot see that the two honorable senators from Tasmania who have spoken to this motion have made out a better case than could be made out for Western Australia or for Queensland. Both Queensland and Western Australia are more

remote from the centre of Government than Tasmania is. Taking this as being the seat of Government for the time being, and the place where Parliament meets, I should say that Tasmania is closer to the seat of Government than any other State.

Senator Keating

- And yet only one Minister has ventured over there.

Senator Major Gould

- They are not sufficiently adventurous.

Senator Keating

- They are not sufficiently adventurous to face that narrow strip of sea.

Senator DRAKE

- The fact that only one Minister has visited Tasmania may be not because of the difficulty of getting over there, or on account of any obstacle presented by the narrow strip of sea, or any deficiency in the steam-boat service.

Senator Keating

-. - Does not the Minister see that by reason, of that strip of sea the communication between Tasmania and the mainland is more irregular and less frequent than between the other States 1

Senator DRAKE

- That remark might also apply to Western Australia. The difficulty of getting to that State is quite as great as the difficulty in reaching Tasmania.

Senator Keating

- Boats have to be used to reach Western Australia.

Senator DRAKE

- And the service is not much more frequent than the service to Tasmania.

Senator Harney

- The journey is four times as long.

Senator Keating

-But they have better boats.

Senator DRAKE

- We have to bear in mind that the present steam-ship communication has been considered sufficient by Victoria and Tasmania. At all events, no action was taken by either of these States to supplement the present facilities prior to federation.

Senator Keating

- The Tasmanian Government has been considering the matter for some time.

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Senator DRAKE

- They have been considering the matter, but they have not done anything. If the duty is to devolve upon the Federation of at once taking steps to facilitate intercourse between the various States, we must remember that a proposition of this kind is but one of many. We must consider it in connexion with the proposed transcontinental railway to Western Australia, and also in connexion with a proposition which has been long delayed for a transcontinental railway to put the rest of the continent in touch with some point on the Gulf or Port Darwin. These are works which are all desirable, and while I admit that some improvement should be made in the means of communication between Victoria and Tasmania, I do not think that the honorable senators representing the latter State who have spoken, have made out an overwhelming case for precedence on behalf of their State. When Senator Keating dealt with the matter from the point of view of defence, he was not so strong as when he treated it from the point of view of the desirability of increasing the means of business and social intercourse. There is no analogy whatever between the case of the defence of the commerce of Great Britain, which necessitates the employment of vessels that can be turned into armed cruisers at any time, and the protection of a narrow strip of sea like that between "Victoria and Tasmania.

Senator Keating

- What about the vapid transport of troops '!

Senator DRAKE

- If it were necessary to transport troops to Tasmania, there would be plenty of ships available for the

purpose, and no advantage could be gained by having a daily or weekly or tri-weekly service of armed cruisers running between here and that State. The advantage sought to be gained by enlisting the services of ships suitable for use as cruisers in case of war is that they may be a protection against a chance cruiser, and perhaps be able to prey upon the enemy's commerce at places on the ocean a week or two from any particular base. There would be no object in having an' armed passenger ship running between here and Tasmania.

Senator PEARCE

- But the steamers would be available for service elsewhere if required.

Senator DRAKE

- The reason why some vessels carry armaments on board when on a long sea voyage is because they may be a long way from a base at the time of a declaration of war, and they desire to be in a position to arm themselves, and to do injury to an enemy's commerce when that is required of them. There could be no object in carrying armaments over a narrow strip of sea like Bass Straits. In regard to the proposal for the appointment of a Royal commission, I must say that I object to it on two grounds. First of all, I object to it on the ground that it is quite unnecessary. If Senator Keating desires this information I have no doubt he can get it himself very easily. No doubt it could be obtained simply by entering into communication with one or two shipping companies. No doubt one company would give him all the information he requires, and if Senator Keating could not obtain the information himself, perhaps' the Government could get it for him.

Senator Keating

- Would they give us information in favour of the establishment of a State-owned line?

Senator DRAKE

- What is the use of a Royal commission? I do not think there is any necessity for it. It simply means issuing a commission to a number of gentlemen who may be Members of Parliament or who may not, and paying them considerable fees for attendance, and giving them an opportunity, perhaps, of having one or two pleasure trips.

Senator SirFrederick Sargood

- There are no fees paid to members of a Royal commission.

Senator DRAKE

- They pay fees to members of Royal commissions in other States, if they do not in Victoria.

Senator Major Gould

- Not to Members of Parliament.

Senator DRAKE

- They do in the State of Queensland, to a very large extent. Royal commissions in some of the States very often consist of Members of Parliament.

Senator Charleston

- In South Australia they generally consist of Members of Parliament.

Senator DRAKE

- I know that on one occasion in Queensland two Royal commissions were appointed at about the same time, and they consisted exclusively of Members of Parliament, who were paid fees and all expenses. I do not wish to lay down a hard and fast rule that Royal commissions ought never to be appointed, but the practice of appointing Royal commissions to get information which can be got as well without the appointment of a Royal commission is a practice that is to be deprecated. While I sympathize with the senators from Tasmania in their desire to remove what they think is an impediment to commerce, and to bring us closer together, I cannot see any necessity whatever for the appointment of a Royal commission, and I think it would be entirely inadvisable. I must therefore oppose the motion.

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Senator PULSFORD

- very much regret the attitude taken up by Senator Keating with regard to Tasmania. I do not think the island State can feel at all flattered by the continual representations that Tasmania is in need of help in some form or other. I have long held the opinion that the State of Tasmania was substantially the gem of the whole Commonwealth ; that is, that it has more latent wealth, and greater possibilities, in proportion to its size of attaining to material wealth and great prosperity. I therefore greatly regret the continual

references by Senator Keating to the position of Tasmania, as calculated to create a feeling throughout the continent unfavorable to its prospects. With regard to the communication with Tasmania, a very important matter has escaped the attention of Senator Keating, and that is, that as yet the great feature of federation has not come into effect - Inter-State free-trade. The moment the uniform Tariff is imposed and Inter-State free-trade is introduced, that moment Tasmania will find a large increase in her over-sea trade, and that increase will enable the people engaged in the steam-ship trade to put on a much improved service. I think it is extremely probable that within one or two years of -the establishment of free-trade the over-sea business of Tasmania, will be doubled. Whatever the increase may be, it will be so substantial that I am quite sure the improved communication desired by the honorable senator, and naturally also by Tasmania, will be brought about by these natural means. With regard to the proposal for a Royal commission, it appears to me that if we were to start a Royal commission in this matter, we should have to extend it subsequently to State after State, and we should never know where the matter would end.

Senator STANFORTH SMITH

- I most heartily sympathize with the spirit of this motion. Federation is not accomplished in its true sense unless we have community of feeling amongst all the members of the Federation, and unless the federal sentiment is in the hearts of the people. I think there is nothing which destroys the federal sentiment so much as isolation. Though Tasmania is one of the smallest and least populous States of the Union, it is just as much entitled to consideration as any of the other States, and should have extended to it the rights and privileges extended to the greatest and most populous States in the Union.

Senator Pulsford

. Undoubtedly .

Senator STANFORTH SMITH

- We must recognise that the smallest States in the Union must be treated absolutely on the same plane as the larger States, otherwise we shall not be carrying out the true object of federation. One of the chief reasons for federal union is to offer facilities for communication between the various parts, of this great Commonwealth. That is necessary, not - only from the point of view of defence referred to by Senator Cameron, but also from the commercial point of view. We all desire that federation shall mean the increase of the trade and commerce of the various States, and facilities of communication are essentially necessary from the federal point of view. I am afraid that if we cannot overcome the isolation that at present exists between outlying portions of the Commonwealth, the federal .sentiment, kindled at the time we were asked to say whether we would have federation or not, will die out. . At present, if we read the papers of the States not immediately contiguous to Victoria, we find that a very small space is given to federal matters.

Senator Drake

- They are getting very cheap telegrams.

Senator STANFORTH SMITH

- I admit that the Postmaster-General has done all he could in providing cheap press rates for telegrams, and in the federal spirit making them uniform for all the States of Australia. At the same time, the newspapers are a very good reflex of the opinions of the people. '

Senator Pearce

- Sometimes.

Senator STANFORTH SMITH

- They cater to a great extent for the aspirations pf the people, and in Tasmania, with the exception of one or two issues which have been brought under the notice of this Parliament, the papers show that there is not very much interest taken by the people there in the doings of the Federal Parliament. I think that also applies to Western Australia, and the only reason that I can assign for it is the isolation we at present labour under. It is the duty of every member of th Federal Parliament to see that the best communication possible is provided between the various States. In Canada one of the first things done was to build a railway, for a distance, I think, of about 3,000 miles, from one side of Canada to the other - -from Quebec to Vancouver- rio order to facilitate communication and trade, and to provide a better system of defence, as well as to diffuse more federal feeling throughout the whole of that great Dominion.

Senator Sir Frederick Sargood

- Who built the line ?

Senator Playford

- A private company.

Senator STANIFORTH SMITH

- I think it was provided in the Canadian Constitution that that line should be built.

Senator Playford

- Only from the maritime provinces to Ontario.

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Senator STANIFORTH SMITH

- I know there is a reference in the Federal Constitution of Canada to the construction of that railway, and, if I remember aright, Vancouver was promised that in the event of her coming into the Dominion it would be constructed.

Senator Major Gould

- It was made by a private company.

Senator Keating

- Heavily subsidized.

Senator STANIFORTH SMITH

- I know it was made by a private company, but I believe Vancouver was promised that the railway would be built. That does not affect the argument, however. We should endeavour to preserve the federal aspirations of the people, and increase and diffuse them, if we want the Federation to be a success. I have, therefore, the greatest sympathy with Senator Keating in his motion. If the honorable and learned senator could see his way to alter his motion -to read -

That in the opinion of the Senate it is desirable that a committee be forthwith appointed. that would get over the objections some honorable senators may entertain. I trust that the result of the inquiries of the committee or Royal commission, whichever is appointed, will be an improvement of the means of intercourse between Tasmania and Australia, which at the present time are no doubt very inadequate, and should be remedied by this Federal Parliament, if it is in our power.

Senator Sir FREDERICK SARGOOD

- We must all sympathize with Senator Keating in his desire to improve the conditions of the passage between the mainland and Tasmania. There is no question that, to those who do not travel very frequently, the boats at present used are all too lively, and a larger class of boats would undoubtedly be of very great advantage. I may say further, that we must all sympathize with the opinions expressed by the last speaker, that it is desirable, to as quickly as possible, bring all the more or less outlying parts of the Commonwealth into as close touch as possible with the centre. But all this will take time. I confess that I agree to a considerable extent with the Postmaster-General when he says that Tasmania is not by any means the worst off. So far as time is concerned, Launceston is only twelve hours from Melbourne. Although the passage may not be so pleasant as some of us could wish, it is not so long a passage as that to Perth or Albany. On the other hand, I admit that on the passage to Albany and Perth we have the advantage of several lines of large ocean steamers. The question is : Is it necessary or advisable to go to the trouble and cost of appointing a Royal commission to go into this matter. I add "cost," because I learn for the first time that, whatever may be the practice in Victoria, it has been the rule in other States to pay Members of Parliament for acting upon Royal commissions.

Senator Playford

- Not in South Australia.

Senator Major Gould

- Nor in New South Wales.

Senator CHARLESTON

- We only pay travelling expenses in South Australia.

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Senator Sir FREDERICK SARGOOD

- So far as Victoria is concerned, no Member of Parliament can receive one cent for acting on any commission whatsoever. The only exception is the Rail way Committee, and for years the members of that committee acted without pay, and subsequently a special Act of Parliament was brought in to allow of their remuneration. We may just as well try to find out exactly how we stand with regard to this motion.

The Postmaster-General deprecated any action being taken in this matter, because it will not end here, and if we take up the question of improving the communication with Tasmania, we will have to take up the same question in connexion with Western Australia and Queensland. With all deference to the Postmaster-General, I do not think that is a very strong argument, because if it is desirable to improve the communication between the States we must begin somewhere, and we cannot take all in hand at once. . But Tasmania, after all, is not so very badly off. Not only have they a line of steamers running to Launceston frequently, though I admit the boats are small, but the New Zealand boats, some of them vessels of 4,000 tons, always call at Hobart in the season weekly, and at other times once a fortnight. Another difficulty that arises is with respect to the depth of water. That will not apply to the Derwent, but it does apply to the Tamar, and until that river is materially improved it will be utterly impossible to have a line of steamers of very much larger tonnage than those now running. I entirely agree with Senator Pulsford that as soon as the uniform Tariff is adopted, and we have Inter-State free-trade, the commerce of Tasmania will undoubtedly increase and private enterprise will then provide an improved class of boat.

Senator McGregor

- Good old private enterprise.

Senator Major Gould

- It has done a good deal for the world.

Senator Sir FREDERICK SARGOOD

- Yes, private enterprise has made the old country what it is now, the leading carrier of the world, and private enterprise has made the States of Australia what they are now - the pride of the Empire. I am a firm believer in private enterprise, and no believer in propping up industries or anything else unnaturally. I take it that the most important matter after all is the question, of defence. This is a matter with which I have had something to do, and I may, therefore, offer a few remarks upon it. I say at once that Tasmania has always been looked upon as the danger spot of Australia. Any enemy obtaining the Derwent, or to a lesser extent the Tamar, as a base, would be placed in a very powerful position for a serious attack upon the mainland.

Senator Keating

- Would not the enemy be in a more powerful position on the Tamar?

Senator Sir FREDERICK SARGOOD

- No, because of the depth of water.

Senator Keating

- For twenty miles up the Tamar you have as great a depth of water as in the Straits.

Senator Sir FREDERICK SARGOOD

- I was told that at Georgetown the depth was not sufficient. The information I have upon the subject I obtained when I was Minister for Defence in Victoria, when General Edwards visited Australia. I know that was the opinion of the commission which then sat, and which had upon it an officer of the Royal Navy, sent out specially to deal with the matter. Whether the Derwent or the Tamar would be the more dangerous spot for an enemy to occupy - and the Tamar is a shorter distance from the mainland - they are both danger spots. That brings me to another point. I do not think that Tasmania, notwithstanding her comparatively small population, and her comparatively small income, for a number of years past has done her fair share in connexion with defence. It is no secret that the defences of Tasmania have not been in a satisfactory condition for a long time. We must bear in mind that at the time when the Federal Council arrived at the decision to fortify, at the cost of the colonies, Albany, Thursday Island, and to a lesser extent, Port Darwin, as being danger spots - Open doors that should be defended in the interests of Australia as a whole - Tasmania refused to pay the paltry sum of a few hundred pounds, which was her share of the expenditure, unless the other States stepped in and paid their proportion towards defending the Derwent and the Tamar.

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Senator Dobson

- Was not that fair, when the experts said that Tasmania must be defended ?

Senator Sir FREDERICK SARGOOD. The honorable and learned senator and I have had this matter out before in the Council of Defence at Hobart, so we both know all about it. The defences of Thursday Island and Albany were then three-parts finished. Defence works must begin somewhere. But I am sorry to say

Tasmania absolutely refused to pay, and I do not know that up to the present day she has paid, the £780 which was her proportion of the charge for the defence of Thursday Island and Albany. Tasmania then claimed that nothing should be asked from her until the defence of the Derwent was finished. We all agree that some steps are necessary to be taken, and I wish ' to point out that it is not so difficult a matter to obtain vessels for defence as the honorable and learned member who proposed the motion seems to think. I may tell the Senate what I did when I was Minister of Defence in Victoria. Recognising the danger of an attack being made on Tasmania - because at that time there were complications, and .it looked very much as though Great Britain would be involved in war with Russia - I entered into an arrangement with the Union Steam-ship Company in regard to six of their largest boats trading to New Zealand. I also telegraphed home and obtained six 6-in. breech-loading guns, mounted on naval carriages, with 200 rounds per gun. The guns were stored at Williamstown ready to be mounted on any one of those vessels. I made arrangements whereby at a few hours' notice the vessels could go under the crane, and have the guns placed on their decks ready for use. I also arranged with a naval drill instructor to accompany the vessels on the trip to Sydney and back, in order to train the men in gunnery. All this was done at the cost of a few thousand pounds, taking the guns into account. The ships had to be stiffened in order to stand the concussion of the guns, and that cost, I think, about £700 per vessel. I carried out exactly the same thing in the waters of Victoria, with regard to the dredgers and steam-tugs belonging to the Harbor Trust. Each of them was stiffened at a cost of £500 to carry a gun, and they are quite ready to do so to-day. I only mention these matters in order to show that there is no need for large expenditure. Guns can be kept in Hobart or Melbourne or any other place that is convenient, ready at a few hours' notice in the event of a chance of war. If, in the meantime, you take the trouble to drill the men on the vessels you have a perfect defence at a few hours' notice, and at quite a very small cost. I do not think there is any necessity to do more, and I should imagine that there would be no difficulty whatever in the Federal Minister for Defence, without any committee or Act of Parliament, making such arrangements, as part and parcel of the defences of the Commonwealth, with the Union or some other steam-ship company having sufficiently large boats. I need hardly say that since 188't the class of boats has very much improved. The honorable and learned senator wishes to obtain quickness of transit and improvement of the vessels, but the most important matter is the question of defence, not only in the interests of Tasmania, but in the interests of the Commonwealth as a whole.

Senator DE LARGIE

- I quite agree with most of what Senator Keating has said in proposing this motion. There is a considerable need for a sanatorium being made available, more especially for those who are obliged to live in Melbourne. Seeing that we have no railway to the great sanatorium of Western Australia, we should certainly have some improvements made to facilitate getting away from the foggy climate of Melbourne. With regard to the defence portion of the motion, and particularly having respect to the remarks of Senator Cameron, I do not quite agree with the suggestion that subsidized privately-owned boats should be utilized by the Commonwealth for purposes of defence. There is no earthly reason for taking such a course as that. We might as well talk of having subsidized privately-owned troops as subsidized privately-owned boats for defence purposes. If we are to have improved communication with Tasmania, there is no reason, in my opinion, why the Government should not own the boats, just as the States Governments own the railways. That being so, if a Royal commission is appointed to inquire into these matters, I hope they will advise the establishment of a system of Government owned boats. But I think that it is only fair that the Tasmanian Government should take up this matter itself, just as the Government of Western Australia has had to take up the appointment of a commission to collect information with regard to the transcontinental railway. If the Tasmanian Government will do that, it will facilitate the matter considerably, and help the Commonwealth Government. I would rather see the Tasmanian Government than the Commonwealth Government appoint a commission, but I intend to vote for the motion.

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Senator HARNEY

- I intend to support the motion on one very broad ground. What the motion asks for is that a Royal commission be appointed to inquire into and report upon the desirability of improving the communication and the mode of transit to and from Tasmania. Senator De Largie has just stated that in Western

Australia the Government has gone to the expense of making the inquiries which in this case Senator Keating asks the Commonwealth Government to make. I think that in doing so the Western Australian Government has rather taken the place of the Commonwealth than discharged an onus that lay upon it. In voting for this motion I am prompted by the feeling that by so doing 'I shall be entering my protest against the action of the Commonwealth Government in allowing this burden, undertaken for Commonwealth purposes, to rest upon the single State of Western Australia. It is the first duty of the Commonwealth which has been formed to cement more closely the States which compose it, to do everything that reasonably can be expected on their part to draw tighter the strings which bind us together. We do not pretend for one moment that the Commonwealth Government ought to expend one penny for the advancement of a State purpose. But where the idea is that of advancing trade and commerce, and making more perfect our unity and our amenity, certainly a duty rests upon the Government. If a Royal commission is appointed, and comes to the conclusion that no national purpose will be achieved, and that there will be no gain in the way of unity by increasing the communication with Tasmania, it will report accordingly. But I certainly think the duty lies upon the Commonwealth to make this investigation. All of us who represent the smaller and more isolated States are called upon in defence of our own rights to compel the Government to discharge what we believe is its primary duty, and not leave the carrying out of that duty to the States. That is what the motion really means.

Senator DOBSON

- It might appear to some honorable senators that Senator Keating has been a little premature with his motion, but I hardly think so. I believe he has done a service by the remarks he has made, and in eliciting the opinions of honorable senators who have spoken. It is quite plain that the States have entered into a federal partnership, and I think it must be laid down as an axiom that we desire each State to get its fair share of advantage from the partnership. If one of the States happens to be so isolated from the seat of government as from that fact to be unable to secure the full benefits that it had a right to expect, then I think that the Parliament will do well to consider the position of that isolated State. I think it will be apparent to the Minister who sits in this Chamber, and to his colleagues, that the time is coming when consideration will have to be given to those isolated States, not only for the purposes of defence, but for the purposes of trade and commerce, and in connexion with the postal and telegraph service. I see very little difference between great expense being gone to in erecting an isolated telegraph line, in order to bring outlying places in a State into touch with the head office and the centre of Government, and what the mover of the motion wants, that is, to bring Tasmania, which is the only State lying out in the ocean, and not connected by railway, into touch with the centre of government.

Senator O'Keefe

- Tasmania never can be connected by railway.

Senator DOBSON

- Tasmania, of course, never can be connected by railway with the mainland. It appears to me that a general scheme will have to be thought of, and though what will be the limits and direction of such a scheme is, I must admit, a very important matter, it is included within the scope of the motion. I hardly think we ought to go to the expense of a Royal commission, not because I have quite so bad an opinion of Royal commissions as one honorable senator has, but because I think the inquiry desired, might very easily be made by a select committee. I hope the mover of the motion will consent to an amendment to that effect.

Senator Sir FREDERICK Sargood

- A select committee would be much better.

Senator Keating

- I have no objection to the suggested amendment. I simply want an inquiry and proper evidence taken.

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Senator DOBSON

- I am very glad the mover of the motion consents to the suggested amendment, and I move -

That the motion be amended by the omission of the words "Royal commission," with a view to insert in lieu thereof the words "select committee"

Some two or three years ago I went into the matter of getting better steamers between Tasmania and the mainland. I did so in connexion with the passenger traffic, in order to give tourists from the mainland

greater facilities for visiting in comfort the little State of Tasmania, which I hope will become the playground of the Commonwealth. I corresponded with the Agent-General on the matter, and interviewed steam-ship proprietors, and I found it would cost a very large sum of money to pay a subsidy for a properly-equipped steamer, running at the rate of about 18 knots an hour, between Georgetown and Melbourne. I read an account of some steel vessels of about 1,000 tons, running between, some ports of the Continent of Europe and Dover, in order to carry people to the recent Paris Exhibition. These steel steamers went at the rate of about 22 knots an hour, and an enormous traffic was opened up simply on account of the wonderful cheapness and quickness of the passage. My modest suggestion was that if we could get one good steamer running about 18 knots an hour between Melbourne and Launceston, we should do very well. That would enable passengers to leave the mainland just after dinner, at seven or half-past seven o'clock in the evening, and to reach Launceston in time for breakfast the following morning. We made some inquiries, and, although the fact* was not made public, I believe the then Premier of Tasmania, Sir

Edward Braddon, received a communication from the Union Steam-ship Company to the effect that the running of such a boat to carry mails and passengers would cost about £12,000 per annum. We are now paying a subsidy of, I think, £4,000 for the carriage of the mails, though, perhaps, the Postmaster-General can tell us whether that subsidy has been reduced to £3,500.

Senator Drake

- I have not the figures with me.

Senator DOBSON- The subsidy is either £3,500 or £4,000. In order to get a quicker steamer, and, probably, another mail per week, we should have to pay an extra subsidy amounting in all to about £12,000 per annum. As senators will see, this is a matter which means money, and if the State of Tasmania is considered with regard to its isolated position, I quite admit that every other State must also be considered. I do not think that we can do much with the motion at the present time, in regard to the question of defence. Senator Keating a little took my breath away when he talked of using large steamers between Tasmania and the mainland which might hereafter be turned into cruisers. As Senator Sir Frederick Sargood has pointed out, we have running between Hobart and Melbourne some very large steamers indeed, and very fair communication. We have the best boats of the Union S.S. Company running once a week, and during the whole of the apple season, from the last week in February to the beginning of May, the magnificent steamers of the P. and O. and Orient Companies touch at Hobart. But it is between Launceston and Melbourne that the communication could be accelerated and improved.

Senator Stewart

- Is there no communication between Launceston and Melbourne?

Senator DOBSON

- We have communication between Launceston and Melbourne, but, as Senator Keating has pointed out, the two companies have combined, and there is practically no competition, while the boats are very much out of date.

Senator De Largie

- That is private enterprise.

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Senator DOBSON

- But private enterprise has been stifled, as Senator Keating said, because the two companies have made an arrangement not to compete with one another. If you take a ticket from one company, you can travel on the other company's boat, just as if all the vessels belonged to one corporation: so that practically there is no private enterprise. There is private enterprise, but it is private enterprise without competition - the public do not get the benefits of competition. I do not say for a moment that the cost of travelling is too great, because it appears to me that the passenger rates are fairly moderate. I know of no portion of humanity who, to my mind, are more selfish and more exacting than the travelling public. One constantly meets men who when travelling, sit down to a four course lunch or a five course dinner and turn up their noses at it, when probably in their own houses they do not have such a meal once in twelve months. I have no sympathy whatever with the effort to drag everything we can out of the steam-ship companies, and to ask them to give luxuries and comforts for which we are not willing to pay. I think the rates for passengers between Tasmania and the mainland are very moderate indeed, but we are entitled to

vessels of more modern equipment, and capable of travelling a little more than 12 knots an hour. With reference to the question which Senator Sir Frederick Sargood touched on, I happened to be in office shortly, after the report of General Edwards and other military experts was submitted to the different State Governments. That report laid great stress on the fact that Tasmania occupied a most important position in regard to the defence of Australia, and that it was highly important to prevent it from falling into the hands of an enemy. When similar opinions were expressed with regard to Albany and Thursday Island, and when the Tasmanian Government found that the recommendations in the report were to be carried out in regard to fortifications in both of these places, but that nothing whatever was to be done in the same direction in Tasmania, the Government of that State, rightly or wrongly, refused to pay their portion of the cost, until the expert report should be carried out in its entirety, and some fortifications erected in Tasmania. That was only a fair and business-like attitude for Tasmania to adopt, and that was why Tasmania refused to pay her share of the cost of the fortifications. Possibly Senator Keating's motion is a little premature in reference to the question of defence, which has hardly yet got into concrete form. We have not the Defence Bill before us, but I and other honorable senators have had the advantage of reading it, and I must say I do not quite see from the clauses of the "Bill what the policy of the Government really is. It is difficult to find out whether the Government has a policy of defence. There is absolutely nothing in regard to naval defence, which is what interests Tasmania. I think that the question of cheapening and bettering the communication between Australia and Tasmania must form part of the policy of the Government with regard to federal defence. But for trade and other purposes, I quite admit that Senator Keating has made out a case for inquiry. Tasmania is isolated- she is the ocean State, so to speak - the only State which is surrounded by water and detached from the seat of government and from the centres of commerce - and her position ought to be taken into consideration.

Senator Harney

- Tasmania is only separated, from the seat of government by water, but Western Australia is separated by both sand and water.

Senator DOBSON

- I dare say Senator Harney will sing another tune when he advocates the claims of Western Australia, and will urge then that there is something more' than sand there.

Senator Harney

- I am with the honorable senator in his contentions.

Senator DOBSON

- If, in the interests of that wilderness of sand, it is desired to spend £5,000,000 for a railway to connect Western Australia with the eastern States - if our friends in South Australia desire that the Northern Territory should be taken over, and the Commonwealth thereby landed in a permanent deficit of about £81,000 per year - if in time to come 'we are going to alter the railway gauges, and have a uniform gauge for the purposes of defence at a cost of £1,500,000 - then do honorable senators not think Tasmania ought also to have some consideration ? This will all be part of a general scheme,- which will have to be considered in regard to the facilities each State has for obtaining the advantages of the federal union. As the carrying of the motion will benefit Tasmania very greatly, I quite admit that it is an important point to consider what portion of the extra expense the State affected ought to pay. It may be that it would be quite fair for Tasmania to extend her railway from Launceston down to Georgetown, a distance of 40 miles. That is a railway which would not pay at first, but it certainly would pay if worked in connexion with the running of large steamers. If the Government of Tasmania extend the railway to Georgetown, and build at the latter place a jetty, where, we are told, there is ample deep water, large oceangoing steamers could go alongside the jetty ; and I do not hesitate to say that a steamer could take passengers away from Australia after dinner, and land them in Launceston in time for breakfast. Part of the cost of this work might be borne by the Commonwealth . and another part by the State. I submit the amendment in the hope that the Senate will consent to the appointment of a select committee.

Senator MACFARLANE (Tasmania). My feeling is that a Royal commission is hardly necessary, and that a select committee would secure all we desire. It is undoubted that communication with Tasmania might be improved, but I should be very sorry to think that the improvement would be brought about by State-owned steam-ships, or anything approaching such a scheme. I shall be very glad, indeed, if anything can be done to promote better communication with Tasmania.

Senator McGREGOR

- Senator Keating has been both judicious and moderate in his request, and he has been more moderate still in accepting the proposed amendment of Senator Dobson. It would have been quite within the right of Senator Keating to have asked the Senate to agree in urging the Government to at once see that proper communication was established between Tasmania and the rest of the States, so as to connect it with the railway systems, and that this communication in the shape of boats or steamers should be Stateowned. Senator Keating would have had a right to do that, but instead, he simply moves that inquiries be made in the direction of increasing the facilities that now exist. I would like to ask the Postmaster-General, who has opposed this motion in the interests of the Government, why did Tasmania federate? Why did all the States federate? Was it not for the purpose of doing everything that could be done by union to bring about greater facilities of communication ?

Senator Drake

- Hear, hear. That is what we are trying to do.

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Senator McGREGOR

- But we are going to try to do it faster. .

Senator Drake

- A Royal commission is not the faster way.

Senator McGREGOR

-All Governments are exactly the same - they are going to do everything by - and - by. Governments always like plenty of time to consider, and I have never known a Government yet -which had not to be pushed before it did anything. * Governments always have to be urged and pushed along, and that is what Senator Keating is endeavouring to do now. It is very unfair of any senator to say that the mover of this resolution is in any way trying to depreciate the beauties or resources of Tasmania. Senator Keating has always tried to bring the best qualities of his country forward, and he is moving in this matter in the interests not only of Tasmania but of the Commonwealth. Almost all over the world, at the present time, attempts are being made to quicken and make more efficient the various means of communication. We find that this is so regarding the communication between America and Great Britain, between America and the Commonwealth, and between Germany and every other part of the world ; and even now efforts are being made to improve the means of communication between the Commonwealth and New Zealand. I consider it very laudable that Senator Keating should endeavour to move Parliament in this direction, so far as Tasmania and the other States of the Commonwealth are concerned. It was senseless to argue, as Senator Sir Frederick Sargood did, that because Tasmania is as well off as some other place, or even better off, very little consideration should be shown to it.

Senator Sir Frederick Sargood

- In personal explanation, I desire to say that the honorable senator is misrepresenting - no doubt, quite unintentionally - what I stated. The statement of the Postmaster-General was that if this question of bringing the States into closer communication were dealt with, we should have to deal with Western Australia and Queensland, and I said that that was no argument, in my opinion.

Senator Drake

- I desire also to explain, because I am being put in a hole. What really happened was this, that Senator Sargood, quite unintentionally,- misrepresented what I said. What I did say was that this particular case of Tasmania was only to be taken in connexion with other cases in such a way that they could all be treated together. did not say that if we dealt with Tasmania we should also have to deal with the other States, but I stated that the question raised in connexion with Tasmania was only one of a series that would have to be considered together.

Senator Sir Frederick Sargood

- I am sorry that I misunderstood the Postmaster General.

Senator McGREGOR

- If honorable senators would not be so impatient, we should come to our conclusions far more agreeably. What I was about to say when the youthful impetuosity of Senator Sir Frederick Sargood moved him to take exception to my remarks, was that it was no argument to say that Tasmania was better off than some other place. It was made to appear by the. Postmaster-General, who used it as an argument, that

Tasmania was better off than Western Australia, and Senator Sir Frederick Sargood, who was taking up the same line as the Postmaster-General, and trying to throw cold water on the movement, indorsed the statement of the Postmaster-General.

Senator Playford

- No ; it was quite the reverse.

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Senator McGREGOR

- I am very, sorry if I have misunderstood Senator Sir Frederick Sargood. I would point out that Senator Sir Frederick Sargood also became impetuous when -I innocently interjected " good old private enterprise." I would like to say that it is in connexion with good old private enterprise that the whole difficulty arises. Look at the position to-day. . It has been clearly stated by Senator Keating and other senators that there is no opposition so far as the traffic between the mainland and Tasmania is concerned, and that private enterprise has become a monopoly between Melbourne and Launceston. I think that Senator Macfarlane will acknowledge that a similar monopoly exists so far as the traffic between Melbourne and Hobart is concerned. It has been shown that under properly ordered conditions passengers could travel from Melbourne to Launceston, having their dinner in Melbourne one day and breakfasting in Launceston next day. Under present conditions we cannot do that, because we leave Melbourne about 2 o'clock one day and if the weather is favorable we reach Launceston in time for lunch next day. Passengers now have to pay 50s. for a return ticket in the saloon, and 30s. in the steerage; whereas people can travel just as far in the old country by Steamer for 1s. or 1s. 6d. They can travel from Glasgow to Dublin at any time for 6s. return, and from Dublin to Holyhead for about the same. Moreover, the travelling is much faster, and the distance is much greater than between Launceston and Melbourne.

Senator Sir Frederick Sargood

-. - But look at the difference in population.

Senator McGREGOR

- The private enterprise that. Senator. Sir Frederick- Sargood and others are -trying- to encourage- is stifled both in Tasmania . and on. the mainland on account of the expense that we are involved in by another private enterprise. Therefore I say that the request made- by Senator Keating is a legitimate one* and I hope that his motion will be carried by a very' large majority. I am not going to say any? thing about defence; but I am quite sure that Senator Keating has no idea, that we should establish a State line of steamers and run them half -loaded with old rusty rifles or anything of the kind. He was only mentioning the fact that other steamers did carry large quantities of arms and ammunition as an argument which might possibly secure the support of some' honorable senators, and I think that it was a perfectly legitimate argument to use. A good deal more could be said with regard to the motion, but there- is no. necessity to enter into a number of questions which will be thoroughly inquired into by the proposed commission, if it is appointed. Apparently it is the expense that troubles the Postmaster - General, and of course it has a right to trouble him ; but I would like to inform honorable senators that in South Australia - if Members of Parliament "are on a, select committee or. commission, and are sitting in Adelaide, it does not cost the country anything, .except the salary of the secretary and expenses of that description. When members 'of commissions are travelling, their _ expenses are of a very moderate character, and the same economical arrangements might be carried out under the Commonwealth. I hope that in connexion with the appointment of select committees or commissions we shall have none of the extravagance that has been indulged in in most of the States in the past, but which in most cases has now been done away with. Where inquiries are worth making, they should be gone into with earnestness, and with a view to secure the very best results, and I hope that if the proposed commission is appointed, its work will be done, so as to secure the best interests of Tasmania .and the- other federated States.

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Senator PEARCE

- I would not have risen to lengthen this debate, but for. the fact that the case put by Senator Keating is so analagous to that for the construction of the railway line from South Australia to Western Australia, that I think it judicious- to- give my reasons for supporting the -proposal. I take it that the principle-which was laid down by Senator - Keating was- that the natural sequence of federation* should be the bringing of the- different States of the union more closely together by improved means of communication, and 'as a i

principle that cannot be controverted.- I was rather surprised at the attitude taken up by some of the representatives of the States of New South Wales and Victoria, because it 'seems to me that, their position is a most selfish one-. Undoubtedly it has been claimed by the advocates of federation in those States, and it has been admitted by the supporters of national unity in the more distant States, that as far as the commercial connexion is concerned, New South Wales and Victoria have more, to gain than the other States, and the only selfish interest that could induce the other States to come into the Union was the expectation that they would get the advantage of closer communication, which would enable them to take some share, if only a Small one; in the commercial, life of the Commonwealth'. It seems to me that Victoria and New South Wales are content to accept the advantages given to them by the quickened commercial life of the Federation, and yet that they would deny to the smaller States, which are not so advantageously situated, those improved means of communication that are required to bring them into closer connexion with the sister States. I think the proposal to appoint a commission to inquire into this matter is a wise one. The commission would have to take into consideration all the various points that have been mentioned in connexion with defence, and the assistance to be given to the commercial life of Tasmania and Victoria and, indirectly, of the other States. They would have to consider whether it is advisable that the vessels engaged in this traffic should be State-owned, or subsidized privately-owned vessels, and I believe that the only conclusion at which they can arrive will be that the vessels should be State-owned. The position taken up by the advocates of defence - the men to whom we look for guidance in the matter of defence - is a most peculiar one. Their attitude is that in regard to naval defence we must have one of two things - either vessels which are to be devoted entirely to defence, and which would be lying idle for the greater part of the year, on subsidized vessels belonging to private owners, which may be neglected or get out of order, and may become useless for all purposes of defence. We are told that there is no medium course ; but I submit that it ought to dawn on these senators that it would be quite possible to have a vessel owned by the Commonwealth which would be suitable for defence, and also available for the purposes of commerce.. It would be to the advantage of the Commonwealth that that vessel should be owned by the Commonwealth, rather than simply brought under our indirect control through the payment of a subsidy. I hope honorable senators will, in deciding as to what is the most effective means of defence, and what will answer our general purpose best, put aside all their notions as to State socialism and private enterprise. It does seem to me that it would be advisable for us, in the interests of the defence of Australia, to have vessels on this line which would be suitable for defence purposes, and yet need not necessarily be war ships, as we understand the term, but vessels which in time of war could be converted into cruisers.

Senator Sir Josiah Symon

- And gunboats.

Senator PEARCE

- Yes, and gunboats of a useful character. I therefore think that as a means of giving Parliament some information on the subject, this committee would be a good thing. The committee will make inquiries as to the best means of carrying out these proposals. It has been said that Western Australia should not have taken upon itself the making of inquiry as to the advisableness of constructing the transcontinental railway. I admit that it would, perhaps, have been better left to the Commonwealth Government. So far as that inquiry has gone, however, the reports to hand justify the statements which have been made here, that the investigations will show that there is territory in Western Australia which is going to be valuable to the Commonwealth in the future. The inquiry now asked for may remove the cobwebs that exist in the minds of some honorable senators as to the usefulness of Tasmania as a component part of the Commonwealth. The Western Australian inquiry has shown that land in the interior of the continent is not the waterless tract of country it was supposed to be. Subterranean lakes have been found at Eyre, the waters of which will be available and will be used in the future to transform the country there. These lakes lie almost in the track of the transcontinental line. I think the Senate will do well to allow the inquiry asked for, as it may tend to bring to light useful information in regard to the defences of the Commonwealth, and lead to an increase of trade.

Senator WALKER

- I simply rise to say that, although not for the same reasons as those given by the honorable senator who spoke last, I support this demand for an inquiry. I thoroughly agree with Senator McGregor that the

great object of federation is to draw the States closer together, and -if the proposed committee's inquiries have that effect, I think I ' shall have' done well in supporting the motion.

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Senator STEWART

- I have much pleasure in supporting the proposal as amended. At first I did not favorably regard the idea of appointing a Royal commission, because my experience of Royal commissions has not been a particularly fortunate one. I was very anxious, however, to see some such motion passed, and I therefore welcomed very gladly Senator Dobson's amendment. From whatever point of view we regard Tasmania., it is undoubtedly one of the most important portions of the Commonwealth. I am not sure that it is not the most important. If we consider Tasmania from the point of view of defence, it is certainly the most vulnerable part of the Commonwealth, and for that reason its defence must receive the most attention. If any powerful foreign government should once succeed in effecting a landing on Tasmania, it would be extremely difficult for Australia to dislodge it. That must be evident to every one. It is, therefore, extremely desirable, in the interests of the whole of Australia, that the defence of this particular portion of the Commonwealth territory should be strengthened in every way possible. Let us look at Tasmania again from the point of view of a health resort. It possesses a magnificent climate, a climate which, if it were made available to the countless millions who will one day inhabit the tropical portions of Australia, would do them the utmost service. A few months in a semi-temperate climate like that of Tasmania would have the effect of renewing the constitutions of a great many people from the more tropical portions of the Commonwealth, and it is extremely desirable that every opportunity possible should be offered to the people from the hotter regions of this continent to experience, for however short a period, the delights of that climate. Then, again, there is the question of settlement. Tasmania has a great deal of excellent soil, and it has magnificent mineral resources. But while I favour the idea of assisting that State, I hold that it must reciprocate. If the Commonwealth does something for Tasmania, Tasmania must do something for itself. Senator Keating said that the area of Tasmania was small. That is something for which the people of Tasmania are not responsible. He also said that the population was small. That is something for which they are responsible. Their vicious policy, their stupid Government, has so succeeded in tying up the resources of the country that settlement is absolutely blocked. While their magnificent lands are lying unoccupied, while their splendid minerals still remain in the soil, their young men and women are compelled to come to Australia in order to get a living. That is a blot upon the policy which has hitherto been pursued in Tasmania. I hope that if the Commonwealth is going to do something for Tasmania that Tasmania will reciprocate and develop her resources ; that she will make settlement on the land much easier than it has been, and assist the Commonwealth by assisting herself. If Tasmania is to be assisted in this fashion it is necessary that communication with the mainland and that State should be more frequent, and should be of a better class.

Senator MCGREGOR

- And cheaper.

Senator STEWART

- And cheaper most undoubtedly than it is. Senator Dobson, in answer to a question of mine, disclosed a state of affairs, which I do not think is creditable either to the people of Tasmania or to the companies involved. The position is practically this : that no matter how much the Tasmanians may attempt to develop their country, the trade between Launceston, and Melbourne is in the hands of two steam- ship companies, and those companies can so fix their rates as to take the cream of the business.

Senator Keating

- -A trade combine.

Senator STEWART

-Yes. This is not" a state of affairs that ought to be permitted. If the Commonwealth comes to the aid of Tasmania, I hope it will not do so by subsidizing steam-ship companies already in existence. I trust that the Government will initiate a steam-ship service of its own. A magnificent opportunity exists for entering upon a scheme of that kind between Tasmania and the mainland. I was not a bit surprised at the scorn with which Senator Sir Frederick Sargood received the idea of a State line of steam-ships being established, and the glorification he heaped on private enterprise. The honorable senator ought to know, and- he ought to see. - because it is as plain as the nose on a man's face to any person who cares to

read the signs of the times - that private enterprise is becoming, so far as it affects large concerns, ' as extinct as the dodo. Private enterprise has done excellent service in its day, but its day is rapidly passing. The blunderbuss of 100 years ago was a good weapon in its time, but where would it be before the Mauser rifle of to-day.

Senator Sir William Zeal

- The blunderbuss would be the best at close quarters.

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Senator STEWART

- The sailing vessels which have carried the commerce of the world for thousands of years, have done excellent service. They are disappearing, however, gradually, but very surely, before the advance of the steam-ship, and so it is with every department of commerce and science. The old is giving place to the new. Private enterprise is giving away in many lines to public enterprise. After all, public enterprise is merely the extension of the joint stock company principle. We very rarely meet an individual capitalist now-a-days. We have combines, joint stock companies perhaps, with their hundreds of shareholders. Then we have' combines of a number of joint stock companies joining hands and forming one great trust. This is only an extension of that idea. All the people of the Commonwealth join in a combine and carry on business on their own account. This is the reason why I think it could be achieved much more advantageously in this fashion, and that is why I say that if the Commonwealth is going to help Tasmania by establishing State-owned and controlled lines of steam-ships between the two portions of the Commonwealth-

Senator Sir William Zeal

-Where is the traffic to come from?

Senator STEWART

- There is the traffic which exists at the present moment. I would like the honorable senator to consider that with the more liberal policy which I hope the Tasmanian Government will adopt there will be an increase of population, there will be an increase of production, and, with cheap fares between the mainland and Tasmania, there will be a rush of tourists every year. No doubt honorable senators from Tasmania look upon the prospect which I am endeavouring to paint with great pleasure, but I hope that other people besides themselves will benefit by its realization. No doubt they look upon it from the point of view that it will increase the trade of Tasmania, that it will raise land values, and all that sort of thing.

The time allotted to private members' motions having expired, orders of the day called on,

POSTPONEMENT OF BUSINESS

Motion (by Senator Drake) proposed -

That the orders of the day be postponed until the question before the Senate be disposed of.

Senator Lt Col Neild

- I would point out to you, Mr. President, as a question of order, that the motion cannot be put. It is opposed to Standing Order 224.

Senator Sir William Zeal

- Why not let us go on ; what is the use of taking these points ?

Senator Lt Col Neild

- I am addressing you, sir, and I do not think I ought to be interrupted in this unseemly manner by Senator Sir William Zeal. Standing Order No. 224 says-

If all motions shall not have been disposed of two hours after the time fixed for the meeting of the House the debate thereon shall be interrupted, and the orders of the day taken in rotation ; but if there should be no order of the day the discussion on motions may be continued. The debate on motions may be resumed after the orders of the day are disposed of, on motion to that effect being put and passed.

Now there are on the notice-paper order of the day No. 1, in the name of Senator Dobson, and another order, the adjournment of the debate on which has been moved by Senator Harney. I take this point of order for a double reason. First of all, to maintain the integrity of the standing orders ; and secondly, to point out the undesirable position in which this motion places the business of private members.

Senator Keating

- We can always move the suspension of the standing orders.

Senator Lt Col Neild

- The matter is one upon which, if I may be permitted to say so, I have spoken to the Vice-President of the Executive Council.

The PRESIDENT

- I think the honorable senator should confine himself to the point of order. There is no question now of altering the standing order.

Senator Lt Col Neild

- I am sure you will permit me to say that it is a matter upon which I have spoken to the representative of the Government in this Chamber, and I think it might very readily be rectified. Meanwhile, the standing order is prohibitive of the continuation of a discussion on motions if there is an order of the day on the paper. As there is an order of the day on the paper in the name of Senator Dobson, the standing order must be complied with.

Senator Drake

-Will the honorable senator read the last sentence of the standing order?

Senator Lt Col Neild

-

The debate on motions may be resumed after the orders of the day are disposed of, on motion to that effect being put and passed.

Senator Playford

- They are disposed of by being postponed.

The PRESIDENT

- I may say that we have a practice of five and thirty years in reference to this question.

Senator Sir William Zeal

- We know all about the standing orders without having this discussion.

Senator Lt Col Neild

- I admit that it is competent to dispose of the orders of the day by a motion, but such a motion can only be put with concurrence, and it is quite possible that there might not be concurrence. I submit that any resolution to postpone the orders of the day must be unanimous. In this case, I think that in all probability the decision of the Senate, would not be unanimous.

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Senator Sir William Zeal

- Will the honorable senator confine himself to the point of order?

The PRESIDENT

- I must ask Senator Lt.-Col. Neild to confine himself to the point of order.

Senator Lt Col Neild

- I would confine myself to the point of order, if I were not interrupted in- this, unseemly -manner by honorable senators who are old enough to know better.

Senator Sir William Zeal

- The honorable senator takes up more . of the time of the House than any two other senators.

Senator Lt Col Neild

- I -want to know, sir, if that is in order 1

The PRESIDENT

- I think it will be far better if honorable senators will, allow Senator Lt.Col. Neild to continue his remarks, and if the honorable senator -will confine himself to the point at issue.

Senator Lt Col Neild

- That is all I desire to do. That is all that is seemly, and while I am addressing you, sir, you should be allowed to hear what I am saying, if you think it worth hearing. I submit that we have a standing order, which specifically sets out a certain course of action. When there are orders of the day on the paper, the standing orders under which we are acting do not permit an interference with those orders of the day, in the interests of motions earlier upon the paper. If it is competent for any honorable senator to suspend the operation of this standing order, when on earth are the orders of the day to be reached? The orders of the day can never be reached if this standing order is to be wafted out of existence at the pleasure of any honorable senator who desires to get on with a motion which he may have put upon the notice-paper

weeks and months after the House has deliberately set down certain business for transaction as an order of the day. There must be some time for dealing with orders of the day, and if I or any other honorable senator can come along and load the paper with notices of motion in . advance of the orders of the day, those orders of the day can . never be reached. If a motion is made to suspend the standing orders to admit of the continuation of discussion upon motions to the exclusion of orders of the day, I for one shall object. I think that this rule, which, I take it, is a most inconvenient one-

The PRESIDENT

- I do not think the honorable senator can argue that. The question is not whether the* rule is inconvenient or not, but what it means.

Senator Sir William Zeal

- Will the honorable senator confine himself to the point 1

Senator Lt Col Neild

- I am quite willing to bow to the ruling of the President, but not to the ruling of the puisne President. The honorable senator may have three good reasons for - instructing me what to do, but I am prepared to take my instructions from the President.

The PRESIDENT

- I will ask the honorable senator to confine himself to. the point of order.

Senator Lt Col Neild

- That is what I . have done. I have now stated my case, and I submit the question for your judgment.

The PRESIDENT

- This rule has been illustrated by the practice of five-and-thirty years in South Australia. We have adopted here the standing orders of South Australia. Under this rule the Senate may determine that a debate shall be continued, but the member in charge of the first order of the day on the notice-paper must first be asked whether he will move that it be postponed. If he does not move that it be postponed, it, as a rule, never is postponed. When the honorable senator representing the Government rose to move that the orders of the day be postponed, I stated that he must ask Senator Dobson's consent, and Senator Dobson is the person I should call upon, strictly speaking, to move that the order of the day be postponed. Then should call upon the honorable senator in charge of Order of the Day No. 2 to move that it be postponed, and then Senator Drake can move that the Government business be postponed. That is the procedure that is always adopted in South Australia, and the procedure I intend to adopt here, unless the Senate orders otherwise. I am not going into a disquisition upon the grammatical meaning of this rule, but it is quite competent to argue that the postponement of an order of the day is the disposal of it - the temporary disposal of it at all events.

Senator Drake

- I withdraw my motion.

Motion, by leave, withdrawn.

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The PRESIDENT

- I call upon Senator Dobson to deal with the order of the day standing in his name.

Senator Dobson. -I was about to move, when Senator Drake rose, that my order of the day be postponed until the motion submitted by Senator Keating is dealt with. I have been pressed by one or two honorable senators to bring on my motion, and I would like it to come on . after Senator Keating's motion is disposed of.

Orders of the Day Nos. 1 and 2 and Government business postponed.

STEAM-SHIP COMMUNICATION WITH TASMANIA

Senator STEWART

- I have nothing further to say upon this subject. I only hope the motion will be passed in its amended form.

Senator KEATING

(Tasmania), in reply. -I shall not occupy the Senate any time in replying, but having accepted the motion in its amended form, I wish simply to indicate to the Senate that my desire in bringing forward this motion was that a proper system of inquiry should be adopted, and that the whole of the facts should- be ascertained, and placed before the Senate in a proper form. I entirely 'disagree with the suggestion which

came from the Postmaster-General, that the necessary inquiry could have been made by a private individual. I wish also to distinctly repudiate the attitude that has been attributed to me so warmly by Senator Pulsford.

I deny most distinctly that any conduct of mine since I have been a senator can be properly construed into an attitude of distrust of the potentialities of my own State. I regard this not purely as a State matter, and not of slight significance and importance. I think I am doing the proper thing in bringing before this branch of the Legislature a question of the importance which this matter is to the whole of the Commonwealth. I am not bringing it forward merely in the interests of my own State, because I think that it is in the interests of the whole of the States that have come into the union that consideration should be given to the means of communication between Australia and what

Senator Dobson

has so aptly described as the ocean State of the Union. Tasmania is the one State which, though not perhaps so remote from the governing centre of the Commonwealth as other States, is separated from the others by that insuperable barrier - from a railway point of view - the ocean. I have listened with a great deal of pleasure to the sympathy expressed by honorable senators with the terms of the motion in its amended form, and I am pleased to know that that sympathy will take a practical shape.

Amendment agreed to.

The PRESIDENT

- With the concurrence of the Senate I will strike out the word "Parliament" and substitute the word "Senate," because of course a select committee of this Senate will report to the Senate and not to Parliament.

Senator Keating.- Can I name the committee now ?

Senator Drake

- That cannot be done without notice.

Senator Sir John Downer

- We always do it under the standing orders of South Australia.

The PRESIDENT

- Under the standing orders of South Australia under which we are working, select committees are appointed by ballot. Sometimes notice is given to appoint certain persons, but unless the House otherwise orders they are appointed by ballot. It is quite competent for the committee to be appointed right away.

Amendment agreed to.

Question, as amended, resolved in the affirmative.

The PRESIDENT

- The select committee can be appointed now, or at some future time.

Senator Lt Col Neild

- The motion is, that the committee be appointed forthwith.

The PRESIDENT

- I would call attention to rule 348, which says -

Select committees shall be formed in the following manner : - Each member present shall give to the Clerk a list of the names of any six members, not including the mover, whom he may think fit and proper to be upon such committee ; and if any list contains a larger or lesser number of names it shall be void and rejected.

As this is the first time a committee has had to be appointed by ballot, I will point out that if honorable senators wish to vote for seven they must include the mover. If they vote for six, and do not include the mover, the vote will be in order. But if they vote for five members, or for six members and include the mover their papers will not be in order.

Senator Lt Col Neild

- I think the mover should indicate whether he has communicated with members of the Senate, and whether they are willing to act.

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The PRESIDENT

- The practice in South Australia is for the mover to send round a ticket. If Senator Keating wishes to

indicate what senators are. willing to act there is no objection to his - doing so. The Senate will now proceed to the "ballot for a select committee, consisting of seven members, of whom the mover, Senator Keating must be one.

The Senate
then

proceeded to ballot.

The PRESIDENT

- As a result of the. ballot, the committee will consist of the following senators : - Senator Barrett, Senator Drake, Senator Macfarlane, Senator Neild, Senator Pearce, Senator Playford, and the mover, Senator Keating.

Motion (by Senator Keating) agreed to -

That the committee have power to send for papers, persons, and records, and report to the Senate this day month.

REPRESENTATION OF STATES IN THE HOUSE OF REPRESENTATIVES

Senator PULSFORD

- I move -

That a return be prepared and laid on the table of this House, showing; the population of each State as at the end of .1.890, such return to be based on the census results, the natural increase for the preceding; fifteen months being; deducted, together with the needful allowance for increase or decrease by immigration or emigration. Such return to include a calculation showing the quota and the number of members which each State would be entitled to send to the House of Representatives on such basis. I may say at once that the underlying motive of this motion for a return is a suspicion - and something more than a suspicion - in my mind that by a mistake made by the committee of statisticians some twelve or fifteen months ago the State of Queensland has been deprived of one member in the House of Representatives. But for that mistake Queensland would now have ten members, whereas it has only nine. In the first place I will refer to a return which was laid on the table of the Senate at my request about a fortnight ago, and which was the first official publication of the details under which the membership of the House of Representatives was arranged. The first State mentioned in the return is Victoria. According to the calculation of the Committee of Statists the number of members to which Victoria was entitled was 22-52.

Senator McGregor

- -52 is a big lump of the 23rd.

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Senator PULSFORD

- By the fraction over the half Victoria got another member, but I may say that the census returns which have since come out show that the Victorian population was understated at that time by something like 20,000, so that this State is fully entitled to 23 members. Queensland, according to the calculation of the statists, was entitled to 9 '34 members. The excess over the nine being less than one-half that State was allotted- only nine members. These details were not made public at the time, but from a study of figures in the various statistical works, I came to the conclusion that it was likely a mistake had been made. I wrote to the Honorable Mr. Philp, Premier of Queensland, suggesting to him that as the matter was one of great importance, it was desirable in the interests of Queensland that it should be looked into. Mr. Philp replied that it had been put into the hands of the Queensland statist, and that the Government was content to leave it there. With regard to the figures for Queensland, I may say that the population at the end of 1898, according to the Queensland statistical works, was 498,523. The ordinary natural increase per annum in Queensland would be about 9,000, so that, adding the natural increase to the figures named, we should have a total of about 507,000 at the end of 1899. But the statists, instead of increasing the population of Queensland, reduced it to 482,400, which is 16,000 less than it was, according to the statistics of the year before, without allowing for the natural increase of 9,000. The census which was taken recently, shows the population of Queensland as 502,892, an increase over the figures credited to it by the statisticians of over 20,000. As the natural increase since then, that is to say, the increase of births over deaths has been about 11,000, it is clear that the calculation made for Queensland by the statisticians was understated by some thousands. I believe that- the correct calculation for Queensland,

at the end of 1899, should have been about 489,000 instead of 482,400. It is a singular thing that whilst the population of Queensland was considerably understated, the population of the whole six States was largely overstated. The census just taken gives a total of 3,780,000. From that total I deduct 8,000 aboriginals, which leaves 3,772,000. Then I deduct the natural increase during the fifteen months which have intervened, and I get a total population at the end of 1899 of 3,699,000, whereas the calculation of the statisticians was 3,717,700. I have not taken into account that "there was some increase by immigration, so that probably the difference is substantially not less than about 25,000. The consequence is that the population of Australia, as a whole, being considerably less than was calculated, the quota should be reduced ; and the population of Queensland having been unduly lowered, Queensland has lost at both ends. If I am right in my supposition, I think that the true figures in regard to the representation to which Queensland was entitled at the end of 1899 should have been something over nine and a half, which would entitle Queensland to ten members. It is in view of these facts that I now ask for this return to be made. I hope it will settle the question. At any rate, it will have the effect of making it desirable in future to try and arrange for the fixing of the membership of the House of Representatives shortly after the taking of the census rather than at some little period before, as occurred in the last case.

Postmaster-General

Senator DRAKE

. - Of course, I shall not think of opposing this motion, seeing that it is simply asking for information upon a point of considerable interest, but I should be somewhat surprised if it turns out that the information confirms Senator Pulsford's opinion. It may be interesting, but it can hardly be useful, seeing that the number of representatives is fixed in the Constitution Act. No practical advantage can, therefore, be gained by showing that an error has been made. I understand, however, that Senator Pulsford is desirous of confirming the opinion that he has expressed that Queensland is underrepresented¹. I do not know whether he has fully taken into account section 25 of the Constitution Act, which provides that - For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State, or of the Commonwealth, persons of that race resident in that State shall not be counted.

Senator Pulsford

- Yes ; I have.

Senator Sir Frederick Sargood

- The next section is mandatory.

Senator DRAKE

- Yes. I see that. Whatever mistake may have been made in regard to this matter, the number of members for the House of Representatives has been embodied in the Constitution, so that no practical purpose can be served by this motion. With regard to Queensland, it is very unfortunate that we had no census taken therefrom 1891 until this year. There was thus an interval of ten years between the two. Queensland is a State the population of which is perhaps of a more fluctuating character than the population of the more southern colonies. It is sometimes difficult for the Registrar-General to keep an exact account of the number of people coming into the State or going over the border. The work of the Queensland department, however, is in very good hands. For some time past there have been most able men at the head of the department, and at the present time I am not inclined to accept Senator Pulsford's view that there has been a mistake. Still, I see no harm in allowing this motion to pass, for I think it is always desirable not to prevent the collection of information.

Question resolved in the affirmative.

STATE INSURANCE AGAINST INDUSTRIAL ACCIDENTS

Debate resumed (from 12 July, vide page 2481) on motion by Senator Lt.-Col. Neild -

That, in the opinion of this Senate, it is desirable that State insurance against industrial accidents "should be established throughout the Commonwealth.

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Senator HARNEY

- When this matter was last before the Senate I raised a point which you, Mr. President, ruled was not a point of order, but merely a constitutional objection. I take it that on a motion as to whether it is desirable

that we should adopt a system of national insurance, it will be a consideration for the Senate whether in passing such a motion, we shall be able to give effect to it under our Constitution. Taking that view of the subject, it is material that we should inquire into the question of the constitutionality of the motion. Senator Neild has rather relied upon sub-section (37) of section 51 of the Constitution Act, which provides that the Parliament shall have power to make laws with respect to -

Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliament the matter is referred, or which afterwards adopt the law.

Senator Neild

contends that we have power to deal with matters which may be referred to us by the States, and that it is quite on the cards that at some time or other the

States may transfer this jurisdiction to us. I think honorable senators will agree with me that it would be most undesirable for us, in anticipation of powers which may in the future be given us, to pass a motion which at the present time would be entirely inopportune. It would really open the door to our becoming purely and simply a debating society, because we would then be able to discuss on abstract propositions almost every subject that properly comes before the State Parliaments. It is rather difficult to give a fair opinion upon the question whether we will ever be able to pass a law giving effect to such a motion as this. Sub-section (14) of section 51 of the Constitution Act gives us power to legislate in regard to - Insurance, other than State insurance ; also State insurance extending beyond the limits of the State concerned.

My honorable friend's motion is that it is desirable that we should provide for State insurance. As it is worded, it is clearly outside our jurisdiction, -but the honorable senator has explained that what he really intends to obtain is an affirmation of our opinion that we should have a system of national insurance. Is it in our power to pass a law providing for national insurance? If the reading of the section was "Insurance other than systems of Government insurance in the States," I think the honorable senator would be perfectly within his rights, because that would leave to the Commonwealth every class of insurance that did not answer the description of what was before the colonial Government insurance. A little inquiry will show that this is not at all the correct meaning of the section. "State," as used in the first part of the section, has a very different meaning from what was previously a "colony." "State" there refers to the character of the insurance. It does not mean insurance that heretofore has been confined to a State. If it did it ought to be easy to read the section by substituting "colony" for "State," but we cannot do that. We cannot read it "insurance other than colony insurance." Why ? Because "State" there conveys a very much larger idea than the mere geographical idea of what was heretofore known as a colony. "State" goes to the quality of insurance. It excludes a particular class of insurance. If the expression was used in an English Act of Parliament, or in some work on sociology or politics there would be no difficulty. We would at once understand that the word "State" referred to a quality of insurance distinct from insurance carried on by private companies. The difficulty here is that the word "State" is used in two senses. Reading the whole Act through we find that "State" in every other place where it is used clearly takes the place of "colony." We also find that in the latter part of this section the word "State" means what was formerly a "colony." In the face of these difficulties I think a fair way to decide the matter would be to try and place ourselves in the position of the framers of the Bill.

Senator Sir Josiah Symon

- Does the honorable and learned senator contend that "State insurance" does not enable the Commonwealth to establish a system of State insurance ?

Senator HARNEY

- I contend that the words "other than State insurance" do not leave to the Commonwealth an original power of providing for insurance as a Commonwealth ; that the section says that the Commonwealth shall have no power to deal with insurance at all that answers to the generic description of "State or national insurance." What is excluded is any class of insurance heretofore carried on as State insurance. If that is the meaning, it occurs to me from a consideration of what were the views of the framers of the Constitution-

Senator Sir Josiah Symon

- I think that was intended by the framers of the Constitution. . . ,

Senator HARNEY

- Clearly. We have the framers of the Constitution coming together and saying-" We are going to establish a central Government. We are going to give it jurisdiction in all external affairs, in all intercolonial affairs, and in all matters which are of mutual concern." They gave it jurisdiction in regard to matters such as marriage and divorce laws in which uniformity is desirable. Then they said, " We will also give it jurisdiction over banking and insurance." It occurs to me that they thought it was desirable that there should be some Government control over systems of insurance, and also over systems of banking. They found that the private institutions had their ramifications throughout the States, having branches in the different States. They, therefore, said - " We cannot leave the government of insurance and banking generally in the power of the States." Why? Because by so doing either of two objections would arise ; either the State law would have to become operative outside of its own boundaries where there is a branch in another State, which would be unfederal ; or the State law would have to . apply to a branch of an institution that had its principal . office in one of the other States, which would also be unfederal. Therefore, they said that - "Any class of insurance or banking that has this objectionable feature we will take under our control." And then we can suppose some member of the Convention getting up and saying - " There are classes of insurance that . do not contain the objectionable feature of having branches outside the boundary of the State." Those are State insurances, and State only. The Convention, I take it, saw that . at once, and said - "Very good, we do not want to meddle in these matters at all, except where it is necessary to do so to prevent one -State making -laws binding upon another. Therefore the class of insurance entirely confined within the boundaries of the State we exclude." That is borne out by the section -

Also State insurance extending beyond the limits of the State concerned.

I have supposed one person getting up in the Convention and saying - "There is Government insurance or banking carried on in a State that does not contain the objectionable feature of ramification throughout the other States." Then some one else . gets up and says - " There are some kinds of State insurance that have the objectionable feature, namely, maritime insurance and other forms of insurance, where two or more States are involved." Therefore, the clear reading of the section, I take it, is that it was intended not to give original jurisdiction to the Commonwealth at all, but to give it control over insurance systems only in cases where no other- class of control exists. Ergo, it only exists in the case of private institutions having ramifications throughout the States, and such State systems as involve in their ramifications two or more States.

Senator Sir Frederick Sargood

- In that case would not the State laws be operative ?

Senator HARNEY

- No. The meaning of the section is this- Show me any system of insurance that involves two or more States, and whether that system answers to the description of national or private insurance, we assume control of it. The first part of the sub-section says we are to have control of all insurance other than that carried on by a State. Why ? Because when it is carried on by the States' Governments it does not go outside the boundaries of 'the -States. But if it is carried on by the States, and goes beyond the boundaries of the State, the latter part of the sub-section comes in and gives the jurisdiction to us.

Senator Sir JOSIAH SYMON

- To prevent conflict between the States. If, for instance, the State Bank of South Australia established a branch in Victoria, there might be a conflict.

Senator Sir Frederick Sargood

- The branch would come under the Victorian Act.

Senator HARNEY

- The purpose of the section is to . avoid a conflict between two States, and therefore we have- the right to the control of this class of insurance which would give rise to such a conflict, whether it answers to the description of national insurance or private insurance.

Senator Sir Frederick Sargood

- Does the honorable and learned senator mean that if a bank in Victoria has a branch in New South Wales, it will not be under the State Act, but under the Commonwealth Act ?

Senator HARNEY

- Yes. What I mean to say is this : Take the case of the National Bank here, which I believe has branches in Western Australia and Queensland.

Senator Sir Frederick Sargood

- It is not a State bank, and I know that there is jurisdiction over private banks.

Senator Sir Josiah Symon

- But there is no control over State banks unless they extend beyond the State. .,

Senator HARNEY

- Precisely, that is it. The intention of the framers of the Act was not to confer on the Commonwealth original , jurisdiction to create Commonwealth banking or Commonwealth insurance, but the intention was to differentiate in the control of the existing systems throughout the States. It was to mark the limits of this control,, not to confer on the Commonwealth original jurisdiction.

Senator Walker

- I do not think that was the intention of the Convention.

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Senator Playford

- I am quite sure that it was the original intention.

Senator HARNEY

- I am endeavouring to show that that must have been the intention. I do not want to go over the whole argument again, but if Senator Walker will think over the points I have urged first of all on the mere reading of the words of the clause, "other than State insurance " or " other than State banks," he will see that they cannot be read in. any other way than as referring to the character of the banking or insurance that is excluded. Let us allow, for argument's sake, that the language is ambiguous, and that it might grammatically be construed to mean that the Commonwealth has the power to set up a banking establishment of its own. Now let us see, by reference to the intention of the parties and of these sections, whether it could be so construed. First, as to the intention of the parties. If what they intended was to leave to the Commonwealth the original power to go in for banking or insurance, it is clear that all the debates would have dealt with the question as to whether it was or was not advisable for the Commonwealth to carry on banking itself. Have the debates been directed to that at all ? I have looked through them, and I may tell honorable senators that the debates have been entirely directed to the question of control. It was not a question as to whether the Commonwealth should carry on banking on its own account, but as to which of the existing banking and insurance systems it was advisable we should control and which should be left to the control of the States.

Senator Clemons

- The honorable and learned senator admits that this mental dissection is a very difficult process ?

Senator HARNEY

- Yes ; I have admitted that all through.

Senator SirFrederick Sargood

- Does it not refer to banks of the States themselves, and not to the private banks in the States ?

Senator Sir Josiah Symon

- Like the State Bank of South Australia, for instance.

Senator Playford

- That is only a lending institution.

Senator Sir Josiah Symon

- That is a State bank with limited operations; it is not a. bank of issue.

Senator HARNEY

- I will put it another way. Before federation there were in some of the colonies two systems of insurance and two systems of banking carried on, or it is conceivable that there may have been - namely, the system that would spring entirely from the Government and be under Government control, and the system of private institutions that were under the ordinary laws of the States. Now, we are going into federation, and the first thing that occurs to the framers of the Constitution is, that it is unfederal to have one State making laws in reference to banking or insurances that are to be operative outside its own boundary, and they therefore say " We will give that jurisdiction, that controlling jurisdiction, in such cases to the Federal

Government." Then it occurred to the framers that it was not necessary to transfer this controlling jurisdiction to the Federal ' Government, where the operations of the banking or insurance system did not go outside the boundaries of a particular State, and they said - "We will exclude banking or insurance carried on by a State Government itself, because where it is carried on by the Government itself, it has no branch outside the State."

Senator Sir Frederick Sargood

- The control of all private banking in the States is with the Commonwealth.

Senator HARNEY

- Exactly. We have control (a) over all private banks and insurance companies throughout Australia. Why? Because their ramifications may extend outside of any State, and we must have uniformity. (b) Over another system of banking or insurance, that carried on by the State, if it involves two or more States, under the qualification of the latter part of the section. It appears, then, to stand out quite clearly that what was intended by the section was not the conferring of original jurisdiction upon the Commonwealth, but the differentiating of the control that it should take. That this is so I think is very obvious, whatever may be the strict grammatical construction of the section, and it is certainly not in accordance with the intention of the Constitution that we should set up a system of banking or insurance ourselves.

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Senator Clemons

- Does the honorable and learned senator contend that the framers of the Constitution deliberately contemplated the possibility or desirability of preventing competition in the matter of banking and insurance between the Commonwealth and the States or private companies?

Senator HARNEY

- I think the members of the Convention only had one idea in their minds, and that was that banking and insurance should be controlled by some one ; and where it would be improper to have it in the hands of the State, the Commonwealth should take the control, but in no other case. I think the framers of the Constitution did not consider at all the question as to whether it would or would not be advisable to have national Commonwealth banking or Commonwealth insurance.

Senator Drake

- They did not contemplate it ?

Senator HARNEY

- I do not think they considered it at all.-

Senator Clemons

- That is the difficulty.

Senator HARNEY

-I am quite with the honorable senator as to the difficulty. I found upon looking through the debates, as I have done since we last discussed the question, that every one of the speakers directed his arguments, not at all to the advisability of having Commonwealth insurance or banking, but to the question of how much control the Commonwealth should take over existing systems. I think that is clearly what was intended by the Convention, and is to be seen in the reading of the words used in the section to give effect to it. Because, if we are going to say that the words "other than State insurance" have some other meaning, we ought to be able to substitute the word " colony" for the word "State"; and the section would then read "insurance other than colony insurance," which would be meaningless. Suppose an honorable senator took up a book by Herbert Spencer on "Sociology," or an Act of Parliament, and saw in it a reference to insurance "other than State insurance," would he have the slightest hesitation in coming to the conclusion that "State," as used there, has the ordinary dictionary meaning, and referred to the character or quality of the insurance ?

Senator Clemons

- Undoubtedly.

Senator HARNEY

- Now, the question is, will the honorable and learned senator give the word a different meaning because he finds it used in this Act ? I am quite aware that many difficulties may arise in connoting the word " State" as "colony"; but connoting the word as I do, notwithstanding the difficulty of construction, I think it

will be seen that the balance of probability is in favour of the view I have taken of what was in the mind of the framers at the time, though there is ambiguity of expression in the use of the words " insurance other than State insurance." My connotation of " State " is " national " as opposed to " individual."

Senator Sir Frederick Sargood

- The honorable and learned senator is referring to insurance in the States ?

Senator HARNEY

- No ; I am referring to the quality of insurance - " national " insurance as opposed to "private" insurance. " State " has a meaning apart altogether from geographical area.

Senator Clemons

- Does the honorable and learned senator use "State" in the same sense wherever it occurs in sub-sections (13) and (14)?

Senator HARNEY

- No, unfortunately I do not. I cannot do that. Take sub-section (14) and the words " insurance other than State insurance." The word " State " there has its dictionary, generic meaning of "national," as opposed to " individual " insurance carried on by the central public body as opposed to the individual.

Senator Sir Josiah Symon

- What we call " Government insurance " ?

Senator HARNEY

- What we call " Government insurance."

Senator Sir Frederick Sargood

- Does the honorable and learned senator mean - by the State Government and not by the Commonwealth Government ?

Senator HARNEY

- No ; I do not read "State" there as referring to the Commonwealth or to what was previously a colony. I read it as referring to the character or quality of insurance - the description of insurance, irrespective of where it is.

Senator Sir Josiah Symon

- Does it not ' mean rather the original, or originating body of insurance?

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Senator HARNEY

- Suppose we had a text-book dealing with insurance, irrespective of place, and that that text-book was divided into parts, the first part dealing with private insurance, and the second part with State insurance. I take it the first part would relate to private institutions like the Australian Mutual Provident, the National, and other insurance societies, and the second part would relate to the powers, functions, and , practice of insurance carried on by the governing body of the State. In reading that book we would understand that State insurance was distinctive, irrespective of place, from individual insurance. I read the section in that way. We have jurisdiction over all insurance that does not answer to the description of State insurance - insurance carried on by Government ; also State insurance extending beyond the limit of the State. " State " in the second part of the- section also means national insurance extending beyond the limits of the colony. Substituting unambiguous words for the ambiguous, the section would read in this way - Insurance other than governmental insurance, also governmental insurance extending beyond the limits of a colony.

Senator Sir Frederick Sargood

- It could not do so.

Senator HARNEY

- What about maritime insurance ? Of course it could. What I have been endeavouring to bring out is that it is possible to have insurance confined within the limits of what were heretofore the colonies, and it is possible also to have insurance with ramifications outside those limits.

Senator Sir Frederick Sargood

- Not of the State.

Senator HARNEY

- Yes, of- the State. What about maritime insurance ?

Senator Keating

- I suggest to the honorable and learned senator that he could give a better illustration by a reference to New Zealand, where they have a State system, assuming that New Zealand was one of the States of the Commonwealth.

Senator HARNEY

- There is a State insurance there, and if that were extended beyond New Zealand it would supply a case in point.

Senator Keating

- Assuming that . New Zealand was a State of the Commonwealth.

Senator HARNEY

-I hope that Senator Keating, who mentions that illustration, follows me in the argument I am putting, that the whole difficulty of construction arises undoubtedly from the word " State " being used in two different senses in the section, and that the only way that we can make it at all readable is to consider the first use of the word " State " as referring to the character of the insurance, and the second use of it in as referring to a State or colony. Having got past that rather dull legal 'point I should like to say something on the merits of this question. Although I am of opinion that we ought not to pass a motion which we could not subsequently make operative by a law. still, out of respect to my honorable friend Senator Neild for his very exhaustive and interesting speech, and because the subject is one that there can be no harm in our ventilating for its own sake, I shall speak to his proposition as if I had formed a different view as to the legal construction of the section. I take Senator Neild's proposition to be this - that by some means or other we should accumulate in the hands of the governing body a fund, out of which to recompense persons who have been injured by industrial accidents. There can be no doubt that the number of these accidents is enormous. With the multiplication of industrial contrivances, with the prolific- growth of machinery, with the rough and tumble and complexity of our industrial' activity, such accidents will every year increase; and there is little doubt that in a majority of cases 'the accidents are' fairly attributable neitherto' the employer nor to. the employe. They arise from causes that are inherent in the work,- and from the great desire of all parties for a rapid output - from the wish of the employers to make speedy profits, of the employes to1 gets lots of' work, and of the public to be well and promptly served. Therefore; I think I am- not wrong in saying that the- great, bulk of- these accidents are properly attributable to the want of more perfect human judgment and human ingenuity rather than to the influence of human greed. It is scarcely right that the whole burden of- these- accidents should be allowed to rest on the shoulders of one party. All are gainers by the rush of- work which leads to the accidents. The employer makes more money, the- employe gets more work, society gets better served.

Senator Pearce

- Is that a gain- to get more work ?

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Senator HARNEY

- More work that the employé is paid for. I am sure. that the party which my honorable friend and his able colleagues in this Senate so- well represented do not wish for recompense without a return. What they want is work, and they are willing to work if they are paid for it. Therefore, they have to take their share in supplying all that is necessary to keep that state of things- moving by which they live and thrive. In my opinion we should have some system whereby all the interested parties would participate in the burthen that necessarily falls upon some one by reason of these accidents. Therefore, I think there can be little doubt as to the truth of the propositions I have put. Then the question arises - how are we to give effect to this abstract motion ? The first thing that occurs to any one is this - in proportion as you diminish the anxiety of the employer by such an insurance fund, in proportion as you give greater assurance to the employe of being compensated whatever occurs, you lessen the vigilance of the one and the carefulness of the other.

Senator Charleston

- Not necessarily.

Senator HARNEY

- I do not say necessarily, but that consequence is a likely one-; because our vigilance and our caution are greatly dependent upon the' need for them. Only the other day a number of honorable senators went to see some explosive works," and we were there told that notwithstanding the highly dangerous nature of

the occupation, there was a . smaller percentage of accidents there than in an ordinary woollen industry. What is the inference from that fact? That the fear ever present to the men's minds in such an institution, has a moderating and care-creating effect, whereas in woollen mills, where there is no suggestion of danger, men go about more carelessly and act more spontaneously, and accidents are- consequently more- numerous. While I say that that is a *prima facie* view, and while I have read that in Germany, where a compulsory system of- insurance does exist, accidents have 'enormously increased'¹, I still- adhere to the idea I am advocating. In fact, I may say in parentheses that Senator Neild seems to have ascertained - and he has gone very thoroughly into the matter - that accidents in Germany have not increased, or if they have that has been rather. due to mismanagement than to the system.

Senator Lt Col Neild

- Accidents have, been reduced..

Senator HARNEY

- The greatest flattery is imitation ; and whatever people may say of the system in Germany, it is rapidly being imitated by every country in Europe. We find that France followed suit in 1887, and according to Senator Neild, Austria, Holland, Spain, and other countries have now adopted the same system.

Senator Lt Col Neild

- Not Spain.

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Senator HARNEY

- A number of other countries have adopted it; and in conservative England itself Mr. Asquith, in 1893, brought in a Bill in the House of Commons almost on all-fours with the German Act. Unfortunately it was defeated by a union of parties in the House of Commons; but, in 1897, another Bill was brought in and passed - the Workman's Compensation Act - which has since, I believe, been copied by New Zealand. There are many defects in that Act, of which I will speak in a moment, but at all events it shows that the principle of making compensation rest upon a more solid- basis than the law of negligence has been, recognised in' England itself. Now let me say. a few words upon my view of the German system. Under that system there are two classes of insurance - the sickness and the accident insurance. Both are brought into play in the case of an injury, both are dependent upon compulsory, contributions, and both are under the' management of the affiliated societies. The Government has nothing . to . do with them. The employe contributes two-thirds to the sickness fund ; the employer contributes -one-third to the sickness fund, and all to the accident fund. The State unfortunately contributes nothing at all, which is a blot upon the Act. When an injury occurs there is a report made to the police and an inquiry is held - not as to the origin of- the accident, not as to all those technical points we waste our time upon, but as to the injury that is done ; and a report is sent on by the magistrate, to the secretary- of the board, whereupon if the case is one for the sickness fund - that is, if the man is not ill for more than thirteen weeks - it is dealt with out of that fund ; but if- the man is ill for- more than thirteen weeks his case goes upon the accident fund, and a reasonable compensation on a fixed scale is provided. The defects of that system as they occur to me are these : First, that the State contributes nothing, whilst the State- is a participant in the advantages of this hurry of work and this great complexity of machinery quite as much as the employe and the employer are. We are better, served; we accumulate money more rapidly; we are all brought into a more prosperous state in consequence of it. The second defect in the system is that the management is vested in the affiliated boards, not always acting in concert, and there is no- parliamentary control. I think we should have the system controlled by the Government, not under a private body, and that the controlling body should be responsible to Parliament. The third defect is that compensation is arranged on a fixed scale, which, I think, leads to gross injustices. I would place any system of insurance under the State. The fund out of which the parties are paid should be made up by contributions from the three interested parties - the employer, the employe, and the State. I think the employer ought to contribute a third, as he is the most interested. The employe ought to contribute a fourth, and the State should contribute the balance. The whole thing should be under the control of Parliament, and the rate of compensation, instead of being determined by a fixed scale, should be determined by a capitalization of the loss of earning power. If the injury to the man meant that henceforth he would only earn £2 a week instead of £3, I would capitalize £1 a week ; with this reservation - I would leave it open for the court of inquiry to say whether the injury was brought about by gross negligence on the part of the master,

because in that case I would add to the amount to be paid as a warning to him and as a terror to others. I would also leave it to the inquiring body to see if the employe contributed to the accident by his own gross negligence, and if so I would reduce the amount likewise. I see that there is a difficulty in that, but in England the common law is still open. Those are the lines upon which the system should be worked. It is not right to leave the compensation entirely upon a fixed scale, nor is it right to allow an inquiry which would bring in all questions of costs and lawyers, and all the other difficulties that arise at present. But there might be some simpler mode of inquiry provided, and it should be left to the board of inquiry to say whether either party was responsible or not. I should like as a lawyer to point out to the lay members of the Senate the gross absurdities of the law of negligence under which injured parties are compensated at the present time. England, notwithstanding her close clinging to the past, has thrown this law aside practically, except in exceptional cases, whilst we Australians, in this go-ahead country are, I believe, the only people at present among the most civilized nations who make the compensation depend on what I will call this antiquated piece of patchwork. "What is the law of negligence as applied to these cases ? Fundamentally it is very sound. It is this - "Let the wrong-doer pay - let him suffer. The master has a duty to ' his men, they have a duty to him ; let us see who has committed a breach of duty, and determine accordingly." What is the duty a- master owes to his men ? By the common law, it is said, that he must have proper machinery for the purpose of his work, and keep it in proper order, and that he must employ competent men to work in his factory or industrial institution. That was the original law. Soon there were very nice questions raised upon it. The master's lawyer came along and said "Although you are bound to keep proper machinery and competent workmen, still supposing the man who is injured goes therewith his eyes open and rushes into danger, ought he to get anything " ? Hence was applied the legal maxim, with which lawyers are familiar - *Volenti non fitinjuria*, where the sufferer is willing no injury is ' done- a pure and absurd fiction, a childish fiction, a fiction quite as grotesque as that we all laugh at in reference to seduction. Honorable senators know the application of the maxim there. Where a girl has been brought to life-long shame, where she has perhaps been burdened with a life-long drain upon her little earnings, the law says to her "We will not compensate . you ; we will not recognise that you deserve anything ; but we will compensate your mother and father. We will compensate those who are not the injured parties and who do not suffer any loss." And why, forsooth ? Because it is assumed that the parents lost the services of the girl.- The ridiculous part of it is, that the highest compensation is given where the possibility of loss of services is most remote. The *volenti non fitinjuria* principle is quite as absurd when applied to industrial actions as to cases of seduction. Because any sensible person knows that although a workman goes, into a factory where there is a dangerous trade carried on, or where there is dangerous machinery, he does not willingly consent to be insured.

Senator Sir Josiah Symon

- Suppose he willingly puts his hand into the fire 1

Senator HARNEY

- Then he should get nothing.

Senator Sir Josiah Symon

- Then *volenti non fitinjuria* is only a question of degree.

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Senator HARNEY

- I am now putting it not as if I were talking to lawyers only, but I am giving a rough summary of the grotesque and misleading principles under which compensation is awarded under the law of negligence. A refinement has been put upon the maxim, and the question has been raised whether the injured party must not be *sciens* as well as *volens*. Can a person be regarded as *volens* if he does not know of the danger? Consciousness must go with willingness. Then another refinement drawn is this : Suppose he does know of the danger and does not report it to his employer, is he still to be regarded as *volens* although undoubtedly *miens*. Suppose that he knows of it but does not report it because he knows that if he did so he would be dismissed. Is he still *volens* ? All these are difficulties on which depend the question whether a man is to be compensated for his injuries or not. It does not stop there. That is only one of the many doctrines. We have another doctrine known as " contributory negligence." It would really take me several hours if I were to go through the many refinements to which this leads. First we say a workman shall get no compensation if any act of his has contributed to the injury. Then the other side

comes round and says : " But suppose the master could by reasonable exercise of care have prevented the consequences of the workman's neglect, ought not the man to get anything " 1 Then all these nice subtleties arises as to whether the master could or could not have prevented the .consequences of the man's negligence. Then suppose a master is under a statutory obligation to do something. Suppose an Act of Parliament says' that a master shall provide certain appliances ; that he shall keep so many hands employed, or that he shall keep a glass in a certain place. Then the question arises, if the master is under a statutory obligation, is he released from the fulfilment of that obligation by any carelessness on the part of his servants 1 The law says "no," but a maxim which has the force of law says *volenti non fit injuria*, and it is urged that it applies because the man must have seen that the master did not keep these appliances and must therefore be taken to be willing to incur the risk. That is supposed to be common sense. One more branch of the law, and I will pass from this rather mixed up subject. Every layman has heard of the doctrine of " common employment." The common employment doctrine was that a master was not responsible for any neglect on the part of a fellow workman, because it was again presumed by the same old fiction that if a man said " I will work with Tom , Dick, or Harry," he impliedly agreed to make no complaint of their want .of skill. That doctrine was laid down in 1837, in the case of *Priestly v. Fowler*. It was only when our friends in the Trades and Labour Council took it up that a change was made. They took up the question and kept hammering away at it for half a century, until we got the English Employer's Liability Act 1881. That was supposed to wipe .out this fiction about common employment, but it did not do so. It simply said, " if the fellow servant who injures you is in superintendence, and was acting in superintendence at the time of the accident, or if you were bound to obey him, he shall not be deemed to bc a fellow workman." A miner is injured in a mine. He comes into court, and the determination whether or not he is to get compensation rests, not upon the common-sense principles which would ordinarily influence us, but upon this exchange of subtleties; upon the application of this law built from the reverberation of ingenuities ; one subtlety giving birth to another. It does not even stop there. The case is tried before a jury- After counsel for the plaintiff has addressed them - addressed minds already bewildered by this phantasy of legal distinctions - he says to the jury, " Oh, you must find this way. The position is clear." Then counsel for the defendant gets up and draws upon his repertory of legal principles in making out a case for the defence. The judge then sums up and tells them that in his opinion neither counsel for the plaintiff or counsel for the defendant is right. What is the jury to do ? Tins is no laughing matter. It is what I have experienced many scores of times in the courts. The twelve men have to retire with a string of questions which they can only answer by a species of mental gymnastics. Having answered the questions they come to the most grotesque question of all, the assessment of damages. The judge tells them that this is a matter eminently calculated for the exercise of their own common sense. But we can only exercise common sense on known principles, and what principles would the" jury apply other than those relating to something that has been done in the past. One juryman gets up, and says - " I know a man who got £500 a month ago, for the loss of an arm." Another juryman says - " I know of another man who got only £60 for the loss of a finger and two legs." Another knows of a widow who was bereft of a husband who waa never any good to her, and she received £1,000 damages ; while still another juryman tells of a widow with a large family, who lost a good husband owing to an accident, and has no means of marrying, but who only got £50 damages. We have always found in courts of law that jury men put their experience into a hat, appraise it in figures and take the average. That is the law of negligence upon which compensation is given at present. I think I am not going too far in saying that a more irrational and more grotesque piece of lawyer's patch-work is not to be found in any Act of any country. I think that, if it is within our constitutional power, we ought not only to follow in the steps of conservative England in this respect, but to go very much further than she has done. We ought to recognise that injuries, in ninety-nine cases out of a hundred arise not through any palpable fault either on the part of the employer or of the employe", but out of those general imperfections, that general carelessness, which are the common failing of our humanity. It is a very fine phrase of Edmund Burke which says -

He censures God who quarrels with the- imperfections of man.

And we censure God in this law of negligence when we, spinning out of our own little finite intellects these subtleties of logic, place the burden upon the person who according to them appears to bo responsible. I think that system must commend itself to every one which takes in fair proportion from all those who are

participants in the good which arises from this great complexity and great increase in machinery, and distributes the fund, not on the basis of little theories as to who is right and who is wrong, but upon the broad basis of the injury which is done. The unfortunate miner working in the bowels of the earth carries his life in his hand. A huge lump of surface comes down and crushes him to death. Is it not a scandal that in the twentieth century the question whether his widow and children shall be provided for or not is to be determined by questions as to whether there were the proper number of feet, according to the opinion of a jury, between the poppet heads that were put up ; as to whether he had reasonable expectation of a soapy head existing there; as to whether there was a proper rope ladder ; and as to whether a number of other requirements had been carried out 1 The true position is this : The employer gains, and makes huge profits, by reason of these men. carrying their lives in their hands. You and I, and all of us, are enriched by reason of it. Let all of us, then, put our hands in our pockets, in fair proportion, and supply a fund which will enable the man to say - "Although I incur these risks, I have the consolation that only my own poor life is at stake, and that if anything happens to me it will not be by a series of legal quibbles that the future of my wife and family will be determined, but on the broad principle that I lost my life in doing these services ; and those who have been the gainers by them will see. that my wife and children are compensated."

Debate (on motion by Senator Pearce) adjourned.

DECIMAL- COINAGE COMMISSION

Resolved, on motion by Senator Drake -

That Senator J. T. Walker have leave to attend before the Select Committee of the House of Representatives on Coinage, if he think fit.

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15:35:00

Senate adjourned at 3.35 pm.