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1901-07-03

Senate.

The President took the chair at 2.30 p.m., and read prayers.

PETITION

Senator KEATING

presented a petition from 10,448 citizens and ratepayers of the State of Tasmania, praying the Senate to reject clause 54 of the Post and Telegraph Bill.

Petition received.

ALIENATION OF LAND

Senator MCGREGOR

asked the Vice-President of the Executive Council, upon notice -

Is it the intention of the Government in any Bill providing for the acquisition of lands to insert a clause preventing its future alienation ?

Vice-President of the Executive Council

Senator O'CONNOR

- Only in very exceptional cases. In a measure generally applicable such provision will not be made ; but in any measure dealing with the federal territory such provision will be made.

POSTAGE STAMPS

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Senator Lt Col NEILD

asked the Postmaster-General, upon notice -

Can he indicate when federal postage stamps, will be issued ? .

Does he deem it desirable that postage stamps in use in the Commonwealth should bear some indication that Australia is federated ?

Can he say whether it is intended to establish inter-State penny postage, and, if so, when ?

Is it intended that the Commonwealth shall obtain the benefits of universal postage, and, if so, when ?

Postmaster-General

Senator DRAKE

- The answers are as follow : -

Not at present. Federal postage stamps will probably not be issued until after the expiration of the bookkeeping period prescribed by sections 89 and 93 of the Commonwealth Constitution Act.

It is not considered desirable to overprint the postage stamps of the several States, but when the issue of any new stamps is authorized, such an indication will be considered. 3 and 4. These are matters of policy which have not yet been determined.

POST AND TELEGRAPH BILL

In Committee

(consideration resumed from 28th June,
vide

page 1811) :

Clause 77 -

The Postmaster-General shall have the exclusive privilege of erecting and maintaining telegraph lines and of transmitting any message or other communication by telegraph within the Commonwealth and performing all the incidental services of receiving collecting or delivering such messages or communications except as provided by this Act or the regulations :

Provided that the Government railway authorities of each State shall have authority to erect and maintain within the railway boundaries telegraph lines required for the working of the railways, but except by authority of the Postmaster General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained the revenue derived from such telegrams shall be divided between the department and the railway authorities in such proportions as may be mutually arranged.

Postmaster-General

Senator DRAKE

. - I am prepared, if it is in accordance with the wishes of the committee, to postpone this clause until after the consideration of the remainder of the Bill, but I would like first to make a short statement with regard to some difficulty which appeared at the previous sitting. I propose to make an amendment in clause 78 which I think will meet to a very great extent the objections taken by some honorable senators. That clause gives power to the Postmaster-General with regard to the construction and maintenance of any telegraph line. I have not with me the exact words of the amendment; but I propose after the words "by such person" in the first paragraph to insert the words "either for the Telegraph department or for any private person," or words to that effect. So that clause 77 will place telegraph lines, including, of course, telephone lines, under the Telegraph department, making it practically a monopoly; while clause 78 will provide that the Postmaster-General may exercise that monopoly on behalf of the department or allow private persons to construct or maintain telegraph or telephone lines.

Senator Sir Frederick Sargood

- Yes, but that will not meet the case.

Senator DRAKE

- I think it is absolutely necessary that the telegraph lines should be in the hands of the department. I cannot draw back from that at all. We must start from that point, that the telegraph service is to be a State monopoly, and if that is conceded, then we can give the fullest possible range to private persons who desire to have telegraphic or telephonic communication on their private property. That is what has been done in all the States.

Senator Sir Frederick Sargood

- No.

Senator DRAKE

- So far as I am aware there is no State in which private persons have not been able to have telephonic communication on their own property.

Senator Sir John Downer

- Supposing there are roads in between?

Senator DRAKE

- Then it is off their own property.

Senator Sir John Downer

- That is the very point which Senator Sir Frederick Sargood referred to.

Senator DRAKE

- I know what the honorable senator desires, but I am not prepared to concede that if private persons wish to have telephonic communication on their own property they can go across a public road. If they claim to take their telephone lines across a road they are encroaching on the State monopoly, and I think they have no right to do so.

Senator Sir Josiah Symon

- It depends on the language of the Act under which they are proceeding, because the roads may be owned by a municipality.

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Senator DRAKE

- They may be; but we are dealing with a Bill to apply to the whole of the Commonwealth, and clause 77 provides that the Postmaster-General shall have the exclusive privilege of erecting and maintaining telephone lines within the Commonwealth. I am not prepared to recede from that position. At the same time I am prepared to meet honorable senators in every way as far as I possibly can with regard to the use of private wires on private property.

Senator Sir FREDERICK SARGOOD

- I am not surprised to hear that the Postmaster-General has been advised by departmental officers to take up such a stand; but I am surprised to hear him say that he is of opinion that that should be the rule. Instead of postponing the clause at once it may be as well to discuss it a little so that he may not come down with a hard and fast amendment from which he will not be prepared to budge. We must all, of course, absolutely agree upon his statement that the telegraph and telephone lines should be in the hands of the department so far as they will, be public lines. But clause 77 practically gives the Minister command -over all private lines as well, and all that is proposed, as I understand from the amendment in

clause 78, is that he may make arrangements with private parties to construct and maintain private lines. In the past the action of the department has been absolutely adverse to private lines. Surely it cannot be contended for a moment that it should be necessary ' to go to the Postmaster-General to have a telephone line put up in one's own warehouse. Clauses 77 and 78, if passed in their present form, would necessitate any one of us who required a telephone line to be put in his warehouse, or from his office to part of his warehouse, to get it done by the Minister. That appears to me to be perfectly absurd. It is an interference on the part of the department which is not justified on any grounds whatever. Then I extend that to what is of equal importance, and in some respects of greater importance - the construction of telephone lines on stations where the question of fire comes in. I need hardly say that it is not to the interest of the general public that men should be denied an opportunity to cope with fires instantly. That is the reason why, for some years past, a large number of squatters in all the States have been gradually extending the telephone system on their runs, and in many cases on their own wire fences, although that is not a success. In doing so, it is necessary for a person to cross over or under a road which goes through his land, and here comes in the difficulty. The department at once say " We will not allow you to cross that road," or they make so many difficulties and demand such an excessive charge that the idea has to be given up absolutely. I am speaking of that which I not only know, but have experienced, and which I have no doubt other honorable senators have experienced. The amendment I propose is that the department shall not interfere in the slightest degree with the construction of private telephones, wherever they may be, and where the land is owned by the same party on both sides of the road it shall give freedom and liberty, perhaps on the payment of a small fee if necessary, to cross that road at a height of not less than eighteen feet, as provided in a subsequent clause. What harm can possibly arise from such a concession, and what necessity is there to place such a power as this in the hands of the department? I shall repeat my own experience of departmental action. My son has a station about eighteen miles from Hamilton, in the Western district. Four of the station-holders wished to extend the telephone system from Hamilton to their respective stations. One of them was authorized to make inquiries. He found that the line would be constructed by the department from Hamilton for eighteen miles to a branch-off place, and from that place each of the four station-holders would take his line. The first man was told that he could get that constructed at a rental of £1 per mile for the eighteen miles and a payment of the cost of its erection on his own property. Then he said, " But there are four of us, and the cost will be divided between the four." The reply was, " No, not at all ; each of the four will have to pay this £1 per mile from Hamilton." That was simply nonsense. For the Postmaster-General to say that the department would not only raise no difficulty, but would assist all it could to develop private lines is not borne out by facts. Practically what I have complained of in Victoria has happened in New South Wales in connexion with a station in which I am interested. In the interests of the public at large it is not desirable that the Postmaster-General should have the control of these private wires.

Senator Drake

- Who should have control of them 1

Senator Sir FREDERICK SARGOOD

- The owners of them.

Senator DRAKE

- A nice state of things!

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Senator Sir FREDERICK SARGOOD

- The department should have control over wires outside the boundaries of the property owners ; but when a wire crosses a block of land, which may be 20,000 acres in extent, and which is owned by one individual, not the slightest difficulty should be raised in regard to the crossing of roads, many of which are never used at all, whilst others are very seldom used on account of the sparsity of the population. If it be necessary that the Commonwealth should retain in its own hands some rights over those roads, that can be met by the payment of a small fee ' . for every road crossed. But that the construction, maintenance, and control of these wires within a private domain or within a warehouse in Sydney or Melbourne or elsewhere should remain in the . hands of the post-office is an exhibition of red-tapism for which I should not have given the Postmaster-General credit.

The CHAIRMAN

- Does the honorable senator propose an amendment ?

Senator Sir FREDERICK SARGOOD

- I understand that the Postmaster-General proposes to postpone the clause. I should not have said a word on the question to-day, but after the honorable and learned senator had spoken I thought it well to put in a counterblast.

Senator DRAKE

- Apparently Senator Sir Frederick Sargood has overlooked the last words of the first paragraph in clause 77, " except as provided in this Act or the regulations."

Senator Sir Frederick Sargood

- I know what regulations are.

Senator DRAKE

- In the next clause I propose to make an amendment, inserting after the word "-person" the words "for the Postmaster-General or for his own use," which will provide for the construction and maintenance of telegraphs and telephones for private purposes.

Senator Sir Frederick Sargood

- I want the private persons to do it themselves on their own property.

Senator DRAKE

- The authority must either rest with the Postmaster-General or some other person representing the Government. It is not desirable that the telegraphic system of the Commonwealth or of any State should be split up and be under the control of a number of persons.

Senator Sir Frederick Sargood

- I am amazed at the honorable senator.

Senator DRAKE

- I still hold to my opinion. In cases such as have been mentioned by Senator Sir Frederick Sargood, where there are roads that are hardly ever used, or are never used at all, no difficulty would ever be raised.

Senator Sir Frederick Sargood

- The difficulty has arisen.

Senator DRAKE

- But where a telegraph line crosses a main road it is desirable that it should be under the control of the Government, and not of a private person. I move -

That Part 4, clauses 77 to 90, be postponed.

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Senator Sir JOHN DOWNER

- I entirely agree with the Postmaster-General that the control of telegraphs and telephones must remain with the central Government. The only question is how the Government are going to exercise their authority, and avoid the mischief which has been pointed out by Senator Sir Frederick Sargood. If they are going to use their authority to prevent the development of territories that are not at present very much developed, and that require the assistance of telephones and telegraphs quite apart from the rest of Australia, the effect will be very prejudicial. I quite concur that the sanction for the construction of telegraphs and telephones must ultimately rest with the Government ; but it would be a great mischief if in South Australia, which requires a great amount of development, in Queensland and West Australia, which also require a great amount of development, as well as in New South Wales, which probably has not yet reached a stage of absolute perfection, the Commonwealth Government interfered with the State doing what is necessary for internal development. Whilst the ultimate veto, if I may so express it, must rest with the Commonwealth Government, it will be well if in this measure we provide that individual owners may construct telephones on their own property. There may have been a road cut through a property for the convenience of others. In that case the property owner should be enabled to construct a telegraph or telephone line over the road. In addition to that, States should be enabled to construct wires which although they could not be expected to pay except in connexion with the development of the country, would in the long run be profitable. The Commonwealth Government might where it thought it necessary have power to veto any particular proposal. Such a veto would be a Ministerial act, subject to the consideration of both Houses of Parliament. I only mention this matter for the consideration of the

Postmaster-General. I would ask him not to be too anxious to consider the convenience of the Post and Telegraph department. He should extend the ambit a little, and if this proposal does cause the department inconvenience that should not stand in the way, so long as what is done is for the convenience of the general public of the Commonwealth, which is superior to the convenience of any particular official.

Senator O'CONNOR

- I think my honorable and learned friend has been a little hard on the Government and the Postmaster-General. It is for no reason connected with the convenience of the post-office, or of any official, that this position has been taken up, but because the post-office represents the people of the Commonwealth, and it has been decided that they shall hold this monopoly in their hands for the benefit of the Commonwealth. It is not a question of considering any individual or official. The interests of the Commonwealth alone have to be considered.

Senator Sir Josiah Symon

- It is not for the magnifying of the office of the Postmaster-General.

Senator O'CONNOR

- Undoubtedly not. I think it is necessary to say this, because my honorable and learned friend, who is usually exceedingly fair to his opponents, as well as to his friends, seems to be a little bit hard upon the Postmaster-General. Senator Sir Frederick Sargood assents to the necessity for this monopoly. I understand that the honorable senator wants provision to be made by which the department may authorize the erection of private lines, whilst keeping the control over their erection, and over the conditions under which they are to be erected, in its own hands-

Senator Sir FREDERICK SARGOOD

- Oh, no.

Senator O'CONNOR

- If "Senator Sir Frederick Sargood does not mean that, the Government cannot meet him.

Senator Sir Frederick Sargood

- I mean that I do not want the Postmaster-General to come upon my private property and put wires through it; I want to do that myself.

Senator O'CONNOR

- There is no reason why the honorable senator should not do it himself. The Postal department is willing to go to the extent of making an amendment either in clause 77 or in clause 78 - it does not matter which - to the effect that although there is a declaration in the Bill that the Postmaster-General shall have a monopoly in these matters, it may be open to him on such terms and conditions as he may deem advisable to allow a private person for private purposes to construct and maintain wires, and transmit messages over them.

Senator Sir Frederick Sargood

- Those are exactly the regulations in "Victoria that are killing the whole thing.

Senator O'CONNOR

- I do not see that it would be advisable in the public interest to go beyond that. It seems to me that we must trust the Postmaster-General to deal reasonably with persons who require these conveniences. If a road has to be crossed, let each case be dealt with on its own merits. It may be that the road is a mere road on paper, in which case probably no difficulty would arise as to a line crossing it. On the other hand it may be a road under the control of a municipality, in which case care must be taken that no rights are given to a private individual which will interfere with the use of the road for the general purposes of the telegraphic system. If the Postmaster-General has authority to grant this leave on such conditions as he thinks fit he must be trusted to make reasonable arrangements. In a case where it did not matter whether roads are crossed or not, probably there would be very little restriction; but in a case where the crossing of a road by a wire might be a matter of importance, care would be taken to preserve the public interest. If a power is given which will enable a person owning property to construct a line on that property if he thinks fit--

Senator Millen

- That is a power which exists to-day in New South Wales.

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Senator O'CONNOR

- I do not know whether the power exists, but it is entirely reasonable. It would not, however, be reasonable to put the owners of private properties in such a position that they would, be absolutely free of Government control. This part of the Bill is to be postponed, and in the meantime an amendment will be drafted, which I hope will satisfy the desire expressed by many honorable senators. As to the point raised by Senator Sir John Downer, the matter is exceedingly important, and I do not think we should be asked to express an opinion without further consideration. I can quite understand there being circumstance; under which it might be advisable to give power to a State to erect telegraph or telephone lines on certain conditions within the control of the department itself. But on the other hand' one can see that such a power might be abused. Care must therefore be taken to safeguard it. I express no opinion as to the policy the Government are likely to adopt, but I think I can say for them that the point will be carefully considered.

Senator Sir FREDERICK

SARGOOD (Victoria). - May I call attention to the necessity of making a little alteration in clause S2, which relates to the cutting down of trees up to within 20 feet of an existing telegraph line or a pathway upon which a line may be constructed in the future? These paths run from 9 to 12 feet wide. If this provision is to be carried it means that no tree can grow within 21 feet of the boundary of any property. 'If that provision is passed it will necessitate my cutting down a large avenue of trees which have been growing for over thirty years. It will be necessary for a little attention to be paid to that provision

Senator MILLEN

- Before this clause is postponed, I should like to make a statement which will probably save discussion at a later stage. I made an interjection, during the speech of the Vice-President of the Executive Council, to the effect that in New South Wales owners of property are allowed to exercise the privilege or right of erecting telegraph or telephone lines on their own properties and for their own purposes only. If the clause in question is passed either as it stands in the Bill or with the amendment proposed by the Postmaster-General, the effect will be to immediately enable the postal authorities to come in and erect expensive lines for carrying on work which is being satisfactorily carried on at a minimum cost to them. The Postmaster-General might either himself erect wires, or might compel owners to enter into a contract with him. The clause as it stands says that the Postmaster-General may enter into a contract with any other person.

Senator Drake

- That has already been done in the case you speak of.

Senator MILLEN

- It has not been done: In hundreds of cases they are working on their own fences or on lines which answer their purpose, although such lines might not meet with the approval of the Postal department. They are doing so without any reference to the department. There is a difference in affirming that the management in these matters should rest in the hands of the State and in giving the Government right to interfere where a line crosses a road. I submit that it is quite sufficient for the purposes of public safety in the case of a line on private property that the Postmaster-General should have authority to supervise that portion of it which happens to cross a road. As long as he has ample authority to see that the means for carrying the line across or under the road are sufficient for the purposes of public safety, that is all that is necessary.

Senator Drake

- If a man owns two allotments in a town, one on each side of a street, the honorable senator would allow him to have two lines across the street 1

Senator MILLEN

- No. I would not. I will meet that by putting another question. Where a man has an isolated block in a sparsely-populated country, would there be any harm in allowing him to erect a line ?

Senator O'Connor

- That is quite a different case.

Senator MILLEN

- In such a case the Postmaster-General would call upon the man to abandon his primitive, yet satisfactory, appliance for the department's more expensive concern.

Senator Ewing

- There is no comparison between the town and country cases, because in a city the carrying of a line across a road would be subject to the authority of the municipality.

Senator Drake

- What municipality has power in regard to the matter 1

Senator Ewing

- Such a power is contained in nearly every municipal law. A line cannot be carried across a road unless with the authority of the municipal council.

Senator MILLEN

- It appears to me that this clause will be a possible danger in regard to what has long been a convenience for a large number of people in the State from which I come. The amendment to be proposed by the Postmaster-General, simply refers to the construction or maintenance of any telegraph line. Nothing is said as to the use of it after it has been constructed,

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Senator Drake

- I propose to amend that by adding the words " for the Postmaster-General or for his own use."

Motion agreed to ; Part A postponed.

Clause 91-

The Governor-General may make regulations for the following purposes or any of them : . . .

Senator PULSFORD

- I should like to know whether the Postmaster-General would consent to the paragraph of this clause being dealt with seriatim. The regulations are very numerous, very important, and very serious.

Senator Drake

- I have no objection to that course being followed.

Paragraph (a) -

Providing for the establishment and management of post offices and telegraph offices and the receipt, despatch, carriage and delivery of postal articles and telegrams, and for the conduct and guidance of all postmasters and other officers and servants of the department.

Senator PEARCE

- I move -

That the following new paragraph be inserted in the clause : - (a) For the age at which persons shall be employed under this Act.

There is an impression abroad that the Public Service Bill deals with this question, but I find that junior messengers are specially exempted from the provisions of that measure. Under clause 28, which deals with the age of new appointees, it is provided that nothing contained in that section shall be taken to prevent the appointment of boys of any age as message boys or junior messengers. Honorable senators must have noticed that in this State, at all events, boys who are considerably less than thirteen years of age are working in the post-office. I think we ought to resolutely set our faces against the employment of child labour in any part of the federal service. Thirteen years should be the minimum age. This amendment will allow the age to be determined by regulation, and the regulation will of course have to come before the House.

Senator DRAKE

- If this matter is not dealt with by the Public Service Bill I think it should be. It is clearly a question which comes within the scope of that measure, and certainly it should be dealt with by the commissioner or the chief officer, as he may be called. I do not think it would be advisable to put it in this clause. There is a great deal of difficulty surrounding it, because it would be necessary to have a different regulation in each State. It depends to a very great extent on what is the school age in each of the States. If we are going to take young boys into the service as messengers, we should take them as soon as they are fit for the work and as soon as they have passed the school age. I would not be a party to doing anything which would take a boy away from school during the time that he should be there according to the law of the State. I would do all I possibly could, however, to insure that as soon as he was done with his schooling he should be employed.

Senator PULSFORD

(New South Wales). - While I am anxious to clip the powers given by these regulations to the Postmaster-General,

Senator Pearce

seems desirous of enlarging them very seriously. I would suggest to the honorable senator that, he might very well allow his amendment to stand over and try to deal with it when the Public Service Bill comes before us. It is undesirable in my opinion that we should give the Postmaster-General, whoever he may be, power to decide as to the age at which any person shall be employed in the service.

Senator Pearce

- Parliament would have to decide that.

Senator PULSFORD

- No. The matter would be determined by these regulations.

Senator Pearce

- But Parliament would have to approve of the regulations.

Senator Sir Frederick Sargood

- No, not to approve.

Senator PULSFORD

- These regulations would put it absolutely in the power of the Postmaster-General to decide the age at which a person should be allowed to join the department.

Senator Keating

- We could veto these regulations.

Senator Drake

- No.

Senator PULSFORD

- If the amendment is carried, the Postmaster-General for the time being will be able to stipulate the age at which a person shall be allowed to enter the service and a new Postmaster-General might raise or lower the limit, and might conflict with the rules of the Public Service Board. I think it would be very desirable therefore not to entertain this amendment at all. I think we ought to try and lessen the powers given under this sub-section to the Postmaster-General ; certainly we ought not to increase them.

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Senator Sir FREDERICK SARGOOD

- I entirely agree with the suggestion that this amendment deals with a matter which is part and parcel of the Public Service Bill. I would point out to Senator Pearce that the words he has used here go a good deal further than he intends, and may conflict with clause 1 which we have already passed. The amendment refers to the age at which persons shall be employed. I suppose what the honorable senator means is that regulations should be made fixing the minimum age at which persons shall be employed. It would be wise for the honorable senator not to press his motion. He should deal with it when the Public Service Bill is before us, and then I shall be prepared to support him.

Senator PEARCE

(Western Australia). - If the Senate is of opinion that the matter can be dealt with under the Public Service Bill I will withdraw my amendment. The fact that the other House allowed clause 28 of that Bill to go as it did, induced me to bring this matter forward.

Amendment, by leave, withdrawn.

Paragraph (b) -

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

Senator WALKER

- It will be found that in clauses 64 and 66 vessels are required to ' deliver and take delivery of mails at the wharf nearest to the post-office. Under this paragraph, however, the Minister has sole power to fix rates for carrying such mails. I would suggest to the Postmaster-General that it would be better to have a schedule of rates for carriage of mail matter, the department taking delivery from and giving delivery to a vessel wherever she may be lying. Under this law the department could deliver mails anywhere. That would be very inconvenient. The suggestion I have made comes from the Chamber of Commerce.

Senator Drake

- We can fix that by regulations. We can decide that a certain rate shall be paid if the mails are taken at the wharf or at the ship's side.

Senator PLAYFORD

- It appears to me that this is a very arbitrary power. We provide in a previous clause that where the Postmaster-General cannot agree with the railway authorities the matter shall be determined by arbitration. This clause, however, definitely gives the Postmaster-General the power to fix rates and to make the carriers accept any rates he may fix.

Senator Drake

- No; they need not accept them under clause 17.

Senator PLAYFORD

- I really do not think we want this provision. It must be a matter of private bargain and the rates must differ in every case. The Postmaster-General cannot fix rates arbitrarily as far as they relate to private railways and vessels. If he cannot do it arbitrarily, and if the carriers have the right of arbitration and will not accept the rates we are willing to give, what is the use of this paragraph? I do not think we want this power. This proposal appears to me to be useless, because unless they are willing to accept the rates the power will never be acted upon.

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Senator DRAKE

- We have already decided that ships must carry the mails at prescribed rates, and this provision gives the power to fix those rates. With regard to State or private railways, we have passed a clause providing that mails must be carried by private arrangement if possible, as to the amount to be paid, and if not the amount to be paid must be fixed by arbitration. We must have the power in that case by regulation to fix the rates we will offer in the first place. We will have a regulation stating what we are prepared to pay for the carriage of mails by railway, and if the State concerned is not prepared to carry the mails at that rate then the matter is to be referred to arbitration. But I think we should have the power, in the first place, to prescribe a uniform rate for the Commonwealth.

Senator PLAYFORD

(South Australia). - Does not the Postmaster-General see that the rates must vary as the distances vary, and on different lines of railway

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Ships may have to carry mails, and we cannot enforce a uniform rate that will be fair to all. Under the circumstances, I think we had better strike out this provision altogether. . In both cases we shall have to make a definite offer to people, which they can accept or reject, as they think fit; but if we fix the rates payable to masters of vessels, the Postmaster-General may deliberately say to those people that they must accept the rates offered. If these rates, fixed as proposed, are to be subject to arbitration subsequently, we ought to say so definitely in the clause, but if they are to be fixed rates, then they will be the only rates which the Postmaster-General will agree to pay.

Senator O'CONNOR

- Will it not be a guarantee that every one will be treated alike if the rates are fixed as proposed 1

Senator PLAYFORD

- The Postmaster-General cannot treat every one alike, because the circumstances will vary. Where the distances vary, how can every one be treated alike?

Senator Sir JOSIAH SYMON

- This is, as Senator Playford has said, a very arbitrary power. Of course the difficulty is that it is meant to apply to accidental or emergency cases, and it is impossible in such cases to say how the rates to be paid can be fixed by regulation, which is for all time, unless revoked in a formal manner. All contracts are of course expressly excepted. A difficulty is that we have passed clause 67, which obliges any vessel to carry a mail upon payment therefor of such rates as may be prescribed, and in order to meet that clause and make it workable it is necessary to prescribe some rates.

Senator Drake

- That must go in.

Senator Sir JOSIAH SYMON

- It must go in unless we take it out of clause 67. I suggest to the Postmaster-General that it would be

very much better to strike out paragraph (6) of this clause, and we can recommit clause 67 and strike out the provision there also.

Senator Drake

- Not the whole of it 1

Senator Sir JOSIAH SYMON

- No, only the portion applicable. The Postmaster-General would then be in the position of being able to insist upon mails being carried, of course, paying a fair rate according to the particular circumstances. If, for instance, a vessel was going to some of the islands, it would be impossible by regulation to have fixed rates applicable to a case of that kind, and also applicable to the case of a vessel going, say, to Java. We have no contract for the carriage of mails to Java, or to some of the other islands, and if we laid down one hard-and-fast rule, we would find it impossible to apply it under different circumstances. Another point to which Senator Playford has drawn attention is that arising under clauses 16 and 17. In the matter of the carriage of mails on railways, provision is made for justice being done by a reference to arbitration. A ship carrying mails in a case of emergency would be placed in a far worse position than the mail contractor, or the authorities of a State railway obliged to carry mails under clause 16, who would have an opportunity of having the rates fairly adjusted in the event of a difference with the Postmaster-General. The real difficulty in this matter arises because the provision is applicable to cases of emergency, and although this provision may be adopted, it will be found to be quite unworkable through the impossibility of framing rates applicable to all cases. .

Senator DOBSON

- It is clear that if in one clause we say that a contract for the carriage of mails can be entered into by arbitration, we cannot also by regulation say that the Governor-General may fix rates for the carriage of mails. It appears to me, therefore, that paragraph (6) has nothing to do with clauses 16 and 17.

Paragraph (J) deals with private railways. It is inconsistent with clause 15, which says -

The Postmaster-General, or any person authorized, in that behalf by the Governor-General, may enter into contracts, in writing, on behalf of the Government of the Commonwealth, for, or in respect of the carriage of mails by land and sea.

That I take to mean by sea, and by private railways or coaches. This clause provides that contracts may be entered into, and a contract assumes that both parties to it are of one mind, and have entered into an agreement, and it is therefore inconsistent, I think, to say that, with respect to these contracts, we shall by regulation give the Governor-General power to fix the rates.

Senator GLASSEY

- I cannot agree with the opinion expressed by the honorable senators who have just spoken. Clause 15, in my opinion, deals with an altogether different set of circumstances to those dealt with in the clause we are discussing now.

Senator Charleston

- Clause 15 was postponed. Why discuss it now 1

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Senator GLASSEY

- I am only showing the difference, in my opinion, between the powers conferred on the Postmaster-General by clause 15, and by clause 91. Under clause 15 the Postmaster-General may enter into arrangements with shipping companies, trading vessels between centres of population, frequently and regularly; and in the same way he may make arrangements with railway authorities carrying mails between large centres of population. But the part of clause 91, which we are now discussing, deals with a different set of circumstances. Take, for instance, the case of vessels going from Queensland to the islands of the Pacific. How can we lay down any hard-and-fast rule that the Postmaster-General shall pay so-and-so according to any provision to be found under clause 15 with regard to vessels trading from the different ports of Queensland. I think it is necessary that the Postmaster-General should have the power to say that such vessels shall carry . mails. I believe that the quantity of letters, newspapers, packets, and other correspondence likely to be carried, will be so trivial that it is not worth while contending very much upon the hardship likely to be inflicted on owners in being obliged to carry mails. I have had some little experience in this matter, and I know the mails going from the town I have represented for some years, have never been very heavy, and masters or owners of

vessels trading from our ports to the Polynesian Islands are not likely to haggle with the Postmaster-General with regard to the price to be paid for the carriage of such mails. The Postmaster-General must have a definite power for the public convenience to say that vessels trading in that way must be compelled to carry mails.

Senator McGregor

- He has got it under clause 67.

Senator GLASSEY

- If clause 67 be sufficiently clear on that point that is an end to it. Meantime, I would urge the Postmaster-General strongly not to relinquish his power to insist upon persons owning vessels carrying mails for the public convenience to wherever they are trading.

Senator HARNEY

- I agree with other senators that this paragraph should be struck out. At the same time, Senator Dobson is not quite right in saying that clauses 16 and 17 are not applicable. As they stand, they would not be ; but there has been an amendment made in clause 17 making it applicable to private railways, and this paragraph therefore does apply in the case of that clause. Assuming that it does apply we are in this position. We have a clause in one part of the Bill providing that both railway and shipping proprietors may carry mails; and while we have also a provision that the Postmaster-General may enter into contracts with them as regards the price, yet we have a clause here which says that a regulation shall be made fixing the rates. If a regulation is made fixing the rates in pursuance of this clause the rates so fixed are to have the force of law. We have therefore one part of the Bill providing arbitrarily, with the force of law, the fixing of the rates, while we have another clause in the same Bill saying that the rates shall be fixed by contract.

Senator Stewart

- The rates will be fixed by a mutual arrangement.

Senator HARNEY

- It says the regulation shall fix the rates. It is not a regulation for the purpose of determining how the rates shall be fixed, but a regulation fixing the rates. It has been said, and I daresay it is true, that this sub-clause is aimed at a set of circumstances entirely different from those contemplated in the clauses to which I have referred. Those clauses have to do with permanent contracts for the regular carriage of mails, while this clause has to do with isolated cases where no permanent contract could have been or has been entered into. That may have been in the mind of the draftsman, but it does not alter the difficulty pointed out by Senator Playford.

Senator Playford

- Why did he put in private railways ?

Senator HARNEY

- In any way it does not remove the difficulty pointed out by me, for this reason, that when a clause says that contracts may be made, it implies, if we are going to have mails carried in any of these exceptional cases, we must have the rate fixed by contract, and if we have a regulation fixing them anterior to the possibility of any contract, then either the contractual section must go or this section must go. So I think that if we are to give effect to the preceding clause we should strike out this sub-clause. I move -

That paragraph (6) be omitted.

Senator MCGREGOR

- I hope that the paragraph will not be omitted, because it is really imperative that in all circumstances the Postmaster-General should have power, in the interests of the public, to send mails wherever he has an opportunity of conveniently doing so".

Senator Harney

- So he has.

Senator MCGREGOR

- He has only a power under clause 67 on which he could base the framing of these regulations.

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Senator Harney

- He has clauses 16 and 17 in reference to railways, and clause 67 in reference to ships, each compelling them to carry.

Senator MCGREGOR

- What is the use of always finding fault with what is in the Bill and never suggesting anything to be put in its place?

Senator Harney

- It is not necessary.

Senator McGREGOR

- I think it is necessary, because every power should be given. If we said, "by arrangement with the owners, or by arrangement with the parties concerned," it would give the Postmaster-General the power to compel the carriage of mails. He should make such arrangements as he could with them, and really he would be fixing the rates with their consent, and the clauses dealing with arbitration, where it was impossible for him to fix the rates, could be applied in this instance as well as any other.

Senator EWING

- . Senator McGregor has suggested that when we undertake to strike out a portion of a clause we should be prepared to build up. That is perfectly true, no doubt, if building up is necessary. But surely we have defined the position of the Postmaster-General in a previous clause. We have said that when he is dealing with the owners of vessels, or railways, or tramways, he is to enter into contracts for the carriage of mails. The rates that are to be charged are to be the outcome of a mutual agreement, and failing that mutual agreement, arbitration. Therefore, independent of this clause, we have a method of ascertaining the amount to be paid to persons for the carriage of mails.

Senator Major Gould

- That only deals with a certain class of contracts.

Senator Harney

- Clause 15 deals with all contracts by land or sea.

Senator EWING

- The railways are dealt with in a subsequent clause.

Senator Glassey

- That does not apply to the case we are discussing.

Senator EWING

- Senator Harney has suggested that we must take up one position or the other - that either the Minister is going to treat with the person as a contractor, or he is going to treat with him as an arbitrary individual fixing the rates at which the mails are to be carried. If this provision is passed, the fixing and the gazetting of the rates give them the force of law, and, therefore, anybody who carries mails has to carry them at those rates. The Minister has given his regulations the force of law, and the moment he forms and gazettes a regulation as to the rate to be charged, it becomes the law just as effectually as if it were now put in this Bill. Then in a previous clause we say that he has to contract with the owners, and, failing a contract, he has to go to arbitration and get to a satisfactory solution.

Senator Millen

- There is no arbitration in the case of a vessel, I think.

Senator Drake

- No ; railways and private railways.

Senator EWING

- I think that for the carriage of mails by land or sea the Minister has to enter into a contract, and he proposes, if it is not already in, to add some words' with regard to arbitration. The clause to which I refer was postponed in order to allow of an addition dealing with arbitration in the event of disagreement, the same as applies to a disagreement between the Minister and the railway authority. There are two clauses providing that the method of payment and the rate of payment shall be the outcome of an agreement, and, failing an agreement, of arbitration. And yet here we are going to fix rates which will have the force of law, and which will really have the effect of overloading the provisions of the clause we have passed. We must define our position. Surely either we are going to treat the owners of these railways, including State railways, and the owners of steam-ships in an arbitrary manner, and say "You shall carry for the rates which we say are reasonable," or we must treat them as contracts. Which are we going to do? We have already decided to treat them as contracts, and if we pass this clause giving the Postmaster-General the power to make regulations, we shall absolutely rob the previous clauses of the whole of their effect, and make him the person who is to decide the rates at which this work shall be done.

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Senator Major GOULD

- There is a misapprehension in the minds of some honorable senators with regard to the effect of clause 15. It will not meet the case which these regulations are contemplated to deal with, because it contemplates a contract being entered into, and with the contract there must be a mutual agreement by the two parties. But we take power beyond that to compel the master of any vessel to carry mails. There is a provision in clause 66 that the master of any ship is to carry mails if it becomes necessary for postal purposes. This would simply be in isolated cases where it would not suit the Postmaster-General to enter into a regular contract with the owners of ships for the purpose of carrying mails. And having determined that where a casual or an occasional mail is to be carried by the master of a ship there must be some provision made for fixing rates. It should be borne in mind that it is not a contract between the Minister and the master of a ship. It is something which the law says the master of a ship shall do, but, the Postmaster-General, in order to deal fairly and honestly with him is prepared to pay him some reasonable sum for carrying the mails, and therefore the regulation comes in enabling him to fix the rates to be paid. But, supposing for the sake of argument, we do not pass this clause but say that it shall be a matter of contract. He says to the master of the ship - "I want you to carry this mail to the islands"; the master says - "I want £100 for the service"; the Minister says - "£5 is ample remuneration": the master replies - "I shall not carry the mail unless you pay me £100." Where is the Minister then? He says he can make the master carry the mails, but the master can make him pay whatever demand he sees fit to make for the carriage of them. Therefore, we want to bring this particular case within the regulation enabling the Postmaster-General to fix a reasonable rate which will be paid to those who are compelled to carry a mail. If we shall have some absolute power like this, we shall place the Minister in the hands of master of a ship, and, practically, our legislation will be nugatory, if that man sees fit to make it so by demanding an excessive amount to be paid. Are we going then to turn round and say - "We shall allow you to try and make a contract, and if you cannot, you must go to arbitration and settle the whole thing." We do not want to break a butterfly upon a wheel. We want to deal with a thing like this in a reasonable manner. Where it is confined to matters of this character, it is reasonable to leave the ultimate power in the hands of the Minister. If he chooses to abuse the power, there is the Parliament to bring him to book. If it is found that he is consistently acting unjustly and unfairly towards the masters of ships, the Parliament will protect them. Surely it will not allow the masters to be ridden over, rough-shod, but it expects them to do a reasonable thing when it is necessary in the interests of the State that they should be compelled to carry mails.

Senator DRAKE

- I wish to supplement the arguments of Senator Gould by looking at the matter from another point of view. I have been twitted once or twice during this discussion with trying to act as a despot, and wanting to get additional powers, and so on. Is the Senate prepared to let the Postmaster-General pay anything he thinks fit to the masters of vessels, because if we do not make a provision that the rate to be paid is to be fixed by regulation then it must be fixed by the Minister, and he can pay a master anything he likes? Is that what the Senate desires?

Senator Glassey

- Yes, but under the clause the master does not need to carry.

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Senator DRAKE

- Yes, he does. "We have power under clause 67 to compel the master of a vessel to take a mail. Either the rate of remuneration is to be fixed by regulation, or it must be fixed by the Minister, and if this clause is omitted it will leave the Minister to pay the master anything he likes. I think it is necessary to be able to fix a rate by regulation for tramway authorities. I am perfectly prepared to strike out the words "and private railway," for the simple reason that we have amended clause 16 in such a way as to provide that in the case of a private railway we are to enter into a contract with the owners, and if we cannot come to an amicable arrangement, the matter of remuneration is to be fixed by arbitration. I do not think it is necessary that we should have this power in regard to private lines. I intend to move the omission of the words "and private railways."

Senator HARNEY

(Western Australia). - What . I was going to suggest was that instead of retaining the word " fixing," we ought to say " providing for the rates to be paid to masters." That would leave the Minister all the power, and it would not fix anything. Clause 67 gives power to prescribe rates, and this provision would enable him to make the necessary regulations. If we omit the words " private railway," it would come to the same thing, because the matter is open with reference to ships.

Amendment, by leave, withdrawn.

Amendment (by Senator Drake) proposed -

That the words "private railway " be omitted.

Senator Sir JOSIAH

SYMON (South Australia). - We vest in the Minister compulsory power to enjoin that all casual mails shall be carried, and if some rates are not fixed by regulation it is undoubtedly as he may determine at the time ; otherwise the unfortunate ship-owner will get nothing. I was going to suggest, to make it still clearer and to avoid the difficulty with regard to mails under contract, that we should insert some such words as "for the occasional or casual carriage of mails." It has been suggested that there should be some provision added to clause 15 with regard to arbitrations in connexion with contracts. It is obvious that that would never do. Clause 15 deals with the powers of the Postmaster-General to enter into contracts, and to provide that he could not fix a rate by contract if the other party disagreed without entering into an . arbitration would be a new way of making a bargain. Clause 91 deals with a different matter altogether. It relates to what may be called the emergency carriage of mails - that is, with cases where there is no contract entered into. An amendment such as I have suggested would differentiate quite clearly as to the inapplicability of this to contracts, and show what was meant, namely, that this was a power vested in the Postmaster-General, by means of which he would be able to put a mail on board a ship which was going to an island at an odd or. occasional time, and would enable him to fix a rate of payment per pound of mail matter.

Senator Playford

- The payment is so much per letter generally.

Senator Drake

- The regulations would not deal with cases fixed by contract.

Senator Sir FREDERICK

SARGOOD (Victoria). - The Postmaster-General proposes to leave in the word " tramway," but the amendment made in clause 17 introduces the word " tramway."

Senator DRAKE

- Then I propose, with the permission of the Senate, to amend my amendment. I move -

That the words " private railway and tramway authorities " be omitted.

Senator EWING

(Western Australia). - May I suggest to the Postmaster-General that he should make it clear that this provision only applies to casual cases in regard to which jio contracts exist. He might insert the words "Fixing the rates payable under sections 66 and 67." Those clauses contemplate extraordinary as distinct from regular contracts. It should be made clear that this power does not apply to those cases where contracts are going to be entered into.

Senator Sir Josiah Symon

- Would not the insertion of the words " occasional or casual " meet the case.

Senator EWING

- I think so.

Senator O'Connor

- A lawsuit would probably arise in regard to the settlement of the meaning of "occasional or casual."

Amendment, as amended, agreed to.

Amendment (by Senator Sir Josiah Symon) proposed -

That the following words be added to the paragraph, "in cases not provided for by contract. "

Senator PLAYFORD

(South Australia). - I do not think the amendment; is necessary. In cases where contracts are provided for, it is not necessary to make regulations.

Senator Drake

- I think the amendment is quite harmless.

Senator HARNEY

(Western Australia). - The words proposed to be inserted by

Senator Sir Josiah

Symon are really necessary. Clause 15 gives power to make contracts for the carriage of mails by land or sea ; therefore there is power to make contracts for the carriage of mails by sea. If the rates are arbitrarily fixed, the clause as it stands might have the effect of over-riding the rates fixed by contract. It is safer to make the amendment.

Senator PULSFORD

(New South Wales). - Would not this provision have the effect of enabling the Postmaster-General to refuse to make a contract, and to rely upon rates fixed by regulation

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Senator Sir Josiah Symon

- He would not do so ; you must trust him.

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Senator DRAKE

- The Postmaster-General has power to compel the carriage of mails in certain cases! Masters of vessels must carry them whether there is a contract or not. It is desirable to have power to fix regulations for the carriage of such mails. If, for instance, a contract is made with a large shipping company for the regular carriage of mails this provision does not apply ; but where no contract has been made, in the case of what Senator Sir Josiah Symon has called an occasional mail, the amount to be paid is fixed by regulation.

Senator PULSFORD

(New South Wales). - It seems to me that under this provision, the Postmaster-General would be able to refuse to make a contract, and having done so might compel owners or masters of vessels to carry the mails at rates fixed by the regulations. Thereby the previous clause would be overridden.

Senator PLAYFORD

(South Australia). - I expect that in a few years' time the Postmaster-General of the Commonwealth will be able to dispense with the making of contracts altogether. In the United States of America mail contracts are not made, but the Postmaster-General takes advantage of any vessel that is going to any port, and puts the mails on board that vessel, which carries them at a fixed rate. I think the charge is so much per letter. I anticipate that in a few years' time the Postmaster-General of Australia will be in a position to make some such arrangement as that.

Amendment agreed to.

Paragraph (b), as amended, agreed to.

Paragraph (c) - "Prescribing rates of postage and fees to be charged and collected upon postal articles," be omitted.

Amendment (by Senator Drake) agreed to-

That paragraph (c) be omitted.

Paragraph (d) agreed to.

Paragraph (e) -

Providing for -

1) Transmission and delivery of parcels ;

The conditions under which parcels may be received, transmitted, delivered, returned to the senders or otherwise disposed of ;

The maximum weight, rates, or fees to be charged for the transmission, delivery, return, insurance, or registration of parcels; and

The manner in which such rates or fees are to be paid, and the arrangements as to the collection of any customs duties, or any other duties or fees which may lawfully be payable in respect of any parcel.

Senator PULSFORD

- This paragraph consists of four parts. I wish to ask the Postmaster-General whether he proposes to omit the third one, which provides for regulations in regard to the maximum rates and fees to be charged for the transmission, delivery, return, insurance, or registration of parcels. Then I imagine, if that were

omitted, the Postmaster-General would also agree to omit paragraph (f) and part of paragraph (n).

Senator DRAKE

- I do not propose to omit the third part of paragraph (c). It is very necessary to have power to fix the maximum weight of parcels. It is not worth while putting such a matter in an Act of Parliament. If we fix those details by statute we can only alter or amend them by statute. I have already admitted that the matter of postage rates for letters is important, but this paragraph only concerns the transmission of parcels, which is a comparatively unimportant matter as compared with the transmission of letters.

Senator Pulsford

- It is twenty times as important as the customs duties which the Government will be asking Parliament to deal with shortly.

Senator DRAKE

- "Time to bid the devil good-day when you meet him."

Senator Sir FREDERICK SARGOOD

- I had an amendment to move to the effect mentioned by Senator Pulsford, but on looking at the clause more closely I think this is a power that we must leave to the Postmaster-General.

Paragraph agreed to.

Paragraphs (f) to (k) agreed to.

Paragraph (l) -

Prescribing the persons by or through whom and the places where and the times when and the manner and form in which money orders shall be issued, and the persons in favour of whom and the places where and the time when and the manner and form in which money orders shall be paid and the length of time after which they shall become void and the mode of forwarding messages or advices of transmitting moneys and of managing credits accounts and other matters and things necessary to be forwarded transmitted or managed in reference to money orders whereby the public may be enabled promptly and safely to remit small sums of money through the department.

Senator PLAYFORD

- I notice that in this paragraph there is an ambiguity which should be removed. Mention is made of the public being enabled promptly and safely to remit small sums of money through the department. I think the word "small" should come out. It is simply a question of degree. I move -

That the word "small," line 14, be omitted.

Senator Sir WILLIAM ZEAL

- I would ask the Postmaster-General to consider this matter. If I remember correctly, the postal regulations define the amount of money which may be remitted through the post-office.

Senator Drake

- Yes. £20.

Senator Sir WILLIAM ZEAL

- That is a small sum of money.

Senator Drake

- It may be a large sum of money to some people. I think it is well to allow the word "small" to come out.

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Senator Sir WILLIAM ZEAL

- Is the Postmaster-General prepared to allow a large sum of money to go through the post-office ?

Senator Drake

- No. That matter is dealt with in the Bill.

Senator Sir WILLIAM ZEAL

- It seems to me that honorable senators, for the sake of altering the verbiage of the Bill, are making changes which will lead to the Postmaster-General finding himself in a nice fix by-and-by. No doubt this provision has been properly considered by the department, and has been drafted by competent legal authorities. Some of the amendments may have a very prejudicial effect. I do not think the Postmaster-General should allow these alterations to be made unless he is fully satisfied that there is no objection to them.

Senator DRAKE

- I take the words "small sums of money" to mean that the amount of money that can be sent through the

department is limited. That is prescribed in the Bill itself. The highest amount that can be sent by postal note is £20.

Senator Sir William Zeal

- But as I have pointed out that is not a large sum of money.

Senator DRAKE

- It may be a large sum to one person, and a small sum to another. That is why I am not reluctant to allow this word to be struck out.

Amendment agreed to ; paragraph as amended agreed to.

Paragraph (m) agreed to.

Paragraph (n) - .

Prescribing the fees, rates, and dues to be received for -

1) the transmission and delivery of any telegram by any telegraph line, and for copies of any such telegram ;

any conversation on any telegraph line or on any telephone exchange or private telephone line ;

rent or hire for the use of any Such exchange or private telephone line ;

generally the management, working, and maintenance of any or all such telegraph lines.

Senator DRAKE

- I move -

That sub-clause (1) be omitted.

Senator Major Gould

- I should like to ask the Postmaster-General whether he has any power elsewhere to fix the rates for the transmission and delivery of telegrams 1

Senator DRAKE

- It is necessary to strike out these words, because we amended clause 19 and gave the Governor-General power to fix rates of postage payable on postal articles and charges for telegrams.

Amendment agreed to.

Senator MILLEN

- Does the Postmaster-General mean by sub-clause (2) of this paragraph that he is going to take power to fix rates for conversations over telephones on private property ? Surely it is not intended that the Postal department shall have power to charge a man' for the use of his own private telephone?

Senator DRAKE

- It depends on what a private telephone line is. In Queensland lines have been erected by the Government for private individuals who pay for them, and an arrangement has been made that if the general public wish to use those lines a charge may be imposed. The persons who paid for the construction of the lines get so much of the revenue so derived, while the rest goes to the department.

Senator Millen

- Those lines are connected with the public telephone system.

Senator DRAKE

- Yes.

Senator Millen

- I am referring to lines that are not.

Senator DRAKE

- If lines are not connected with the public telephone system, there is no charge.

Senator Sir Frederick Sargood

- Does that apply to the objection that I raised the other day as to private telephone lines on a station ?

Senator DRAKE

- A nominal charge might be made in order to preserve the right of the State, but certainly no charge would be imposed for conversations over a telephone line on private property. This provision relates to a line which has been constructed for a private person, who pays for it, and which is used by the general public.

Senator Sir FREDERICK SARGOOD

- I think there has been a misunderstanding as to what the term "private telephone" means. It appears to me that we shall not have much difficulty in arriving at a solution of this and the previous question. If the

Postmaster-General means that it is necessary for the State to have some supervision over private telephones connected with main trunk lines, that is all right; but if he means that a charge is to be made for a private telephone on the property of the person who uses it, then I think such power should not be given.

Senator Drake

- There would be no charge in the case of a telephone within the property of the person using it.

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Senator Sir FREDERICK SARGOOD

- Seeing that Part 4 has been postponed, I think it might be well also to postpone this part of the clause. !

Senator Drake

- We cannot do that, because we are in the middle of the clause, but I will recommit it.

Senator Sir WILLIAM

ZEAL (Victoria). - This provision has been framed as the result of practical experience. Let us consider a case in which it would be necessary. Suppose, for example, a man had a very large estate, and wished to establish telephonic communication between the homestead and the railway station, it might be necessary for such a line to cross three or four public roads, and to pass close to a township. If this clause were eliminated and the Government had no power over private telephones the department might be confronted with opposition from that private telephone line. The owner would be able to collect fees and the department would suffer. Where a man has a telephone on his own property, and it crosses no road whatever, this clause would not apply. It is simply framed to protect the department against the designs of unscrupulous men. If the committee is not careful in making these alterations, the department will be faced with great difficulties and the Bill will be practically unworkable.

Senator MILLEN

(New South Wales). The point raised by the honorable senator is that the clause is necessary because of the liability to fraud, It must be remembered, however, that fraud is liable everywhere under existing conditions.

Senator Sir William Zeal

- There is no necessity to make it easier.

Senator MILLEN

- I do not desire to do so, but where a man has his own telephone within the four corners of his own property he surely has a perfect right to use it without being called upon to pay anything to the Postal department. I move -

That the words " used in conjunction with any public telephone" he added to sub-clause (2).

Senator DRAKE

- I hope the committee will not agree to that amendment. Surely the department can be trusted.

Senator Sir Frederick: Sargood

- It cannot be trusted in these matters.

Senator DRAKE

- I think the amendment would be unworkable. How are the words "used in conjunction, with any public telephone " to be interpreted by any Postmaster-General ?

Senator EWING

- I would ask the Postmaster-General whether it would not be possible for him under this Bill to allow a person to construct a telephone line on condition that the public be permitted to use it on certain terms. For instance, a tramway company might be allowed to construct a line along its tramway, and the department might see fit, under this Bill, to impose a condition that the public should be allowed to use it on payment of certain charges. If we put in here the words " or for the use of a private telephone by the public " that would make some sense of the thing. Then it would read-
Any conversation on any telegraph line, or on any telephone exchange, or on any private telephone line, or for the use of a private telephone by the public.

If we authorize a company to build telephone lines for its private purposes, and make it a condition that the public shall be allowed to use it, this would give the power to provide the fees to be charged to the public for the use of it, and that is, I suppose, what is really wanted.

Senator FRASER

- I happen to be connected with several telephone lines, and amongst others with one at Barrington, on the border of Queensland and on the Warrago. We have gone to great expense in building that line, a distance of 25 miles. Of course we facilitate business going to the office. We do not object to that. We send innumerable telegrams which would not otherwise be sent. We save the shareholders money, and God knows they want it ! I would support the Government in every way by protecting and increasing the revenue, but in the case of a telephone which is entirely a private affair, a line merely from one portion to another portion of the same holding, and having no connexion whatever with the Telegraph department, I should expect that we should not be handicapped by any Government.

Senator Drake

- As a matter of fact they are not, are they ?

Senator FRASER

- There are difficulties about the crossing of roads and various other things.

Senator Drake

- The crossing of roads is another question altogether.

Senator Sir William Zeal

- The honorable senator does not want to make a monopoly out of it.

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Senator FRASER

- There can be no monopoly where the line is used merely to serve our own purposes. I know of one telephone line, which is only 300 yards in length, across the Edwards River, in New South Wales, and there are two or three roads, or proposed roads there, that are never used by man or beast except for grazing. There is no traffic whatever upon them, and no possible danger can arise from the existence of that line. Notwithstanding that I am willing that the department shall make provision that where a line crosses roads every protection shall be given. I only wish to say that the Government ought to facilitate that kind of work. These telephones are increasing rapidly and, as they save an immense amount of labour and difficulty of management they ought to be encouraged. The trouble is that the department, if they think fit, can under this clause handicap these people. I am sure that with the present Government and the present Minister there would be no difficulty, but we do not know who may come after them, and it will be just as well to put it out of the power of any factious Minister to interfere with these private telephone lines, when they do not in the least degree retard the development of the Postal department. - , Senator HARNEY (Western Australia). - I move -
That the following words be added to subclause (2) : - " Over which the Postmaster-General is by this Act authorized to exercise control."

I understand the Postmaster-General to admit that the words as he has stated are broader in their effect than the control he would in fact exercise, or than any Postmaster-General conscientiously discharging his duties would exercise, but that leaves the owners of the telephones dependent upon the mental reservation of the Postmaster-General, which I think is not fair. As it is the paragraph gives absolute power to make regulations interfering with the use of a private telephone line, which may have absolutely no connexion whatever with State lines. I think, therefore, it would be better to add to the paragraph the qualification of a private telephone line which I have suggested - one over which the Postmaster-General is authorized by this Act to exercise control.

Senator DRAKE

- I do not like amending clauses upon a subject of this kind as we go along, because I do not profess to be perfectly conversant with the subject. I think Senator Millen has made almost a better suggestion than that, which is to add after the word "line" at the end of the paragraph the words " to which the public have access."

Senator Sir Frederick Sargood

- Why not define " a private line" ? That would get over the whole difficulty.

Senator DRAKE

- That could be done. If the committee will allow this to go I have made a note of all the suggestions that have been made and will have the matter very carefully considered. After we consider Part 4 of the Bill it may be necessary to make some alteration in the clause.

Senator MCGREGOR

- Before we leave this clause, or pass it with the hope of some alteration being made in the future, it would be well for the Postmaster-General and other senators to consider what the position is likely to be in the future. I am very glad for the first time to-day to have seen our good old friend Senator Fraser wake up in connexion with the subject of private lines passing over roads, which has however very little to do with this question. There are in Australia very large tracts of country held for pastoral purposes, and in the future telegraph and telephone lines may be constructed over those freehold or leasehold properties. I want senators always to remember that telegraphic and telephonic communication over this territory, whether freehold or leasehold, is to be entirely under the control of the Postmaster-General, and even where a line does not go outside of a particular estate, it should be erected only by permission of the Postmaster-General.

Senator FRASER

- Certainly, there is no objection to that at all.

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Senator MCGREGOR

- Then if that is admitted, and they should not have the power to erect those lines without the permission of the Postmaster-General, what should be the result? We go away back into this country Senator Downer indicated, and take the case of a telegraph or telephone line erected by private individuals. It should be only by permission from the Postmaster-General, and he should also be in a position to say under what conditions it may be used by the public. Some poor old swagman might come along and want to send a telegram to a mate for the purpose of getting some assistance, and the owner of one of these lines, without some such provision, may refuse altogether to allow the use of the telephone or telegraph line, or may charge such an exorbitant price that it would be impossible for the swagman to use it. I say, therefore, that in framing a regulation where the sanction of the Postmaster-General is admittedly necessary for the erection of a line, he should be placed in the position to say that the person erecting it must allow the public to make use of the line on payment of a certain charge. So far as the private individual owning the line is concerned, he should not of course have to pay for sending his own messages over the line he has constructed, within his own property. The amendment proposed by Senator Ewing would so limit the matter that the rate prescribed by this regulation would take effect only where a line was connected with a public line, and I do not think it would be wise to adopt that amendment. I hope that the Postmaster-General, if this is passed and the Bill is recommitted, will submit something that will carry out the intention of the majority of senators who have referred to the matter, and that even upon private lines the interests of the public will be protected by their being permitted the privilege of using them without being charged too much.

Senator CHARLESTON

- It seems to me that the difficulty could be met in the way suggested by Senator Milieu, by the addition of the words "to which the public have access."

Senator McGregor

- What do you mean by that? They have only access to private lines if you give it to them.

Senator CHARLESTON

- Surely a man desiring to erect a private line on his own property should not be under the necessity of going to the Postmaster-General for permission to do so.

Senator McGregor

- Certainly!

Senator CHARLESTON

- I do not think so, but in any case where it is necessary to get the permission of the Postmaster-General for the erection of a line a condition might very well be inserted that the public should have the right of access to 'it. Take, for instance, the case of a mine manager desiring to have telephonic communication between the various parts of a mine, and with no outside connexion whatever, why should he be under the necessity of getting the permission of the Postmaster-General to erect such a line? If he wishes to place himself in connexion with outlying posts on the property he should be able to do so, but where a telephone or telegraph line is in conjunction with a State line, or where, because of supposed relationship with the interests of the public, it is necessary that the approval of the Postmaster-General should be had, I think it would be found that the insertion of the words proposed by Senator Millen would meet the case. I

suggest that we should insert those words before we postpone the matter.

Senator DRAKE

- I understand the point clearly, but I think the Senate is willing to allow this to go for the present until we have had a discussion on Part 4, when, if it is necessary, we can recommit this clause.

Amendments, by leave, withdrawn.

Amendment (by Senator Drake) proposed -

That the word "and" be added to sub-clause (3).

Senator MILLEN

(New South Wales).. - There will be a slight alteration required consequent upon the introduction of the word " and." The Minister will see that paragraphs 3 and 4 refer to two different things, and that the effect of bracketing them together will be to create confusion.

Senator Drake

- I think that paragraph (n) will have to be recast.

Senator MILLEN

- Withdraw the amendment.

Senator DRAKE

- I shall withdraw the amendment if there is any opposition to it, because the interpretation clause only interprets "telegraphs," and under that word is. comprehended all telegraph lines and telephone lines. I am not quite sure but I think the word " telephone " in this sub-clause is entirely unnecessary. I do not want to express a positive opinion, because it speaks here of telephone exchanges. " I am inclined to think that the word telephone can be omitted.

Senator WILLIAM

ZEAL (Victoria). Clause 3 provides that the word "telegraphic" includes the word "telephonic," and it says that " telegraphic line " means so-and-so.

Senator MILLEN

(New South Wales). - I presume that the Minister is willing to recommit this clause later on, and it is understood that we can then discuss such matters as are provided for in paragraph (o),

because that really opens up the same question.

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Senator DRAKE

- We have postponed Part 4, which deals with telegraphs. We have not discussed it yet. Possibly in discussing that part some amendments may be made, and if it becomes necessary to make any alteration in clause 9, I shall recommit it at the desire of any honorable senator.

Amendment, by leave, withdrawn.

Paragraph, as amended, agreed to.

Paragraphs (o), (p), and (q) agreed to.

Senator PEARCE

- I move -

That the following be inserted as a new paragraph to follow paragraph (q) : - (r) For the purpose of providing for the payment of a minimum rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised by the trades unions in the locality in which the work is carried out.

Some clauses in the Bill give the Minister the power to enter into contracts, and it is highly desirable to provide that in the regulations there shall be a guiding principle to influence those contracts, in the direction of seeing that they are carried out under proper working conditions for the purpose of getting good material and faithful work from the contractors, and insuring that the workmen shall get properly paid for their work. In several States where contracts for the provision of uniforms for various public departments have been carried out there has been subletting done. Therefore, it is necessary for the sake of insuring that the Postal department shall get good material and faithful work, there shall be some supervision as to the manner in which the contract is carried out. In Western Australia contracts for the provision of uniforms have been sublet. The department has exercised no control over the contracts ; they have been hawked about the town, and sublet from one to another, and the person who has

ultimately had to do the work sent to London in one case and Singapore in another, and has had the work done under unfair conditions.

Senator Drake

- What sort of a contract was that?

Senator PEARCE

- A contract for the provision of uniforms, such as would be necessary under this Bill. Again, take the construction of post-offices. Subletting has been rife in Government contracts of this description. The result of men working at starvation rates of wages is that work is "slummed," and although the Government, that is the people, had paid a high price for the building, still they did not get value for the money. It went to those who had sublet the contract. My sub-clause will have the effect of compelling the men who do the work to pay a fair rate of wages, and observe proper working conditions, and under that term we understand the abolition of subletting. As regards the latter part of the sub-clause, there is nothing very revolutionary in the idea of asking the committee to recognise the trade union rate of wages for a district as the standard rate of wages. In all their contracts the London County Council have a provision similar to that in the sub-clause, and they recognise that the standard rate of wages for the district is the trade union rate of wages for that district. I think I can safely ask honorable senators to follow the example of such an august body as the London County Council, who have found it necessary and desirable, in the interests of ratepayers as well as the workers, to insert such a provision in their contracts.

Senator Harney

- They do not insert it in a general Act.

Senator PEARCE

- They have a general regulation. I am not asking the committee to pass a general Act, but a provision to insure that a regulation shall be made to that effect.

Senator Drake

- How about a contract for carrying mails up country?

Senator PEARCE

- If the provisions of the clause do not apply to a contract of that kind it will not be affected.

Senator Playford

- There is no trades union in connexion with drivers of coaches.

Senator PEARCE

- If the drivers have not a trade union we are not going out of our way to legislate for them when they have not sufficient sense to help themselves. My sub-clause provides that where there is a recognised rate of wages, it shall be recognised in Government contracts.

Senator Glassey

- Had not the honorable senator better add the words "where such trade union exist"?

Senator PEARCE

- The provision will operate only where such trade union exist.

Senator Drake

- Who is to find out where there are any?

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Senator PEARCE

- It is the duty of trades unions to enforce this principle. If the Minister has a provision to this effect in a contract, the trade union of the district will take very good care that it is adhered to. If a contract is being carried out in a district, and this provision is not adhered to, the trade union will soon acquaint the Minister with the fact. Let me give an instance which will bring home to honorable senators not only the need for the provision, but the way in which it would operate. We had a large post-office built in Kalgoorlie. There was a recognised trade union rate of wages for the district. The contractor for the building competed with the contractors of Kalgoorlie. They based their price on a certain rate of wages; he based his price on a lower rate, and of course he got the contract. He immediately went down to Perth, where a lower rate was paid, and contracted with men to go up and work for the Perth rate of wages. He did not get a superior class of workmen. Not only did he get an inferior class, but he also sublet some portions of the contract. He could not get sufficient men to carry out the work faithfully. The building hung fire for a long time. The

department was put to all sorts of inconvenience, and the people were inconvenienced too. An injustice was done to the contractors of Kalgoorlie, and the people of the State had to pay a large price for the building; and owing to the sub-contracting a number of people made a profit out of the State without giving it any value therefor. The trade union made a stir about the matter. They waited on the Public Works department, but the commissioner said to them - "I am helpless; there is no provision in my department to give me power to interfere with the contractor."

Senator Drake

- Who made the contract ?

Senator PEARCE

- The Commissioner for Public Works in that case.

Senator Drake

- If it is not the Postmaster-General, what is the use of putting it in?

Senator PEARCE

-Is the Minister going to hand over his power to contract to the Commissioner for Public Works in each State ?

Senator Drake

- Certainly not.

Senator PEARCE

- The construction of post-offices is, I take it, a postal matter ?

Senator Harney

- The honorable senator is asking the committee to include a generally controverted principle.

Senator PEARCE

- No. Under the Act the Minister will enter into contracts for the provision of uniforms for his officers and the supply of telegraphic material, and we are asking that in such contracts there shall be inserted, by regulation, certain clauses providing that fair rates of wages shall be paid and fair working conditions observed. Surely there is nothing sensational or out of the way in such a provision as that.

Senator Harney

- It is its inapplicability to this.

Senator PEARCE

- I contend that it is perfectly applicable. If any honorable senator can cite me any contract, I can prove that this provision will apply to it, and, more than all, it is necessary in the interests of the department, and for the purpose of seeing that public money is wisely and carefully expended, and that the public shall get all they pay for. Under our present system, where subletting is allowed, the public pay for no value received. This applies more particularly to the supply of articles to the department than to the case of buildings. Where there is a contract for the supply of materials how does the contractor make a profit ? He cannot make it out of wages, but he makes it by supplying inferior materials, in consequence of which the public suffer. If we had a provision like this in force unscrupulous contractors would be debarred from the opportunities of taking advantage of the public that they have had in the past. Hitherto we have not had such a provision ; but now we are inaugurating a new state of affairs we should get a little beyond what has been done in the past in the direction of safeguarding the public interest, and see that those who carry out the public works of the Commonwealth get a fair return for their labour, and are protected from unscrupulous employers and contractors. There is one other thought in connexion with this clause, and that is that it provides the rate of wages to be paid by the department where any work is being carried out. If proper regulations are framed for this purpose it will have a good effect in providing, for instance, that where work has to be carried out in Victoria the wages paid shall be at Melbourne rates.

Senator Harney

- It would be an interference with trade.

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Senator PEARCE

- We have been interfering with trade in various ways throughout the Bill. The owners of steam-ships who carry mails are interfered with. We have made greater interferences with trade by means of clauses that have been agreed to, than would be made by the proposal I am now making. By passing the amendment the Senate will not be committing itself to the details, which however would have to come before the

Senate in the form of regulations. Therefore, for the purpose of insuring the conditions under which contracts shall be carried out for the Commonwealth Government, I ask the Senate to agree to the proposal.

Senator DRAKE

- I am entirely in sympathy with the proposal of Senator Pearce, but how it is to be carried out I do not see.

Senator Pearce

- Never mind the " but."

Senator DRAKE

- I cannot help it, because in some cases what the honorable senator proposes is unnecessary, and in other cases it is impracticable. Take the case of the manufacture of uniforms for the Postal department. Surely that is a matter that will be governed by the factory laws of the different States.

Senator Pearce

- Some States have none.

Senator DRAKE

- I know that some States have no factory laws, and I am sorry for it. In Victoria there is a factory law under which minimum wages are fixed for the employes in factories. I am in hopes that other States will follow the example of Victoria in that respect. But certainly that is a matter that should be dealt with by State legislation.

Senator GLASSEY

- Oh dear, no !

Senator DRAKE

- If there is no State legislation on the subject; I fail to see how the Postmaster-General can insist upon a minimum wage in his contracts.

Senator Higgs

- State laws would not affect the Postal department, I take it.

Senator DRAKE

- Undoubtedly they would. If uniforms had to be manufactured they would have to be manufactured in accordance with the factory laws of the particular State.

Senator McGregor

- That is what is wanted.

Senator DRAKE

- But where there is no factory legislation we should practically have to enact some of our own for the purpose.

Senator McGregor

- That is what we want to do.

Senator DRAKE

- But look at the machinery that would have to be provided. Senators who have had experience of the working of factory legislation in Victoria, in Queensland, or in other States know that an enormous amount of machinery is required. I do not see how in any State where there is no factory law we can introduce regulations which will practically mean enacting factory laws.

With regard to the erection of post-offices, Senator Pearce answered himself in the course of his remarks. The erection of such buildings has nothing to do with the Postal department. All that that department does is to approve of the erection of a building. The matter then passes into the hands of the Works department. I do not know how it may be in the case of the Commonwealth Government, because no post-offices have been erected since this Government came into existence.

Senator Playford

-The Government must have a Works department for carrying out repairs and so forth.

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Senator DRAKE

- I have not the slightest doubt that the work of erecting post-offices will be carried out by some different department, as is the case in the States. While Senator Pearce was speaking, I interjected a question as to how he would deal with a particular class of contracts, such as for the carriage of mails. When we

come to consider that matter, this proposal absolutely crumbles away. How can we, in letting a contract for the conveyance of a mail, put in a condition that there shall be a " minimum rate of wages and fair working conditions," and that the wages and conditions shall be " those recognised by the trade union in the locality in which the work is carried out "? The idea only has to be mentioned to be scouted. The committee sees perfectly well that, so far as concerns that class of contracts, the proposal is absolutely impracticable. As to uniforms, the matter will be governed entirely by the factory laws of the States, and with regard to the erection of post-offices, that has nothing to do with my department.

Senator DE

LARGIE (Western Australia). I am pleased to hear the Postmaster-General say that he is in favour of the proposal of

Senator Pearce.

Of course, I quite agree that this amendment is in accordance with the protectionist policy of the Government ; but I do not at all agree with the Postmaster-General as to the difficulty of carrying out the idea. I am satisfied that a minimum or trade union rate of wages can very well be provided by means of this Bill, and can be carried out by the Postal department. This can be done even in the case of the carriage of mails and where there is no carriers union in existence. I am proud to say that in Western Australia there is a union amongst the road men on the Murchison gold-fields. I think the movement has extended to the eastern gold-fields. The men have been forced into this position through the fact of Afghan carriers nearly running them off the roads. As to the carriage of mails, where there is no trades union the difficulty can be easily got over by having a schedule of rates and by providing that no rates shall be paid short of, say, 7½ per cent. of the rate fixed in the schedule. Unless something of that kind is done the sweating that has been in existence hitherto will be continued. I know of contracts that have been taken at rates that were not sufficient to pay for the feed of the horses.

Senator Drake

- Suppose one man offers to undertake a contract for £100 and another for £200 ; does the honorable senator say that the Government should give the contract to the man who tenders at £200 ?

Senator DE LARGIE

- It is possible to ascertain what is a reasonable price, and it would be perfectly easy to provide that the schedule rate should be paid, within a margin of perhaps between 5 or 10 per cent.

Senator Drake

- Suppose the schedule rate is £150 for a particular mail contract, and a man offers to do the work for £140. Does the honorable senator mean to say that the department should pay that man £150?

Senator DE LARGIE

- I would allow a small margin to be left to the discretion of the Postmaster-General.

Senator Drake

- Poor Postmaster-General !

Senator DE LARGIE

- Where there is not enough to pay a living rate of wages, or even to pay for the feed of the horses, it is only proper that the State should step in and fix a living rate. We have seen cases where a firm like Cobb and Co., have had a monopoly over certain roads, and been able to run other firms off the road, after which they have raised the prices and made the business pay at their own terms. There are also cases where contracts have been taken from the Government at very low rates, and the shortage has been made up by compelling passengers to pay through the nose. It is not fair that the post-office should get the benefit of having its mails carried at the expense of passengers. Those are difficulties which can be rectified by fixing a schedule rate. The principle is one that a protectionist Government is pledged to so thoroughly that they cannot consistently oppose it.

Senator GLASSEY

- I am quite sure that we all fully appreciate the sympathy expressed by the Postmaster-General, but I confess that I do not see the difficulties standing in the way of carrying out the principle of Senator Pearce's proposal. The Postmaster-General urges that the Federal Government has no machinery of its own for such a purpose. It will be easy for them to provide the machinery required. Take the case of uniforms. To my mind it is an exceedingly simple one. Most honorable senators agree with me that the factory law of Victoria is one of the most beneficial enactments in Australia ; in fact, I think it is the finest

piece of social legislation in the world. Assuming that a number of uniforms are required for different officers of the Postal department throughout the Commonwealth, what stands in the way of the Postmaster-General taking the Victorian rate for the manufacture of such uniforms ? If the prices paid for them are reasonable, as I assume that they are, that rate could easily, be adopted. It seems to me to be perfectly practicable and advisable to do so. Indeed I go further, and say that it is perfectly just.

Senator Drake

- How would you apply the provision as to "fair working" conditions in a State where there is no factory law ?

Senator GLASSEY

- Suppose there were no factory law in Queensland. Well, we have a factory law in Victoria, under which certain conditions are imposed. The question then arises - Is a working day of eight hours sufficient for persons engaged in making post-office uniforms ? If so, that condition could be applied wherever those uniforms had to be made.

Senator Drake

- That would mean the appointment of inspectors to see that the work was carried out.

Senator GLASSEY

- Would there be any difficulty in seeing that the work was performed in compliance with the conditions of the department ? Is it not easy to take a factory in Brisbane or in Perth, for example, where the uniforms are to be made, and to say that the persons working there shall not be employed beyond a reasonable number of hours per day, and that the rate of pay shall be according to the prices ruling ?

Senator Drake

- Who would pay the inspectors ?

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Senator GLASSEY

- The Commonwealth. The Commonwealth is going to have this work done, and we presume that it is prepared to pay a reasonable price for it. I see no obstacle in the way of carrying out this proposal. I am perfectly sure that it can be done by regulation. I could frame regulations to-morrow to give effect to it. Now we come to the construction of buildings, which has been referred to by the Postmaster-General: The honorable and learned gentleman says that the Postal department will simply approve of the erection of a building in some particular part, and that the Works department will carry it out.

Senator Drake

- I did not say that. I said the Postal department would approve of the work being executed, and that probably that work would be carried out by some other department.

Senator GLASSEY

- Very well. We have also to deal with the construction of telegraph lines. The Commonwealth has no machinery relating to telegraphs, but have we no means of framing regulations in regard to them for any part of the Commonwealth ? Are we not able to say that wherever certain buildings are erected for the department a reasonable and fair wage shall be paid, that the hours of employment shall be fair and reasonable, and that the conditions under which the workmen carry out their duties shall be sufficiently healthy ? I wish that in all legislation dealing with matters of this kind, we would not, so to speak, meet the devil half way. These hobgoblins that have been raised are nothing at all. The real question is whether we are desirous of seeing these things carried out. If we are, then "where there's a will there's a way." I see no obstacle whatever so far as the manufacture of uniforms is concerned, and certainly none can be raised in connexion with the erection of buildings and the construction of telegraph and telephone lines. The whole matter can be dealt with by regulations. In Victoria they have factory legislation. In Queensland we have taken a step in that direction, and I believe that in South Australia they have provisions which have worked satisfactorily for many years. I am sure that the Commonwealth Government is generally in sympathy with us, but we are overcome sometimes by trifling difficulties. In this matter what we desire can be done.

Senator Sir William Zeal

- We should go slow at first.

Senator GLASSEY

- My experience is that we often go too slow, and sometimes stop short of the distance we ought to reach.

We are all agreed that persons doing the work of the Commonwealth should be reasonably paid ; that no sweating should take place, and I would urge the Postmaster-General to set his face against subcontracting in every shape and form. It is an evil, and will continue to be so as long as the system is permitted to exist. I trust the Postmaster-General will provide against it by regulation. The carriage of mails is a more difficult matter to deal with. A person contracting for their delivery in a certain place might simply be a horseman, who would do the work himself. It would not be desirable for the committee to assert that where such a man contracted to carry the mails over a certain distance for £100 a year, the Postmaster-General should say to him - " Friend, I think the price is too little ; you ought to get £200." But where a mail contractor employs another person to assist him in carrying out that work, we ought to insist that a reasonable wage is paid. Let us take Cobb and Co. for example. Why should they not be required to pay a reasonable wage to their coach-drivers ? Provision has been made for a minimum wage in many parts of the world. The London County Council has adopted the system, and a minimum wage is provided for bus-drivers and tram-drivers. Would there be anything unseasonable, therefore, in framing regulations to compel Cobb and Co. and other people to pay a fair wage. What we want to provide is that the rate of wage shall be in accordance with that fixed by the union in the particular locality in which the work is done, if such a union exists. We could provide for a case in which a union did not exist by saying that such a rate should be paid where practicable.

Senator McGregor

- That would not do.

Senator HARNEY

- The honorable senator would say that the wages should be what the Postmaster-General thinks practicable.

Senator Drake

- We could not fix the wages of the crew of a vessel carrying mails, for instance.

Senator GLASSEY

- Why should it not be done ?

Senator Drake

- Should the Postmaster-General do it ?

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Senator GLASSEY

- Certainly, he ought to be able to arrange that matter when entering into the contract.. We have a political programme, and we say that the principle of eight hours a day shall be in force wherever practicable. If a person is working for himself, however, or employs his own son or daughter to assist him we could not say very well that that son or daughter should be paid a certain wage.

Senator Drake

- How about railway employees? Could the Postmaster-General fix the rates in their case ?

Senator GLASSEY

- That is another matter. The Postmaster-General knows that Parliament will see that the railway employees are paid a reasonable wage. I think the proposal, with some slight alterations, is a fair one, and should be accepted.

Senator EWING

(Western Australia). - I am heartily in accord with

Senator Pearce's

intentions in this matter. I do not think there is an honorable senator who holds two opinions about the desirability of seeing that a fair and reasonable wage is paid to the people of this country. I am perfectly certain that we shall do all that lies in our power to insure that, whenever contracts are entered into with the Commonwealth, the persons working under those contracts are paid an honest and reasonable wage. It seems to me, however, that by including the provision in this clause we should be arrogating to the Postmaster-General and the trades unions that which is clearly the province of conciliation and arbitration boards.

Senator McGregor

- Oh !

Senator EWING

- I think I am just as free to speak on this question as the honorable leader of the labour party. I am just as fully in accord with the principle as he is. It is not necessary for an honorable senator to be a member of the labour party in order to be just as warmly in accord with the principles that are advocated in this amendment, as any member of that party is. We have recognised in most of the States of the Commonwealth the principle of conciliation and arbitration, and I hope that in the very near future we shall have a Commonwealth Act dealing with those disputes which arise outside any particular State. The Arbitration and Conciliation Board in Western Australia, say, might fix a wage at a particular amount which, in the opinion of trades unionists, would not be a fair rate.

Senator Pearce

- But that would be the accepted rate.

Senator EWING

- The Trades and Labour Council might fix a certain rate of wages to be paid in Western Australia.

Senator De Largie

-And that would be the trades union rate.

Senator EWING

- But, as a matter of fact, it might not be paid in any part of Western Australia.

Senator Pearce

- Nonsense.

Senator EWING

- I think it would be better to employ the term "standard rate of wages."

Senator De Largie

- What is a "standard rate of wage"?

Senator EWING

- The rate fixed by the conciliation board. In almost every State in Australia there is a conciliation board.

Senator Glassey

- We have not got one in Queensland.

Senator O'Keefe

- Nor in Tasmania.

Senator EWING

- There is one in Western Australia. I am heartily in accord with the honorable senator's intentions in putting forward this proposal, and when a Bill in which we can deal with this matter is brought forward I shall be prepared to assist him. The amendment refers to the rate of wages "payable in the locality." In what locality? Suppose a contract is to be entered into for the carriage of the mails from Perth to Kalgoorlie, or from Perth to Mount Leonora. What rate of wages is to be paid? The rate of wages is far lower at Perth than at Kalgoorlie. Or, take the case suggested by a senator of a steamer trading between London and Australia.

Senator McGregor

-The rate of wages there will be that recognised by the seamen's unions.

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Senator EWING

- Would it be the rate of wages fixed by the Western Australian Seamen's Union or by the Seamen's Union of London? It seems to me in such a case that it would be impossible to fix what would be a fair rate of wages. Are we going to say that the P. and O. Company shall pay the Australian wages? Senator Pearce provides in his amendment for a fair rate of wages and fair conditions "in all contracts under this Act." Does the honorable senator mean what he says? If he will limit it to that which is practicable I am with him, but he says "all contracts under this Act," and therefore, in the case suggested, the P. and O. Company contracting to carry a mail must pay - what rate of wages? The Australian standard rate of wages, or what rate of wages is it suggested by the honorable senator, should be paid? I am heartily in accord, with the intention of the amendment that a fair standard rate of wages should be paid in the various localities where the work is to be done; but I think the amendment is too comprehensive altogether. If he were to say that all public works carried out in various localities for the Postmaster-General shall be carried out under the standard rate of wages, I should be heartily in accord with him, but I do not see that the wide language of this amendment can possibly be accepted, because it

would mean that he would have the P. and O. Company-

Senator McGregor

- Oh !

Senator EWING

- Senator McGregor says " Oh ! " I suppose he is exclaiming because he is unable to see the extent of this provision, or perhaps he was surprised to find when it was brought in that it was wider than he thought.

Senator McGregor

- I am surprised at the honorable senator knowing so little about it.

Senator EWING

- Perhaps the honorable senator will tell us what is meant by " all contracts under this Act " ? We are going to enter into contracts with oversea companies trading with all parts of the world, and, if that is so, how are we to say that the standard rate of wages -in the locality shall be paid ? What is the locality and what is the standard rate of wages ? I am only asking for information. I tell Senator Pearce plainly that if he can show me that it is possible practicably to bring about the desirable state of affairs he contemplates I shall be with him. If Senator McGregor or Senator Pearce can show me that it is possible to do that which is aimed at by the amendment, I will give them all the assistance in my power.

Senator HARNEY

(Western Australia). - I only wish to make a few remarks. I suppose I ought to say, like the Postmaster-General and the last speaker, that I am in entire accord with the sentiments of the mover of the amendment. I am always in accord with a proposal which has for its object the bettering of the labouring classes. At the same time I am very often not in accord with the proposals of those who say they want to benefit the labouring classes, because I have frequently observed that the opinions of certain classes are entirely opposed to what -would be in their true interests. This proposal appears to me to provide that we should make regulations for incorporating the minimum rate of wage and fair working condition into any contract that is entered into in connexion with postal affairs. I can well understand that that would be practicable if, in all the States, we had in existence legislation dealing with the minimum wage and providing for fair working conditions, because then it would be equivalent to saying that any contract entered into by the Postmaster-General must be carried out in accordance with the State legislation on the subject then existing. But supposing we have no factory laws, what then, is the Postmaster-General to do ? Is he, by his regulations, to have cut and dry a Factory Bill that has never been passed in a State ? Take Queensland, where there are no factory laws.

Senator Drake

- - -A factory law was passed last session.

Senator HARNEY

- In what States are there no factory laws ?

Senator Drake

- Take Tasmania and New South Wales.

Senator HARNEY

- Let us take this in relation to the States of New South Wales and Tasmania, where they may not yet have reached that stage of legislative efficiency to have these laws. We will have a regulation saying that in New South Wales or Tasmania the Postmaster-General shall not enter into contracts unless there is a stipulation as to the payment of a minimum rate of wages and fair working conditions in the carrying out of those contracts. How is the Postmaster-General to determine what are fair working conditions, or what is a minimum wage ? And how is he to safeguard both by the detailed provisions necessary to render such a proposal workable under the Act? I say it is perfectly impossible to make this workable in localities where there are no factory laws, or unless you embody or append to these regulations a regular code of regulations which would be similar to a Factory Act. I think that Senator Pearce must see that his proposal is liable to the initial objection which many of us urged, vainly admit, against the clause 54 the other night, because it is merely asking us in the Postal Bill to do the work that properly belongs to the State.

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Senator De Largie

- The State has nothing to do now with the postal. officials or those connected with post-office work.

Senator HARNEY

- The minimum wage and fair working conditions are matters that were intended to be dealt with by the State. We would have no power properly to deal with what should be fair working conditions in any State or to prescribe a minimum wage for all Australia. We would be seeking to usurp by this Bill the State functions.

Senator O'keefe

- The States are going to give these functions over to us.

Senator HARNEY

- When they have done so, there will be time enough for us to deal with this matter.

Senator Dobson

- The first argument is a good one. We have a right to do this if we like, surely ? .

Senator HARNEY

- I say it is subject to exactly the same argument as we urged against clause 54. I for one never persisted very strongly that we had not the right to deal with clause 54 as proposed, but said we were dealing with matters we had no authority to interfere with in the spirit of the Constitution.

Senator McGregor

- What is the difference between right and authority ?

Senator HARNEY

- The difference as I use the expression is this : A man may have perfect authority to beat his own child, but he would not be right in half killing it.

Senator Sir Josiah Symon

- Authority is right not fully carried out.

Senator HARNEY

- Authority is diluted right. Take this proposal in its application to the building of a post-office in one of the States.

Senator McGregor

- You had better not touch things you do not know much about. Stick to the law.

Senator HARNEY

- If this proposal were adopted there would be different conditions applicable to the building of a post-office and to the building of a court-house. You would have the State fixing the rate of wages and fair working conditions in the building of the post-office, and there might be no State law requiring fair working conditions and a minimum rate of wages for the building of a court-house or bank.

Senator Glassey

- Does not the honorable senator see that the Government would have no control over the erection of a bank, but they would over the erection of a postoffice.

Senator HARNEY

- I am quite aware of that, but by this provision the Government would have power to secure fair conditions and the minimum rate of wages in the building of a post-office, and such conditions should not apply to only one class of work, but to all works carried out in the States. We are here putting into this measure a provision for the application of certain conditions to one class of work that really ought to be applicable to every class of work done in the States. Assuming, which I am not, that I was in favour of the fair minimum wage and fair conditions, as here referred to, my argument is that this proposal is asked to be put into the wrong Bill. It is asked to be put into a Commonwealth measure, whereas it should be dealt with by a State measure in each particular State. That is all I have to say, except that I am sure Senators Pearce and McGregor must feel, from the kindly way I have addressed myself to the subject, that I am heartily in accord with the principle contained in the amendment.

Senator STANFORTH SMITH

- I am also in favour of the principle enunciated in this proposal, but I do. not put the sting in the tail of the sentence by saying that it is impracticable. I think it is not only practicable but absolutely necessary. Surely it is not the wish of the Federal Government to pay their employees less wages than are paid by private individuals in the same locality.

Senator Drake

- It is not a question of their own employees ; it is the letting of contracts, and dealing with other people's

employees.

Senator STANIFORTH SMITH

- That, to my mind is the same thing, because you can put in a clause in the contract requiring that the ruling rate of wages shall be paid. I think the Federal Government, as large employers of labour, should certainly set an example by paying at any rate the ruling rate of wages.

Senator Drake

- So we do; but that is not what we are dealing with at all. It is not the rate of wages of our employees.

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Senator STANIFORTH SMITH

- To my mind it is precisely the same thing. If we let a contract for uniforms, for instance, have we not the right to say before we conclude the contract that the people to whom we let the contract shall pay the ruling rate of wages ? It is an extraordinary thing to me if we have not that right. We have precedents for that in many contracts which have been let by Governments before, in which it has been stipulated that the ruling rate of wages shall be paid. This provision may not be necessary in Victoria, where there is a Factories Act in existence, but some other States have not had the courage to initiate a Factories Act, and in order to obtain a trade advantage they may be very reluctant 'to do so. In such a case where a contract is let for uniforms, I do not see why a clause should not be inserted to provide that the trade union rate of wages shall be paid to the persons engaged in making the uniforms.

Senator Drake

- And "fair working conditions."

Senator STANIFORTH SMITH

- At the present time we are talking about the rate of wages. If post-offices are built under the supervision, not of the Postmaster-General, but of the Public Works department, this sub-clause clearly does not refer to them. But if it does refer to them, surely the men on those contracts should be employed under the same conditions as if the Government were erecting the buildings under the supervision of a manager. If they call for tenders for the erection of such a building, surely they can provide in the contract that the ruling, or trades union rate of wage in that locality, shall be paid. In Kalgoorlie we had a great deal of trouble through the contractor bringing up cheaper labour from the coast, where the conditions are much easier than they are on the gold-fields, and using them for building the post-office at a lower rate of wages than was paid in the town. That sort of thing should not be done, because if the Government insist upon carrying out a policy like that, it means that they use their great force and power to endeavour to reduce the rate of wages in a particular locality. I do not think there is a Minister of the Crown, and I hope there is not a Member of Parliament, who would wish the Government to carry out any such system as that.

Senator Harney has said that the Federal Government have no more right to interfere in regard to the rate of wages than they had to interfere in regard to Tattersall. But the men who are employed on Government contracts are their employees, through the contractors. If that is the case, surely the contractors have a right to pay the ruling rate of wages to the men who are engaged in doing their work. Take the instance of a carrier. If there is no trade union of carriers, and there is a trade union rate of wages there, this provision does not apply ; but if there is, surely the men who are carrying the mails are employees of the Government, and if they are, why should they be given a chance of employing labour at a lower rate of wage than is charged in that district ? All sorts of sophistry are used by men who are in accord with the principle ; they say that it is absolutely necessary, but that it is impracticable, and use all kinds of arguments against its adoption. But I hope that in every Government contract there will be a clause to the effect that the ruling rate of wage in that district shall be paid to the men employed on the contract.

Senator Drake

- Should we fix the wages of Cobb and Co.'s drivers ?

Senator McGregor

- Certainly.

Senator Drake

- What trade union is there ?

Senator STANIFORTH SMITH

- I do not think there is any trades union in a case like that ; but if Cobb and Company are tendering for the carriage of mails they should tender under the same conditions as a man who is a fair employer, and

thus not put a fair man at a disadvantage, compared with a man who will cut down wages, and consequently get the contract. If there be any contract there is no injustice done. The Postmaster-General says, "would you ask me to accept a tender for £200 if there is a tender for £150"? Certainly not; he would accept the lower tender, but the tenderers would have to comply with the same condition, to pay the full rate of wage. I hope that in this Bill, as in every other where we are going to have contracts or employes, a similar provision will be inserted.

Senator HIGGS

- I have very much pleasure in supporting Senator Sir Frederick Sargood in bringing forward this proposition.

Senator Fraser

- Not Senator Sargood.

Senator HIGGS

- There are so many amendments in his name that I must be forgiven if I have made a mistake. The Postmaster-General objects to the practicability of the proposal, and says the employes who do the work will not be our employes. That is only a quibble, because the work will be our work, and will only be done by contract, because it is convenient to have it done in that way.

Senator Drake

- The crew of a ship?

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Senator HIGGS

- The amendment asks that the trades union rate of wages shall be paid, and if we are to carry out the proposal which Senator Glassey is to make shortly, that subsidized mail boats shall be manned by white crews, why cannot we also say that the steam-ship companies to carry our mails shall pay a reasonable rate of wages, whatever that may be, as decided by the seamen's unions. The firm of Cobb and Co. has been mentioned, and the question has been asked whether we are to fix the rate of wages of the drivers. When I came to Melbourne I was very much astonished to find a milkmen's union, because that is a most unusual union, and there is no reason to suppose that we should not have a union of Cobb and Co's, drivers, who would decide among themselves what was a fair rate to be paid for their work.

Senator PLAYFORD

- And of Members of Parliament to increase their salaries.

Senator HIGGS

- Members of Parliament are generally to be found looking well after themselves, and since they are so prone to look after their own comfort, they ought to endeavour as far as possible to look after the comfort of the taxpayers, and to see that 'a taxpayer who has to carry the mails or to do work in connexion with their contracts, receives a living rate of wages, and is called upon to work only a reasonable number of hours. Where it is not practicable then of course the Postmaster-General cannot do what Senator Pearce has asked. But in the case of the manufacture of uniforms, which will crop up in the principal towns-

Senator Glassey

- And the erection of buildings and the laying down of telegraph wires.

Senator HIGGS

- In the case of the manufacture of uniforms, what is likely to happen in the absence of a provision of this kind? Certain contractors will tender for the work. The majority of them will be fair-minded men, and will be quite willing to pay a fair rate of wages. The unscrupulous man, knowing that he will cut down the rate of wages, will tender at a low price and will probably get the contract, and will have the uniforms made at a sweating rate of wages.

Senator Drake

- We want a Factories Act to cure that.

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Senator HIGGS

- There is no reason why we should not introduce the provision in the Post and Telegraph Bill. At the present rate of progress in Queensland we shall have to wait for many years before we have any hope of getting a minimum wage law from the present Ministerial party, and in Western Australia they may have

to wait for many years before the rule of the six: families passes away. I cannot see where there is any objection to this provision. ' It is wanted not only in connexion with the manufacture of uniforms, and the use of white crews, but also in the construction of telegraph lines and in connexion with, line repairers. The Public Service Bill will contain a schedule of the wages to be paid throughout the public service, and so why cannot the Postmaster-General decide in. connexion with contracts for constructing telegraph lines what rate of wages shall be paid by the contractor? I hope that * honorable senators will not raise too many obstacles by saying - "We express the greatest sympathy with the endeavours of those who desire to benefit these people, but we are npt going to do it here ; let us put it in some Factories Act in some State," because we may have to wait 25 years to get such a law- in some of the States unless they wake up and follow the example of Victoria.

Senator MCGREGOR

(South Australia). - I. am very pleased that an opportunity of this description has arisen to afford time for consideration, and also to give those honorable senators who are so fond of preaching to put into practice a little of that precept which they advocate so much. It has been said by some honorable senators that they have as much sympathy with the working men as- t has the labour party or its leader, or anybody else. I do not deny that. Probably they have as much sympathy as the others. But then, so far as this discussion has gone,, their sympathy is not of a very practicable description. Even the Postmaster-General has a great deal of sympathy. Undoubtedly we believe that he feels that sympathy, but when he stated that he was sympathetic, he immediately began to put out a great many obstacles that were in the way of its. realization.

Senator Harney,

too, is in entire sympathy with the proposal. In fact he has more sympathy than any of us here who occupy this corner, and he is- better capable of judging as to what would be really beneficial to the people whom we are here especially to represent. Although we consider that we are as good representatives of all sections of the community as any one here, yet the very name we bear gives us a special claim lathe representation of the working classes..

Senator Drake

- I do not see that at all.

Senator MCGREGOR

- Well I see it, and it does not matter what other honorable senators see. I do not see very well according to the opinion of some persons, and yet I see that very clearly. Senator Harney has expressed himself just in the same way. They are all in sympathy ; they all believe in the principle ; -but they do not know how it can be carried out. I shall tell Senator Harney how it can be carried out. Supposing he wanted a suit of clothes, and he was in a town where there was no trades union, where the poor unfortunate tailoresses had to work the eyes out of their heads and the fingers off their hands to earn a living, and their employer did not care whether they earned it or not. Supposing he went to one of these business places and said - "I want to contract with you to make me a suit of clothes." The first thing he would do would be to select a nice pattern of good material, and then to tell him that he wanted it well made, and above all things he would say - " If you want to take this job from me I have to get an assurance from you that you are going to pay the unfortunate girls who will make this suit of clothes a living wage."

Senator Drake

- Would he appoint an inspector to see that it was carried out ?

Senator MCGREGOR

- I shall talk about inspectors to the Postmaster-General before I am finished. In this instance Senator Harney would be his own inspector. I do not know whether he would inspect the employes or not, but he would find out whether the clothes were made to his taste, and whether they fitted him.

Senator Drake

- How would he see what the girls were paid ?

Senator MCGREGOR

- I shall tell the Minister how he would -see. The girls - knowing that he had made these conditions, had such sympathy with them, and was so fond of carrying out these principles, and was such a fine good-looking gentleman - would soon indicate to him the delinquencies of the employer under whom they were working. The Postmaster-General raises the objection - are we to employ inspectors ? Well, I have

worked on a great many Government jobs, both for private contractors and the Government themselves, but I never worked upon a job which the Government did not inspect in order to see whether the work was being carried out properly. Does the Postmaster-General mean to tell the committee that he would let a contract for the manufacture of some thousands of pounds' worth of uniforms, that they would be dumped into the department, and that no one would ever see whether they were properly made, or whether the material was of good quality ?

Senator Sir Frederick Sargood

- After delivery.

Senator McGREGOR

- And before delivery.

Senator Sir Frederick Sargood

- No, never.

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Senator McGREGOR

- What are the Government inspectors doing during the time the things are- being made? I know that inspectors, in connexion with Govern- ' ment contracts, very often can scarcely keep themselves warm with the amount of work they have to do. I would give the inspectors \ an opportunity of earning their money if they had to make a few more inquiries than they do now. With respect to the building of post-offices, the Postmaster-General says that very likely that work will be handed over to the Public Works-department. But the works must be authorized by the Postmaster-General, and he has the right to enforce any conditions that he likes. It has been said by some of those honorable and learned senators who are so fond of principles, and know so little about how those principles are carried out in the different States, that factory legislation does not exist in some of the States, and that therefore, this provision could not be enforced. Even Senator Harney did not appear to be aware where factory legislation exists, and Senator Ewing in his reference to the conciliation law did not seem to know what functions of a measure of that description really are. A Conciliation or Arbitration Act can only come into force when there is a" dispute. -But we do not want to have disputes. A\7e want to have it laid down in the conditions of contract that the contractor shall do something which will have the effect of putting all contractors on exactly the same footing. Suppose, for instance, that the department called for tenders for the erection of a post-office, and that that work was under the control of the Postmaster-General. The conditions of contract could easily provide that the rate of wages to be paid should be the union rate in the locality. Senator Pearce has no idea of putting the amount to be paid into' this Bill. All we want is to lay down the principle that the Government shall pay the minimum rate of wage paid in the locality, whatever that rate may be, and that the maximum hours of labour shall be the maximum hours worked in the locality. All these matters are already provided for in some of the States. In South Australia, if a contract is let, conditions are inserted that the minimum rate of wages for the trades affected must be paid, and that the maximum hours of labour must be adhered to. Senator Playford ought to know that in South Australia a Cabinet order was passed long ago, providing that a minimum rate of wage shall be paid to all able-bodied men doing the work of able-bodied men, and that the amount shall be nothing less than 6s. a day. In New South Wales the minimum rate of wage is fixed at 7s. a day. There can be no misunderstanding about a provision of that kind.

Senator Drake

- How can you apply that to a contract for the carriage of mails ?

Senator McGREGOR

- In South Australia it applies to all contracts with which the Commissioner of Public Works has anything to do, The conditions also provide that no alien labour shall be employed. That brings me to the objection raised with respect to shipping, as to whether we are to compel the Orient line, the P. and O. line, or any other shipping company, to pay the minimum rate of wages fixed in any Australian State. Senators from Western Australia, who appear to know all about shipping, have inquired whether we should have to compel these companies to. pay Australian seamen's rates of wages or English seamen's rates. The rule is that wherever the seamen sign on, the union rate of wages prevailing in that port is to be paid. The phrase " union rate of. wages " has been discussed as though unionists were all robbers. Of course there are a great many people in this world who are not particular what they take out of the public, but those

who have to sweat for their living know that the wages received are not fixed entirely by the trades unions themselves. They are fixed by the unions with the consent of the employers union. If the employers union are not prepared to agree to the union rate of wages a difficulty arises, but when the union rate is adopted the assumption is that the employers as a general rule have agreed to it. I should like to ask the Postmaster-General whether he thinks it is wrong? to put into contracts conditions such as I have mentioned ?

Senator Drake

- Are you not speaking of building contracts?

Senator McGREGOR

- Take the case of clothing contracts. The Postmaster-General will have to call for tenders for clothing for a great number of officers of his department. Is it not better for the individuals who have to earn their living in carrying out those contracts that some conditions should be laid down as to whether they are to work eight or fifteen hours a day, and are to get the recognised log prices ? If the Postmaster-General knows anything about labour conditions he must be aware that in almost every city in Australia there is in connexion with the tailoring trade a log of prices according to an agreement made between employers and employes. Would it be a hardship if the Postmaster-General were to insert a condition in his contracts with manufacturers of clothing that the recognised log prices should be paid to those engaged upon the contract?

Senator Drake

- Probably he would do so.

Senator McGREGOR

- Where does the difficulty come in ?

Senator Drake

- Not in that case.

Senator McGREGOR

- The Postmaster-General is still muttering objections, but I say that in South Australia what I am advocating is already done.

Senator Drake

-I do not see why it should not be done in that case.

Senator McGREGOR

- Other contracts will have to be entered into by the Postal department. Telegraph posts will be wanted. They will have to be cut in forests. 'Would it be difficult to insert in the conditions of contract that the recognised rate of wages should be paid to the men employed in cutting the posts?

Senator Harney

- What about the "fair working conditions"?

Senator McGREGOR

- Those conditions are that the men are not to be compelled to work more than eight hours a day.

Senator Harney

- Suppose there is no social legislation on the point ?

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Senator McGREGOR

- It is not required. Evidently Senator Harney is anxious to learn. I imagine that he knows so much already that there is no room for very much more, but I am going to give him some information. He asks me how these conditions would be enforced in a

State where there' was no social legislation in existence? Put the condition I have asked for in Government contracts, and you may safely leave it to the working men who are employed under those conditions to see that they are enforced. The men will soon let you know whether the conditions are being complied with or not. Senator Harney will ask me perhaps, "What would you do if the conditions were not "complied with ? You could not make the employer do it." Let Senator Harney ask Senator Sir Frederick Sargood whether the employer cannot be compelled.

Senator Harney

- Do not pay him - is that what the senator means?

Senator McGREGOR

- No ; but the Government could cancel the contract, and could also make it a condition that the employer might be fined £1,000, or any other sum that might be fixed, if he did not observe the labour conditions. There is not the slightest difficulty about enforcing the conditions, and it is really useless to argue the point any further. This amendment which has been moved by Senator Pearce - it is suggested to me that it is really the amendment of Senator Sir Frederick Sargood, but I do not believe that - is only for the purpose of giving the Postmaster-General power to insert the condition asked for in the contracts of his department, and a contractor who does not carry it out should be penalized by being fined or having his contract cancelled. With regard to Cobb and Co., [I know nothing about the business of that firm. In South Australia it is Hill and Co. who carry the mails. That firm have always been very fair to their employes. Hill and Co. have given them fair wages as far as I have ever heard. Does the Postmaster-General mean to bring about a condition of tilings that would make it necessary for Hill and Co., or Cobb and Co., or any other company to compete with people who would, as soon as they got a contract, be prepared to grind down those who worked for them to the lowest level ? Surely in the interests of the humane employers - I believe they are the majority - who are anxious to carry out a fair and faithful bargain with the Government, and to treat their employes humanely, the Minister should agree to the insertion of a power in the contracts of his department that will enable the employes to be fairly treated. In another place a resolution has been carried, with the consent of the Government, that in all Government contracts the principle here contended for shall be recognised.

Senator Playford

- Then you do not want it in this Bill.

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Senator McGREGOR

- But the Postal department, as the saying is, will generally go " on its own." We find that that is the case in other States. It will be safer to insert the provision in this Bill. It can do no harm, and will only be in accordance with the resolution passed in another place. Therefore I hope the committee will agree to the amendment, and that instead of merely expressing their sympathy, senators will give practical effect to it by doing something for the good employers who are willing to treat their fellow-creatures fairly, as well as for those individuals for whom so much sympathy is expressed.

Senator Sir FREDERICK

SARGOOD (Victoria).. -

Senator Higgs

has credited me with this amendment.

Senator Fraser

doubted very much whether it emanated from me, and I think that the honorable senator's surprise was justified, because when I do propose an amendment I like to propose a practical one. In this instance I do not think the amendment is practicable. Several honorable senators have stated that their sympathies are in the direction of this proposal. I can say the same. I can also lay claim to the fact that I had charge of the first Factories Act in Victoria during its passage through the Upper House. I have carefully watched the progress of factory legislation, and have taken a very active interest in every amendment of the original Act in Victoria. I am a thorough believer in legislation of that kind in the interests not merely of the employer but also of the employe, and without factory laws of a wise character I believe the condition of affairs that has been referred to would have been continued up to the present day. The Victorian Act has done a great deal of good, although it is by no means perfect. But for the fact of that law being in existence here, the very desirable object which the proposer of this amendment has in view could not be carried out even in Victoria. The difficulty will be in applying it under this Bill in other States where they have no factory legislation. I have been a manufacturer for forty years, and I am a manufacturer now, so that I think I may safely say that I know something of the subject under discussion. I have always made it a rule to secure the services of good workmen and to pay them well, and during the whole of my career as a manufacturer I have never had the slightest difficulty with any of my employes. I may safely say that, directly and indirectly, I have over 5, 800 employes, so that I may reasonably claim to have had some experience upon these questions. I entirely agree with the strong condemnation of subletting, which was indulged in by

Senator Glassey.

That has been the root of a great deal of the evil which has taken place, and no measure would be too strong to absolutely put an end to it. Another portion of the amendment is really an acceptance of the principle of the minimum wage. That subject has been debated for many years, and very recently the principle has been recognised in the State of Victoria. Speaking as much in the interests of the employe as that of the employer, I must say we do not know yet what the ultimate result of it will be. In my opinion it is a step in the right direction, but undoubtedly one of its results has been to throw out of employment the old and indifferent workers.

Senator McGREGOR

- That is an old yarn

Senator Sir FREDERICK SARGOOD

- It is a new yarn. How could it be an old yarn, seeing that the principle of the minimum wage was only recently agreed to by the Victorian Government 1

Senator Harney

- It is an old yarn renewed.

Senator Sir FREDERICK SARGOOD

- Unfortunately the result of the minimum wage in Victoria has been to throw a number of old men out of work. That difficulty is met by a special clause inserted in the Victorian Act by the Legislative Council, I may say, very much against the will of the labour party. The clause provides that special permits shall be given in those cases where men are not able to make themselves worthy of the full rate of pay. It is rather an unsatisfactory position for old men who have been working for many years for their employer, but it is the only way in which it is possible for the minimum wage to be carried out.

Senator McGregor

- But there is nothing to prevent the employers from paying the old men the minimum wage.

Senator Sir FREDERICK SARGOOD

- If the honorable senator knew the

Factories Act as well as I know it he would not say that. The point we have to consider is whether the union rate of wage is to be recognised. I am strongly in favour of the standard wage in the locality in which the work is being done being recognised on all occasions ; but I do not think it wise for the country to bind itself down to accept a rate of wage decided upon by any class of men - I ' do not care whether they are unionists or not.

Senator Pearce

- What is a standard rate of wage 1

Senator Sir FREDERICK SARGOOD

- There is always a standard rate of wage in every locality.

Senator Pearce

- Who would the honorable senator accept as an authority on the subject-

Senator Sir FREDERICK SARGOOD. I do not think I am compelled to go into all these details at the present time. I favour the principle advocated by the mover of the amendment, but I do not think that the amendment is in the right place. It cannot be carried out until there is factory legislation in every State. That, I trust will take place as quickly as possible. Personally I should like to see the Commonwealth intrusted with the power of passing factory legislation, and I would be prepared to render hearty assistance in that direction. Reference has been made to the manufacture of uniforms. That is a very small matter. The number of uniforms required every year, would be comparatively trifling, and they would be manufactured in many places in each State. To appoint an inspector to watch their manufacture under each of these contracts would involve a very large amount of extra cost. I may inform Senator McGregor that it is not the practice to inspect clothing during the course of manufacture. The clothing is delivered, and then it is ascertained by examination whether it is up to the standard, or not. In no instance that I know of. is clothing inspected during the process of manufacture. An inspector therefore would have little or nothing to do.- I need hardly go into the question of enforcement as I do not see how it could be enforced until we get factory legislation.

Senator McGregor

- Cancel the agreement.

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Senator Sir FREDERICK SARGOOD

- I do not think we could carry it out then. I shall be glad to support wise factory legislation whenever it is introduced, but I cannot see my way clear to support this amendment which has practically nothing to do with the Post-office Bill.

Senator MILLEN

(New South Wales). - I should have much preferred to see this motion brought forward apart from the Postal Bill, but as it has been tabled, and as my sympathies with it will carry me a little further than the sympathies of other honorable senators appear to have carried them, I am anxious to make a suggestion the acceptance of which would enable me to vote for it. I have listened very carefully to the objections that have been raised, and I must admit that many of them are the result of fear or imagination. I have heard similar objections raised with regard to nearly every reform dealing with social and industrial legislation. Nevertheless, I think I can see one or two objections to the adoption of the amendment in its entirety. It makes two distinct proposals. The first is that in all contracts under the Postal department provision shall be made for the payment of a fair rate of wage and for fair working conditions. I agree absolutely with that. I see no objection to requiring the Postal department to insure that being done, and I see little difficulty in maintaining that position. When it goes on to stipulate, however, how we are to ascertain these conditions, I think it creates a difficulty. I do not wish to see the Postmaster-General made a party to a strike, - for instance, and yet if we adopt the amendment in its present form we might under these regulations force him to take sides in an industrial dispute. There is no necessity for that. Let me illustrate what I mean. Supposing trouble occurred with the railway employees, and they, through their union, demanded a higher rate of wages - than they were receiving. The mails have to be carried; they could not be stopped pending the adjustment of this trouble. What, then, would be the position of the Postmaster-General? He insists, under this Bill, that the mail's shall be carried, but, in the event of a dispute, the railway authorities might perhaps be forced to say that they must stop the running of their trains rather than concede the demands of the men. In such an event, what would the Postmaster-General have to do? Should he say "You are to pay the rate of wages which the union demands, and not the rate previously given"? Yet such a difficulty would possibly occur not only in regard to railways, but in relation to the carriage of mails by other means. I would, therefore, ask the proposer of the amendment to omit the last lines, altering the word "minimum" to "reasonable," and making the paragraph read -

For the purpose of providing for the payment of a reasonable rate of wages and fair working conditions in all contracts under this Act.

That is not only an affirmation of the broad principle that in the carrying out of the department's work we wish to treat fairly those who are discharging that work, but it brings the machinery into play by which the regulations can be enforced. It certainly would throw upon the Postmaster-General occasionally the difficult task of determining whether the wages were fair or not, but in 99 cases out of 100 he would adopt the union rate. It would also relieve him from the obligation of taking sides if such trouble as that to which I have referred did occur. If the suggestion I have made is adopted, or something in that direction, I shall be prepared to give the motion my vote, as I now give it my cordial support.

Senator GLASSEY

(Queensland). - I wish to add a word or two in regard to the question of the inspection of uniforms in course of manufacture, to which reference has been made.

Senator Sir. Frederick

Sargood, who has had large experience in these matters, says there is no such thing as inspection of clothing in the process of manufacture. That we may take as a fact. Assuming, however, that the post-office insists upon inspection, does it follow that it will be necessary to have an inspector travelling from place to place? I do not think so. I think the difficulty can be overcome very easily. Supposing that a contract for the manufacture of uniforms for the postal authorities of Victoria is let, could not the Postmaster-General arrange for some person who is particularly well up in this kind of work to superintend the manufacture of the uniforms at a moderate fee? Where is the difficulty? The income tax in the old country is collected by local people, who are thoroughly conversant with the various persons and matters in their respective localities. In Queensland, which is an enormous territory with a sparse population, the contracts for these uniforms are usually let in Brisbane. The clothing is manufactured

according to measurement and sent to postal employees all over the State. I was in the Postal department at Brisbane for a little while, and know something about the matter. I am acquainted with a number of contractors in Brisbane who have made uniforms for the Railway department, the Postal department, and for the police, and I can say that there would be no difficulty in obtaining a thoroughly competent person in any of the large centres to see that the uniforms are properly made. Their services could be obtained for a very small fee, so that so far as the appointment of travelling inspectors is concerned there need be no anxiety over it at all, and it simply wants a little arrangement. In the way I suggest we may easily overcome any difficulty in the way of inspection. If we have a desire to put these very humane provisions into force we will find that the difficulties raised will vanish into thin air when we come to the practical working of the question.

Senator HIGGS

(Queensland).- The Postmaster-General mentioned Cobb and Co. some time ago, and he also asked whether if two contractors tender, one at £150 and one at £200, we should accept the tender at £150.

Senator Drake

- That was in consequence of a remark made by Senator De Largie.

Senator HIGGS

- I would just like to say, with respect to Messrs. Cobb and Co., that their tenders for the mail services in certain parts of Queensland are higher than the tenders sent in by some other, contractors, but, inasmuch as Messrs. Cobb and Co.'s tenders, taken as a whole, give a lower average than the others, they get; the whole of the contracts.

Senator Drake

- They lump them together and take 20 per cent. off.

Senator HIGGS

- I do not think that is right. The people in the different localities ought to get a fair chance. Messrs. Cobb and Co., by the system adopted, are getting practically a monopoly in Queensland.

Senator DRAKE

- With regard to Cobb and Co.'s. contracts, I know a little of the subject, but I do not know whether it would be advisable generally to adopt the 'Queensland system. I believe that the custom with Cobb and Co., in tendering for mail contracts in Queensland', is to send in a tender for each separate contract, and then, say that if all their tenders are accepted, they will take something off the total, either 10 or 20 per cent. I think that is what Senator Higgs is referring to.

Senator Higgs

- Yes ; and the fact that allowing them to tender in that way drives out other tenderers, and kills competition.

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Senator DRAKE

- It has not driven out all other tenderers, because there has been competition ; but on some of the routes there is, at present, little competition, because through the drought the country has become a desert. With regard to the remark about the acceptance of a tender of £150, when a tender for £140 has also been sent in, that was made in consequence of the suggestion of Senator De Largie, that there should be a certain schedule rate, and if the schedule rate was £150 and the second tenderer offered to carry out the contract at £140, the contractor who was prepared to do the work for £150 should still get it.

Senator PEARCE

(Western Australia). - I was encouraged to bring forward this amendment by the fact that the Government so readily agreed to a motion, submitted by

Mr. Mauger

in another place, which' embodied the principle. It has, therefore, been a surprise to me to meet with opposition from the Government. If we cannot put the principle into operation in connexion with this department of the Government, I do not know in what department we can put it into operation. Here we have a Postal Act in which the Postmaster-General has power to contract with certain parties for the supply of material, and all we are asking is that in the supply of that material the Government shall require contractors to carry out the spirit of the resolution they have already agreed to in another place. We want the Government to be consistent. They have said in another place that they are prepared to stipulate that

a fair rate of wages shall be paid, and we are now asking them in this Bill, under which contracts may be made, to carry out the spirit of that resolution. As to the practicability of this proposal, that the Government, in framing regulations under this Bill, will so frame them . as to insure their practicable working. We do not by this motion, frame regulations, but I do not see why regulations cannot be framed which will make it practicable. I do not see anything to be gained by the adoption of the alteration suggested by

Senator Millen.

If we alter the expression " minimum " to " reasonable " we must call, in some one to determine what is " reasonable." As to saying trade unions laid down the rate of wages in certain districts, as is frequently said, the fact is that the trades unions or employers and employes together fix the wages. It is an agreement between employers and employes, and if it is suggested that a strike may arise in the meantime, that will not concern the Postmaster-General, as all he will have to do will be to see that the conditions of his contract are carried out.

Senator Millen

- One of his duties will be to see that the rate of wages demanded by the unions is paid.

Senator PEARCE

- No ; the rate of wages will have been decided by the contract. If under the contract it is agreed that Ss. per day shall be paid, and the men are striking for 9s., the duty of the Postmaster-General will be to see that the men are paid 8s.

Senator Drake

- Would the trades unions be .able to alter the rate of wages during the currency of a contract?

Senator PEARCE

- They would be able to do so by agreement with their employers, but the Postmaster-General would not be placed in the position of deciding between the employer and the employe. All that he would have to do would be to see that the contract was carried out according to the conditions. As to the appointment of inspectors to see that this proposal is carried out, in dealing with that matter, I do not want to say that senators have shown a want of common sense, but they have shown a want of knowledge of the way in which these contracts are carried., out. If they had worked upon such contracts, as I have done, they would know that those who are at work upon them would be the inspectors to see the conditions carried out.

Senator Drake

- "What class of work 1

Senator PEARCE

- It would not matter what the class of work was. If it was a clothing contract the tailors or tailoresses union would see that if the contract was being violated the matter would be brought before the Trades Council, and steps taken to have the provisions of the contract complied with. We do not ask that an army of inspectors should be appointed ; but I point out, at the same time, that in the case of buildings we do appoint inspectors to look after the work and see that we get good material from the time the foundation is laid, and I do not see why we should not be just as willing, if necessary, to appoint inspectors in connexion with other kinds of work. As regards the question of arbitration, it seems to me that this proposal would be perfectly compatible with the Arbitration Act. As regards the question of locality and the payment of the rate of wages ruling in the locality in the case of the carriage of mails between Australia and the United Kingdom, the contract, I suppose, would be made in the United .Kingdom, and in that case it would recognise the rate of wages paid in the United Kingdom as the rate of wages to be stipulated. I trust that the fact of this motion having emanated from this corner of the House will not procure for it any opposition on that ground alone.

Senator Harney

- No ; why should it ?

Senator PEARCE

- I hope it will not, because whatever bitterness there may have been in the local Legislatures between the labour party and any other party in the State, we ought not, I think, to bring that bitterness in here. Every proposal brought before this Senate should be dealt with on its merits, and should not be opposed simply on the ground that it may happen to emanate from this or from some other party.

Vice-President of the Executive Council

Senator O'CONNOR

. - I do not think the honorable member who has just spoken has had any reason to complain of any member of the Senate, or of the Senate itself, on the ground of different treatment being accorded to a proposition coming from his corner of the House, or from any other.

Senator Pearce

- I am not complaining. I say I hope the treatment will not be different.

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Senator O'CONNOR

- I feel sure from what I see of the temper of the Senate, that every proposition will be regarded with exactly the same deference and respect, coming from any honorable senator, that is to say, it will be considered on its merits. The honorable senator has referred to a resolution passed in another place, which had the assent of the Government. That is perfectly true, and, as it has been referred to, I will give the exact wording of it. It is -

That in the opinion of the House provision should be made in all Government contracts for the payment of a minimum rate of wage, such rate to be in accordance with the ruling rate of wage in the district in which the work is to be carried out; and for the fixing of a maximum number of hours of labour.

That received not only the express assent of the Prime Minister, as representing the Government, but was amended in that form in accordance with his suggestion. I have to say here now, as was said in the other House, that the Government, having given their assent to that provision, intend loyally to stand by it, and that in every case in which it is practicable to carry out the principle it will be carried out. I take for instance, as an illustration, a contract entered into on behalf of the Government for the building of a post-office. As the Postmaster-General has pointed out, that will not come within the control of the Postmaster-General but rather of the Government in its Public Works department. In any contract of that sort, whether it be for a post-office or for any other building, " the Government will, as far as practicable, carry out this resolution and this policy which has been referred to by the honorable senator. Our objection to the carrying of the amendment which has been moved by Senator Pearce, is not that we object to the beneficial operation of the principles laid down, but that we say it is impracticable to carry it out as the honorable senator proposes. If the honorable senator could show us any way by which the principle affirmed and approved of by the Prime Minister could be embodied in this Bill it would be done with our assent, but in this case we say it is quite impracticable.

Senator McGregor

- Where is the impracticability.

Senator O'CONNOR

- The impracticability has already been pointed out, and I need not take up time by repeating what has been said already by my honorable friend the Postmaster-General and other senators. There are innumerable difficulties in the way. What we impress upon honorable senators at the present time is, that where we are dealing with specific contracts the Government have bound themselves already to deal with them on the principles I have mentioned ; but I say it is impossible to frame this Bill in such a way that those principles can be made applicable practically to the varying conditions of the different States and the necessarily varying conditions of the different contracts. I say that it is quite impracticable ; and while we must refuse to accept this amendment, I state as clearly as it can be stated, that the Government are not in any way departing from the principle affirmed by the Prime Minister, and which they will carry out on every occasion in regard to these contracts.

Senator DRAKE

- I presume that 'the amendment to the new paragraph which was suggested by 'Senator Millen has not been accepted.

Senator Pearce

- No.

Senator DRAKE

- Then we shall take a division on it as it stands.

Senator O'KEEFE

- As a matter of principle I do not like to give a silent vote, although I feel that I can add very little to what

has. been said in this interesting debate. We will all give honorable senators due credit for the opinions which they have expressed, and we will believe that they are genuine in their desire to see the principle of this amendment carried into effect, but nevertheless I feel disappointed that so many honorable senators have professed' to find - insuperable difficulties in the way of its acceptance Whatever difficulties there are, I think Senator Drake might say that they shall be got over. I can only reiterate what has been said. I can only support the point which has been so ably put forth by Senator Pearce and supported by Senator McGregor, and say that whatever difficulties there are in the way are not insurmountable, but are merely imaginary. I am quite satisfied that if the Postmaster-General were genuine and sincere in his desire to see this principle carried into effect, he would find a way out of the difficulty. I would very much like to see a larger attendance before the division is taken, because I feel that although the amendment may not be considered a very large one, still the principle underlying it is a big one, and seeing that it has been accepted by the Government, and by an overwhelming majority in another place, it is not too much to expect that it should be given effect to here. I am decidedly in favour of the amendment, and I would very much like to see more honorable senators support it than I am afraid will do.

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Senator Major GOULD

- I have no doubt that this amendment is proposed by honorable senators with the full idea that it will be a desirable thing in the interests of the people whom they represent. At the same time there is underlying the amendment a principle which I think requires very careful consideration before the committee pledges itself to accept a doctrine of this character. Unquestionably it is the duty of the Government at all times to pay a fair and reasonable wage to any men who may be in their employment. So far as I can judge, that is the intention of the present Administration, and I have no doubt that any future Administration will be actuated in exactly the same way. But when honorable senators look at the amendment they will, find that it is practically taking a certain amount of power out of the hands of the Government, and enabling another body to dictate to them what the rate of wages ought to be for services that are rendered to the Commonwealth.

Senator McGREGOR

- What is the body?

Senator Major GOULD

- I find that the rate of wages and the conditions are to be those recognised by the trade unions in the locality in which the work is to be carried out.

Senator McGregor

- Who are the trade unions ?

Senator Major GOULD

- The trade unions represent a minority of the working men of this country, and the trade unions as representing a minority of the working men of this country cannot assume for one moment to dictate to the whole of the working men what shall be done, nor do I think even if they represent a majority of the working men of this country it would be their duty or the duty of any outside body to regulate the rate of wages to be paid by the Government. If the Government do not see fit to pay a fair and reasonable rate of wages, I am perfectly prepared to join with other senators to insist upon such a thing being done. But I do object to any outside body - an irresponsible body so far as the people of the country are concerned - dictating to the Government of the Commonwealth, or to any Government, what rate of wages shall be paid.

Senator McGregor

- What right has the honorable and learned senator to do it ?

Senator Major GOULD

- I have no right to do it any more than the honorable senator has, but I am one of the people of the country, with a perfect right to raise my voice and give my vote in favour of what I think is conducive to the interests of the people generally. While I hold a seat in this Chamber, or in any public place, I shall always be prepared to raise my voice and say what I think is fair and honest as between man and man and party and party. I do not object to honorable senators holding different views ; I would be a perfect fool if I did. It would be unreasonable and unfair in the interests of the community at large that the Government should have its rate of wages or its pay, or any of its duties, dictated by a body that is not responsible to

the people of the Commonwealth.

Senator Pearce

- Nobody proposes such a thing.

Senator Major GOULD

- I can only use my own judgment as to what the proposed sub-clause means -

For the purpose of providing for the payment of a minimum rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised by the trade unions in the locality in which the work is carried out.

If that is not dictating to the Government what is to be done by them I do not know what is. I believe that the amendment suggested by Senator Millen is one which we could all accept, and which I believe would read in this way -

For the purpose of providing for the payment of a reasonable rate of wages, and fair working conditions in all contracts under this Act, there shall be provision made -

I dare say we could agree to that suggestion. I should think it would be extraordinary if any honorable senator would be prepared to say that it would not be a reasonable thing; to give a reasonable rate of wage, and to require that there shall be fair working conditions on all contracts. We could all agree to that ; but when we allow an outside body to state what are the terms which the Government shall pay their employees we are distinctly going beyond our rights. How would it work ? The Government have to employ a large number of persons under this Bill, is there a similar kind of employment provided by trades unions for people? I am quite sure it will be found that there will be conditions and employment given by the Government which will not be of the same character as would be given to persons who were embraced in trades unions, and we should be landing the Government in a sea of difficulties at once, even if they accepted the condition, in order that they might make perfectly sure what was the trade union rate of wages.

Senator McGregor

- Can the honorable and learned senator give us some little idea of the difficulties ?

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Senator Major GOULD

- I do not know whether the rate of wage which would be paid to a skilled mechanic would be a rate of wage which the honorable senator would consider ought to be applicable to a man who is a letter carrier or a telegraph messenger.

Senator Pearce

- This amendment relates to contracts.

Senator McGregor

- The honorable senator is barking up the wrong tree ; he was asleep.

Senator Major GOULD

- There are two kinds of contracts entered into under the Bill. I will take a case where the Government give some employment for the purpose of building a post-office, and I do not think that is barking up the wrong tree. In that case the Government have no right to be dictated to by any special body in the community, whether they belong to a trade union or to any other association. It is the principle of the amendment entirely that I object to. I do not object to men forming a trade union, and saying that they will not work under a certain rate of wages.

Senator Pearce

- Does the honorable and learned senator say that the contractor has a right to dictate ?

Senator Major GOULD

- No, I do not say that anybody has a right to dictate to the Government, but when the Government call for tenders for the erection of a building, they are supposed to be advertising in the interests of the State, and the men who will be employed are men who, as a rule, not being bound up together in unions, can dictate their terms. But, supposing a union were to assume to dictate an unreasonable rate of wage, would it be reasonable to say that the Government are bound to make their contractor give that rate ? We never know where we are going or what sea of difficulties it is going to land us in.

Senator O'Keefe

- The honorable senator said just now they were in a minority.

Senator Pearce

- How can a minority dictate?

Senator Major GOULD

- That is what I object to. The trades unions of the country do not represent a majority of the workers.

Senator Pearce

- Make them compulsory, like the lawyers union.

Senator Major GOULD

- The honorable senator wants to see the Government make every man come into a trades union or starve. Lawyers do not do anything of that kind.. So long as a man is respectable and can pass the prescribed examinations he can become a lawyer. I object to any outside body dictating to the Government the terms on which people shall be employed. The Government can fix what terms they consider fair and reasonable, and if they are not prepared to deal fairly and reasonably with the people of the country, then the two Houses can make them do so.

Senator MCGREGOR

(South Australia). - Before honorable senators are misled by the learned discourse we have just heard, I would like to ask

Senator Major Gould,

and even the representative of the Government, seeing that he has declared that they are prepared to carry out the terms of a resolution passed in another place, how they are to be guided, if they are not to be guided by the rates of wages that are recognised by the workmen and their employers ? When

Senator Major Gould

is talking about unreasonable rates that are demanded by trades unions--

Senator Major Gould

- I said it may be.

Senator MCGREGOR

- A great many things may be done. The honorable senator knows very well, and other senators here know, that when unions attempt to get an unreasonable rate of wages, employers will not pay them, but will resist and will not pay a single penny more than they can help. No union rate of wages can be recognised as a standard rate which has not been acceded to by the employers. Consequently, when the honorable and learned senator is so learnedly talking about trades unionists, he must recognise that the employers' union is a trades union, and that a rate of wages that has been adopted and recognised by the trade union composed of workmen, and the trade union composed of employers--

Senator Millen

- It does not say so, though.

Senator MCGREGOR

- Does it say a trade union of working men only ? Does it not say a rate of wages recognised by the trade union in the locality? It does not say whether they are employers' unions, or whether they are workmen's unions, or workwomen's unions.

Senator Sir John Downer

- If there were two unions in conflict, it would be meaningless.

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Senator MCGREGOR

- We would have no such tiling, because the employers would be paying the rate and the workmen would be receiving it before it could be a recognised rate. I am sure that the honorable and learned senator has sense enough to see that before it is a recognised rate it must be paid by the employers and must be received by the employees. I would ask the Postmaster-General how he is going to carry out the conditions of the contract - how is he going to impose conditions- - unless he recognises something ? Does he intend to go to Senator Major Gould and ask him what is the reasonable rate of wages, or does he intend to go to Senator Sir John Downer and ask him what are reasonable conditions ? Is he going to anybody else but those who are immediately concerned - that is, the employers who are going to carry out the contracts, and the workmen who are going to work for them ? Those are the people that recognise the rate of wages. We know very well that there are a great many persons - it does not matter how they may advocate the elevation of any class of society - whose opinion is that the rate of wages that ought to be

paid should be as low as possible, in case the workmen may get too big for their boots, as the saying is. We want to be told here, by those who object to this proposal, what is the method to be adopted to find out what are reasonable wages and reasonable conditions if we are not going to go to the trades unions. I hope that honorable senators will agree to the amendment. Of course, if they vote against it, they are carrying out the dictates of their consciences, but they did not give expression to them before the electors.

Senator KEATING

- I am very pleased, to hear so many honorable senators give in their adhesion to the principles contained in the amendment. At the same time I regret exceedingly that so many of them have expressed their inability to vote for it. It seems to me - if I may so put it - that a great many of the arguments which have been adduced by those who are opposed to the amendment are based upon a misconception of its purport and effect. It would appear that many honorable senators think that the mover of the amendment is desirous of incorporating in the Bill something which is hard and rigid, and which the Postmaster-General, in administering the Act, may find it difficult to give practical effect to in certain circumstances and in certain cases. But, after all, if we look at the clause, we find that it reads - The Governor-General may make regulations for the following purposes, or any of them. It does not necessarily follow that under the powers vested in the Governor-General by the various paragraphs, he will exercise his discretion in that particular way, and will lay down any very rigid rules under any of these particular sub-headings. I think every honorable senator agrees with the principle of this amendment. There is no better way of including that principle in the Bill than by adding it to a clause of this character, which intrusts the Governor-General in Council with a power which he may or may not at his discretion exercise by regulation. The amendment affords an elasticity and adaptability which would enable the Postmaster-General to embody the principle in contracts wherever the necessary conditions enabled him to do so with effect. For that reason I am prepared to support the amendment. Senator Gould has addressed himself very ably to the amendment in some respects, but I think he has overlooked the fact that the proposal is really aimed at having a minimum rate of wage paid by contractors who have in their employ a number of individuals, and that it is not aimed at providing a minimum wage for those who are directly employed by the Postal department - such as letter carriers.

Senator McGregor

- Their wages will be fixed in the Public Service Bill.

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Senator KEATING

- That is so. The amendment is intended to apply to contracts entered into with individual contractors, and will have the effect of preventing any unscrupulous contractor who would be inclined to sweat his men from doing so, and from securing an advantage over those who were prepared to pay such reasonable wages as were being paid in the district at the time the contract was entered into.

Senator Major GOULD

(New South Wales). -

-Senator McGregor

has attempted to prove the necessity for this amendment, but has really proved more than I presume he anticipated. If his words are of any effect at all, he would provide that the conditions of labour, and the rates of wages recognised by trades unions in the various localities in which works are to be carried out, shall be recognised both by the contractors' unions, if there be such unions, and by the workmen's unions. That means that those conditions and wages must be agreed upon both by the contractors and unions of workmen.

Senator McGregor

- The wages must be agreed on if they are paid.

Senator Major GOULD

- If that is what the honorable senator means, where is the reason for this amendment at all? If for instance it is recognised both by masters and men that the workman in a certain trade shall receive ten shillings a day, what necessity is there to provide for that by legislation? The whole thing sought for will be obtained without the difficulty that the honorable senator seems to anticipate.

Senator McGregor

- Then why not vote for the amendment?

Senator Major GOULD

- Because I am not going to place the Postmaster-General or the Government under the rule of a minority of the people.

Senator Keating

- That argument cuts both ways. "

Senator Major GOULD

- It may ; but it cuts more against the amendment than in favour of it. If anything unfair is done in connexion with a contract it can be brought forward in this Senate. There are plenty of senators who are willing to bring forward any case of injustice; and have it remedied as speedily as possible. Until it is proved that there is an absolute necessity for such a provision as this, I do not see why we should insert it in the Bill at all. Therefore I am prepared to vote for rejecting the amendment altogether ; or if the supporters of it are prepared to say simply that there shall be provision made for the payment of a reasonable rate of wage, and for the imposition of reasonable conditions of labour, I shall not object to a provision of that character.

Senator Lt Col NEILD

- I think there is a serious difficulty in connexion with this subject. The committee has already passed a clause compelling the Railways Commissioners of each State to carry mails. The Railways Commissioners will be contractors with the Commonwealth Government. If that be the case, were we to pass the amendment now before the committee in its present form, the Commonwealth Government would not only have the right to require the use of the railways for the carriage of mails, but also the right to fix the rates of wages to be paid on the railways.

Senator Keating

- Is not the honorable senator anticipating the terms of the regulations ?

Senator Lt Col NEILD

- I do not think so. There is no reference to regulations in this amendment. This is a distinct proposal that it shall be competent for the Postmaster-General to require certain rates of wages to be paid by contractors. I do not care who fixes them. It seems to me that we impose a double interference. First of all we say that the railways shall carry the mails and now we are asked to say that the Commonwealth Government shall fix the rates of wages to be paid to those who carry the mails upon the railways. A train may be carrying only half-a-dozen bags of mails, but this provision will compel the Commonwealth Government to fix wages for every one engaged upon that train. That is a serious difficulty. If the committee is determined to pass such an amendment I would venture to make a suggestion that would meet some difficulties that have been raised. I would suggest the introduction of the word "generally" before, the word "recognised," and would then omit the words " by trades unions." The clause would then read -

Such rates of wages and conditions to be those generally recognised in the locality in which the work is carried out.

Senator Drake

- Who is going to interpret that ?

Senator Sir Josiah SYMON

- The honorable senator is introducing a qualification of the first provision of the amendment - the minimum wage.

Senator Lt Col NEILD

- I do not like to give a vote that looks like implying a desire that men shall be employed at improper rates, or wages that are below the proper standard ; but, on the other hand, if this clause were passed in its present form, it would be an improper interference with the railway management of the different States.

Senator PLAYFORD

(South Australia). - I do not think there is any fear that the Postmaster-General will interfere with the railway management of the States, because the rates of wages paid to railway employees are, as a rule, exceedingly liberal,, and there is not much chance of its being necessary to interfere with them.

Senator Lt Col Neild

- What of the threatened strike in Western Australia at the present time ?

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Senator PLAYFORD

- I am not sufficiently acquainted with the circumstances of that strike, but I believe it is confined to a few men engaged in the loading and unloading of trucks.

Senator Lt Col Neild

- The strike threatens to become general.

Senator PLAYFORD

- At the same time, I do not think there is any necessity for the passing of this amendment, on the ground that the Government have practically pledged themselves to carry out, if not the letter of it, certainly the essence of it. The Government have promised that in their contracts for public works they will do practically what this amendment asks them to do, except in regard to one or two particulars. The Government are connected with the post-office. It is all very well for some senators to say that the post-office is in a different position to the public works branch. Nothing of the sort ! The post office is part of the Government, and any contracts carried out for the Postal department will have to be carried out in conformity with the rules and regulations made by the Government in respect to works in other departments. There will not, and cannot be, any difference. Therefore I think the senators who have moved in this matter may very well withdraw the amendment. There is no necessity for it, since, the Government having made a promise, the committee may feel perfectly sure that it will be carried out. The chances are that, unless it is found to work injuriously, no future Government will attempt to repeal the regulation. In South Australia we practically carry out the terms of this amendment, although we have no regulation or law bearing upon the matter. It is not to be found in any Act of Parliament what standard of wages shall be paid. But in practice we carry out the proposal. We have a minimum rate of wage in connexion with our Government contracts, and no man is allowed to receive less than 6s. a day if he is a common labourer. But if, through incapacity, ill-health, or infirmity, a man is not able to do the work of an able-bodied man, the contractor is allowed to pay him a lower rate of wages. That is perfectly proper, because men who cannot do a fair day's work should not be thrown upon the world to starve, but should be allowed to take such a wage as they can earn. The Government of South Australia have always recognised that principle. Any contractor, whether he be engaged upon railway works, telegraph works, or any works whatever in South Australia, has to pay a minimum rate of wages to all able-bodied men in his employment, but we make an honorable and fair exception in the case of weaker men who are not able to do an able-bodied man's work.

Senator Harney

- Then it is not the minimum wage in their case %

Senator PLAYFORD

- It is a minimum wage as far as able-bodied men are concerned. It is not fair to lay down the hard and fast rule that every man shall be paid a certain wage. All men are not constituted alike, either physically or mentally, nor can you place all men in the same category. Therefore our Government have recognised, with the full consent of the trades unions of South Australia and of the working men's representatives in Parliament, that under certain circumstances less than the minimum may be paid where men are not capable of fairly earning the minimum wage. I do not think we should pass the amendment - in its present form, at any rate. I would strike out two things at least. In the first place I would strike out all reference to a minimum wage. Let the Government put that in their regulations if they like. In the second place I would strike out the reference to trades unions. It is a great mistake to say that the trades union rate shall be the rate paid. It might be that the trades union rate was not a fair rate in a certain neighbourhood. If those two provisions are struck out the amendment will read as follows -

For the purpose of providing for the payment of a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be the rates recognised in the locality in which the work is carried out.

Senator O'Keefe

- There will be nothing left if those alterations are made.

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Senator PLAYFORD

- If the object of those who support the amendment be not to get fair conditions for the labourer, and to

prevent unfair conditions being imposed, but to impose some special minimum wage fixed by trades unions, that would be grossly unfair. I do not think there is any one in South Australia, except Mr. Charles Cameron Kingston, who has been more favorable to the working men than I have. I introduced the eight hours' principle in connexion with Government works, and I have assisted to improve the conditions of my fellows in every way I could. But I am not going by Act of Parliament to recognise trades unions in the way proposed by this amendment. The members of trades unions are, after all, a minority, although they are a most intelligent minority. They are the aristocracy of labour. If I were a working man I should belong to a trades union. But at the same time they are irresponsible bodies, and we should not recognise them in an Act of Parliament. Unless the amendment be altered in the way I have suggested, I shall certainly be unable to vote for it.

Senator PULSFORD

- A number of honorable senators have pointed out that the proposal before the committee is impracticable; but I doubt even yet if the committee understands how thoroughly impracticable it is. There is no department of the Government so widely extended as the post-office. Our inland post-offices are in many cases hundreds of miles from any important centre. I suppose that out of ten contracts in connexion with post-offices which might be let by the Government, eight or nine at least would be for work in districts where there are positively no such things as trades unions, and where it would not be possible to carry out the terms of the amendment. The same remark applies to the construction of telegraph-lines, to contracts for the conveyance of mail matter along the inland mail routes, and also to the conveyance of letters by foreign and coastal vessels. There is altogether an absence of all power by which it would be possible to work the amendment. If the committee would grasp the position put by the Postmaster-General as to the absolute impossibility of carrying out the amendment, the discussion would be ended at once and the question resolved in the negative.

Senator PEARCE

(Western Australia).. - I have been much impressed by the force of the arguments of

Senator Playford,

and in deference to the strong expression of opinion on the part of several senators, I ask leave of the committee to amend the amendment so as to make it read -

For the purpose of providing for the payment of a rate of wages and fair working conditions in all contracts under this Act, such rates of wages and conditions to be those recognised in the locality in which the work is carried out.

I think the amended amendment cuts the ground from under the feet of those who have objected to the use of the phrase "by the trade unions." It provides a practical way of bringing into force the resolution which the House of Representatives has agreed to with the consent of the Government.

Amendment, by leave, amended accordingly.

Senator DRAKE

- This seems to me to create a fresh difficulty. Who is going to interpret the word " recognised " as used in the regulation ? I should like to know what Senator Pearce intends by the amendment. Does he mean that regulations are to be drafted which will state that in a particular contract a certain rate of wages shall be paid, or does he intend that in this regulation the word "recognised" shall be used ?

Senator Pearce

- That is it.

Senator DRAKE

- What is the use of that ? It is only putting the difficulty off a little further. Who is ultimately to decide what is the " recognised " rate of wages ? Supposing. I, as Postmaster-General, enter into a contract with a person for the conveyance of mails under a regulation of this kind, and stipulate that he is to pay the recognised rate of wages, who is to say what is the " recognised" rate? Supposing someone complains that a mail contractor is paying 30s. a week, when he ought to pay . 35s.a week, who is to decide the point ?

Senator Pearce

- A Judge of the Supreme Court may have to decide it.

Senator DRAKE

- I suppose the contracts for the conveyance of mails throughout the Commonwealth will run to as many

as 3,000, and is there to be a condition in all of these contracts that the contractor shall pay the "recognised" rate of wages? Are we going to have a Supreme Court action every time there is a difference of opinion as to whether a contract is being carried out in respect to the "recognised" wages? Who is to pay all the expense that would be involved? It seems to me entirely unworkable.

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Senator Sir JOSIAH SYMON

- There was some sense in the proposal as Senator Pearce submitted it before, but in adopting the insidious suggestion of my good-humoured and emphatic friend Senator Playford he has emasculated all the sense out of it. It is an absurdity now. There is a universal feeling that in some way or other, in some shape or other, at some time or other, it would be desirable to fix a minimum rate of wages. We have in this emasculated amendment first of all a provision that regulations may be made for the purpose of providing for the payment of a rate of wages; that is the first thing Senator Playford suggested we should do, and in that way, but he did not tell us what it would mean. There is to be the payment of a rate of wages and fair working conditions in all contracts. Then we had a definition by Senator Playford, and perhaps he knows now where we are. Senator Pearce proposed at first that the rate of wages should be that suggested by a body at any rate competent to interpret what the rate of wages should be. - I am not saying whether that should have been so or not, but Senator Pearce did right in choosing a tribunal to determine what a fair rate of wages and fair working conditions are. In the present amendment he strikes that out, and we are left at large; we are left to a kind of Tattersalls' sweep to determine what the rate of wages shall be. Then we have the expression -

Recognised in the locality in which the work is carried out.

Which end of the locality? We may have an overseas mail contract with one terminus in England and another in Australia. Where could that work be said to be carried on, and what in that case is the recognised rate of wages? Is it to be the English rate where the men on board the ships sign on in England?

Senator McGregor

- Yes, if they are English ships.

Senator Sir JOSIAH SYMON

- SYMON. - Yes, but it does not say so. We will be able to deal with that matter when the amendment proposed by Senator Glassey comes on, because it will involve the question of signing on. We are now talking of this amendment with the spirit of which so much sympathy has been expressed, and the difficulty is to say who under a contract is to determine the rate of wages. Where the work is carried out overseas between England and Australia, who is to determine what the "recognised" rate of wages shall be? It seems to me that Senator Pearce would have done better if he had not accepted the latter part of the advice given him by Senator Playford, and it would have been better if he had accepted the first part of Senator Playford's advice, and had withdrawn the amendment altogether. Really this is a principle which, if it is to be applied at all, should be applied all over the Commonwealth, and it should be applied uniformly, and not to one specific part of the Government services. It should be applied to all.

Government services, and to all contracts under Government. That could be better effected in a general Bill like the Public Service Bill, in which we could lay down the rules definitely and clearly. I am sure that my honorable friends on the left could effect their desire better in that way than by introducing such a proposition as this into an Act of Parliament dealing with only one department of the public service. The regulations suggested would be impracticable, and more impracticable under the present amendment than under the previous one. It was definite before, though open to the objection raised as to the rate of wages and the conditions being determined by the trades unions. Still, having eliminated that we leave the whole thing at large, to do what would probably be beneficial for the profession to which I belong, unfortunately promote litigation, or render it impracticable to frame any regulations which would have a beneficial effect upon contracts entered into under this Bill.

Senator CHARLESTON

(South Australia). - It seems to me extremely difficult to get honorable senators to agree to any proposal aiming at what

Senator Pearce desires.

Senator Harney

- We agree with his aims, but not with his methods.

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Senator CHARLESTON

- There was a great deal of sympathy expressed, and then, in order to meet the views of the committee, Senator Pearce altered his amendment. ' I have been a trades unionist for over 31- years, and I have always fought against what is- known as the minimum rate of wages, because I saw great difficulty concerning it. It would lead to a great deal of misery and to the non-employment, of those who were unable to earn the minimum rate. At the same time I always felt that if I had contracts to let personally, I would submit conditions similar to those embodied in this proposition by Senator Pearce. I have always been prepared to pay a rate of wages sufficient to enable those engaged in the work to live honestly and respectably. That is all that Senator Pearce asks for. Here we are as a federal body proposing to enter into contracts for the execution of certain works, and it is our duty to see that the people should live under good conditions and have the means of being happy. We are all agreed upon that, but then comes the next question of what are fair conditions. How are we to establish a fair rate of wages, because it is by the wages that a man earns that he is able to purchase the goods which enable him to live under fair conditions ? It was suggested at first that the wages should be the minimum rate of wages. It was then argued, and I think very well argued, by certain honorable senators, that if we inserted that in the clause we would be practically asking the labour unions to legislate for the country. I saw that objection, and it was owing to that I kept my seat so long ; but now that Senator Pearce has met us in this respect, and has struck out the reference to the trade unions, I think honorable senators should support the amendment, because it only asks us to admit the very point on which I believe we are all agreed, that people working for the Government should work under fair conditions. We know that the value of wages will depend upon what they can buy in the locality in which they are earned, and so, it is suggested that the wages paid must be the recognised rate in the locality in which the contract is carried out.

Senator Drake

- How is the honorable senator going to define "recognised "1

Senator CHARLESTON

- I am quite sure the Postmaster-General will be able to ascertain the rate of wages ruling in any district in which he is about to let a contract.

Senator Drake

- Does the honorable senator wish that the rate of wages shall be put into the conditions of contract, or that the words " recognised " rate of wages shall be put in.

Senator CHARLESTON

- The Postmaster-General should stipulate that the contractors when tendering must calculate upon paying the recognised wages ruling in the district in which the contract is let.

Senator Drake

- Using the word "recognised "1

Senator CHARLESTON

- Yes.

Senator Drake

- Who is ultimately to decide what is the " recognised " rate ?

Senator CHARLESTON

- I think the Postmaster-General can easily do that when ne is in possession, as he may easily be, of the rates ruling in any locality in which he has work to be done. 1 am not at all particular how it is done, but it is our duty to see that the conditions of the people are according to their capacity for producing wealth. While we have control of these things it is right that we should stipulate that work done for the State shall be done under- conditions 'worthy of the nation to which we belong.

Senator GLASSEY

(Queensland). - I must really go back to the imaginary difficulties again. Much has been said about the difficulty in letting a contract for the carriage of mails oversea from one end of the world to another. That point was raised by

Senator Sir Josiah

Symon, who wished to know what rate could be fixed in such a case. Surely there is not much difficulty about that. If the Postmaster-General enters into a contract with the P. and O. Company, the question to consider is, where the men working for that company sign articles.

Senator Sir Josiah Symon

- My difficulty is that the amendment says " in the locality where the work is carried on." Not where the men sign on.

Senator GLASSEY

- Quite so ; but we are not going to stop at a few words, and there need be no two meanings in regard to this proposal. If the Postmaster-General enters into a contract with the shipping companies, whose men sign articles in Melbourne, the rate of wages will be those paid in this locality, and it will not follow that because the men on the ship carrying the mails go to other parts of the world they will have a different rate of wages when they are in those other parts of the world. What is there to hinder the Postmaster-General from saying, when letting a contract, that such and such wages shall be paid to the men engaged in carrying out the contract.

Senator Drake

- That is not the present proposal.

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Senator GLASSEY

- It is a matter which has been referred to by Senator Sir Josiah Symon, and I briefly allude to it. Take another locality as an illustration. Supposing there are 10 or 20 miles of telegraph line to be laid down at Bat larat, for instance, the postal authorities and most other persons will surely know the usual wages paid in that locality to persons engaged in that particular work. Supposing -a man is engaged in cutting poles there can be no difficulty in finding out what is the usual rate of wages paid for that work.

Senator Drake

- What is the recognised rate of wages at Boulia- -for carrying mails.

Senator GLASSEY

- It is well known that there are persons owning coaches and contracting for the carriage of mails in that locality, and the usual rates paid for that work in that locality are known. Whatever they are, the condition of the contract should provide for the payment of those rates. All these are imaginary troubles which will never arise, and the great question after all is : are we desirous of doing what is proposed 1 If we are, there is no locality in the whole of Australia where there is not some recognised rate of wages which is well known, even if it be only a portion of the country where people are clearing the scrub. I may be pardoned for saying that honorable senators are raising obstacles which exist only in their own imagination. I do not myself believe in this- vague statement as to a " recognised" rate. In order that all contractors may have an opportunity of tendering, I want the Postmaster-General to lay down in his conditions of contract that the contractor shall pay so and so for the different kinds of work that he performs. There should be no vagueness about it, nor do I see that there will be the slightest difficulty in framing regulations to meet the suggestion proposed.

Senator BARRETT

- The amendment, as we now have it, is one which I think would be impracticable. I consider that Senator Pearce would have done better had he stuck to his original amendment, because it gave a basis, as well as a recognised rule, which the Postmaster-General would have to follow out ; but the amendment, as it is now, to my mind, is meaningless, and certainly, under the circumstances, I would strongly urge Senator Pearce to withdraw it, and, at a further stage, in consultation with others perhaps, move an amendment which would meet the difficulties which have been pointed out. With respect to a minimum rate of wages, not only in this Bill, but in every Bill which deals with any class of labour in connexion with the Commonwealth, I should endeavour to have a minimum rate of wage fixed in this respect. We want to affirm a principle which we think the Government should follow in every case, that is, that they shall pay a minimum rate, give fair hours, and impose fair conditions to all classes of labour. I have been much astonished at the attitude which the representative of the Government has taken up. I thought that after a resolution was passed in another place on a question on all fours with this one here, at any rate there would be no objection to the principle being embodied in this Bill.

Senator Sir Frederick Sargood

- Ought not honorable senators to be satisfied with that?

Senator BARRETT

- We may be satisfied with that, but here we have the opportunity in regard to this particular department of inserting a minimum wage provision, and, although I am satisfied to a certain extent with what the Government have stated in another place, I want in this place to do my duty, and try, so far as I can, to give effect to the principle in this Bill. A good many difficulties have been raised. Honorable senators have asked how are we to find out the rate of wages which the Postmaster-General, or other Minister of the Crown, must pay for any particular class of labour % Such difficulties have not occurred elsewhere. In Victoria in all contracts that are let under the Government, the minimum wage principle is put in, and certainly if it can be done in regard to this State, it can be done in regard to Commonwealth contracts. I think there will be no difficulty whatever for the Postmaster-General to fix a minimum rate of wages which can be put in all Government contracts.

Senator Drake

- That is for the construction of buildings, I suppose.

Senator BARRETT

- Yes ; and with * regard to the carriage of mails, and other things.

Senator Drake

- The construction of buildings is not in my department.

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Senator BARRETT

- I listened very attentively to Senator Playford, whose mind seemed to be very considerably exercised in regard to those men who are not able-bodied, or who are weak. That argument is always trotted out on an occasion like this. The other side always professes to have a great deal of consideration for a man who is not able-bodied and a man who is weak, but from my experience those who employ labour are not philanthropists, and, as a rule, do not take weak men or men who are not able to do a fair day's work. I do not think there is any difficulty in that direction at all. The trades unionists, or those who are connected with labour bodies, do not desire to see men-of that class excluded. It seems to j me, from the way in which t. 3 argument has been put, that honorable senators are arguing for a maximum, and not a minimum. I would like to see the original amendment embodied in the Bill. I am exceedingly sorry that Senator Pearce has agreed to withdraw that which, I believe, was the substance of his amendment.

Senator STEWART

- In silence I have listened with very great patience, and, I must say, forbearance, to certain honorable senators while they urged their views, and T intend to have my say before the division is taken. It appears to me as if Senator Pearce had set himself an almost impossible task. He found himself, I dare say, in the position which we have often heard of as being between a certain gentleman, who shall be nameless, and the deep blue sea. He permitted himself to be influenced by' the blandishments of Senator Playford, and he now finds himself in a much worse position than he was in before. Honorable senators professed that they did not see how it was possible for them to support the original amendment, and now they discover that the present one is even much worse. I do not know what kind of an amendment would meet their view*. My own belief is, that notwithstanding all the professions of sympathy which we have heard from all sides of the Chamber,, their feeling is that we ought to get for the Commonwealth the best service we possibly can for the least money. It appears to me that that is the feeling which underlies all their speeches.

Senator Harney

- Is it not a good feeling?

Senator STEWART

- I do not think it is.

Senator Glassey

- That is the free-trade feeling - to buy in the cheapest market.

Senator Harney

- At which shop would the honorable senator buy his hat ?

Senator STEWART

- I would always go to where I get the best value and where the employer has the reputation of paying the best wage, and giving the best conditions all round. A great many difficulties have been raised, It appears to me that those difficulties are principally due to the fact that we have too many gentlemen of the long robe here. These honorable and learned senators are very useful when we have a fine constitutional point to discuss, and then they cannot agree, though that is in the game. When it comes to a question relating to the industrial life of Australia then they simply know nothing about it, and are of no practical assistance in our deliberations.

Senator Glassey

- Tes, they are. They (ian confuse things wonderfully.

Senator STEWART

- I said they were of no practical assistance. Senator Drake showed that clearly in his remarks. He said " How is it possible for me to find out what is the recognised rate of. wages in a particular locality" ? If he had worked with a pick and shovel, or had ever been a carpenter, shearer, or agricultural labourer; if he had ever worked with his hands, he would have known perfectly well that there is nothing easier for a workman to discover than what is the recognised rate of wages in a particular locality. The most ignorant workman in Australia can give that information, and when he does not know he can very soon find out.

Senator Drake

- Has the honorable senator never heard of a dispute as to what was the ruling wage in a district ?

Senator STEWART

- I have heard of disputes as to wages, but I have never heard of a dispute as to what was the ruling rate of wage in a district in a particular industry at a given time. Of course honorable senators who are lawyers do not know this, just as we who are laymen do not know the intricacies of a lawyer's bill. All we know is that he presents his bill for £2,000, that it is sent to the taxing master, and that it is reduced to £500.

Senator Drake

- I know more about the west of Queensland than the honorable senator does, and I have worked with my hands there.

Senator STEWART

- If the Minister says he knows about the west of Queensland he knows the ruling rate of wages. We all know what is the ruling rate of wages for shearing. We know that £1 per 100 is the ruling rate. We know that £1 10s. per week and found is the ruling rate of wages for rouseabouts in certain portions of the west.

Senator Drake

- - Will the honorable senator tell us what is the recognised rate for coach-drivers on the Barcoo ?

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Senator STEWART

- We know that in other portions of the State, from £1 15s. to £1, is the ruling rate of wages. I am quite certain that there is a ruling rate of wages for coach-drivers, although I do not know what it is. I am quite certain that it is very well known to the men who are engaged in the industry of coach driving. It appears to me that the impracticability of the proposition is a creation of the imagination. It is a mere phantom, which is continually floating before honorable senators, and obscures their otherwise clear vision. Take the State of Victoria. Senator Barrett has said that there is no difficulty about the ruling rate of wages in any industry here, and I am certain that the representatives of New South Wales can say the same thing about their State. Senator Glassey and others can speak for the State of Queensland, and with regard to Western Australia Senator Pearce says there is no difficulty. He is a workman who knows something of the industrial life of that State, and that is the reason why he is able to stand up here and say that there cannot be the slightest difficulty in arriving at what is a reasonable rate of wages in any locality at any given time. We heard a great deal a few days ago about the dignity of the Commonwealth, when some honorable senators in this corner were anxious to reduce what they considered to be the excessively high salaries. We were told that the dignity of the Commonwealth required that its officials should be well paid. I would ask honorable senators to consider the dignity of the Commonwealth when we are treating with men who are not officials, and who are not well paid. Some honorable senators may think that there have been no cases of sweating in the employment of the post-office in any of the States. Senator Glassey referred to one particular branch of the post-office industry. ' I know a couple of men who put in several months in getting telegraph poles, and . they did not average £1 per week, although they worked very

hard. That was not a fair wage for men to receive who were doing that work ; it was not a living wage,.

Senator Harney

- What is the ruling rate for getting telegraph poles ?

Senator STEWART

- In central Queensland the ruling or recognised rate of wages would be about £2 2s. or £2 '5s. a week. The department advertised for tenders and accepted the lowest tender. At that time employment was very scarce in the central division : the various tenderers competed with each other to such a degree that the price was low, and in this way the post - office derived an advantage from the condition of the labour market at the time.

Senator Glassey

- It took advantage of the men's poverty.

Senator Barrett

- 'That shows the necessity for a minimum rate.

Senator STEWART

- Yes ; the same thing applies in a great many other departments of the post-office. We have heard something of carrying mails. I know districts where the people in the locality compete so severely with each other that they cut the thing down to the very bone, and get boys to carry the mails sometimes for their food, and with a few shillings extra, and always for a very low wage. That probably holds good almost- through the entire service. The only men so far as I can discover in the post-office who are well paid are those who are on the permanent staff, and come directly under the vision of Members of Parliament. The great army of auxiliaries - the men who do the hewing of wood and the drawing of water for the post-office, and, indeed, it might almost say for every other department - are the men who are neglected, ill-paid, . and Sweated. We want to do something for these men. The man who gets the telegraph poles for the post-office is just as much entitled to a decent living wage as is the Clerk of Parliaments. I think it is the duty of honorable senators to see, so far as they can, that he gets it. We are all agreed - and this is the curious part of the thing - as to the desirability of ever)' man being paid a fair rate of wages and working under fair conditions, but they say the proposal is impracticable. While it is said that Senator Pearce's proposal is impracticable, the Postmaster-General gives his word of honour and pledges the Government that they will do everything in their power to see that every employee of the Commonwealth is paid on this scale, and is secured fair working conditions. If a proposal of this character is impracticable, how is it practicable for the Minister to do what he says ; how will he go about it ? If this proposal were embodied in an Act of Parliament it would be a fair warning to every man who took a contract under the Commonwealth that he would have to pay reasonable wages to every person in his employment.

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Senator Drake

- It would be of no use unless the condition were in the contract. '

Senator STEWART

- This would be an instruction to the Government to put it in the contract. Embodied in an Act of Parliament, the amendment would compel contractors who tendered for post-office work to base their tenders upon the knowledge that they would have to pay the ruling rate of wages in the locality. I have known a number of contractors who competed for post-office work on the assumption that they would be able to get labour at a much lower price than the ordinary rate prevailing in the locality, and would be able to take advantage of some temporary want of employment on the part of the labouring classes or of tradesmen connected with certain industries. Therefore, I think it desirable to say that every man employed directly or indirectly by the Commonwealth shall be paid such an amount as he ought to receive. If the feeling against sweating, which we hear expressed throughout Australia, is really a sincere one, coming from the heart and not from the lips merely, this amendment will be welcomed, and the Commonwealth Government will thus set a good example in regard to paying every man. in its employment, from the highest to the lowest, a fair and reasonable wage. That being the case what objection can there be to the amendment ?

Senator Harney

- Is it the amendment as first moved or the amended amendment that Senator Stewart supports ?

Senator STEWART

- Either of them would suit me. I have not the objection that Senator Playford has to the original amendment. I have a remedy for his objection with regard to a minimum wage. I would fix a maximum beyond which no man in the community could go. If that were done the minimum could take care of itself. I would fix, say, £5,000 a year as the limit beyond which no man could go.

Senator Fraser

- What would be the honorable senator's maximum fee for a lawyer ?

Senator STEWART

- Six and eight pence ! I have no objection to the fixing of a minimum wage. As to trades unions, I do not see why honorable senators should be so much afraid of them. We find the influence of trades union legislation in every branch of industry and commerce. The lawyers have a trades union. One honorable senator has repudiated that idea.

Probably " trades union " is not the technical term used by lawyers.

Senator Staniforth Smith

- They call it the Law Society.

Senator STEWART

- Then we find that the banking institutions are incorporated in a union. In fact, almost every industry that can be mentioned has its union. If the industries and professions do not have unions formally they do so informally, which means almost the same thing. If the different branches of industry are banded together for defensive and offensive purposes

Senator Walker

- Even Members of Parliament.

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Senator STEWART

- Even Members of Parliament have a kind of trades union. We should resent any interference with what we considered to be our privileges. Some people think we are continually trying to extend them. Therefore, to that extent, we may be said to have something in the nature of a trades union. I do not understand why the words " trades union " should be like the proverbial red rag to a bull to some honorable members. Trades unions cannot fix wages at a higher rate than the market value in the particular locality. As Senator McGregor has explained, the wage fixed by a trades union is the result of a compromise between the employers and the employees in every case. If it is not the result of a formal compromise, it is the result of an informal one. No trades union can fix or enforce a rate of its own. Wages are commonly arranged as between the buyer of labour and the seller of it. Therefore, as far as I can see, there need be no difficulty about accepting the rates fixed by trade unions in any locality. I should like to hear something more substantial than mere professions of sympathy for working men. I suppose honorable senators have all heard of the Yankee who was going along a street, when, he came across a woman, who had been knocked down by a cab and injured. All the bystanders were sympathizing with her, but he jumped into the centre of the crowd and said - " I sympathize a dollar!" Are the sympathies of senators strong enough to impel them to vote for this amendment ? If not, I can only come to the conclusion that their sympathy is not likely to advance the cause of the more lowly-paid workers of the Commonwealth very much.

Question - That the words proposed to be inserted be so inserted - put. Committee divided -

Ayes 14

Noes 14

The CHAIRMAN

- I record my vote with the ayes as a casting vote.

Question resolved in the affirmative.

Amendment agreed to.

Senator Harney

- I rise to a point of order. I should like to ask the Chairman by what right he gave a vote on this question? We have not yet passed our standing orders !

Senator Playford

- We are acting under the South Australian orders, and the Chairman has a right to give his casting vote.

Senator Higgs

- Senator Harney knows the Constitution better than that.

Senator Harney

- It is not a question of the Constitution. We are acting under the South Australian standing orders and we must be bound by them whatever they say.

The CHAIRMAN

- Standing Order 214 is as follows : -

In case of an equality of votes the Speaker shall give a casting vote and any reasons stated by him shall be entered in the votes and proceedings.

Then rule 215 says -

The rule as to voting and demanding and taking divisions shall be the same in committee as in the House itself.

Senator De Largie

- I also rise to a point of order. I ask if the President was in order in voting for the noes when he was occupying a seat on the right of the chair ?

Senator Sir Frederick Sargood

- I think the rule in connexion with casting votes is that the vote should be given so as to keep the subject alive. By your voting with the ayes, Mr. Chairman, you have practically settled the matter ; but by voting with the noes you would have kept the question alive.

I do not profess to know the South Australian rules, but certainly that has been the practice in Victoria, and I think it is also so laid down in May.

The CHAIRMAN

- I have been asked whether the President was in order in remaining on the right side of the chamber and voting with the noes. In my opinion, as the President gave his name to the tellers as voting for the noes, his vote cannot be challenged.

Paragraph (r) agreed to.

All such regulations and alterations thereof shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting, or if not within fourteen days after the next meeting of the Parliament.

Senator CHARLESTON

- I understand that the Postmaster-General has an amendment upon the paper with regard to the latter part of this clause.

Senator PEARCE

- I think we should have some assurance with regard to the matter if it is not the intention of the Government to proceed with the amendment, of which notice has been given.

Senator DRAKE

- A new clause was submitted with a number of other amendments, but honorable senators will remember that, after some discussion, I decided to make an alteration in clause 19 dealing with the matter. The proposal I put before the Senate was accepted, and as this is already dealt with in clause 19, we do not require it now.

Senator HIGGS

- I move -

That the following words be omitted : - All such regulations and alterations thereof shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting, or, if not, within fourteen days after the next meeting of the Parliament.

Senator Drake

- Why ? .

Senator HIGGS

- I was led to move that amendment through the Postmaster-General stating that this was not necessary now because he had arranged an amendment on clause 19.

Senator Drake

- That is only with regard to the fixing of the rates of postage and telegrams.

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Senator HIGGS

- Amongst the multiplicity of things the clause deals with, there is a sub-clause which provides for the rate of postage.

Senator Drake

- That has been struck out.

Senator HIGGS

- I would not like that the Senate should be hurried into stultifying itself. I have no objection to the clause if Parliament happens to be sitting, because we will then have a chance of approving or disapproving of whatever regulations are brought before us ; but if Parliament is not in session the Government may make any regulations they please, and they will continue until Parliament has an opportunity of reviewing them. As this clause does not provide for fixing of fees, I do not press my amendment.

Amendment, by leave, withdrawn.

Senator Harney

- I rise to a point of order. I asked before under what authority the Chairman had given his casting vote.

Senator Stewart

- That is settled ; the honorable senator is too late.

Senator Harney

- It was then stated that it was under the South Australian standing orders the Chairman had given a casting vote. I wish to point out that in section 23 of the Constitution Act it is provided that - Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote--

Senator Stewart

- I rise to a point of order. Is Senator Harney--

The CHAIRMAN

- Senator Harney

is dealing with a point of order at present.

Senator Stewart

- He is going to take an old point which has been settled.

Senator Higgs

- I rise to a point of order.

The CHAIRMAN

- I can only hear one point of order at a time.

Senator Higgs

- The honorable senator has challenged the ruling of the Chairman, and he should move that it be disagreed with.

The CHAIRMAN

- Senator Harney

is rising to a point of order, and I propose to hear him.

Senator Harney

- The point of order I raise is this : - That in section 23 of the Constitution Act it is provided that each senator shall have one vote, and that where the votes are equal the question shall pass in the negative. The vote given just now by the Chairman was not a deliberative vote, but a casting vote.

Senator Keating

- We are sitting in committee, not as a Senate.

Senator Harney

- It does not matter whether it is in committee or not. The vote given was a casting vote, and the only vote that could be given was a deliberative vote. The Chairman stated in giving the vote that there were fourteen on each side, and that he gave his casting vote. The point of order I raise is as to whether the question should not, under the circumstances, have passed in the negative.

Senator Pearce

- Before you, Mr. Chairman, give your ruling upon that point of order, I would ask can a senator remain in the chamber without voting?

The CHAIRMAN

- According to the standing orders, no.

Senator McGregor

- I would like to say that Senator Harney takes a beating very badly. When he gets older he will take to it more kindly.

The CHAIRMAN

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

Senator McGregor

- I want to point out to Senator Harney that even the President when he is in the chair counts all the Votes, and then before the decision is finally given he says - " I vote with so and so."

Senator Harney

- That is a deliberative vote.

Senator McGregor

- The Chairman of Committees said - "There are so many votes on either side, and I vote with the ayes."

Senator Harney

- The Chairman said he gave a casting vote.

Senator McGregor

- It does not matter what he said.

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Senator Major Gould

- It seems to me that there is a great deal more in the point taken by Senator Harney than some senators seem to imagine. Under the Constitution Act it is provided expressly and distinctly that the President shall have a deliberative vote and no casting vote, and that when the votes are equal the matter shall be resolved in the negative. It is perfectly true that we have got. certain standing orders of South. Australia under which it is proposed to give the Chairman a casting vote in the case of an equality of votes, but the question we have really to consider is not the mere reading of that standing order, because that standing order has no effect at all in the face of the Constitution Act. The whole principle of the Constitution Act is that it. is intended that every senator shall have a deliberative vote and not a casting vote, and if a senator does not exercise his deliberative vote, he should not exercise a casting vote, because it would be in contravention of the spirit and express declaration of the Constitution Act. It is impossible for us by any standing orders to say that when the Senate resolved itself into committee any form of voting shall be allowed in committee other than that prescribed by law for voting in the Senate itself. If that be the case, it is perfectly clear that the Chairman had not the power of giving a casting vote.

Senator Playford

- He gave a deliberative vote.

Senator Major Gould

- Senators have interjected that the Chairman gave a deliberative vote and not a casting vote, but the Chairman said expressly - " The votes are equal, there are fourteen on either side, I shall give my casting vote with the 'ayes.'"

Senator Harney

- It was the only thing he could do under the South Australian standing orders.

Senator Major Gould

- As Senator Harney says, it was the only thing he could do under those standing orders, but I say the Constitution must be paramount over any standing orders we may pass, and under the Constitution Act the Chairman had the power only to give his deliberative vote. We do not know at the present moment what really are the opinions of the Chairman of Committees on the merits of the question. If he had said in the first instance "I am going to vote with the ' ayes,' " that would have been a deliberative vote, but he did not do so.

Senator Higgs

- We had passed on to another clause of the Bill.

Senator Major Gould

- I would like to know whether the Chairman or Senator McGregor has control of the House?

Senator Higgs

- I rise to a point of order. I wish to ask if these proceedings are not irregular ?

The CHAIRMAN

-- I cannot hear the honorable senator. Senator Gould is in possession of the chair.

Senator Higgs

- I draw your attention, Mr. Chairman, to Standing Order 152, which states -

If any objection is taken to a ruling or decision of the Chairman of Committees, such objection must be taken at once ; and having been stated in writing the Chairman shall leave the chair, and the House resume, and the matter be laid before the Speaker ; and having been disposed of, the proceedings in committee shall be resumed where they were interrupted.

I submit that the present proceedings are irregular, and that your ruling has never been challenged.

Senator Major Gould

-I do not know whether it is expected that I shall reply to the remarks made by Senator Higgs - -

Senator Higgs

- I have asked, Mr. Chairman, for your ruling.

The CHAIRMAN

- My ruling is to hear Senator Gould.

Senator Major Gould

- Senator Higgs

is like the fellow who did not want arbitration because it went against him. I have been pointing out that it is perfectly clear that no standing orders can go behind what is embodied in the Constitution, so as to enable the Senate, simply because it happens to be sitting in committee, to have a different rule with respect to voting to that adopted when the President is in the chair. The Chairman had a deliberative vote and chose to exercise a casting vote. We must assume that he did not desire to give his deliberative vote because his own expression was that he intended to give his casting vote, and he could have given no other by the standing orders. If the Chairman has a right to give a casting vote, he could give it as he thinks fit, but it is simply a casting vote and not a deliberative vote. I say we cannot get away from that position, and it is impossible now to cure it by saying that the Chairman intended it to be a deliberative vote.

Senator Higgs

- I point out that I have stilted by objection in writing.

The CHAIRMAN

- The honorable senator must know that he cannot interrupt Senator Gould while he is in possession of the chair.

Senator Higgs

- But my point of order is that the proceedings are irregular.

The CHAIRMAN

- When Senator Gould resumes his seat I will deal with that matter.

Senator Major Gould

- Honorable senators who voted with the "ayes" seem anxious that this question should be choked off.

Senator Glassey

- No, no.

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Senator Major Gould

- It is not merely a question as to whether this particular amendment shall be carried or not. There is a much greater question underlying the whole thing - the question as to what is to be the rule in the future. Now that the opportunity arises the matter should be decided once and for all, so that we may know what position we are in. This is a matter of grave importance, and we should have it decided now, even if it is necessary to get the President to give his ruling upon it, that we may know how to conduct the business of the Senate in the future. I hope honorable senators will argue the point of order apart altogether from any feeling as to whether the amendment should have been carried or not. It is a very much more important question than that, and it is one that should be determined once and for all.

Senator Higgs

- I have taken objection to the ruling of the Chairman. The standing orders say that when objection is taken to the ruling of the Chairman of Committees it must be taken at once, and stated in writing. I have

also done that. The standing order then provides that the Chairman shall leave the chamber, and the House resume, and the matter is then to be laid before the President.

The CHAIRMAN

- Will the honorable senator be good enough to state the ruling to which he takes objection.

Senator Higgs

-- I have taken objection to your ruling that the proceedings initiated by Senator Harney were regular. Senator Harney challenged the decision of the Chairman at first and drew attention to the Constitution Act. He pointed out that the Chairman had no light to do what he had done, and the Chairman said - "I gave my vote according to the South Australian standing orders," or words to that effect. We then went on with the next clause of the Bill.

Senator Harney

- No, the same clause.

Senator Higgs

- Well the same clause, but certain proceedings of the committee intervened, and then Senator Harney again rose, and stated his point of order with greater fulness. I take objection to the present proceedings, as irregular. Under Standing Order 152 under which we are working, Senator Harney should have immediately objected to your decision, he should have stated his objection in writing, the Senate should then have resumed, and the matter should have been laid before the President. The point I raise is that as that was not done the proceedings are irregular, and I am desirous now of seeing the President in the chair, to ascertain from him, as he knows the procedure under these standing orders of South Australia so well, whether we are conducting our business as it should be conducted. ;,

Senator Fraser

- Clearly the vote of the Chairman was contrary to the Constitution Act. The question now is whether sufficient time elapsed before Senator Harney raised his point of order, to put it beyond his power to call attention to it at all - whether sufficient time has elapsed to make regular what was irregular and clearly contrary to the Constitution Act. It is contrary to the Constitution Act that the Chairman of Committees should give a casting vote, but whether his action in doing so was condoned by what took place subsequently to the vote I am not in a position to say. The South Australian standing orders can certainly not control the Constitution Act.

Senator Ewing

- I think we are rather splitting straws on the question. The section . of the Constitution Act to which Senator Harney has referred says that questions arising in the Senate shall be determined by a majority of votes.

Senator Glassey

- That is in the Senate, not in committee.

Senator Ewing

- - They are to be determined by a majority of votes whether in the Senate or in committee, and each senator is to have one vote, but it is not stated when the senator is to record his vote. The Chairman has not given a casting vote, though he may have been under a misapprehension at the time, and the intention of the Constitution Act is that he should have a vote.

Senator Stewart

- And not two votes.

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Senator Ewing

- That is so. The intention is not to give him two votes, but that he shall not be deprived of his deliberative vote, It matters little to me whether he records it early Or late, it is a deliberative vote. After all, what is the point? -It is whether the Chairman should have recorded his vote with the tellers or whether he should have given his vote after they had handed in their, papers. Really it does seem to me that this is the purest splitting of straws. If the Chairman had recorded one more vote than was his right then we might have something to quarrel about. But seeing that it is only a matter of whether he should have recorded his vote a few moments before he did, or whether he was right in doing it as he did, it seems to me altogether beneath our consideration. Honorable senators may say it is a question of principle. It is not a question of principle.

Senator Major Gould

- A different rule guides a man in giving a casting vote.

Senator Stewart

- What is a casting vote ?

Senator Major Gould

- When there is an equality of votes otherwise, and he gives his vote.

Senator Ewing

- If Senator Best had been following the strict rule as to a casting vote he would have given his vote with the noes, showing, in my opinion, that he exercised a deliberative vote, that he was in favour of the proposal.

Senator Clemons

- Unfortunately for that contention the Chairman, in the hearing of every honorable senator, announced the fact that he was exercising his casting vote.

Senator Ewing

- Senator Best may have called it a casting vote. I care very little what he or any other senator calls his vote; it was not a casting vote.

Senator Drake

- He gave the numbers as 14 ayes and 14 noes.

Senator Ewing

- I am fully alive to the fact that there will be some technical objection to the course pursued, but there is no substantial objection, because the senator in question has only voted once, and he has given his vote with the side he was in favour of, and has not given a casting vote in the narrow sense of the term.

Senator Dobson

- The best way is to get the division list corrected.

Senator Ewing

- If it were really worth while, we might easily get the division list corrected.

Senator Dobson

- There is power to do that.

Senator Ewing

- Why should we deprive Senator Best of the vote he has 1 In the Chamber he must vote on one side or the other, I take it. The reason why he is able to sit in the chair, under the standing order, remain and not record a vote, is that he is deprived of his deliberative vote. Here he has got a vote.

Senator Higgs

- The Constitution overrules the standing order.

Senator Ewing

- That is so. The South Australian standing orders take away his vote, otherwise, if he remained in the chamber he would have to record his vote. Here he is in the chamber with the Constitution giving him a vote whether he is in the chair or whether he is not, and he has to cast it on one side or the other.

Whether he should have done so a few moments before he did seems, to my mind, beneath the consideration of the committee.

The CHAIRMAN

- Standing Order 152 says-

If any objection is taken to a ruling or decision of the Chairman of Committees, such objection must be taken at once ; and having been stated in writing, the Chairman shall leave the chair, and the House resume, and the matter be laid before the Speaker ; and having been disposed of the proceedings in committee shall be resumed where they were interrupted.

I have received in writing from Senator Higgs an objection to my ruling in connexion with the point of order taken by Senator Harney, and I am obliged, therefore, to leave the chair, so that the President may decide whether it was correct or not.

In the Senate :

Senator Best

- Mr. President, in the course of the proceedings in committee I decided in connexion with a particular clause to hear a point of order which was taken by Senator Harney. I had given a certain ruling, and a

certain vote, and shortly afterwards did put the question that the clause as amended stand part of the Bill, whereupon Senator Harney rose and took a certain objection by way of point of order. I held with regard to that point of order that I was justified in hearing Senator Harney.

Senator Harney

- Before it goes any further, sir, am I at liberty, as things are somewhat confusing, to put before you certain facts?

The PRESIDENT

- I do not think so. I must hear the statement of the Chairman of Committees. I can only take his statement, otherwise the matter might all be brought up again. It seems to me that there is only one point and that is a very simple one. Was this objection taken at once 1

Senator Stewart

- No.

Senator McGregor

- Other business was done.

The PRESIDENT

- I think the Chairman of Committees is the only person who can decide that point. If he considers that the objection was taken at once then I do not think I can overrule his decision.

In Committee:

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Senator Harney

- I now raise my point of order, and, while formally handing it in, may I say that I think the feeling of the committee should rather be in favour of the course taken by the Chairman. It enables us to discuss and arrive at a conclusion on some of the nice points which are now arising in the working of this Constitution.

Senator O'Connor

- What is the point of order?

Senator Harney

- The point of order I raise is -

That the votes having been declared by the Chairman of Committees to be equal, the question should have passed in the negative, and that the Chairman of Committees had no power to determine the question by a casting vote, and in so doing acted contrary to the Constitution.

I am not going to make a speech. I shall just refer honorable senators to two sections of the Constitution Act on which I base my objection. Section 23 says--

Senator Higgs

- There can be no debate on a point of order.

Senator Harney

-

Questions arising in the Senate shall be determined by a majority of votes.

Senator McGregor

- I rise to another point of order, sir. I submit that this matter cannot be debated - that when it is put in in writing you must leave the chair.

The CHAIRMAN

- It has not been handed to me yet.

Senator McGregor

- If it has not been put in writing, the honorable and learned senator is not in order in discussing it.

Senator Harney

- It is necessary for a senator, I take it, when handing in a written statement on a point of order, to briefly elucidate it.

Senator McGregor

- Before the President, it is.

Senator Harney

- I am not debating it. I am only explaining the point I raised.

Senator Major Gould

- The Chairman is with the honorable and learned senator.

Senator Playford

- I ask the ruling of the Chairman on Standing Order 152 -

If any objection is taken to a ruling or decision of the Chairman of Committees, such objection must be taken at once, and having been stated in writing, the Chairman shall leave the chair.

I have seen dozens of cases arise under this standing order, and nobody ever presumed to argue the point before the Chairman, though he might argue it before the Speaker or the President.

The CHAIRMAN

- I have not received the point of order in writing.

Senator Playford

- Then the honorable and learned senator cannot speak.

Senator Ewing

- It has just been read, and he is simply explaining.

Senator Higgs

- He has not the right to explain.

The CHAIRMAN

- Senator Harney

is in possession of the chair.

Senator Higgs

- I insist that he is out of order.

Several Senators. - Chair, chair.

The CHAIRMAN

- Will Senator Higgs be good enough to resume his seat ?

Senator Higgs

- I am only anxious that the proceedings shall be conducted in an orderly way. The standing order is quite clear. The objection must be stated in writing, and there can be no explanation, but the honorable and learned senator is using an argument. I submit, sir, that you should leave the chair, and allow this discussion to take place in the Senate.

The CHAIRMAN

- So I shall as soon as I receive the point of order.

Senator McGregor

- It is not in order ; you ought to have received it long ago.

The CHAIRMAN

- Honorable senators have heard the objection which has been taken by Senator Harney. It has now been handed to me, and I shall leave the chair and report the matter to the President.

In the Senate :

Senator Best

- Mr. President, I have to report that a point of order has been raised in Committee, as follows : -

That the votes having been declared to be equal, the question should have passed in the negative, and the Chairman of Committees had no power to determine the question by a casting vote, and in so doing acted contrary to the Constitution.

Senator Harney

-Section 23 of the Constitution Act provides -

Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall, in all cases, be entitled to a vote ; and when the votes are equal the question shall pass in the negative.

I take it that the President there does not mean the Chairman of Committees.

Senator McGregor

- I rise to order. I submit that the objection to the Chairman's casting vote was not put until after the second one came. Other matter was discussed, sir, and honorable senators can testify that, even when you gave your ruling, the first point of order had not been put in writing.

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The PRESIDENT

- I do not think that is a question with which I have anything to do. The Chairman of Committees has

brought up a point of order. I am not supposed to know what has taken place in committee. The Chairman is the proper person to decide the point of order, if it is a point of order, now raised by the honorable senator.

Senator McGregor

- I ask the Chairman of Committees- through you, sir, was the point of order put in writing by Senator Harney prior to-

The PRESIDENT

- That objection ought to have been taken in committee before the Senate resumed.

Senator Pearce

- As there is a question of fact mentioned in that statement, sir, I would like to ask the Chairman of Committees was not the voting equal. It is a statement of fact, sir, that it was equal.

The PRESIDENT

- I know nothing about it except from the statement handed in to me by the Chairman of Committees. We must decide one point of order at a time ; we cannot decide half-a-dozen points of order.

Senator De Largie

- Can the Senate take any notice of a casting vote, seeing that our Constitution does not recognise such a thing ?

The PRESIDENT

- That is another point altogether.

Senator Harney

- I take it that under section 23 of the Constitution every senator in the Chamber would, in the absence of anything overruling that section, be entitled to exercise one vote. Accordingly, Senator Best, when in the chair, would have been entitled to vote ; and if he had voted the result would have been fifteen senators on the one side and fourteen on the other But, apparently, according to the standing orders, the effect of a member of the Senate being in the chair is to deprive him of a vote, because the standing order which has been quoted, says -

In case of an equality of votes the Speaker shall give a casting vote, and any reasons stated by him shall be entered in the votes and proceedings

Then rule 385 says -

Every question in committee shall be decided in the same manner as in the House itself, the Chairman having only a casting vote.

I take it that the meaning of that standing order is this : Had we no standing orders, the mere fact of the Chairman being in the chair would not have deprived him of his deliberative vote. But we have adopted the South Australian standing orders, and the effect of those standing orders is that when the Chairman is in the chair he has only the character of vote that arises out of the performance of his functions in the chair, namely, a casting vote. Accordingly, when Senator Best gave his vote On this occasion he must have given it as a casting vote ; otherwise he must have disobeyed the standing orders. He could not have given it as a deliberative vote. If Senator Best had stated that he gave his vote as a deliberative vote the only question, as I take it, for you to decide, Mr. President,' is whether he lost his deliberative vote by sitting in the chair. If Senator Best had stated in the chair that he gave a deliberative vote, the first and only question for you to decide would be - did he lose his deliberative vote by sitting in the chair? But Senator Best has assumed that he lost his deliberative vote. He has made the declaration that the voting was equal. Senator Best having made that declaration, we must come back to the Constitution. The voting being declared to be equal the question should have been passed in the negative. How are we to know when the votes are equal ? By the declaration of the Chairman and by nothing else. We must take the votes to have been equal ; and the question is, the vote having been equal, was it open to any one under our Constitution to determine the question by a casting vote and not pass it in the negative ? There are two very important points that arise. The first is - does the Chairman of Committees lose his deliberative vote by virtue of the standing orders ? If he does not lose his deliberative vote, is he bound like every other senator by his own declaration that the votes are equal? If he is bound by his own declaration that the votes are equal, can he determine the question in any other manner than that set forth in the Constitution Act, namely, that the question passed in the negative ?

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Senator O'Connor

- I submit that there is no substance in this point of order. I take it that the principle which will guide you, Mr. President, in determining the question is (this - it is clearly intended by the Constitution of this Senate, in which the States are represented, that every State in every division shall be represented by its full number of members if they are present, and that no State shall be deprived of its representation by reason of one of its representatives being in the chair. I take it that that is the principle which is embodied in section 23 of the Constitution. I take it also that in deciding this matter, you will look at what took place substantially. What took place was this : - The Chairman sitting in the chair declared that the votes were equal. He then gave his vote. It must be quite clear to all senators who have had Parliamentary experience that Senator Best's vote was a deliberative vote.

Senator Millen

- Why is it not in the division list then ?

Senator O'CONNOR

- The parliamentary rule is that when a Chairman gives a casting vote, it is to be given so that the matter under discussion may be again discussed. I therefore contend that the Chairman gave a deliberative vote, because he gave his vote with the ayes. But whether he did that or not he gave a vote which carried the question in the affirmative. To my mind that shows that he gave a deliberative vote. Then comes the question in regard to the standing orders. I submit that those standing orders are applicable only in so far as they do not conflict with the Constitution, and that it would be inconsistent with the Constitution to put the Chairman in such a position that he would be deprived of his vote, and that consequently the State he represents would be deprived of a vote. There is no portion of the. standing orders . or of the Constitution which decides at what time that vote is to be given. I submit that although the Chairman waited until the votes were found to be equal, he was in time to give his vote, and therefore that his vote was properly given. For these reasons, I submit that there is nothing in this question of order, and that the vote of the Chairman was properly given.

Senator Staniforth Smith

- I think that there can be no doubt whatever that the Constitution does override the standing orders. If that be the case we have to rely entirely on section 23 of the Constitution, which is as follows : - Questions arising in the Senate shall be determined by a majority of votes and each senator shall have one vote. The President shall in all cases be entitled to a vote, and when the votes are equal the question shall pass in the negative.

That being so, surely the Constitution also overrides anything Senator Best may say. If the Constitution says that Senator Best shall have a vote, and shall exercise that vote, then by no word of mouth of his can he override the Constitution. The contention seems absurd. If I had been voting on the ayes side of the chamber, and had said when the teller came to me that I was giving a casting vote, could it be contended that I could thus have overridden the Constitution, If I was in the Chamber I must have voted. It does not matter whether Senator Best said he gave a casting vote or a deliberative vote ; he cannot override the Constitution and must have given a" deliberative vote.

Senator Major Gould

- I should like to point out, in addition to what has already been urged in reference to this matter, that even under our standing orders it is provided in rule 214, that in case of an equality of votes,' the Speaker shall give a casting vote. That is to say, the Speaker is not supposed to give a deliberative vote.

The PRESIDENT

- We did not adopt, that standing order.

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Senator Major Gould

- Standing Order 385 provides that- -

Every question in committee shall be decided in the same manner as in the House itself.

That, I presume, has not been left out . of the standing orders. The standing order goes Orr to say that - The Chairman, having only a casting vote, any reasons stated by him shall be entered in the Votes and Proceedings.

That is merely an amplification of a rule that has already been referred to- - that the Speaker having only a casting vote, the question shall be decided in the same manner in committee as in the House itself.

There is no question about that. Apart from that the standing orders would prevent the Chairman of Committees from giving his casting vote. The point raised by Senator O'Connor is that Senator Best was actually acting within his rights when he gave his vote with the ayes, and that the vote he gave was a deliberative vote. I submit that the vote cannot be regarded as a deliberative vote. Lists were prepared by the tellers, and those lists show that fourteen senators voted ' on either side. Whether the Chairman voted or not is beside the question. The division lists are not challenged in any way. They are accepted as accurate. After the result of the division was declared, Senator Best said - "The votes being equal, I shall give my casting vote with the ayes." I submit that Senator Best was unable to give that vote with the ayes, and consequently was unable to give a deliberative vote after the division list had been closed by the tellers and the Chairman had declared the result of the division.

The PRESIDENT

- It does not appear to me that this point of order is a question of very great substance. Undoubtedly any standing orders which we have made that are contrary to the terms of our Constitution are null and void. But the first question is - "What does section 23 of the Constitution mean ? It says - Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall, in all cases, be entitled to a vote, and, when the votes are equal, the question shall pass in negative.

Does that apply to every committee appointed by the Senate ? If it applies to a committee of the whole, it will also apply to a select committee ;° "because a committee of the whole is in no different position to a select-committee. It is a committee appointed by the Senate. I have grave doubts as to whether that section means that "questions arising in the Senate" shall include " questions arising " in every committee appointed by the Senate. It is contended - or it seems to me to arise from a contention which has been made - that the Chairman of Committees can have no vote at all, because if he did not give a casting vote he could not give a deliberative vote. If our standing order is contradictory of our Constitution, then undoubtedly the Chairman could not have a casting vote but must have a deliberative vote. But he could not exercise his deliberative vote without over-riding the standing orders, because they clearly give the Chairman a casting vote. Of course that brings us back to the same question - are the standing orders in this respect contradictory of the Constitution 1 If that be the case they have no effect. I do not think it makes very much difference whether the Chairman said, he voted by giving a casting vote, or a deliberative vote. He gave a vote ; and if under this new procedure any of our standing orders have not been properly fitted into our Constitution, and a mistake such as this is made, I do not think any further notice should be taken of it. My ruling is that the Chairman was quite justified in the vote he gave.

In Committee :

The CHAIRMAN

- -May I be permitted to say that I thought I was following the usual constitutional practice in voting as I did, and I still think so. In order that a further opportunity might be afforded for the consideration of the matter at a subsequent stage I voted with the ayes.

Senator Major Gould

- Does not that declaration by the Chairman distinctly show -that his vote was given as a casting vote 1

Senator Sir Josiah Symon

- The statement just made by the Chairman raises a very important point. Under the standing orders a reason must be stated.

Senator O'CONNOR

- Is there not a clause before the committee 1

The CHAIRMAN

- The concluding paragraph of clause 91 is before the committee.

Senator CHARLESTON

- I draw attention to the last paragraph of clause 91. I thought the Postmaster-General had an amendment to move upon it, but as I see he has not, I raise the question as to how these regulations are to be made, and when they are to have the force of law. It is, I think, very important to provide-that before these regulations shall have the force of law they shall be submitted to and approved of by Parliament. I move -

That the following words be added to the clause - ."but shall not have force of law until approved of by

Parliament."

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Senator DRAKE

- It was originally intended to put into this clause the power to make regulations fixing rates of postage, and letters, and other postal matter, and the amendment to which the honorable senator has referred was framed with a view to amending this particular clause in order that the regulation giving that power should be laid on the table of the House, and should not become law until it had been so many days on the table, and then only 'if it had not been disapproved by either House. We have dealt with that now in clause 19 entirely, and having taken the power to fix rates out of this clause 91, the subjects that remain as subjects for regulations are, comparatively speaking, unimportant. . They are of importance, but they may be safely left to the Government, subject to this provision, that the regulations shall be laid on the table of the House. I cannot approve of the amendment moved by Senator Charleston, for the reason that it will be necessary in some cases to get these regulations made when Parliament is not sitting. If his amendment were adopted, it would mean that we could not make a regulation or alteration of a regulation with regard to any of these matters during a recess, and no matter how urgent the necessity might be, we should have to wait five or six months or even longer until Parliament met, before we could deal with it. If honorable senators look at it fairly, I feel sure that they will see that the matters remaining to be dealt with by regulation under this clause, although certainly important, are not matters upon which Parliament should be called on to pronounce.

Senator Sir FREDERICK SARGOOD

- The amendment I had circulated was framed with a view to the retention of paragraphs (m) and (n), but as they have been eliminated from the clause, I entirely agree with the Postmaster-General that the amendment moved by Senator Charleston is not wanted, and that the regulations provided for are such as might become law at once.

Senator CHARLESTON

(South Australia). - I have looked back over the Bill and find that the rates of postage are provided for by clause 19 as amended, and on going through the other regulations provided for under clause 91, other than those which have been struck out, and which were of a very important character, I do not desire to press my amendment.

Senator EWING

- The suggestion is made that, as the debatable matter has been cut out of the clause, the regulations provided for should be allowed to have the force of law immediately on gazetting, but I think the Senate should not forget that we have passed a most important provision at the suggestion of Senator Pearce. It seems to me that that involves a very important question in the fixing of the rate of wages.

Senator Harney

- What does it mean now that the word "minimum" has gone?

Senator EWING

- I understand very well, if other senators do not, what the intention of the honorable senator was. The Postmaster-General may now make regulations under which contracts are to be carried out, and surely that is a very important matter, and it is very desirable that Parliament should itself see any such regulation before it has the force of law. I suggest to the committee the desirability of hesitating, because, Western Australian senators will be able to agree with me that, a provision of this kind, which looked quite innocent in the Western Australian Mining Act, brought about a very serious condition of" affairs. If we give the Government power to frame a regulation as to the method of carrying out contracts, it is surely desirable that Parliament should approve of such a regulation before the Minister exercises it with the force of law. If Senator Pearce's amendment had not been put into this clause, I would fall in with the view expressed by other senators, that the debatable matter had been cut out of the clause. However, that amendment having been made it opens up a very important matter, and it should lie in the hands of Parliament to approve of the regulations dealing with it.

Senator MCGREGOR

- Senator Ewing is unnecessarily alarmed. I do not think he understands yet the effect of the amendment which has been passed. I think those senators who so bitterly opposed it, and made
Such a gallant fight, when no One was going to hurt them, should show a little more consideration for the

committee now. All this really means is that the Postmaster-General is to have power to make a regulation under which he will provide for the conditions to be observed in a contract. Is every contract to be made under such a regulation to be put before Parliament? If the Postmaster-General enters into a contract for the supply of 100 telegraph posts, and puts the condition provided for by the regulation into the contract, is he going to wait for the telegraph posts until Parliament has met and approved of the matter? The thing is too ridiculous. If Senator Ewing will allow us to proceed with the rest of the Bill it will be better for us.

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Senator Major GOULD

- I do not think that Senator Ewing need concern himself about having this matter submitted to Parliament. Though put rather strongly by the last speaker, this will only deal with the question of rates to be paid to people under contract with the Government, and I take it that it might fairly be left in the hands of the Postmaster-General to frame the necessary regulation. He can act upon it unless Parliament exercises its right to dissent from whatever may be done when the regulation is subsequently laid before us. Parliament will have an opportunity later to deal with "the matter if it is found that anything unfair is prescribed under the regulation adopted. I think it would be much better under the circumstances to leave the clause as it stands.

Senator CHARLESTON

(South Australia). - I wish, as I said before, to withdraw my amendment, as I am satisfied that the matters now left in the clauses to be dealt with by regulation are practically matters of administration.

Amendment, by leave, withdrawn.

Clause 91, as amended, agreed to.

Clause 92 -

The Postmaster-General shall have power to inflict fines upon officers employed in the department for any neglect of duty or irregularity in the conduct of the business of the department, in accordance with regulations and scale of fines Approved by the Governor-General.

Senator Sir FREDERICK SARGOOD

- This clause gives the Postmaster-General unlimited power to inflict fines to any extent.

Senator Drake

- By regulation, and on a scale of fines approved by the Governor-General.

Senator Sir FREDERICK SARGOOD

- In accordance with regulations, and on a scale of fines drawn up by the Minister,' not looked at by his colleagues, and passed as a matter of course. It might be limited, I think, to an amount not exceeding £5. The Public Service Bill has now nearly been passed in another place. It will deal with the public servants in various departments, and I think the Postmaster-General will find that it limits the amount of the fine that can be inflicted by any head of a department with the consent of a Minister. The Victorian Act limits the power of the head of the department with the consent of the Minister to a fine of £5. If we pass the clause now in its present form, we shall find it conflicting with the Public Service Bill. I suggest that we should postpone this clause now, until we see what the Public Service Bill contains. I move, with the consent of the Minister -

That the clause be postponed.

Senator DRAKE

- First of all, with regard to the limit, I wish to say that I do not like the idea of fines at all. I do not like having the power or having to exercise the power; but I point out that this provision as it stands, allowing the Governor-General to fix a scale of fines, which may, perhaps, be higher than the limit suggested by Senator Sir Frederick Sargood, may really be a merciful provision in many cases. There may be cases, for instance, in which a man may be guilty of some neglect of duty or fault for which it is absolutely necessary to inflict some substantial penalty. He may be punished by being reduced in position, and that may involve a considerable monetary loss. A man may be reduced in position so that he may lose £10 a year in salary, and it is easily seen that it is much more merciful to fine him £10 than to reduce him to a position in which he would suffer such a loss. The difficulty is that if we limit the fine to £5 that amount may be manifestly inadequate as a punishment for some offences, and allowing a higher scale of fines may really prove to be a merciful provision. A case has recently come under my notice in the State of

Victoria where it is necessary to inflict a very severe penalty. If the regulation provided only for a fine of £5, that would be entirely inadequate.. As such cases do arise, it would be better to have the power to inflict an adequate fine.

Senator Sir FREDERICK

SARGOOD (Victoria). - The Postmaster-General apparently does not see the difficulty that, if this clause is passed, it will apply to a special class of public servants. The Public Service Bill, fixes the fines in the case of officers of all other departments. I take it that the public service should be treated in this matter as a whole, and no one department should be singled out for special treatment.

Senator O'Connor

- The honorable senator may be sure that the Governor-General will have regard to that when making the regulation.

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Senator GLASSEY

- I do not think there is any necessity for postponing the clause. I can speak with some little experience, because I happened to be an employe in the postal service of Queensland for some little time. While every effort is being made by postal servants - for instance, by letter carriers, of whom I happened to be one - yet several faults are committed, certain mistakes are made, and errors occur, for which employes are entitled to be punished, and are punished. As the result of my experience and observation in the department for many years, I think this is a safe and wise provision to leave in the hands of the Postmaster-General. I have never known any cruel act to be done by officials, but on many occasions, had there been such a provision in force, unquestionably the person involved would have suffered considerably more if he had been tried in other ways. Therefore, I would suggest to Senator Sir Frederick Sargood not to press this point, but to leave the clause as it is. I think it is a perfectly safe one, and I am quite sure that it will be exercised in the Commonwealth, as it has been exercised in Queensland for many years, with every consideration, and certainly with humanity sometimes.

Senator HIGGS

- I sincerely hope that the Postmaster-General will not allow Senator Sir Frederick Sargood to run the business of the Committee, and I hope he will have the clause decided.

Senator Pulsford

- Or Senator Higgs either.

Senator HIGGS

- I have not been on my feet many times.

Senator Major Gould

- The honorable senator was trying to run the Committee a few minutes ago.

Senator HIGGS

- Senator Sir Frederick Sargood is very desirous of having this provision omitted.

Senator Sir Frederick Sargood

- Postponed, not struck out.

Senator HIGGS

- Postponed with a view to being struck out.

Senator O'Connor

- It will not be postponed ; it will go right on.

Senator HIGGS

- The request was that it should be postponed with a view to being deleted and put into some other Bill.

Senator Drake

- Let it go through now, and if there is anything inconsistent, when we get the Public Service Bill we can alter it..

Senator HIGGS

- I think it should go through. .

Senator Sir Frederick Sargood

- And recommitted if need be. I will withdraw my motion.

Motion, by leave, withdrawn.

Clause agreed to.

Progress reported.

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22:19:00

Senate adjourned at 10.19 p.m.