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1901-06-21

Senate.

The President took the chair at 10.30 a.m.

PETITION

Senator Sir FREDERICK

SARGOOD presented a petition from the Council of the Churches of Victoria praying the Senate to pass clause 54 of the Post and Telegraph Bill.

Petition received.

QUESTION

ROTATION OF SENATORS

<page>1426</page>

Senator Sir JOSIAH SYMON

- I should like to ask the Postmaster-General a question referring to an intimation he gave some time ago as to the time for bringing under the notice of the Senate the subject of the rotation of senators. I understood the Minister to intimate that the matter would be set down for discussion in the first week in July. I have to ask him to alter that date to meet the convenience of many senators. I understand that in the first week of July the Duke of Cornwall and York is to be in Tasmania, and I know that in the following week His Royal Highness is to be in South Australia. Of course these are exceptional occurrences, and it would be very inconvenient for a number of honorable senators who are interested in the question - as we all are - to be present on those occasions. For that reason, I ask the Minister if he will alter the date for the discussion of the matter from the first week in J' July to some other time ?

Postmaster-General

Senator DRAKE

- The Vice-President of the Executive Council will be present on Wednesday next. He has informed me that as soon as he returns to Melbourne he will give notice of a day upon which the matter referred to by the honorable and learned senator will be discussed. I will at once represent to the Vice-President of the Executive Council the wish expressed by Senator Symon, and I have no doubt that he will fix a date that will be convenient to honorable members generally.

FORMAL BUSINESS

Senator Lt Col NEILD

- Perhaps it would be well on this occasion to initiate the new procedure with regard to calling on formal business before other business is taken.

The PRESIDENT

- We have no standing order dealing with the matter to which Senator Neild refers, but we have a sessional order which provides for it. Therefore, I will pursue what I understand to be the Queensland practice of calling the notices of motion upon the paper and asking whether they are to be taken as formal.

ASIATICS IN WESTERN AUSTRALIA

Ordered

(on motion by

Senator

Pearce),

with

concurrence

-

That a return be laid on the table of the Senate showing -

Number of Asiatics imported into Western Australia under the Imported Labour .Registry Act since 1S94.

Number of Asiatics who have been returned to their own country under the said Act.

Number of agreements and renewals of agreements now in force under the said Act.

BOER PRISONERS

Ordered

(on motion by

Senator Clemons),  
with  
concurrence

-

That there be laid on the table of the Senate copies of all the correspondence between -  
The Eight Honorable the Secretary of State for the Colonies and the Prime Minister of the Commonwealth  
;

Between the Prime Minister and Mr. Lewis, the Premier of Tasmania, with reference to the proposal to  
deport Boer prisoners to Tasmania.

LAND ACQUIRED BY THE COMMONWEALTH

The PRESIDENT

- Before calling upon Senator McGregor to move the motion standing in his name', I have to point out that I think the proposal should be divided into two. It seems to me that there are two questions involved, having no relevancy to each other, and that it is not at all a desirable practice that a debate should take place concerning two matters that are not connected. Of course relevance in such cases is frequently a matter of degree, but the question sometimes arises whether there is any relevancy whatever between two subject matters. I think it would be more convenient for Senator McGregor to move the first part of his motion, and afterwards to move a second motion with regard to the second part.

Senator MCGREGOR

-The motion standing in my name is as follows : -

That, in the opinion of the Senate, the price paid for all lands acquired by the Commonwealth shall not exceed by more than 10 per cent, its assessed value on 1st January, 1901, for State or municipal taxation, and no land when acquired shall be alienated.

Of course, I have no desire either' to dispute your ruling, sir, or to put the Senate to any inconvenience. Nor do I intend to occupy any great length of time in discussing this question. Therefore, although I believe that the purchase and sale of anything are so closely related to each other that they cannot be very well separated, still, to meet the wishes of - the Senate, I will simply discuss the first part of the question. I should like to know, first, whether I shall be required to give notice of a separate motion with regard to the second part 1

The PRESIDENT

- No. The honorable senator can move another motion afterwards.

<page>1427</page>

Senator DRAKE

- On a point of order, I wish to say that, of course, I have no objection to the proposed course being taken if the Senate desires it ; but I would point out that as we are fixing our practice now, it seems to me that the course proposed to be followed would constitute an evasion of the rule under which no senator can give notice of a motion including two questions. If this practice is to be followed, a senator could give one notice involving two matters and then split the one proposal into two motions. That course might prove inconvenient.

The PRESIDENT

- Perhaps it is my fault that the present course is being pursued. I did not hear exactly what Senator McGregor said when he gave notice of motion, and my attention was not called to the terms of his notice until a considerable time afterwards. Otherwise I should have called the senator's attention to it. However, under the circumstances, the course I have suggested may be permitted on the present occasion.

Senator MCGREGOR

- There need be no difficulty about the matter. I will give notice to move the second part of the motion on another occasion. Indeed, there is no great hurry, because the Commonwealth is not going to buy large areas of land suddenly. I should like, before proceeding further, to have leave to amend my motion by omitting the words " and no land when acquired shall be alienated."

Motion, by leave, amended.

<page>1428</page>

Senator MCGREGOR

- I now move the motion in its amended form. The question is narrowed down to one in which I think every

senator present takes a very lively interest. I have no doubt that there is not a single senator coming from any part of Australia who has not had knowledge of what has occurred in his own State with respect to the purchase or acquisition of land by the Government. In almost every instance everybody in the community has thought it a matter of duty not simply to get a fair price from the Government for anything they had to dispose of, but to obtain an exorbitant price. It is for the purpose of preventing, as far as the Commonwealth is concerned, the people of Australia from having to pay exorbitant prices for land that may be necessary that I have moved this motion. We know that when members of the Senate and another place are perambulating the Commonwealth, and endeavouring to create an agitation with respect to the - federal capital in certain localities, it will be an inducement to those with speculative inclinations to get as much information as they possibly can, and to afterwards take advantage of that information, so that ultimately they may get exorbitant prices from the Commonwealth for land that may be necessary for the purposes of the Government. From that aspect of the question I would like to refer to the conduct of one gentleman and I would like to know his object - whether it was in the interests of such speculators as I have indicated or whether his action was prompted by a desire to gain a little popularity. Senator Neild recently went to Paddington and told the people there that he would take steps in reference to acquiring land for the purposes of the federal capital, and as soon as he came here he moved a resolution that certain action should be taken which would render it necessary for the Commonwealth to resume or acquire land for the purpose of erecting the necessary capital buildings. The honorable senator deliberately misrepresented a section of the House, if not the whole House, in his speech to the people of Paddington. Among other things he stated that the labour party had held a caucus meeting and had decided in the interests of the Government to oppose his motion, wish most emphatically to deny that anything of the kind ever occurred, and I want to know whether it is in the interests of speculators or for the purpose of self-advertisement that the senator conducted himself in the manner he did. I think that he would have failed to keep up the reputation he has already acquired if he had not done something of that description. However, I am not going to deal with that aspect of the question. I only sincerely and earnestly ask senators not to go about the country misrepresenting matters or misleading the people in this way, because there might be some poor unfortunate individuals who from information thus obtained might be induced to invest their little capital in certain localities, and very probably ultimately lose the whole of it. The whole substance of my motion is that something must be definitely done to declare that if any land is acquired by the Commonwealth, whether for the purposes of the federal capital, or for the construction of railways, or for fortifications, the price should be regulated by instruction from the Parliament, and I think that the allowance of 10 per cent, over and above the assessed value on January 1st, 1901, is a very liberal one. If any instruction of this kind is given, it will prevent persons who may have expectations of making large profits out of the Commonwealth from investing their money in sites that may be supposed to be necessary for federal purposes. It is only just recently that I have learned that it is the intention of the Federal Government to take over the Northern Territory of South Australia. I am very glad to hear that, because I think that in the interests of the whole community it is their duty to do so.

Senator Drake

- Have the terms been arranged yet?

Senator Sir Josiah Symon

- The honorable senator knows more than the honorable and learned Minister does.

Senator McGREGOR

- In the Northern Territory there is a large area of land already alienated, and I wish to know the relationship in which the Commonwealth will stand in respect to that land, whether they are going to acquire the freehold from those who have already got it, and what method is to be adopted in arriving at the price to be paid for the land. It is for the purpose of protecting the public in this and other matters that I have moved my resolution. No one should, with the expectation of making exorbitant profits, enter into foolish investments in land that he may believe to be necessary for federal purposes. There is only one place that can be acquired for the federal capital out of the many that have already been offered or suggested, and the people ought to be protected by us against putting their money into land on the chance of it being required by the Government. If an instruction such as will be conveyed by my motion were given to the Government, the public would know that no matter what price they may have given for their land or what price they may expect to get they will not be able to obtain more than 10 per cent,

above the assessed value. We know that in New South Wales, where the federal capital is bound to be, land is assessed for taxation purposes, whilst in the other States, if there is no assessment for State taxation purposes, there are assessments for the purposes of local taxation. Consequently if the Federal Government should need to acquire land in any of the States they would have something to guide them in arriving at the values. The terms of my motion do not compel the Commonwealth Government to give the 10 per cent, over and above the assessed value, but only prevent them from giving any amount in excess of that. In the hope that senators will give the matter fair consideration, I now move the resolution.

Senator HIGGS

- I second the motion.

Senator DRAKE

(Postmaster-General - Queensland). - I quite appreciate the motive of the honorable senator in bringing this motion forward, and I agree entirely with the object he has in view.

Perhaps some good may be done in the way he has suggested by this motion being discussed, that is to say, it may prevent persons from being deluded into buying properties in the hope that they may be able to sell them to the Federal Government at a fancy price. But when Senator McGregor, or others who may desire to speak, have discussed the motion, I hope the honorable senator will not press it to a division, for the reason that it deals with a subject which belongs to One of the Bills now before another Chamber. A Bill has been introduced there dealing with the acquisition of property, and has been read a first time.

Senator Major Gould

- -That Bill makes some provision of this kind.

<page>1429</page>

Senator DRAKE

- I believe the Bill has not been circulated yet, but it makes provision for a method of arranging the basis of compensation to be paid to those from whom land is acquired for federal purposes. Of course I am not prepared now, and it would be entirely out of place, if not improper, to discuss the provisions of a Bill not yet before the House. There would, however, be provisions of such a character in a Bill providing for the acquisition of property. I understand that Senator McGregor's object is to save the public from being victimized from purchasing properties at high prices in the hope of making a profit out of the Federal Government, and so far I approve of it. Having said that, the honorable senator will not object if I point out some of the disadvantages of fixing the basis of valuation as he proposes. It would be so entirely capricious, because municipal taxation, as a number of senators know - Senator Higgs probably knows - varies very much indeed. In one district they deliberately rate low and value high. In another they rate high and they value low. It is done for all sorts of purposes, and the local governing body deliberately decides on a policy of the kind for some particular purpose. It is perfectly clear that it would not be fair to property owners, who are not really the controlling bodies, that they should get too low a price for their land in consequence of the land having been deliberately valued at a low price by the local authority, and it would be unjust to the Government if it had to pay even the price at which the land is valued, in some cases where the local authorities have deliberately valued high. There is this disadvantage : if this proposal were adopted the feeling would gradually spring up that the person who sold the property would be absolutely entitled to get the 10 per cent, increase on the valuation, so that we should have it working unfairly in two ways. In the one case the price at 10 per cent, over the municipal valuation would be too high, and in the other instance it would be too low. I think the municipal valuation would no doubt be taken into account by the person or the body authorized under the Bill to value the land, but I do not think that we should insist that this should be the valuation. It should be taken into consideration, but should not become absolutely the fixed basis of the valuation. What I think Senator McGregor desires to achieve is to make sure that no one gets the benefit of the increased value that is given to the land in consequence of it being required for Commonwealth purposes.

Senator FRASER

- That is a very good object.

Senator DRAKE

- It is a very good object. It is exceedingly desirable, but the motion in the form in which it is brought forward would not have that effect. We all desire to so arrange matters that the Commonwealth will not have to pay speculative prices for the land, but that it will pay exactly on the basis of the value of the land

at the time immediately preceding the period when it was supposed that the property was to be acquired by the Government.

Senator Stewart

- Would the local assessment be the best guide?

Senator DRAKE

- I have been endeavouring to show why it would not be a reliable guide. In one case as I have said the property is deliberately valued low and the rating is high, while in another case - perhaps in an adjoining municipality - the land is deliberately valued high and the rating is low, so that it would in no case be a fair basis of valuation. With regard to State taxation, I would point out that in some States they have not got it at all.

Senator Stewart

- The owners of the property will want five or ten times more than the local valuation.

Senator DRAKE

- They will want a great many things that they will not be able to obtain. If we could fix the value on the principle that people who have land which the Commonwealth desires to acquire shall get only the value of the land at the time immediately preceding the date on which it became known that it was required for Commonwealth purposes, that would meet the difficulty.

Senator Stewart

- But how shall we find out that value?

Senator DRAKE

- It will have to be done by valuation, in the same way as for any other sale.

Senator Stewart

- That would be much more unreliable than the local assessment.

Senator DRAKE

- I cannot see how it is so. In some cases the local assessment might be reliable, and in some cases it might not. The honorable senator must know many places in Queensland where property is rated for municipal purposes above its selling value.

Senator McGregor

- Then the owners may appeal.

<page>1430</page>

Senator DRAKE

- If this provision were fixed in the law as Senator McGregor would desire, it would be a very strong argument on the part of the claimant that he was entitled to get 10 per cent, above municipal valuation. The motion does not exactly say that ; it merely fixes 10 per cent, as a maximum, but persons who were claimants would certainly demand 10 per cent, above the municipal valuation. This motion expresses the opinion of the Senate, and it may achieve a useful purpose in the direction that the honorable senator who has moved it desires. But I do not think it is desirable that this opinion should at this stage be recorded. It is much better that having had the discussion we should postpone any further debate on the question until the Bill comes on, because it is not desirable or beneficial that the Senate should run the risk of placing upon record an opinion which, perhaps, on mature consideration, when the proper time arrives for discussing it, we might feel we were not prepared to indorse. I hope that after the discussion has proceeded, Senator McGregor will see fit to withdraw his motion.

Senator HIGGS

(Queensland). - I should not like to do anything to hamper the Ministry which has so pronouncedly declared in favour of keeping the land which will be acquired by the Federal Government as federal property for all time. I do not agree with

Senator Drake

that an expression of opinion by the Senate that not more than 10 per cent, should be paid in advance of the municipal valuation at the beginning of the year, would have any bad effect on the legislation which is likely to be passed in another House.

Senator Drake

cannot assure us that there will be any provision of this kind in the Bill in regard to the price to be paid.

What I imagine, from what

Senator Drake

has said, is that the Bill will contain a provision for arbitration where there is a dispute as to the value of the land. I think that it would certainly have the effect desired by

Senator McGregor

if the Senate indicated in this way that it is desirous of seeing that a price not exceeding 10 per cent. on the valuation at a given date is paid for the land required for the federal capital. We know the efforts that are being made in various parts of New South Wales to secure the federal site, and we know, too, from our experience of land speculation and the demands of land-owners, that those people who have any idea that their site will be adopted by the Federal Government will require 400 per cent, or 500 per cent. more for their land than they would have asked for it four or five years ago.

Senator Fraser. - They will not get it.

Senator HIGGS

- Presuming that the Federal Government decides upon a certain site, they by that choice declare that the climate of that particular area, and the resources and so forth, are of a better value for federal purposes than in any other part of New South Wales. That is an admission right away that the land is of a pretty high value, and the arbitrators, in case of arbitration, would naturally lean to the owners of the land. As Senator Playford pointed out the other night arbitrators in . an arbitration between the public and the individual say that the public can pay, and they make the public pay. Although we express an opinion that not more than 10 per cent. increase on the municipal or State taxation should be paid for the land, the Government will still be able to avail itself of the clause in the Constitution Act relating to the seat of Government. The section in the Constitution Act which deals with this question provides that -

Such territory shall contain an area of not less than 100 square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

We know that in New South Wales there are many millions of acres of Crown lands. There are only a few million acres which have been alienated as freehold property.

Senator Fraser

- A great many millions:

Senator HIGGS

- The honorable senator will not deny that there are still many millions left.

Senator Fraser. - Oh, a great many - a hundred and fifty millions.

Senator HIGGS

- Surely within that area there must be a sufficient number of square miles of territory to suit the requirements of the Government in their quest for a federal capital. When New South Wales has been given the very great concession of having the federal capital within its territory, and for that concession is quite willing to give us Crown lands free of charge, why should we hunt round to buy up private property for the federal site? I do not anticipate the evils mentioned by Senator Drake if we pass a resolution of this kind. If we do not pass such a resolution, there may be this disadvantage, that a number of property owners and persons who are anxious to speculate may say - "There is a Very much greater likelihood of our getting over 10 per cent. than under 10 per cent." Thus the speculation going on now will be continued, and many innocent persons will be taken in. We all know of the arts and devices of the successful land speculator. We know how he is able, by certain eloquent literature, to raise the price of land to boom heights, and although this is not taking place in the public press, no doubt privately it is going on in regard to certain sites throughout New South Wales. I hope that Senator McGregor will not withdraw the motion. I think that the Senate might well express an opinion upon it, and nothing but advantage would accrue therefrom.

Senator Sir FREDERICK SARGOOD

- I think that the object of the resolution deserves our warmest support, but the question is whether it would carry out what the honorable senator intends. It is really intended, I suppose, to be applied to the acquisition of lands for the federal capital. The honorable senator who has just spoken called attention to the fact that in the Constitution there is a provision that Crown lands shall be handed over free of charge. But included in a large tract of country such as is wanted, it is quite possible that there are private lands, which will need to be bought up.

<page>1431</page>

Senator McGregor

- There would be a lot more included, if people only knew where the capital will be.

Senator Sir FREDERICK SARGOOD. Exactly, even although the New South Wales Government have already promised to reserve from alienation any likely country. This motion affirms that all lands acquired by the Commonwealth Government shall be taken simply on a valuation. But Senator McGregor has not provided for improvements on the land. There may be houses and other improvements upon it. That matter I presume would have to be met by an alteration of the motion if it is desirable to pass it. But it appears to me that the criticism of the Postmaster-General is fatal. Certainly, it is undesirable that we should pass the motion before receiving from another place the Bill dealing with the very same matter. I suppose that Senator McGregor must have in his mind's eye the law operating in New Zealand in connexion with the land tax. There the land can be taken over by the Crown at a price 10 per cent, above the assessed value, but I would point out that that value is the value which the owner himself has placed upon the land. In this case, it seems to me, seeing the wide differences there are in the mode of valuing land, that we should not arrive at anything like a fair and reasonable basis. Of my own knowledge I know that there is a property not very far from the city of Adelaide which is valued by the municipal authorities at £7,000. The owner has offered to sell again and again for £3,000. He has even sent a letter to the municipal council informing them that he is prepared to sell at the price mentioned. That body, however, has not taken the slightest notice of the communication, and no difference has been made in the valuation. Of course, honorable senators must know, of lots of similar cases in the various States. As the Postmaster-General "states, it is done for various reasons with which we are all acquainted. While I cordially support the object which the honorable senator has in view, I think it would be unwise to pass a motion worded as this is, at the present moment, It would be far better to withdraw or postpone it. To withdraw it, I think, would be preferable. We should then be able to deal with the whole question when the Bill comes up from another place.'

Senator DE LARGIE

- If Senator Drake would only indicate a better way in which the object of Senator McGregor could be obtained, I would certainly advise him not to hamper the Government in any way, but to withdraw the motion. So far, however, the Postmaster-General has not indicated any better way.

Senator Drake

- I do not think that I ought to anticipate discussion on the Bill.

Senator DE LARGIE

- In fairness to those who believe in the object of the motion, the Postmaster-General cannot expect it to be withdrawn. I am satisfied that unless something of the kind contemplated by the motion is done, the Commonwealth will be called upon to pay more than they ought to pay for the lands which they resume. I hold that a national heirloom, such as the land, which has got into the hands of private individuals, should be re-purchased upon fair terms. If we do not have a safeguard of this kind, I am satisfied that all sorts of jobbery will be practised in the resumption of the land. Senator McGregor has referred to the Northern Territory, but I can assure him that so far as the Western Australian senators are concerned, the Northern Territory will have to come, a long way after more important federal obligations. Other federal obligations require first attention.

Senator Ferguson

- Do not drive that in, for heaven's sake.

Senator DE LARGIE

- I do not wish to. But, seeing that the Northern Territory has been pushed so far to the front this morning, it is just as well to remember that there are more pressing obligations. As I have already said; something of the kind proposed in the motion will have to be done, otherwise the Federal Government will not get fair value for their money when they come to purchase these lands.

<page>1432</page>

Senator BARRETT

- I am in favour of the motion submitted by Senator McGregor, but, since the discussion has proceeded, I have recognised some of the difficulties that have been pointed out by other senators. As a declaration of principle, so far as the Senate is concerned, I think the discussion of the motion will have a good effect. Regarding the ultimate settling of the question, I wish to say that for the present I am prepared to trust the

declaration that has been made by the Prime Minister on several occasions to the effect that in the acquisition of lands for public purposes' the Government will see that due economy is observed. Therefore I think that under the circumstances the advice that has been given might very well be followed, and when the

Bill dealing with this particular question is before the Senate, we can achieve the object, provided of course that the idea of the mover of the motion is not already embodied in the measure. Honorable members in seeking election for the Senate, as well as for another place, made this a pronounced and prominent question; and I have no doubt that when the time arrives to finally deal with the: measure-- Senator McGregor

- They will forget. Senator BARRETT.- I do not think they will forget, and if' honorable members do forget, the public at any. rate will remember the pledges and promises made and which senators will be called on to fulfil. So far as I was concerned, I gave distinct and definite pledges in regard to this measure. I am one of those who feel that the public should not be called on, as they have been called on in the past, to pay exorbitant and fancy prices for land acquired by the Government. In the course of the debate we have had some inkling of the policy that has actuated municipal bodies in the valuation of their land. That; however, does not influence me in the slightest degree in this discussion. We know that those local bodies have acted wrongly, and Senator McGregor was right when he said we ought, at any rate, to take a municipal valuation in the acquisition of land that may be required for the Commonwealth. I suppose the Commonwealth will have to acquire land, and it will be necessary to have a very large area. In this matter we have not to consider our present position, but the position of those who will come after us. I am of opinion, as one of the honorable senators remarked, that we ought, if possible, to get the whole of the necessary land free of charge, and that we ought to utilize the Crown lands of New South Wales. Although the area required may be large, we ought to see that we get as much of it as possible free, and that in the acquisition of land which has to be paid for there is a proper valuation. Honorable senators know what valuations have been in the past: In the State of Victoria, for instance, those acquainted with the subject know that very high and fancy prices have been put on land by land Valuers, with the result that tens of thousands and hundreds of thousands of pounds have been paid by the Government that ought not to have been paid. Taking everything, into consideration, while at one with the mover of the motion; I at the same time think that after the assurance of the leader of the Government in respect to this and other matters brought under our notice, the motion ought to be withdrawn for the present: If the Government are not sincere; and do not intend to carry out the wishes of the Senate, then when the Bill comes before us we can take the necessary steps.

<page>1433</page>

Senator Major GOULD

- I am one of those who believe in the advice tendered by the Postmaster-General in regard to this motion, and that it is one that had far better been withdrawn after. it has been discussed. This course is advisable more especially in view of the fact that the Government have under consideration at the present time a measure dealing with the acquisition' of land for federal territory, purposes, and in that Bill they will make provision for a basis on which valuations are to be made and sums are to be paid for land acquired. I interjected whilst the Postmaster-General was speaking to the effect that there was a basis in the Bill very similar to that in the motion, and that interjection was actuated by the fact that I distinctly, recollect hearing the Prime Minister state to the electors that in considering this question the Government would not be prepared to pay fancy prices for land to be acquired - that provision would be made to enable the basis of the valuation to be the value of the land before it was determined that a particular portion of the country should be selected" for the federal site. With a declaration like that, honorable members may very well be content to allow matters to remain as at present. When the Bill comes before us, honorable members will be enabled to amend it in any way the Senate may consider desirable. The whole question if it is not settled satisfactorily or provided for satisfactorily in the Bill will be before us, and honorable senators will be able to mould the measure into any shape they think it ought to take. After all, we have to bear in mind that a question of this character must be determined by both Houses of Parliament- the opinion of one House cannot determine absolutely what has to be done. The opinion of this House must have weight with the other House as the opinion of the other House will naturally have weight with us. Let me also point out another objection to the motion itself. The honorable member talks about the assessed



value on the 1st of January, 1901, for the State or municipal taxation ; but the Postmaster-General has pointed out how capricious municipal taxation is, and I need not trouble honorable senators any further in regard to that point. I will remind honorable senators, however, that only a very small portion of New South Wales .is under local government.

Senator McGregor

- But it is all under taxation.

Senator Major GOULD

- I will come to that directly. The probability is that the bulk of the land taken up for federal purposes will be land not under any scheme of local taxation. I do not anticipate that the Government are going to resume any large towns or cities in the State of New South Wales for the purpose of establishing the federal capital. They may go close to some of the large towns, but the probability is those towns will not be included in the federal territory for the reason that it would cause an undue charge on the revenue of the Commonwealth, if there had to be paid the value of land that had been improved, and land that has received great additional valuation in consequence of what is termed the unearned increment. Then again as to land that has been valued for State taxation, let me remind honorable senators that, in New South Wales fit any rate, taxation is based on what is termed the unimproved value of the land. If we are going to take land with improvements, we must pay something more than we would if the land were in its native state and unimproved. If the honorable member says he intends this proposal to include any additional payment for improvements on the land, we are putting ourselves in the same difficult position he objects to be put in - that is we shall have to get men to come forward and value these improvements, and we may find great differences of opinion as to the values of particular areas. Therefore I think that is not a safe course to take. I believe it is the intention of every honorable member that owners of land which is resumed for State or public purposes shall be treated fairly and equitably. If ' the land is worth a certain amount the State or the Commonwealth does not want to take it away for less. And there is another matter to be considered. If I own a piece of land and it becomes necessary for State purposes that the Government should take possession of it, why should I be compelled, if I do not want, to sell it?

Senator McGregor

- That is an old story.

Senator Major GOULD

- Why should I be compelled to part with my land unless some reasonable consideration is given to me ? If I have a piece of land the market value of which is £1,000 there may be surroundings which make it worth more than that to me. There may be sentimental reasons or reasons of another character for my retaining the land.

Senator Sir Josiah Symon

- Compensation is not given on sentimental grounds.

Senator Major GOULD

- I know that, and I am not asking for more than the honorable member contemplates, namely, a little extra value of 10 per cent. What does the honorable senator himself say? The honorable senator says that the extra value should not exceed 10 per cent, on the value on a particular day. He recognises that an added price should be paid for the land, and that is where the principle comes in. If a man is unwilling to part with his land he should get some little additional payment on account of his unwillingness. In the State of New South Wales, where we have provision for the acquisition of public land, it is invariably the practice for valuers to add a certain sum of money, something like 10 per cent., because of the compulsory purchase - because the land is taken away from a man, whether he desires to sell or not. In any case where we take land over for federal territory purposes, we should be actuated by the same spirit of reasonable concession and consideration for persons who rightly or wrongly have had land alienated to them. They have been put in possession of the\* land on the implied promise and condition that they shall be protected in their holding. It is only when the public interest demands - and when the public interest demands, every man must give way - that it is taken away, that we make this small recompense by adding some little additional price to the ordinary value of the land. Ten per cent, is ample. I would not be prepared to sanction a larger amount being paid, and I do not say that in every case that should be paid.

<page>1434</page>

Senator Ewing

- Is it not a question whether we ought to pay more than a fair value, because the arbitration, acts liberally as between a private owner and the Government ?

Senator Major GOULD

- In arbitration you not only have the man who is going to arbitrate for the owner, but the man who -is looking after the interest of the Government. The man who is looking after that interest may be inclined to be fairly liberal, and may not be inclined to be unjust or to give a fancy price when he knows that such a price should not be paid.

Senator Ewing

- What is the honorable and learned member's experience as a lawyer of Government arbitrations ?

Senator Major GOULD

- They are a very uncertain quantity. Sometimes you do get a fair price, and at other times you do not. But all these matters will be dealt with by the legislation that will come forward. In the State of New South Wales, where some large resumptions have taken place, the Rocks resumptions for instance, provision is made for a special system of dealing with the value of the land. A -special court or body of persons have been created for the purpose of considering the prices that are claimed, and some of the best valuers in the colony have been retained on behalf of the Government to protect the interests of the State. I say that in the same way in the acquisition of land for federal purposes, we should protect the interests of the Commonwealth, and if we wait patiently until the promised Bill comes forward, we can see whether it is in the shape we anticipate and desire ; if it is not in a fair and reasonable shape, then let the Senate follow Senator McGregor in any suggestion he may make that will bring the matter into a fair and equitable position, so that, justice may be done both to the Commonwealth and the owner of any private land. As for the suggestion that we may take land that will be altogether Crown land, that is beside the question. We have millions of acres in New South Wales unalienated, but nobody except Salamanders would like to live on it. There are large areas unsuitable altogether for the purpose required. But wherever land has been at a fair value, a reasonable amount of private settlement has taken place in the immediate neighbourhood. We want to get a choice of sites with good climatic and other conditions, and depend upon it that in a State that has been settled for over a century pretty well all the places where good climatic conditions exist have been taken up and there has been a considerable amount of alienation. Therefore, we shall have to take the whole of this matter into consideration in such a way that we will do no injustice to any one, while we also do justice to the Commonwealth. I hope honorable senators will bear in mind that I am not urging the view that the sacred rights of private property render it impracticable for the State to resume the land under any conditions whatever. I say that any man who holds a freehold property holds it subject to the interests of the State while he holds it subject to his own interests. Whenever the State finds it necessary to resume land, I do not care where it is situated, I say it has a perfect right to resume it and pay a fair compensation, and, if the circumstances demand it, a small percentage in addition, such as is indicated by the resolution, over and above the actual value.

Senator Lt Col NEILD

- Judging by the speech of the honorable senator who moved this motion he has had very keenly in view a desire to make use of this motion for the purpose of doing something that he has been, unable to do under the standing orders on two or three occasions. The honorable senator seemed to be very much concerned over the fact that some newspaper, unknown and unspecified, referred apparently to something I am alleged to have said a few hundred miles away.

Senator McGregor

- The honorable member went a long way off to say it.

Senator Lt Col NEILD

- To the effect that members of the labour party in this Chamber held a caucus meeting about something. Now, the honorable senator need not be quite so touchy, because if a caucus meeting is a proper meeting to hold, surely there can be no objection to the statement that is attributed to me, that the gentlemen held a meeting. If they did hold a meeting, and Senator McGregor is very careful not to contradict what I am alleged to have said,. I do not see that the honorable senator has any grievance at all. If the meeting was an honorable meeting, and nobody said it was not, and if it was held, which is not denied, then, where has my honorable friend a grievance?

Senator McGregor

- It is denied.

<page>1435</page>

Senator Lt Col NEILD

.- I did not interrupt my honorable friend. Is he not going rather out of his way to manufacture a grievance where none exists ? I would draw the honorable senator's attention, with all good and kindly feeling, to what May says about " the imputation of motives." The honorable senator is very free in imputing, then May says the imputation of bad motives, or motives different from those acknowledged, and so on, "are unparliamentary, and call for prompt interference." I will just draw my honorable friend's attention to the matter, although I take what he said in all good humour, and I do not think he meant exactly what he said. I will give him the credit of being not quite so ill-minded as his words imply.

Senator Glassey

- Does not the honorable member see that he is imputing motives?

Senator Lt Col NEILD

- I put it in the best way, and say that the honorable senator is not quite so ill-minded as his words seem to imply. I take this to be only a little passing breeze, and there is an end of it. A great deal has- been said with reference to the site for the federal capital, which, as provided for by statute, must be somewhere in New South Wales, though where goodness knows. Reference has been made to the action I took in moving for a select committee, and let me say that I have not the faintest interest further than as a mere matter of public convenience in one site more than in another, and its regards anything in the nature of a personal interest, I do not know a single owner of property in any one of the proposed sites. I suppose we may assume that semi-official communications to the press represent what is going on, and we find that the Federal Government are in frequent communication with the Premier of New South Wales; and that already a number of sites are reserved for inspection by the" huge parliamentary excursion which is shortly to take place, and for which we voted a lot of money last night. I suppose it will be for the purpose of inspecting the sites. We find that the sites already number about 14 or 15.

Senator Walker

- So many as that?

Senator Lt Col NEILD

- Yes. Therefore, as it will be quite impossible to inspect one site a week, there is provision for parliamentary innocents abroad every week for the next three months at least.

An Honorable Senator. - What a nice time the select committee would have had ?

Senator Lt Col NEILD

- Evidently somebody wants a fine time I think, perhaps, it would be more convenient if a few people.-

Senator O'Keefe

- What few? The honorable senator was one of them.

Senator-Lt.-Col. NEILD. - The few whom Parliament selected.

Senator Higgs - The few that Lt.-Col. Neild selected.

Senator Walker

- The few who consider themselves competent.

Senator Lt Col Neild

.- entirely concur with what has been said by Senator Sir Frederick Sargood in reference to this question of improvements. If we are going to lay down a hard and fast line for a valuation on the 1st January last, what about improvement to property in certain cases or damage to property in others?

Senator Glassey

- But this motion does not exclude improvements - it simply says 10 percent. over the ordinary value.

Senator Lt Col NEILD

- I am sure my honorable friend recognises- that in many cases it is exceedingly hard to differentiate between some improvements and the value of the property as it stood some little time before. Of course, it is easy to determine the value in the case of buildings ; but there are many other classes of improvements.

Senator Glassey

- Not at all ; drainage and everything else can be easily estimated.

Senator Lt Col NEILD

- It is not quite so easy to determine the exact point. I am in favour of either the withdrawal of the motion, though perhaps the mover will not agree to withdraw it, or the postponement of it to a time when it may be more conveniently discussed in connexion with the Bill which the Minister has given an indication of. I would in all good faith point out that it would be perhaps more convenient to have the motion off the paper when the Bill comes on, so that there may be no question about discussing two matters which are on the paper at the same time.

Senator McGregor

- Settle it to-day.

<page>1436</page>

Senator Lt Col NEILD

.- However, if it is proposed to go to a division, I am rather in favour, of voting for the motion, because it is a purely academic proposition. It does not actually bind us to anything, and we may find that circumstances arising and details put forward in 'the Government measure which is to come here shortly will afford: the scope for reasonable votes, though even in that event we are to some little extent tying ourselves up by the precise terms of the motion.

Senator Drake. - It is a question whether we are of that opinion.

Senator Major Gould

-The honorable senator had better move the previous question.

Senator Lt Col NEILD

- It as an expression of opinion. It cannot do much good, and it cannot do much harm, but perhaps it would be more convenient: if it were either postponed or withdrawn.

Senator DOBSON

- I only rise to say a few words because I think the thoughts of -some honorable senators : are trending in a wrong direction. The whole of this question -is based on justice. We are going to take the land compulsorily, and we can do it only in accordance with those principles of justice which we each desire to see applied to our own interests. I have had some experience in the matter of taking land compulsorily, and out of that experience I may be able to drop a thought or two which may be worth while considering before the Bill comes here. As solicitor for the Tasmanian Mail Line Rail way Company I was interested in carrying out some 200 awards, taking the various properties or strips of properties from the town of Hobart to Evandale Junction, fifteen miles south of Launceston. I found that the arbitrators, in most cases, carried out the rule which is laid down in all the books on arbitration, that a certain percentage over and above the ordinary market value must, as a matter of right and justice, be given for compulsory sale. If honorable senators will refer to these: books they will find -I am only speaking from, memory, and it is 20 odd years since that line started - that not only 10 per cent, but from. 10 per cent, up to 25 per cent is added to the market value of the land for compulsory sale. They will see in a moment that it would be a fatal blunder for a resolution or indeed for an Act to lay down any hard and fast rule or to try and put limits. Every case must stand by itself. The cases in connexion with : the Tasmanian Main Line Railway were innumerable. The line went through the backyard of a cottage; it went through the garden of a country residence; it went through an agricultural farm and did no harm ; it went through another agricultural farm creating damage by -severance to a considerable extent ; it went through lots of pastoral properties, in most cases doing no harm, in one. or two cases cutting off the woolshed and the buildings from other parts of the homestead ; and in some cases, though very few, it really did take and to some extent damage a country residence or the residence of a town man in the country on which he placed considerable value. Every case must stand on its own bottom, and all that the Bill can do is to lay down the basis or the principle on which compensation must be determined.

Senator McGregor

- Did they give any consideration to where it did good ? I have never heard of that being done.

<page>1437</page>

Senator DOBSON

- My honorable friend is always actuated by common sense, and the Bill authorizing the construction of the line did that. I recollect that my brother, the late ' Chief Justice of Tasmania, when he was Attorney-General, . put in a clause that in every case the arbitrators should take into their consideration the enhanced value of the rest of the -property by the construction of the railway. I am willing to admit at

once that simply taking so many square miles of territory is considerably different from running a railway through a strip of property, because we shall take the whole of a man's property and the whole of the property for miles around, but still I think we shall find that some of the principles will apply. For instance, suppose at Bombala we take a man's residence on which he places some great store, and which, perhaps, is his only property there, we shall have to pay the market value, with so much added for compulsory sale. But if a gentleman has a residence as part of an enormous tract of territory, some of which is not taken by the Commonwealth, and the rest of which is, greatly benefited by the fact that it has taken some of his property for the capital, then a clause, which I hope the Minister will put in the Bill, will be considered. That is to say, if he has any other property there which the

Commonwealth does not take, and which is enhanced in value by our creating a capital in the vicinity of his residence, then; all that is to be taken into consideration. If honorable senators get into, their minds the idea that 10 per cent, is sufficient, or that any fixed sum or any limits can be placed on this matter, then they are, I think, making a mistake, and they would be departing from those principles of justice which must be elastic and applied to the circumstances of every case.

Senator Sir JOSIAH SYMON

- The motion of Senator McGregor has effected one very excellent purpose. It has cleared the air, as between the honorable senator who moved the motion and Senator Neild, of the little difference which has been simmering so long, and which has hitherto made several ineffectual efforts to find expression. The discussion has been a safety valve of a most excellent and innocuous description, and now the Senate can say to those honorable senators, "Bless you, my children."

Senator Glassey

- It was only a storm in a tea-cup.

Senator Sir JOSIAH SYMON

- But small storms sometimes give the most trouble. The object of this motion is a most excellent one. Those who have had considerable experience in the past with regard to the taking of land compulsorily for the purposes of the Government or of municipalities have often felt that, whatever may have been the result so far as the final assessment was concerned, the claims at the initiation of the business have been based upon the principle that the Government was a fine milch cow that could be operated upon at pleasure. It must have been felt that moral principle was put, to a certain extent, in abeyance when the question was how much could be got out of the Government in respect to any particular piece of land required to be taken. A great deal of machinery has been adopted for the purpose of preventing that philanthropic object from being always successful. The purpose sought to be attained by all legislation of the kind is undoubtedly, as Senator Dobson has said, to secure fairness and justice as between the two parties. Sometimes the legislation has been successful; very often not. I myself have known very many cases where extravagant awards have been made against the Government or against public bodies taking land compulsorily. On the other hand I have known many cases in which altogether inadequate sums have been awarded in favour of the land-owner. Like everything human, an arbitration is liable to err. Arbitrators and valuers are no more likely to arrive at an exact and just assessment in the sense of abstract justice than are any other men dealing with human affairs with whom we come in contact in the course of our daily life. It is impossible to expect it. Therefore, we must bear in mind that these little injustices and errors will occur. But whilst we are all agreed, I think, in the desire that the Senate, the Government, and the taxpayer should be protected against extravagant claims or extravagant values with respect to property taken from the land owner, we have to ask whether this motion is one that could be effectually carried out, or whether it would achieve the object intended. As to that I entirely agree with what the Postmaster-General has said. I would point out to my honorable friend, Senator McGregor, who is probably desirous of having this subject discussed so that the Senate may have a clear idea of the general principles which should guide us in fixing the value of properties purchased, that the motion, as it stands, would be, to some extent, impracticable. In the first place it states that the property taken is to be valued according to its assessment for "State or municipal taxation." Which is it to be? We have to look upon the motion as embodying a principle which will guide the Government in dealing with the question of land purchases in any measure they may bring before Parliament. But there is nothing definite about the motion. If it is to be the assessment for the purpose of State taxation that is to be taken, we should distinctly say so. Then we should lay down some rule by which the Government might be guided and the

other Chamber assisted in coming to a conclusion. If it is to be municipal taxation, we ought to say so. If we leave it to be taken either way, the inconvenience would be immense. Because, as has been pointed out already, there are great, serious, and vital differences between State and municipal taxation. The bases upon which State and municipal taxation are founded are altogether different in South Australia. There the municipal taxation is founded upon the improved value of the land.

Senator Walker

- Monstrous !

<page>1438</page>

Senator Sir JOSIAH SYMON

- My honorable friend is evidently more radical than I expected him to be upon this matter, because the radical party have always advocated taxation upon the unimproved value of land. Suppose we take the case of the State with which I am best acquainted in respect to this subject. You there have two different bases of taxation - one municipal, in which the taxation is based upon the improved value of the property ; the other State taxation, in which it is based upon the unimproved value. So that it would be impossible for the motion in this shape to afford any rule of guidance unless we were first to define which basis should be taken, and were secondly to arrive at a conclusion as to which should be the basis for the particular assessments. Then it seems to me that there is. a great and vital defect in the motion. It is this : I doubt whether the Senate would be prepared to abdicate its functions by saying now what the basis of valuation should be upon which we should endeavour to acquire land for the federal capital. I am not familiar enough with the New South Wales conditions to enable me to say whether the basis of State taxation or the basis of municipal taxation in that State - whichever it is to be - is of such a character as I could commend. How can we attempt to do justice by fixing a hard and fast basis of valuation unless we know what that basis really is, and the principles underlying it? There is no doubt whatever that the honorable senator has adopted a liberal percentage. Ten per cent. is the customary percentage allowed over and above the value of the property taken. No one could ask for more than 10 per cent.

Senator Fraser

- People would ask for more, though.

Senator Sir JOSIAH SYMON

- Not more than 10 per cent. above the value, surely?

Senator Dobson

- They very often get 25 per cent.

Senator Sir JOSIAH SYMON

- Well, like Oliver Twist, such people will always be asking for " more." But the rule which is generally applicable to arbitrations of this kind is that 10 per cent. is allowed over and above the actual just and market value of the property; and a very handsome percentage that is.

Senator Dobson

- Would the honorable and learned senator like to dispose of that fine place of his at Mount Lofty on such terms ?

<page>1439</page>

Senator Sir JOSIAH SYMON

- If the

Parliament would put the federal capital there, I should. I look upon that property as the most eligible place in the State of South Australia, and I should be most happy to offer so desirable a site to the Government for the purposes of the federal

Capital on the terras mentioned. But that is giving a personal turn to the argument that I do not like. What I feel is that where you are laying down a hard and fast rule, it is not just to do so without ample information. I am sure that Senator McGregor - who is just and fair, and seeks to do what is right as much as any man - will agree with that proposition. In the first place, you should state whether by assessed valuation you mean State or municipal valuation ; and then you should find out what is the exact position so far as New South Wales is concerned. Further, there will be ample means of dealing with this subject later on. It is premature to come to a conclusion now as to what the basis of valuation should be. That only needs to be determined when we have before us a Bill dealing with the subject. When such a Bill comes before the Senate, my honorable friend will be able not only to deal with it in an abstract shape,

but in a concrete form, because having the Bill we must insert a clause therein defining with precision the basis upon which the valuations shall be made. I may mention, not as suggesting that it is the best method that could be adopted, but as the method with which I am familiar, that in South Australia, where this subject has involved a great deal of legislation, we have adopted the rule that land compulsorily taken shall be assessed at its value at a time not less than six months before the passing of the special Act authorizing the compulsory taking. I do not say that that is a rule that is applicable to all other cases, but it has been found to work well with us in South Australia, and has had the effect of largely preventing extravagant awards, or speculative values being either run up or paid, in respect to land in the locality. The reason for that is that no one would know very much about the acquisition six months before the Act was passed. Another improvement made was this - that instead of leaving it to eeevaluators where you have one man on one side, and another man on the other side, more or less partisans, with an umpire who probably will become influenced by one or other of the valuers, there is power on the part of either party, I believe, at any rate, on the part of the Government, to have the case heard by a Judge of the Supreme Court, perfectly free from any suggestion of partisanship. That also has been found to work exceedingly well, sometimes with a jury, and sometimes without. At any rate, that shows that the view submitted to the Senate by the honorable and learned Minister is the proper one, and that we shall be able to deal with the matter in a concrete shape, and put it in proper form when we have the Bill before us. There is no object to be gained by discussing the basis of valuation at this stage, but at the same time the discussion has been useful in showing that there is a general consensus of opinion that the Government should be protected from paying too high values for any properties they may acquire, and we can enter into the best method of doing that when the Bill reaches us.

Senator GLASSEY

- I think that the discussion upon this motion will do some good, but at the same time. I would ask Senator McGregor not to press the motion to a division.

Senator Stewart. -The discussion will do more harm than good, because it will show speculators that theycangoahead.

Senator GLASSEY

- I think the discussion will do good, and moreover that it will have the opposite effect to that described by Senator Stewart. Itwill prove a warning to speculators, because it will indicate to them very clearly and distinctly that so far as they may judge from the sentiments expressed by this Senate, they certainly are not going to get speculative prices for the land required for the new capital. Every senator who has spoken in regard to this matter has indicated that no fancy prices are to bepaid, andIentirely agree with that sentiment. I hope the motion will not be pressed to a division, because I think it would be a mistake to pronounce judgment in that way until we get the Bill which is now before the other Houseman have an opportunity of knowing what its principles and aims are. With regard to the resolution itself, Ithinkit is couched in fair terms, and that the principle enunciated of paying 10 per cent. over the ordinary value of the property is a good one. This does not mean that the ordinary value of the bare land only should be taken into account. The land may have many valuable improvements upon it, andIam quite sure that Senator McGregor does not desire that property should be acquired without paying a reasonable price. If it should be necessary in the in terest of the State or the Commonwealth, in order to make its property complete, to acquire freehold land with improvements upon it, no member of either Chamber will be desirous of acquiring the property without paying a reasonable price. I think 10per cent is a fair margin but there are cases in which it may not be sufficient. I admit that, although I quite agree with the principle, and am not one of those who are prepared to pay ancy prices for land required for the purposes of the State or Commonwealth, I hold very pronounced and advanced views with regard to land, and I have on many occasions, and in my own way; advocated the holding in check of the land speculator and the land jobber, whose operations are seldom in the interests of the people asa whole. Iwould point out, however, that it may be necessary to acquire land on which there is a market garden or an orchard, and that those improvements may possess special value, in so far as they constitute the whole means of livelihood of the person who owns the property.

Senator STEWART

-That ought to be taken intoaccount.

<page>1440</page>

Senator GLASSEY

- Yes, it should. I have in my mind a number of places of this kind in New Zealand. I spent some four or five months there, and I made it my business to go to different parts of the colony, where I saw some very beautiful places and some very nice little properties, very highly improved by being planted with fruit trees of various kinds and in other ways. These were not freehold properties, but were held on perpetual lease, and the persons who lived on them made their livelihood by growing fruit and vegetables. In the case of such places being required for any purpose whatever by the Commonwealth, the whole circumstances and not merely the value of the land should be taken into account. The fact that a man's means of livelihood is being taken away from him should be considered, and a reasonable amount paid by way of compensation. Many of these places came back to my mind the moment I read this resolution. Speaking broadly about the land being required for the federal capital, I would point out that the case is not similar to that of land being required for railway purposes, where a defined route has to be followed, and where the requirements in the way of resumption are arbitrary, and possibly it would not be necessary to take into account resumptions such as I have just been speaking of. Although I consider the terms of the resolution are reasonable, and that an allowance of 10 per cent. for compulsory sale is a fair thing, I would ask Senator McGregor not to press the motion to a division, because I think it would tend to hamper us when we come to deal with the Bill that will shortly be before us.

Senator STYLES

-I join with other honorable senators in asking Senator McGregor to withdraw his motion. I think Senator Sir Josiah Symon put his finger right on the blot in connexion with the motion when he pointed out ' the difference between the State and municipal valuations. The motion does not tell us which is to be the basis.

Senator Stewart

- If there is no municipal valuation, we can adopt the State valuation.

Senator STYLES

- But suppose there are both?

Senator McGregor. - Then take both.

Senator STYLES. -Perhaps there may be a way of getting at it, but as a municipal councillor I know there is a great difference between municipal and Government valuations.

Senator McGregor. - Then either one or the other must be wrong.

Senator STYLES

- -Generally they are both wrong. I will show the Senate how unfair it would be to add 10 per cent. on to the assessed value of any property on 1st January this year, and pay on that basis. It may be a year or two after that date before the property is purchased, and in the meantime it may have been improved to the extent of 10 or 15 per cent.

Senator McGregor

-That belongs to the people.

Senator STYLES

- If it were provided that the basis should be the real value of the property on the 1st January, I could understand it, but the assessed value would not be a fair basis of arriving at the proper price, and if properties were sold on that principle, in every case the person owning them and selling them to the federal authority would lose, for the simple reason that no man owning property complains of being under-valued when he is assessed, whilst every man when he is over-valued complains, and appeals against it. I know that frequently the assessed value is a great deal more than 10 per cent. below the real value.

Senator McGregor

- That is a very bad state of things.

Senator STYLES. -It is a condition of things that we have to take into consideration.

If we take the assessed value of any property, and put 10 per cent. on it, we shall find that we are under-paying the man who owns it. I think the principle involved in the motion is right enough, and that Senator McGregor is to be thanked for having brought the matter forward and enabling it to be discussed. No doubt the Government will have its eyes open to the views of various honorable senators in this matter when the Bill is brought forward. And, by-the-by, why should the Bill not be introduced in the Senate ?



Why should we not be allowed to deal with it before it goes to the other House ?

<page>1441</page>

Senator Stewart

- We have not yet finished the Bills that we have.

Senator STYLES.-Still we might have this under way. I can quite understand Senator McGregor's anxiety to see that the federal authorities shall not be fleeced, if the experiences of his State are like the experiences we had here for years, in connexion with our railways. Up to 1893, Victoria was fleeced right and left, not merely to the extent of tens of thousands of pounds, but to the extent of hundreds of thousands of pounds in connexion with land required for railway purposes. I recollect one case where a claim was made in connexion with a bit of an up-country garden - one of the usual kind, overrun with weeds and planted with a few fruit trees - in the north-eastern district. They got £130 per acre for it. I do not know how many pounds per fruit tree they received. This was one of the immediate reasons for the passing of the Railways Land Acquisition Act 1893, by the Victorian Government. Under that Act the Government pays nothing for land required for railway purposes. The abuse of the old system had grown to such enormous dimensions that Parliament decided not to pay anything in future. It held that people who wanted a railway should give the land required for it. Where necessary a trust is formed by the people, and the lands purchased and handed over. In large cities such as Melbourne and the suburbs the land is not bought in that way, but the municipal councils through whose districts the line is to run, have to guarantee 4 per cent. per annum for twenty years, if necessary, on the cost of the land, buildings, &c., for which the Government have to pay. In the case of the Collingwood line £80,000 was paid by the State, and the councils through whose territory the line runs, had to give a guarantee of something like £3,000 per annum for twenty years, so that the State should not lose in that direction. I am quite in sympathy with Senator McGregor. There is no doubt that the gentle land boomer will try to get his clutches on any property that is likely to be required for the federal capital ; but as they are so particularly anxious to have the federal capital in so many different parts of New South Wales, perhaps the people there may do the same as the people in the Victorian country districts do in connexion with the railways, and give the land required by the federal authority. Why should they not do so ?

Senator Sir William Zeal

- Does the honorable senator give his income to the public?

Senator STYLES

- No; because I should not receive any benefit. Like Senator Sir Josiah Symon, if I had property in the district I would willingly give the federal authority land at 10 per cent, less than its value in order to have the federal capital located there. I would do so to have it located in Williamstown, we will say, which is a very fair site for a federal capital. This aspect of the matter is worthy of consideration. . If people are so anxious to have the "seat of Government" - that is the way it is described in the Constitution Act - in their particular district, let them give the land. Perhaps I ought not to mention the Constitution Act. I am beginning to think that it would be a good thing if some people were to steal it and carry it away. I have heard so much about it during the last week

Or two that I am heartily tired of it. I shall be glad if Senator McGregor will withdraw his motion. I must vote against it for the reason that it does not definitely state how the land is to be valued. It refers to the assessment for State or municipal taxations, but in Victoria at all events there is a very wide difference between the two. The motion is so indefinite on that point that I am sure the honorable senator will withdraw it.

Senator HARNEY

- This debate recalls to my mind the very interesting debates that we had in Ireland some years ago. It was proposed by the Government that each farmer should devote a certain portion of his land to labourers for the erection of cottages upon it. When the Bill was prepared there was a good deal of discussion as to the basis on which the farmers should be recompensed for the land thus taken. It was early discovered in those debates that any valuation based upon the market value or upon any recognised assessment would be entirely unfair, because land has one value to the owner and another value to the public, and every just assessment must be based upon its market value or its objective value, that which meets the public approval. If you are going compulsorily to take land away from persons, however, you are bound to recompense them for the loss of their amenity of residence, for the cost of

removal of their business, if they have one; for their good will, importing the continuance of the business ; for the peculiar adaptability of the locality to the occupation in which they are engaged, and which could never be supplied if they got merely the market value of the land, inasmuch as they might lose that which rendered the land of true value to them, the business dependent on its locality. In consequence of that, the debate on the Labourers' Cottage Bill, in Ireland, proved to be a very long one, and, although honorable senators may be sure that there was no attempt made by the English Legislature to give too much to the aggressive, and annoying Irish farmers, the sense of justice, equity, and fair play was sufficiently great to induce them to lay down very elaborate clauses for compensation. That would be entirely different from the lines suggested by Senator McGregor. I agree with Senator Dobson, that justice must regulate the compensation. You do not do justice by giving the market value. The municipal or State assessment might be based on the market value. Theoretically it is, but in point of fact we know it is not. We know that in many cases it is inflated to excessive rates, but if the theory assumed in favour of Senator McGregor, that the basis upon which he builds his proposition, the municipal or State assessment, was an accurate one, it would still be unjust, because that would be the basis representing the value of the land to the public, and not the basis representing its value to the individual. It is the individual we wrong and the individual we have to compensate.

Senator MCGREGOR

- Would not 10 per cent, do ?

<page>1442</page>

Senator HARNEY

- This is not a new matter. For a couple of generations, ever since the first Land Clauses Consolidation Act of 1 the first Railways Act, rules have been attempted to be laid down by Judge for giving compensation in these cases. These rules have now been more or less codified, and they form the material from which the Legislature made the clauses in the Labourers' Cottages Bill of Ireland. I think we ought not by this resolution to shut out such considerations in settling what the Government should give for land compulsorily taken over by the Commonwealth. I may tell Senator McGregor also that one of these rules laid down by Judges curiously enough is that the arbitrators ought when they are in doubt to allow 10 per cent, over what they consider to be the value of the land. There is a margin of 10 per cent, allowed by a rule of law.

Senator McGregor

- I must unconsciously be a lawyer then.

Senator HARNEY

- But when I saw the reference to 10 per cent, my memory took me back to one of the law books. I got a copy of it from the library and found that I was right in thinking that there was a margin of 10 per cent, allowed over the value arrived at by the arbitrators.

Senator Dobson

- That is the lowest margin. It has gone up to 25 per cent, in some few cases.

Senator HARNEY

- Yes, 10 per cent, is the minimum. But Senator McGregor will see that that is 10 per cent, upon the margin of the value to the owner, and not upon the market value. His proposition, fixes the market value and allows for a margin upon that. The true value is what the land is worth to the owner, not to the public, with a margin of 10 per cent, added.

Senator PEARCE

(Western Australia). I sincerely trust that

Senator McGregor

will not withdraw this motion, It is very necessary, after the discussion that has taken place, that the question should go to a division, in order that the electors may see how some of their representatives are going back upon their electioneering pledges.

Senator Sir William Zeal

- The honorable senator may have made a pledge, but others did not, and he has no right to say that they did.

Senator PEARCE

- I know of some who have made pledges. Senator McGregor does not profess that this motion contains

all the terms that it would be necessary to include in a Bill to give effect to it. Those honorable senators who oppose the motion because it does not cover all the ground that would be covered by a Bill, are endeavouring to fight against the principle on a side issue. I think that what Senator McGregor is aiming at is that the price to be paid for land acquired by the Commonwealth should be the value of that land apart from the enhanced value given to it by reason of its being chosen as a portion of the federal site. The question whether the basis of that value should be the State value or the municipal value could be settled in the Bill. Any honorable senator who believes in the principle would not be stultifying himself by voting for this motion. With regard to the information given by Senator Dobson as to the mode of valuing land which was resumed for railway purposes in Tasmania, I would say that I do not see any analogy between the two cases, because railway resumption necessarily deteriorates the value of property in many cases. It frequently cuts in two a paddock or takes off a portion of a building site, and thus spoils the remainder of the land. In that case there is reason for arbitration in a sense that there is not in this case, because in this case it is proposed to take the whole of the land. There will be no question of taking half of the land, of resuming the back yard of any premises and of leaving the building.

Senator Harney

- But it might ruin a man's business.

Senator PEARCE

- The question has been raised by Senator Harney as to the good-will of a business apart from the value of the land. The motion leaves it open to make provision in the Bill to compensate a man for the loss of his business.

Senator Harney

- The honorable senator will see that we can have no prospective profits, no good-will allowed for in compensation based upon a municipal or State value.

<page>1443</page>

Senator PEARCE

- There are two things which are to be resumed. One of these is the land. But in taking the land we take away the living of the people who are at present upon it. There are therefore two questions for compensation, namely, the land we take away, and the living we take away from the people. The motion simply deals with the question of compensation for taking away the land. If Senator Harney is in favour of that, the fact that the motion does not provide for compensation for the good-will of the business need not deter him from voting for it.

<page>1444</page>

Senator Harney

-What about the question of severance?

Senator PEARCE.- The question of severance can come up in a separate clause in the Bill and as a separate reason or compensation. I contend that as a means of indicating to the people in New South Wales the idea of the Senate, it is necessary that this motion should go to a division. I am sure honorable senators will agree with me that the mass of literature that we are being deluged with from people in New South Wales indicates that land booming is going on there. There is an attempt being made to influence us for the purpose of giving an increased value to certain persons' land - a value that they would never receive by selling under ordinary conditions. If only for the purpose of checking this idea which is growing up in New South Wales, it would be well to put the motion to a division and have an expression of opinion upon it.

Senator PLAYFORD (South Australia). - I quite agree with the object which Senator McGregor has in view. The object is to prevent the Commonwealth from paying more for land held by private individuals in consequence of the enhanced value given to that land by reason of it forming a portion of the territory upon which the federal capital is to be built. But when we come to consider the basis of the valuation proposed by Senator McGregor I think we shall find that he is altogether at fault. The basis of the valuation which he puts down is for either State or municipal purposes. From my own experience that basis is an altogether fallacious one. In some cases a man would not get anything like a fair value for his land upon such a basis, whilst in other cases the State would have to pay greatly in excess of its value. I have had more than twenty years experience as chairman of one of the local governing bodies in South Australia. I know that the assessment there is based upon the annual rental during a fourteen years tenancy of

property on unimproved value. Our assessment on one man's property is £20, and yet I know that that land is let to individual tenants for double the amount in some cases. In such a case the man would be a frightful loser if the State were to take that property from him on the basis of the municipal assessment. The municipal assessment is far too low. That it is not the market value is shown by the fact that the land in some cases is let to the tenant for more than double. I know of one case where a property in my neighbourhood was assessed at £40 a year, and the owner was getting £80 for it from the tenant. I have had great experience in South Australia with regard to the assessment upon the unimproved value of land for taxation purposes. We there assess land on what we call its unimproved value. Then, again, if we take that as the basis we will commit hardship in many cases and robbery in others. I will give only one instance. Only a few months ago I was asked by the Commissioner of Crown Lands of South Australia to inspect a section of land offered to the Government for the purposes of closer settlement, and to give him an opinion as to its value. I did not know at what the land was assessed on the unimproved value. I went over the land, which lies close to the city of Adelaide, and I said - "Under no circumstances must you give more than, £17 per acre for that land." "Oh," he said, "why this land's unimproved value has been assessed for years and years, ever since the assessment was made, at £25 an acre," I said - "The land is not worth more than £17, I am sure, for your purpose, and it is not worth more at ordinary market value." The owners would not take £17 per acre, but put the land up to auction. The Commissioner of Crown Lands employed a man, unknown, of course, to the auctioneer, to bid on behalf of the Government, and the Government got the land at auction at £17 per acre. There is a case in which the Commonwealth would be robbed, and heavily robbed, with 10 per cent. added to the value. The basis is wrong. We cannot have this basis, and I am quite sure Senator McGregor, if he had had the experience have had in regard to these assessments, would see that the basis cannot be adopted without inflicting in some cases extreme hardship on the owner, and in other cases causing the Commonwealth to pay an immensely higher sum than there is any reason or right to pay. As this matter will come on for discussion when the Government introduce a Bill, I do not propose to go further into it, beyond calling Senator McGregor's attention to the fact that if we are going to base the price on the municipal assessment, we are certainly leaning on a rotten reed, and will make a very great mistake. I join in asking the honorable senator to withdraw the motion as the whole matter will come on for consideration and fuller discussion when the Government introduce their Bill.

Senator STEWART

- I hope Senator McGregor will not take the advice tendered to him, but will push this matter to a division. It is wonderful how unanimous senators are in stating that they are determined to see the utmost economy exercised in the purchase of a site for the federal capital. But when a concrete proposal which would have the effect of causing economy to be used is brought before them.

An Honorable Senator. - An academical proposal.

Senator STEWART

- Immediately a concrete proposal is brought before them senators play a game of hide-and-seek, and have not the courage to oppose the motion but try to defeat it by a flank movement.

The PRESIDENT

- Does the honorable senator not think he had better not impute motives ?

Senator STEWART

- I am imputing only ordinary political motives, and none private or personal. What is the position ? Here we have a rich young gentleman, Mr. Commonwealth of Australia. He has newly come to his kingdom, and is on the outlook for a site for a country seat, Money is no object - he wants a fine climate, plenty of water - to mix with his whisky, I suppose - he wants building stone available, and he wants all the comforts and luxury that art and nature can give. In short, he wants the most beautiful site on the continent. These are his requirements. Does not such a state of things immediately put the land-boomer on the quiver ? We know perfectly well that land gambling is going on on a very extensive scale in New South Wales at the present moment.

Senator Fraser

- I pity the gambler.

Senator STEWART

- If Senator Fraser has any desire to save the gamblers from themselves he will vote for this motion,

which, if it were carried, would be a danger-signal, and point out to those who are engaged in fevered speculation in regard to probable sites that they ought to hold their hand - that they will not be paid a fancy price for the site which may be chosen. But when those people read this debate, they will say - "We can go on with the game; the value of the site will ultimately be determined by arbitration." And everybody knows what arbitration means. The Postmaster-General objected to Senator McGregor's proposal, on the ground that it is based on State or municipal taxation, which was not reliable. But there are only two ways of fixing the value of a particular portion of land. We must take either the State or the municipal valuation, whatever it may be, or we must employ private valuers. In what better position would we be with private valuers? When it is known that a particular site is to be chosen for the capital of the Commonwealth, land values will probably immediately rise 500 or 1,000 percent. If a court of arbitration sits, naturally the witnesses before the court would be people who have lived in a particular locality, and, who, therefore, know the value of land there. And what evidence will, they give? Their evidence most undoubtedly will be that the land is worth so and so-probably ten times as much as it would have been worth two or three years before.

Senator Playford. - But the Government Bill will put a stop to that.

Senator STEWART. - We do not know what the Government Bill will be.

Senator Fraser. - We can make the Bill what we like.

Senator STEWART

- Senator Fraser says that we can do as we like with the Bill, but I find that the honorable senator is extremely unwilling to do anything which would block the schemes of speculators now, and I am justified in coming to the conclusion that when the Bill comes before us he will take up exactly the same attitude.

Senator Sir William Zeal

- Senator Fraser will not do anything unjust.

Senator STEWART

- I want to save those speculative people from themselves, and I have no intention of doing anything unjust or being a party to any injustice. All I want to see is that the Commonwealth is not "taken down." If this motion be passed it will be a clear intimation to speculators not to go on - that they are not likely to benefit by their speculations. But, seeing the temper in which the motion has been received, it appears to me that the speculators will consider they have a free hand, and that in the end the Commonwealth Government will have to pay perhaps ten times the value of the land.

Senator Drake

- The speculators might "drop in."

<page>1445</page>

Senator STEWART

- I am very much afraid of the Commonwealth "dropping in." We all know how liberal people can be with money that is not their own. Senator

Sir Josiah

Symon talks about the State being considered a good milch cow, but I believe the Commonwealth will be looked on as a specially good milch cow.

An Honorable Senator. - A whole dairy.

Senator STEWART

- The Commonwealth will be looked on as a milch cow of very excellent breed, which will yield a very large quantity of milk, and I want, if possible, to prevent that sort of thing.

Senator Walker

- The sex has changed. The honorable senator said just now that the Commonwealth was a young man.

Senator STEWART

- I am drawing attention to the analogy drawn by Senator Sir Josiah Symon between the Commonwealth and the milch cow. I will support the motion if Senator McGregor presses it to a division.

Senator Sir WILLIAM ZEAL

- I think every one will agree that the proposal carries on the face of it the principles of equity and justice. But I would ask the honorable senator not to press his motion to a division, simply because we have not sufficient time in which to deal with the subject. I could tell honorable senators many cases which have happened in this State in connexion with the acquisition of land by the State, and in which the State has

got the best of the bargain.

Senator McGregor

- The State generally gets the worst of it.

Senator Sir WILLIAM ZEAL

- If the honorable senator had been resident here for the last six months, he would know that on the line between Lilydale and Warburton the owners of the land have been dispossessed without any compensation whatever. It is an unjust thing to say that a man who lives on a line of railway which goes through his property shall have portion of his land taken away from him, and that he shall have to bear the whole burden of the loss. What becomes of his neighbour, who lives within half-a-mile and whose property is infinitely advantaged by the construction of the railway. That man reaps the whole advantage, and the man through whose land the railway goes gets barely sufficient to pay for the fencing. That is the law in Victoria, and it has been carried to extremes. In my opinion the betterment system is the proper system to adopt, but Senator McGregor's system is not the betterment system. The honorable senator's proposal is in the right direction, and if he will give us time to acquire a little further information, we shall be enabled, in due time, to do what is right and just between the parties, from whom we seek to acquire land, when we obtain our great inheritance in the neighbouring State of New South Wales. A great deal has been said about the land speculator, and about pledges which have been made to our constituents ; but I do not know that any senator made a pledge upon this matter, and I think it is unjust for Senator Pearce to accuse senators of breaking their pledges.

Senator Pearce

- Is the honorable senator in order in accusing me of doing something unjust ?

The PRESIDENT

- I think the honorable senator himself made an imputation" against other honorable senators.

Senator Sir WILLIAM ZEAL

- The honorable senator's objection only shows that when his own argument is applied to himself he is extremely thin-skinned, and that he cannot bear that criticism of his own actions which he lavishes upon others.

Senator Stewart

- When he has been here a while his hide will be tanned.

Senator Sir WILLIAM ZEAL

- I should think it would be judging from some of the addresses we have heard. We all admire the persistent efforts put forward by the gentlemen on the opposite benches to endeavour to do the best they can for the public, and we think they are actuated by honest motives ; but let them give to members who do not see eye to eye with them, and who probably have had more experience in these matters, the consideration they expect themselves. My experience has been second to none in the matter of the acquisition of land. I know about as much as any one, and I know it is a subject surrounded with infinite difficulties. I would point out to Senator McGregor that in New South Wales there is no municipal assessment. Supposing property were acquired at Bombala ; there is no municipal assessment there.

Senator McGregor

- I did not say there was.

<page>1446</page>

Senator Sir WILLIAM ZEAL

- How, then, would the honorable senator arrive at the value of the property? Surely it is the proper thing to wait events and see what proposals are made by the Government of New South Wales. I am quite sure there is not a member in this Senate, whether he comes from Western Australia, Queensland, or elsewhere, but who desires to do fairly and honorably between every one concerned: I ask Senator McGregor not to force his motion to a division. Although I agree with its principles, I cannot vote for it.

Senator DRAKE

(Queensland - Postmaster-General). - With the permission of the Senate, .1 would like to say a few words in the form of a Ministerial explanation before

Senator McGregor

replies. The honorable senator, in the course of his remarks, said, if I understood him correctly, that he was pleased to know the Government had decided to take over the Northern Territory. I wish to say now

that the position with regard to that matter is this : The Government desire to take over the Northern Territory when suitable terms and conditions can be arranged between the Commonwealth and South Australia as to financial and other questions upon which the Government are instituting inquiries. I make that statement in order that there may be no misapprehension.

Senator MCGREGOR

(South Australia), in reply. - Of course, I take the explanation of Senator Drake

as to what is in existence in connexion with any negotiations of that kind. I do not think that any South Australian ever expects that the Commonwealth is going to say - " Hand us over the Northern Territory," without any arrangement being made. I am sure arrangements will be made, and that they will be satisfactory. I just want to assure honorable senators once again, although it may be out of place, that I introduced this motion with the highest motives.

Senator Neild

said that I introduced it for purpose of having an opportunity of referring to his conduct. I only wish .to show the difference between my conduct and the conduct of the honorable senator. When I introduced this motion, no difference existed at all between us, but when a difference did arise and I took the legitimate opportunity of referring to it,

Senator Neild

himself stopped me - a thing that no senator should do if he had any sense of the fitness of things.

Senator Neild

was exactly in the same position with respect to a resolution of his, and I would like to ask that gentleman, or any other gentleman, if I got up and used the right I had through spite or anything of that description

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I want to tell the honorable senator that the paper in which the statement I refer to was published was the Sydney Daily Telegraph

of 11th June. The meeting reported was held at Paddington on the 10th June, and if I had said what I thought of the statements in the quotation, the President would have ruled me out of order, because every statement was absolutely untrue.

Senator Walker

- Has this anything to do with the motion 1

The PRESIDENT

- Really, I think this discussion has gone on long enough. I am not quite sure whether the senator states that the statements in the newspaper were untrue or the statements made by Senator Neild were untrue.

Senator MCGREGOR

- I said that every statement in the quotation was untrue. I am not going to say that Senator Neild was correctly reported. I have nothing to do with that. I have only the statement published by the Sydney Daily Telegraph. I have no desire to refer to that any more, nor does it interfere with the good feeling that ought to exist between Senator Neild and myself, although I do not like to see people advertising themselves at the expense of everybody else.

The PRESIDENT

- I think, this discussion on a subject of personal differences has gone on long enough.

Senator MCGREGOR

- I am not going to refer to the matter again, but am going to refer to the resolution in its strictest sense. I am pleased that the Senate has fairly discussed the motion, but there is a very great deal of misapprehension in the minds of a great many honorable senators with respect to its terms. It was within the power of every one of them to move to amend the motion if he thought that there was anything wrong in it. I shall state now what it has done. It has revealed a very objectionable state of affairs in connexion with both municipal assessment and State assessment so far as taxation is concerned. If it has done nothing else it has exposed that to a certain extent. I know that Senator Sir Frederick Sargood and others, when referring to the unfairness of acquiring property on the basis of either State taxation or municipal taxation, would never do the things which they accuse others of doing. What have they been accusing the people of Australia of doing ? Of evading their responsibilities both to the State and to the municipality. They say that in the majority of instances the assessments are too low, and the people would be robbed.

<page>1447</page>

Senator Harney

- Too high very often.

Senator Styles

- Some of them are too high.

Senator McGREGOR

- Very few. Leave me to deal with that matter; and I shall give a few instances of those that are too high. I hold, and I think it ought to be a good indication to the Government as to the feeling here, because I believe that honorable senators do desire to act fairly towards the Commonwealth, that the Government ought to be careful that in their Bill a provision is inserted to protect the Commonwealth without doing an injustice to individuals.- What was I to do in a motion of this kind?. Some persons object to the municipal assessment and some object to the State assessment. Do not honorable senators know that the Commonwealth ultimately may have to acquire land in all the States ? Do they not also know that it will have to acquire land in . different parts of the. States, and if it should be in a State in which no land taxation assessment for State purposes exist, is it not a: good thing to have the municipal assessment to fall back on ? On the other hand, it may be in a portion of that State where municipal land assessment does not apply at all but where State assessment may apply. It is absolutely necessary in moving a motion of this description that the definition of the assessment should be as broad as possible. I never said a word about any value, except the value of the land. There was nothing mentioned about improvements, or property, or anything of any description but the land that was to be acquired. I hope that the Bill of the Government will contain some provision for the acquisition of improvements. I want now to deal with the arbitration that has been referred to by Senator Dobson. I know very well that that has been in existence in different States. I also know that in almost every instance where an injustice was done it was done to the State. Senator Sir Josiah Symon says he has known an instance where the amount given to the individual was very low indeed. But the amount is only low in every instance I know of in comparison with what was given to other individuals, not in comparison with the actual value. Then with respect to an increase of value given by either the acquisition of land or the carrying out of a federal improvement or a State improvement, I would like to get an idea of those cases - I never heard of them, though very probably Senator Dobson has where an individual has. paid, anything to the State when it acquired any of his land, and all the rest of it was improved in consequence. I never heard of such a thing. Senator Playford referred, to an instance near Adelaide, and I think another honorable senator referred to other properties near Adelaide. In the. former case' J. know the circumstances very well, but that is one out of a hundred, thousand that may occur in the Commonwealth..

Senator Playford. - I valued three, and the same thing occurred.

Senator McGREGOR

- I know the locality. The area of the land was less than a couple of. hundred acres, and it was in such a. position that the trustee, or if it was not. under trust it belonged to. a certain individual who had no desire to depreciate the value of his property, and he was quite willing to submit to a little excessive taxation for the purpose of keeping up its value. This motion would never affect an individual of that description. Nor would it affect the Federal. Government:

Senator Playford

- It would.

Senator McGREGOR

- Certainly it would not, because it does not propose that . the Government are to give 10 per cent, in addition to the value. It does not even propose that they are to give the excess value. It only proposes that they are not to give more than 10 per cent, in excess of the assessed value, and consequently in a. case' such as Senator Playford referred to. where the land was so obviously assessed above its value, the Government would never be so foolish as to give 10 per cent, in addition to the value that was already assessed.

Senator Playford. - It is not a singular case. It has occurred hundreds of times.

<page>1448</page>

Senator McGREGOR

- There are very few cases: Another case which the honorable senator referred to was where the



assessment was so low that it was not really within one penny of what the individual was receiving in rent. Is. not that another instance of how unfairly the individual is prepared to deal with the State or the Commonwealth? He wants to get everything out of the State and the Commonwealth, but he does not want to pay his legitimate obligations to either the one or the other. Are we here to consider individuals who are so devoid of principles that they are prepared to rob the State at any time, and yet are not willing to pay their fair dues to the State? I do not think we are entitled to consider them for one minute. I hope that after this discussion the Government will see that it is necessary to do something in this direction, and that honorable senators who have expressed their opinions so freely to-day will then be prepared to assist. But the Government can do a great deal even now in preventing speculators from having any opportunity of taking advantage of them in the future, and I hope they will do it. Many other points have been referred to which might be discussed ; but I have no desire to occupy time at greater length, and as such a general wish has been expressed that I should withdraw the motion, I do not want to act against the wish of the majority. I shall expect, from the expression of opinion that has been given to-day, that support will be given to any amendment in the Government Bill in the direction which I have indicated. I ask leave to withdraw the motion.

Motion, by leave, withdrawn.

#### DEPORTATION OF BOER PRISONERS

Senator DRAKE

laid upon the table a return containing certified copies of correspondence relating to the suggested deportation of Boer prisoners to Tasmania.

Ordered to be printed.

#### POST AND TELEGRAPH BILL

In Committee

(consideration resumed from 19th June),

vide

page 1246 -

Clause 26 -

) Any publication coming within the following description shall for the purposes of this Act be deemed a newspaper that is to say any publication known and recognised as a newspaper in the generally accepted sense of the word which consists wholly or principally of political or other news or of articles relating thereto or to other current topics with or without advertisements and printed for sale provided -

that it is printed and published within the Commonwealth ;

that it is published in numbers at intervals not exceeding seven days ;

that the full title and date of publication be printed at the top of the first page and the whole or part of the title and the date at the top of every subsequent page.

The following shall for the purposes of this Act be deemed a supplement to a newspaper that is to say a publication consisting wholly or in part of such matter as aforesaid or consisting wholly or in part of engravings prints or lithographs illustrative of articles in such newspaper or supplement provided that no such supplement shall consist of only one advertisement placard or circular and that every such supplement be enclosed in every copy or issue of the paper of which it forms the supplement and in every case be printed on a sheet or sheets of paper of similar size to and published with such newspaper and having the title and date of publication of the newspaper printed at the top of every page or at the top of every sheet or side on which any such matter appears :

Provided that the limitation as to size shall not apply to coloured supplements or engravings if not of convenient size or form.

Upon which Senator Staniforth Smith had moved as an amendment -

That in paragraph (6) of sub-section (1) the words "seven days" be omitted with a view to insert " one calendar month."

Postmaster-General

Senator DRAKE

. - When this Bill was last under discussion, I suggested that it would be advisable to arrange for another sub clause which would comprise periodicals published at intervals of more than seven days. I have here a rough draft of a new clause that would give effect to that idea, and which I think might satisfy honorable

senators. It reads as follows : -

Periodicals. - Any publication which consists wholly or principally of political or other news or articles relating thereto, or to other current topics, with or without advertisements and printed for sale shall be deemed to be a periodical if-

It is printed and published within the Commonwealth ;

It is published in numbers at intervals not exceeding one month ;

The full title and date, of publication is printed on the cover and the whole or part of the title and the date on every page ;

The sheets forming each number are firmly stitched or bound together ; and may be registered in the same manner as a newspaper and may be transmitted by post at the rates of postage prescribed for the transmission of periodicals, but for all other purposes of this Act shall be taken to be a newspaper.

Senator Best

- What is the difference between periodicals and newspapers in the way of rates ?

<page>1449</page>

Senator DRAKE

- The fixing of the rate is another matter altogether. We have decided as to the method by which rates will be fixed. They will be fixed by the Governor-General in Council and the scale will be laid upon the table for fourteen days, and, if not disapproved of by either House, will become law. It may come into operation at a date to be fixed.

Senator Best

- What rate is proposed 1

Senator DRAKE

- I am not prepared at the present time to state what would be the rate fixed by the Governor-General in Council. The intention is that it shall be a different rate to that paid by newspapers. I am not prepared to say exactly how it will compare with the rate for newspapers, but my view is that a newspaper, according to the ordinary acceptance of the term, is a periodical, that is, published at intervals not exceeding one week. We have been in the habit of carrying those newspapers at very low rates indeed. Now outside that particular class of publications are a great number that are published at greater intervals than a week, and they are of a very different character. To put them into classes : there are, first, trade circulars - journals that are published monthly in the interests of some particular trade.

Senator Staniforth Smith

- Are those not included by the wording of the Bill ?

Senator DRAKE

- I do not know whether, strictly speaking, they are excluded, but, as a matter of fact, we know that they pass as newspapers, and, as I have pointed out before, it is impossible for the Postmaster-General to draw the line and say that one publication is a newspaper and another is not. At all events he cannot draw the line strictly. He cannot prevent evasions of the Act. If a publication contains some news or some comment upon current topics, and it is claimed by the proprietors that it is a newspaper, it is a very hard thing for the Postmaster-General to declare that it is not a newspaper and shall not be carried. The particular publications I am referring to, which at the present time are carried as newspapers, are of three classes - trade circulars, published monthly; journals of a religious or philanthropic character, that are published usually at intervals of one month ; and a different class of periodical altogether, the literary magazine, published monthly, and which, as a rule, is very weighty. The Review of Reviews at the present time runs right up to the 10oz. I think it is desirable in fixing rates that it should be strictly understood that a publication which goes as a newspaper is a newspaper in the strict sense of the word, and that periodicals comprised in the three classes I have mentioned should not go as newspapers, but as periodicals, and at a rate fixed in the manner prescribed by the Bill. Seeing that I have conceded to the Senate that these rates shall be laid on the table and be subject to discussion and approval, I think there need be no fear that they will be unjust or unfair to any one. If this proposal is accepted by the Senate, and our regulations introduce the element of weight, we can carry for a lesser rate a periodical which only weighs a certain number of ounces than a periodical that weighs nearly twice as much. I think it would be possible to arrange a scale that would give satisfaction all round.

Senator Staniforth Smith

- You carry now the Review of Reviews at the same price as the Age and the Argus.

Senator DRAKE

- It is published in Victoria. The rate is a halfpenny for ten ounces for a newspaper, and some newspapers weigh close upon ten ounces.

Senator Glassey

- I pay 2d. for sending it in Queensland.

Senator Best

- You are raising it now ; it was 1 1/2 d. before.

Senator Glassey

- It was the Age I paid 1£d. for.

Senator DRAKE

- If a periodical like the Review of Reviews is struck out of the definition of a newspaper and carried simply as printed matter, the postage will be something like three times what it is now. It is now £d., and it will then be 1 1/2 d.

Senator Best

- I am told it will be five times as much in Queensland.

Senator Glassey

- We have enormous charges there.

<page>1450</page>

Senator DRAKE

- According to weight the rate is very high in Queensland. I regret having to mention any one particular magazine, and it is rather unfortunate that the Review of Reviews should have had to be referred to as affording an instance of the way in which the rates would work. If this Bill were passed in its present form with the alteration of the definition, then that publication would at once cease to be a newspaper and would be subject to the rates of postage for printed matter. In order that that might not happen I propose to make an addition to this new clause I am proposing in terms something like this - that periodicals which hitherto have passed as newspapers shall continue to pass as newspapers until the rates for periodicals fixed by the Governor-General in Council have come into operation. If the definition of a newspaper is altered the Act will come into operation on the 1st October, 1901. On that date under ordinary circumstances the Review of Reviews would cease to be carried as a newspaper, and would be subject to the ordinary rates of printed matter. The new rates for periodicals would not come into operation until after they had been fixed by the Governor-General in Council and had been laid on the table for fourteen days, and then perhaps not until the date that was fixed in the scale. So that in order that a paper like the Review of Reviews should not have to pay during the interval the ordinary rates for printed matter, I propose that it shall be carried as a newspaper until such time as the rates for periodicals come into operation. I think that is a fair solution of the matter. If it meets with the approval of the Senate I would ask Senator Smith to withdraw his amendment and allow this clause to pass. I cannot move the new clause now, because, according to our standing orders, new clauses cannot be proposed until after all the clauses in the Bill have been dealt with. I will have this clause printed and circulated with the addition I have suggested.

Senator Lt Col NEILD

- Perhaps the Postmaster-General will say whether he proposes to differentiate in respect of periodicals which are distributed gratis. For instance, he made reference to religious and philanthropic publications. They are frequently distributed gratuitously, and I would like to know if he contemplates that the same rates shall apply to those publications as to those which are issued for purely money-making purposes.

Senator DRAKE

- I do not think we can make any distinction on that account. All philanthropic movements are supported by subscriptions in some form or other, and even a religious movement, looking at it from the secular side, depends to a great extent on contributions, and whether a charge is made for a newspaper or not I think matters very little, seeing that it is probably paid for in some way or other by those who read it or by the persons who are supporting the movement. The difficulty would be that if we were to differentiate between newspapers for which there is no charge, and newspapers for which there is a charge, we should be called upon at once to differentiate between the newspapers as to the amount of the charge,

and we should have to carry newspapers published at a penny for less than newspapers published at twopence, which, I think, would soon involve us in an absurdity.

Senator MCGREGOR

- I do not disagree with the definition of a newspaper, nor am I going to say very much about the definition of a periodical which the Postmaster-General has brought in. If these two definitions were accepted a number of publications which are really newspapers in every sense of the word - if the seven days' limit remains - would be disqualified altogether, because then they would not come under the Minister's definition of a periodical or a magazine.

Senator Drake

- What are they?

Senator MCGREGOR

- The Alliance Temperance News is practically a newspaper. It is published once a month by the temperance people in South Australia. It is not a magazine; it is a temperance newspaper.

Senator Drake

- It is a periodical, and it would come under the clause I have read, I think.

Senator MCGREGOR

- Yes: but we do not want it to come under that clause. We do not want a publication that is practically a newspaper to those who support it.

Senator Harney

- What news does it give?

Senator MCGREGOR

- It tells its readers how General Booth is getting on, and all that sort of thing. Again, in Melbourne a little paper called the Norden is published in the interests of the Scandinavians. It is only published once a fortnight, and to them it is really a newspaper. In South Australia there is published once a week or once a fortnight the Australian Zeitung, which is really a newspaper to the people who want it. For that reason, even if we accept the definition of a periodical, and still retain the definition of a newspaper, to my mind it will be absolutely necessary to alter the seven days to one calendar month. If we do not pass the Minister's amendment, that will not remove the necessity for still sticking to the amendment of Senator Staniforth Smith.

<page>1451</page>

Senator STANIFORTH SMITH

- I regret that I cannot comply with the request of the Postmaster-General to withdraw my amendment, because, while he has intimated his willingness to create another class which would include these periodicals, the only reason that could actuate him in doing that would be that it would enable him to charge a higher price for their carriage.

Senator Drake

- Not necessarily; I must differentiate according to weight.

Senator STANIFORTH SMITH

- I thought the amendment was so reasonable and so advisable that I did not wish to waste time by deducing any reasons or arguments in its favour. But I was surprised to see that it evoked a considerable amount of discussion, and that the Postmaster-General himself opposed it - I presume from a revenue point of view. I do not think it is advisable for the Senate to reverse the rule or the law of every State, and consequently we might assume from those laws the wishes of the people throughout the commonwealth in regard to any matter, unless it is of very vital importance. And as in every State I understand they consider a publication as a newspaper if it comes out within a period not exceeding one month, then I can see no reason why we should alter that and make it weekly. It would also, I think, inflict a very great hardship on the proprietors of all those journals which come out at greater intervals than a week. Senator Best has said that there are 200 such publications in Australia. Many of them have a large circulation. They have entered into contracts for a year, and it will be doing them a very great injustice if we reverse the universal policy which has obtained throughout Australia, and insist upon their being included under a different and more extensive category.

Senator Drake

- When would it be possible to alter postal rates if we are not going to interfere with contracts made by

private persons ?

Senator Best

- Twelve months at least.

Senator STANIFORTH SMITH

- I think it would be very inadvisable to make any alteration at all.

Senator Drake

- The rates would remain unchanged for ever.

Senator STANIFORTH SMITH

- Journals of a very important character very often come out first monthly, and then, as their circulation increases, more frequently. Therefore we are offering special facilities for the stronger and more robust journals, and trying to put special disabilities on those which are endeavouring perhaps to fulfil a very important function. Senator Harney has classed all newspapers as only such as contain the news of the day. While Senator Ewing had that ponderous tome known as "Webster's unabridged " under the table, I looked up the word newspaper, and found it is -

A sheet of paper printed and distributed at stated intervals for conveying intelligence on passing events, advocating opinions, &c., at stated intervals.

That is, any publication that comes out at stated intervals for the purpose of advocating opinions. Under that definition clearly these journals are newspapers. When we have a conflict of opinion like that we can very well afford to take that of a standard dictionary, because I think all will admit that a standard dictionary is the guardian of our language.

Senator Harney

- It is the ordinary accepted meaning, not the dictionary meaning.

Senator Ewing

- Would the Australasian be any less a newspaper, because it was published once a fortnight, instead of once a week ?

Senator STANIFORTH SMITH

- I think not. While I sympathize with Senator Drake in his desire to run the department on commercial lines - because until that is done we cannot get uniform postage, and we are placed in a very unfederal position in having differential postage rates throughout Australia - at the same time when he tries to draw a distinction contrary to the definition of a newspaper which is given by every State, and contrary also I assume to the wishes of the people, and proposes to inflict a hardship on a great number of journalistic proprietors, I think his distinction is not one that we can accept. What is the logical difference between a weekly and fortnightly newspaper, and between a daily and a weekly newspaper? If there is a logical difference, as regards whether it is a newspaper or not, between a weekly and a fortnightly, so there is equally a logical difference between a weekly and a daily, and if we follow that logical difference to its conclusion, we shall have differential rates between daily and weekly publications.

Senator Harney

- What about annuals ? There is no logical difference there.

<page>1452</page>

Senator STANIFORTH SMITH

- I admit with Senator Harney, that logically we can include annuals, but as there are hardly any quarterly or annual publications in Australia, the hardship inflicted would be so small that I think we should not include them.

Senator Sir Josiah Symon

- United Australia comes out quarterly.

Senator STANIFORTH SMITH

- I am told that that valuable paper will probably come out monthly and therefore be included in this category if the committee will agree to the amendment. I think we should grant some encouragement and protection to literature. There are many honorable senators who are only too anxious to grant protection to commercial ventures, and who do not seem disposed to give any helping hand to literature.

Senator Harney

- Do not malign literature by calling it newspapers.

Senator STANIFORTH SMITH

- I think we ought to alter that and protect and assist the growth of mental food as well as the physical food of the people. I consider that we should certainly assist in any way we can in, or at any rate place no bar, upon the propagation of literature. I cannot see why we should wish to reverse the desire of the several States, as expressed by their laws, that newspapers should be given certain concessions if they come out at intervals of not more than one month. This amendment refers to Australian publications, and not to imported literature. I think that we ought to help the publication of Australian literature to that extent. "We should give the publishers of these journals the same facilities as those enjoyed by the daily or weekly productions. I do not think that the question of weight referred to by Senator Drake is a conclusive argument at all. Reference was made by him to a publication that weighed 10 oz. If we were to take some of our weekly newspapers we would find they were just as heavy, and, therefore, the point applies equally to weekly as well as to monthly journals. I sincerely hope that honorable senators will see the advisableness of passing this amendment, and so carry out the expressed wish of the various States that publications coming out once a month should be classed as newspapers. .

Senator BEST

- I agree with the arguments which I think have been put very forcibly by my honorable friend who has just resumed his seat. I am not altogether satisfied with the new proposals of the Postmaster-General. It does seem singular that after a lot of deliberation and after the several States of the Commonwealth saw fit to enact a Bill-

Senator Drake

- After what - after consideration ?

Senator BEST

- I imagine it was after consideration.

Senator Drake

- The provision was copied from the British Act.

<page>1453</page>

Senator BEST

- I do not care whether it was copied from the British Act or not. The terms taken from the British Act, I venture to say, at least receive consideration before being enacted in the several Legislatures of the States. The point I was about to make was that the several Legislatures of the States have seen fit, as a matter of public policy, to determine that it is desirable to encourage these periodicals. They devised a scheme following possibly on the lines of British legislation to assist this particular class, by providing that literature published within one month should be circulated at newspaper rates and enjoy the privileges attaching to what we know in the strictest sense of the term as newspapers. They determined upon that as a matter of public policy. It happens that a considerable number of the journals which will be seriously affected by this proposed alteration were ardent supporters of federation. They have got federation, and the first things they have to meet under the new Commonwealth conditions are the policy now proposed of sweeping away concessions designed originally with the object of encouraging literature, and the creation of a more restrictive definition to their serious disadvantage. What has taken place is that in various departments of industries, and in various institutions, newspapers have been established. They have been established in connexion with departments of science, the pastoral industry, the agricultural industry, medicine, and engineering, and in connexion with general philanthropy and temperance. These various departments have thought fit to have their own particular journals. By that means they have been able to secure more elaboration and more detail in regard to matters of immediate interest to them than they could hope for from the ordinary daily or weekly newspaper. These journals are representative of the several interests to which they are attached, and they have been promulgated under the encouraging policy of the State. Now it is proposed that that policy of encouragement shall be reversed in one fell swoop. Even contracts which have been entered into under existing legal conditions are not to be observed in this connexion. I hope that while the Postmaster-General does propose to make certain alterations in regard to definitions, that he will at all events preserve to them these advantages even in the event of the amendment being lost. I believe the journals now coming under the definition of newspapers enjoy certain advantages so far as the railways are concerned. Their reporters travel at something like 50 per cent, below the ordinary charge as reporters of newspapers. Their freightage on the railways is also something like a fourth of the ordinary rate. This is, of course, a most important

advantage to them. I have one journal in my mind which represents the pastoral interests, and the duty of its reporters is to travel to the various pastoral shows throughout the length and breadth of the land. My honorable and learned friend the Postmaster-General will therefore see that this is a matter of very grave importance. I instance this case, but what I have said in regard to it will apply in regard to journals representing other interests. As a matter of policy this is a violent reversal of the decision of the States which is going to be brought about by the proposals in the Bill, and we should hesitate before adopting it. If the amendment is lost I would urge upon the Postmaster-General at least to bear in mind the other advantages to which I have referred, and likewise to keep in view existing contracts, so that the several interests will not be improperly penalized.

Senator GLASSEY

- I think that the amendment moved by Senator Smith is one that not only deserves our consideration but should command our approval. A good deal of stress is laid on the fact that the provision we are now discussing is taken from the Postal Act of Great Britain. Where is the analogy between the circumstances existing in Great Britain in regard to postal matters, and those which exist in Australia? Great Britain is so situated, her postal facilities are so perfect, her railway and water services are so complete that a journal published in the morning in one place can be obtained in any part of Great Britain and Ireland during the same day, or at all events on the following day. Therefore, news of passing events can reach every part of the islands within 48 hours.

What are the circumstances as they exist in Australia? Senator Harney has spoken, no doubt, from the legal point of view, but more particularly from the stand-point of the old country. News of an event which takes place in Melbourne to-day will not reach some parts of our territory in Queensland for two or three weeks.

Senator Harney

- Define a newspaper.

Senator GLASSEY

- A journal which comes out daily, weekly, fortnightly, or monthly, certainly, so far as our circumstances are concerned, serves our requirements.

Senator Harney

- Supposing it comes out once in six weeks?

Senator GLASSEY

- Very well. I used to represent a district in Queensland which took me ten days to reach. The journey is a ten days' one, and then it takes many days before the mail can reach every part of the electorate which I had the honour to represent at that time. I have a newspaper before me - the Queensland Hail way Times - owned by a gentleman who occupies a seat in another House, a railway man for many years, a practical man, who runs the newspaper in the interests of the particular class to which he belongs. It has a circulation of about 2,000 per month. Numbers of persons, but more especially those in the lower grades of the service, entirely depend on it for their information. It deals especially with matters relating to the railways, but it also treats of the general affairs of the country, of political, social, and other matters. The leading feature of the paper, of course, is that it deals with railway matters. Would it be fair to class this paper as a periodical and put it in the same category as some of the magazines to which allusion has been made by the Postmaster-General? I think not. This paper is now registered 'as a newspaper for transmission abroad. In the copy I have before me, which is dated June 1st, there is a leading article on the eight hours demonstration.

Senator Harney

- That is a philosophical treatise.

Senator GLASSEY

- It may be philosophical or semi-political.

Senator Sir Josiah Symon

- Does it profess to give news?

Senator GLASSEY

- Yes.

Senator Harney

- Does it deal with current events for the first time?

<page>1454</page>

Senator GLASSEY

- Yes ; it deals with the Royal ' visit, railway accidents, and other matters. It deals with current events for the first time so far as a large number of people are concerned who depend only on this journal for their information. It gives general news of the day, and it reaches those people only once a month. Supposing you publish it on a Monday, and send it to some far distant portions of Queensland, it would not reach its destination for ten or twelve days.

Senator Ewing

- The same argument might apply to the Bulletin or any other paper that the news is five or six days old.

Senator GLASSEY

- Yes. If it only came out monthly it would still be the Bulletin conveying exceedingly useful information to the people. It would be as useful as a "monthly" as it is to-day. Why should a paper be asked to lose its identity and become a periodical ? What would a large number of readers situated at long distances from our centres of population immediately say if what is now a newspaper was called a periodical? Why, sentimentally speaking, the paper would lose the prestige which it now enjoys. That is only one of many papers. Here is another of a similar description dealing with another set of circumstances - a paper called, TheFarmer and Grazier, brought out monthly, and a very excellent publication it is. I have looked through this paper and it does not contain a single shady advertisement. It is beautifully got up, splendidly illustrated, and deals with a variety of subjects of a most useful character. It deals with the rearing of stock, horses, poultry, agriculture in various forms, and it is a splendidly got up journal. This paper in future is to be classed as a mere magazine, a mere periodical.

Senator Sir Frederick Sargood

- A trade circular, is it not ?

Senator GLASSEY

- No ; it is a newspaper, and a splendid newspaper, published at the cost of a shilling. Here is another paper to which I alluded the other day, The Queensland Government MiningJournal. Is this paper to be known in the future as a mere periodical or magazine that publishes stories about red hands and ghosts and all that kind of thing, in order to afford light reading to travellers? Why, this paper was brought out after considerable agitation. Many members in the State Parliament, including myself, agitated for it, and, finally, the Government found it was necessary in the interests of the mining community of Queensland, the other States, and the whole world, to bring out this journal. In it we have information from Western Australia, from Ballarat, and all the gold-fields of Victoria, from New South Wales, New Zealand, and various other parts of the world. Here is another paper that cannot be considered a trade circular or be classified as an ordinary periodical - The Queensland Mines and Works Gazette, brought out once a fortnight. Then, again, I have in my hand a circular issued by a number of persons in Melbourne, showing that there are no less than 74 newspapers, all dealing with different subjects, circulating widely in the various States, and in the interests of certain bodies that do not wish to be brought under the category of magazines or trade circulars. Australia, with its vast territory, its slow means of communication, and its sparse population, is certainly not on all-fours with the postal affairs of Great Britain. I certainly hope the amendment of Senator Smith will be carried. I have every confidence in the fairness and reasonableness of the Postmaster-General, and I trust the postal authorities, even if they do get power to fix these rates, will not make them such as will cripple and put out of existence some of these very useful and highly beneficial journals. I ask senators generally to set their faces against this change, which must lead to a loss of the identity and the prestige of many of the newspapers published in Australia.

Senator Sir FREDERICK SARGOOD

- Like many other honorable senators, I have had a number of persons interested in this question waiting upon me. I have discussed the matter fully with them, and have endeavored to show that I thought there ought to be a difference made between periodicals and newspapers. Ultimately, one or two of those who took an active part in the discussion suggested that there should be a sliding scale differentiating between periodicals and newspapers pure and simple. I suggested that they should wait on the Postmaster-General, but I do not know whether they have done so.

Senator Drake

- Some have, but not all.



<page>1455</page>

Senator Sir FREDERICK SARGOOD

- The schedule submitted by the Postmaster-General has not yet been circulated. I feel that we are rather in the dark, and that it would be infinitely better to postpone the clause and circulate the amendments. We should then have the whole matter before us, and we should be able to discuss it.

Senator HARNEY

- I should like to elucidate to my friend, Senator Glassey, the remarks I made on the last occasion. I did not at all contend that a newspaper is a more useful publication than some of those to which he refers. On the contrary, I am one of those who believe that the seldomer these publications come out, as a rule, the more educational they are. The ordinary daily sheet, from the point of view of literature, is, in my opinion, the least to be commended. But that is not the question. The question is the definition of a newspaper and of a periodical. I understand that the Postmaster-General does not put it that he is going to charge more for periodicals than for newspapers.

Senator Staniforth Smith

- Then what is his object ?

Senator HARNEY

- It is not for us to inquire into his object. Even if he were to agree to include in the definition of newspapers, periodicals, he still would be at liberty to make a charge for newspapers, as he might for periodicals, if he put them in different classes. If we are going to have any system or cohesion in our Acts of Parliament generally we must see that we have a definition that includes nothing that it is not literally capable of including. For some reason the draftsman of the Bill thinks it advisable that there should be a definition of a newspaper and a periodical. All we have to consider is whether we can regard such publications as Senator Glassey has referred to as coining within the definition of newspaper in the generally accepted sense of the word. There can be no doubt that the period of publication is not the criterion for determining that. If you take the period alone you are led to the greatest absurdities. In principle there is no difference between one day and seven days, between one month and three months, or between three months and annually, and therefore if we are going to say that certain publications ought not to be regarded as outside the definition of a newspaper simply because they are published monthly, it is equally competent to say that annual publications ought to be regarded as newspapers. If we went before a legal tribunal and argued the question what was a newspaper in the generally - accepted sense of the term, the Judge would at once say, " You cannot give a precise definition ; you must apply the rules of common sense and general practice." It is perfectly impossible to draw the line between dawn and daylight. Every one knows the difference between light and darkness, but no one can put his finger on the particular line where they cease to blend. No one can exactly lay down the difference between a publication coming out once a week or once a fortnight, but no person can take up the Review of Reviews and say that it is a newspaper in the generally-accepted sense of the word. I say it is not. What is the meaning of a newspaper to an ordinary person ? It is a publication that annihilates space and gives us at our breakfast table statements of events that are going on around us. It does not aim at giving a series of treatises or being a useful educational work. If we were asked to define the term newspaper, so as to make; it include any other class of publication than what I have described, we should be led into absurdity. It would be impossible to shut out even annuals.

Senator Staniforth Smith

- All the States have been guilty of absurdities.

<page>1456</page>

Senator HARNEY

- I certainly think they have, in saying that publications bound and stitched and containing 150 pages, having extracts from literary authors and philosophical treatises on many subjects, are newspapers in the generally accepted sense of the word. You cannot lay down any particular test. Time is no test. The particular matter in the publication is no test, but all of these considerations help to form our connotation of the word newspaper. You have to apply to it the ordinary canons of common sense. The Age is a newspaper in the ordinary acceptation of the word, but if you take a publication like the Review of Reviews, the proprietors, but for their desire to obtain some concession in the shape of postage, would be the last persons in the world to malign their paper by calling it a newspaper. I am not anxious that there

should be a very much higher rate charged for these publications than for the ordinary sheets, but when we have an Act of Parliament containing definitions, we ought to be careful that we do not mix up things. Since it is possible to put in a clause giving a definition of "periodical" which is very distinct from "newspaper," I think we must have two definitions and leave it to the Governor-General to decide whether there shall be the same rate for both or a slightly different rate. Senator Glassey has said that the definition of newspaper would exclude many of the weekly publications, and that therefore it was inconsistent on my part to admit that publications coming out once a week should be regarded as newspapers, and that those coming out once a month should not. My answer is this: Accurately speaking, these weekly issues cannot be regarded as newspapers; but you should allow some elasticity. It is a matter of degree. I think that, in allowing these weekly papers to be called newspapers we have reached the limit. It is the furthest concession of grace that we can make. We must stop somewhere. Logically, there is no difference between a week and a month or a month and a year. But, speaking according to the canons of common sense, and allowing everything to operate on our minds that should operate, we can, in the generally-accepted sense, allow a weekly publication to be termed a newspaper, but we cannot go a step further and allow a monthly publication to be called a newspaper.

Senator CHARLESTON

- I am one of those who can see no reason why we should deprive certain papers the privileges they have enjoyed up to the present time. I notice that in the United States of America mail matter is classified, but there they are far more generous than our Postmaster-General is here. For instance, they include amongst periodicals all newspapers and other periodical publications which are issued at stated intervals. That agrees with the definition as given by Senator Smith, and includes a little more, inasmuch as a newspaper not only means a sheet of paper published at stated intervals for conveying intelligence of passing events and definite opinions, but also a public print that circulates news, advertisements, and public announcements. Therefore I think for the term newspaper there is the very broadest definition. Senator Harney's own definition of a journal corresponds more with his definition of a newspaper - a daily sheet of paper practically giving people the events of the 'day and nothing more. Under the definition in force in the 'United States, the present Postmaster-General includes such publications as I have mentioned that are not only published once a month, but are published once in three months. I hope, seeing that the Bill would inflict great hardship upon a great many newspapers that a more liberal definition will be agreed to. Let me call attention to one publication issued in South Australia, the Garden and Field. It is a very valuable publication. It comes out once a month, and it is a newspaper in every sense of the word. It gathers up all the passing events that are of interest to that class of reader and it also gives them the information from time to time which is of such vast importance to them in their calling. Therefore, when we see that such hardship will be inflicted, if he desires it to be given effect to, I certainly shall support the amendment, and go. for one month, and, in doing so, we shall be far less liberal than they are in the United States of America. Seeing that it is so important in this great country, with such a scattered and sparse population, that information should have as much freedom as possible, and be carried to the people with the minimum of cost, in order that they may be edified and benefited, I shall strongly support the amendment.

Senator HIGGS

- I am sure that the Postmaster-General is anxious to meet those of us who desire that legitimate newspapers shall be sent through the post as newspapers, and inasmuch as he has moved an amendment which may contain a great deal that we can agree with, and, of course, may not be altogether in accord with the views expressed by Senator Staniforth Smith and others, I would suggest that both amendments be withdrawn for the present, and that the clause be postponed until the amendment suggested by the Minister is circulated. No doubt between the two we shall arrive at something like a common understanding as to what is best. I think a great deal of trouble has arisen because certain persons have taken advantage of the post-office for business reasons pure and simple, and hope to do so in the future. I am satisfied that the department is not at all desirous of penalizing legitimate newspapers which come out even once in three months.- But it is not at all fair to the department or to the general taxpayer to send through the post-office at newspaper rates, heavy periodicals which are really books. I must disagree with Senator Harney when he wishes to dissociate newspapers from literature. Some of the highest class literature appears in the newspapers of the present day.

<page>1457</page>

Senator Harney

- I have never seen it.

Senator Keating

- "What about magazines ?

Senator Harney

- I have seen it in magazines but not in newspapers.

Senator HIGGS

- Many of the articles in the prominent dailies of Australia contain literature of the highest order, and it is to the credit of their proprietors that they appear.

Senator Harney

- Written at two o'clock in the morning.

Senator HIGGS

- Even some of the leaders which are dashed off at two o'clock in the morning are high-class literature.

Senator Harney

- I had to do with newspapers, and I know something about it.

Senator HIGGS

- I think the discussion would be limited, and we would have greater satisfaction if the clause and the amendment were postponed for the present.

Senator MCGREGOR

(South Australia). - I do not think the advice of Senators Higgs and

Sir Frederick

Sargood is worth very much, because they conflict one with the other. The idea that the latter had was that we should wait until we saw the schedule. According to the Bill itself the schedule would not be prepared for a considerable time, not until after the 1st October.

Senator Sir Frederick Sargood

- What I said and suggested was that the clause should be postponed, and the amendment printed and circulated - not a schedule.

Senator MCGREGOR

- Yes ; but the honorable senator suggested that we should say what is going to be charged.

Senator Sir Frederick Sargood

- No.

Senator MCGREGOR

-To my mind the Postmaster-General in his amendment, and even in the text of the clause itself, is much less liberal than the States have been in the past. I am not going to say that he is not justified in doing all he can to increase the revenue of the department. But what is the use of covering the anxiety to amend this clause or to force it through as it is if it is not to increase the revenue? No suggestion has been made that periodicals of the type of a magazine are to be reduced in postage. Then Senator Harney commences by telling us that there is no difference in principle between a day and a week or a month.

Senator Harney

- No logical difference.

Senator MCGREGOR

- We are told that we cannot draw any definite line between darkness and light, that daylight is an indefinite term; but in every Act which fixes the term, the hour is fixed, not the daylight or the dark. Even in the amendment making the time longer, we are giving a particular time the force of an Act of Parliament. No matter what the principle may be, we have to do that every day. The honorable and learned senator did not attain his majority until he was 21, but what principle is involved in 21 more than in 19 or 18? We have to adopt these methods.

Senator Harney

- That is what I said. Fix a week at the outset.

Senator MCGREGOR

- It was said in such a lawyer-like manner that I could not thoroughly understand it. The honorable and learned senator has told us that the proprietors of some of these literary productions would be disgusted if

they were called newspapers. Not one of them wants to be called a newspaper for any other purpose than the purpose of postage. They do not care what they are called so long as they get the advantages of cheap postage, and if those advantages are of benefit to them and also to the general public, then it is our duty to do all we possibly can to make the Bill as liberal as the statutes in the States at the present time.

Senator Best

- There are additional advantages besides that of postage given in the definition.

Senator MCGREGOR

- We have now to consider the advantages to the citizens of the Commonwealth, and that is what I hope we are all here to do. This Bill is to consider their advantages in connexion with postage, and this clause is to consider their advantages in connexion with the postage of literary matter, whether it be newspapers or magazines. To my mind the clause is satisfactory enough. In the States the public have become accustomed to the privileges they possess. They wish to retain their privileges and their advantages, and all we want to do is to alter the terms in the clause from seven days to one calendar month, and if we do that everybody will be satisfied, except the Postmaster-General, who is only one of the public. I shall support the amendment.

<page>1458</page>

Senator DRAKE

- I am quite willing to fall in with the suggestion that has been made, in fact I entirely agree with it - that it is desirable that the new clause I have indicated shall be printed and circulated, and that in the meantime this clause shall be postponed.

Senator McGregor

- I am not willing.

Senator DRAKE

- I think it is desirable that the committee should perfectly understand - what the amendment means before it goes to a division. I cannot admit that it is any proof that the term of 30 days which has hitherto existed was placed in the statutes on account of the wishes of the people. The mere fact that it is in the statutes does not indicate in any way that it is in accordance with the wishes of the people.

Senator Best

- The Minister is including seven days from the British statute.

Senator DRAKE

- Yes, and if we were right in following Great Britain now, per.hal)s we were right then. The reason why the term of 30 days appears in all the statutes of the States is because that was the term fixed in the British Act, and we all followed it blindly.

Senator Clemons

- AVe did not in Tasmania. We do not follow things blindly there.

Senator DRAKE

- I do .not know the date of the Tasmanian Act. The date of the Queensland Act is 1891. I was in the House at that time, and I am perfectly certain that no thought was given to the term. It was simply taken as a matter of course that the 30 days, as fixed in the British statute, was the best term. But in Great Britain we find that they have come to the conclusion that seven days is a better term.

Senator Charleston

- Now the Minister wishes us to follow them blindly.

Senator DRAKE

- The reason why it was altered by Great Britain from 30 days to seven days was on account of the abuse which crept in. It was found that a great number of publications, which were not newspapers in the ordinary sense, took advantage of the very low rates of postage which were fixed for the carriage of newspapers. In the States here that evil has been intensified, in consequence of newspapers being carried not only in some cases at a low rate, but in some cases absolutely free. It was the free carriage of newspapers which encouraged the great number of proprietors of magazines, circulars, and so on to have their publications registered as newspapers in order that they might go free. Whatever definition of a newspaper is put in, it is almost impossible for the Postmaster-General to draw the line. If we have very low rates of postage or free carriage of newspapers,

it is almost impossible to prevent a number of publications, which are not newspapers in the true sense of the word, from taking advantage of the very low rates or the free carriage.

Senator Stewart

- What is a newspaper in the true sense of the word ?

<page>1459</page>

Senator DRAKE

- If the honorable senator will look at &lt;jlau.se 26 he will find it. That is reason why it has been considered desirable in Great Britain and is considered desirable here, that periodicals published at an interval greater than one week should not be taken as newspapers. With regard to the possible injury to newspaper proprietors, I cannot see how any great force can be given to that contention. Do these honorable senators say that we are never to make a charge for a newspaper - because they may contend that in some States newspapers are being carried free, that newspaper proprietors have entered into contracts on the basis of free carriage by post, and therefore if we make any charge for postage we are doing an injury to them. The rates for the carriage of postal matter cannot stand for ever - there must come a time-when they will be either increased or decreased, and are we to be told that whenever it is proposed to increase a rate that we are doing an injury to somebody because he had made contracts on the basis of the lower rates ? I have not the slightest fear, from what I have seen in this discussion so far, that any injury is going to be done to any newspaper proprietors. It seems to me that the proprietors of these magazines are exceedingly well represented here. We may have every confidence that their case will be placed\* fully before the committee. The proposition I have made with regard to the new clause dealing with periodicals, and the proposal I have made that a periodical which under the definition ceases to be included in the term newspaper, shall continue to pay newspaper rates only until the periodical rate is fixed and comes into operation, I think should be a perfect assurance that no undue injury will be inflicted on any one of these proprietors. It is impossible in an Act of Parliament to say that we are going to give compensation to proprietors for any loss they may sustain on contracts they have made on the basis of tilings as they are. They must take a little risk in that matter. They know very well that newspaper rates are liable to be changed, and when they fix the rate of annual subscription no doubt they take that into account.

Senator Sir Frederick Sargood

- On that ground merchants will want compensation when we alter the Tariff.

Senator DRAKE

- Merchants will want compensation if any rate is increased, either through the customs or through the post. Everybody who has been accustomed to enjoy the lower rate and has made his arrangements accordingly, will be coming and demanding compensation.

Senator Best

- There is no analogy there.

Senator DRAKE

- All we can dp is to fix the rates that we think are reasonable in the interests of the public, and do the utmost we possibly can so that in the transition from one rate to another no injury or injustice shall be done to any person. Senator Best made a remark about all the facilities afforded to representatives of the press in connexion with railway passes, and so on. This proposed amendment cannot affect them in the slightest degree. The Postal department has nothing to do with newspapers except in respect to the carriage of their mails. It makes no difference in the granting of a free post to the representatives of. the press whether their newspapers are registered as newspapers or as annuals.

Senator Best

- They come under the newspaper rates of the Railway department - that is where it applies.

Senator DRAKE

- They do not necessarily depend upon the definition of a newspaper in the Postal Act.

Senator Best

- I believe it is a fact that they do.

Senator DRAKE

- Certainly, I can hardly believe that the representative of a periodical would be at any disadvantage because his publication was called a periodical instead of a newspaper. I do not think there is anything in

that contention. I want honorable senators to see the other side of the shield. They are talking now simply in the interests of a number of these periodicals.

Senator Staniforth Smith

- We are acting in the interests of the people.

Senator DRAKE

- In the interests of the people. I do not know exactly how to put it, and I do not wish to cause any offence. At all events they are contending that certain periodicals, fortnightly or monthly, should be included as newspapers and enjoy possibly a lower rate of postage. The time will come - when we reach the question of fixing rates - when a great number of honorable senators will be very much interested indeed in getting a very low rate, probably, for the carriage of newspapers. I want them to bear in mind that when they are contending for a low rate for newspapers, the fact that a whole lot of publications which we contend are not newspapers are foisted on us and have to be carried at newspaper rates will be a very important factor to be taken into consideration. If we have to carry newspapers only - that is to say, newspapers within the present definition - we shall be able probably to carry them at a lower rate than if we have to carry at the same rate a whole lot of other publications, which we contend are not newspapers in any true sense. Of course the element of weight will come in. That will all be considered in connexion with the rates, and I believe no injustice will be done. But if it is considered that newspapers should be carried at a low rate, then I think we ought not to insist that every publication that is issued fortnightly or monthly is to be carried as a newspaper, because that enormously increases the weight and the bulk of the newspaper mail, and must be taken into consideration when we are fixing the rates for the newspapers. What I desire to do in fixing the whole of these charges for letters, newspapers, periodicals and parcels is to be able to carry the mails at as low a rate as possible ; to fix the charges as low as I can, in justice to the whole community. It must be remembered that when you make a request for a postal article to be included in a particular class, or for the reduction of a particular rate, the extent to which you succeed in that direction makes it more difficult to carry other classes of postal matter at a low rate. I do not know whether Senator Smith will be prepared to temporarily withdraw his amendment or not.-

Senator Staniforth Smith

- No.

<page>1460</page>

Senator DRAKE

- Very well. Then, I move -

That the clause be postponed.

Senator STANIFORTH

SMITH (Western Australia). - I only want to say a word in regard to the Postmaster-General's proposition. I cannot understand the proposal made by

Senator Sir Frederick

Sargood that we should wait for the circulation of the Postmaster-General's proposed amendments. All that the honorable and learned gentleman proposes to do is to put periodicals in a separate schedule.

Senator Sir Frederick Sargood

- Which we have not seen.

Senator STANIFORTH SMITH

- It has been read out here.

Senator Sir Frederick Sargood

- I tell the honorable senator honestly that I do not know what it is we are talking about.

Senator STANIFORTH SMITH

- The amendment is simply drawing a red herring across the trail.

Senator Keating

- There is nothing in this clause in regard to the rates of newspapers.

Senator STANIFORTH SMITH

- Exactly ; the honorable and learned gentleman proposes to put the rates in a separate clause, and that can only mean an increased rate of postage. If the Postmaster-General will assure me that the rates will not be increased if they are put in a separate schedule, then I will withdraw my amendment.

Senator Drake

- The rate might be increased in one State and not in another. I would take weight into consideration as an element.

Senator STANIFORTH SMITH

- Let us look at the rule in the United States of America with regard to postal matters. The United States of America Postal Guide gives us an illustration of what occurs. We find that it refers to - Periodical publications, namely, all newspapers and other periodical publications that are issued at stated intervals and as frequently as four times a year.

And on turning to the rates of postage we find that when these publications are sent by the publisher thereof the postal rate is one cent, or 1/2d., per lb. In postal parlance a newspaper, almost throughout the whole world, is any publication which is published at intervals up to three months. The Postmaster-General has accused us of slavishly following British precedent, and yet he is doing the same thing. Immediately they alter their rates there we are to do the same thing, irrespective of the dissimilar conditions under which we live. If we take America, which has a huge population, and which is nearly the same as Australia so far as area is concerned, we find that at the present time they have a much more liberal scale of postage than is proposed in my amendment. Papers coming out once in three months, and weighing 1 lb., can be sent to any part of the Union for 1/2d. I am going to insist on the amendment.

The CHAIRMAN

- I would point out to the honorable senator that if the clause is postponed his amendment is postponed.

Senator STANIFORTH SMITH

- I want the amendment to be put to-day.

Senator Glassey

- No harm can be done if we postpone it.

Senator STANIFORTH SMITH

- If honorable senators think that by waiting they are likely to get some extraordinary information out of the amendment that has been referred to, then I am quite willing to postpone my amendment.

Clause postponed.

Clause 27.-

The proprietor, printer or publisher of any newspaper may at such time and in such form, and with such particulars as may be prescribed upon payment of a fee of five shillings register it at the General Post Office of any State, and the Deputy Postmaster-General of such State may refuse to transmit or deliver any publication containing seditious, blasphemous, indecent, or obscene matter, and may from time to time revise the register and remove therefrom any publication, a posted copy of which contains seditious, blasphemous, indecent, or obscene matter, or which by reason of the proportion of advertisements to other matter therein, or for any other reason is not within the description aforesaid, and any publication for the time being on the register shall for the purposes of this Act be deemed a registered newspaper.

No publication which, after the expiration of one month from the commencement of this Act, is tendered for transmission at any post office in the Commonwealth, shall be sent by post as a newspaper unless the provisions of this section have been complied with.

Any posted newspaper found to contain seditious, blasphemous, indecent, or obscene matter, may be destroyed by order of the Postmaster-General.

No action shall be brought against the Postmaster-General or any officer of the department for anything done under the provisions of this section, but any person aggrieved by anything done by the Postmaster-General or a Deputy Postmaster-General under this section may appeal to a Justice of the High Court by summons or petition, in a summary manner, and the decision of the Justice shall be final. All unregistered or irregularly posted newspapers, and all newspapers having any matter which is not a supplement accompanying them, shall be treated as packets.

<page>1461</page>

Senator Sir FREDERICK SARGOOD

- The object of this clause appears to be to secure the registration of newspapers with a view to ascertain the names of those publications entitled to be conveyed as newspapers. But it goes further than that. In the centre of the clause there is practically foreign matter. My first amendment is to provide that newspapers " shall" register instead of " may" register. Otherwise it appears to me that this register, which may be altered from time to time, will practically cease to be of any use. It must be a complete record of

all the publications that claim to be carried as newspapers. I move -

That the word " may," line- 2, be omitted with a view to insert in lieu thereof the word "shall."

Senator McGREGOR

- It is to the advantage of the newspapers to register ; if they do not do so, then they do not get any privilege under this Bill. If they register they will come under the favoured newspaper rate.

Senator Sir Frederick Sargood

- But the clause does not say so.

Amendment agreed to.

Senator Sir FREDERICK SARGOOD

- In the middle of the clause there occurs the passage to which Senator Stewart has called attention. This clause is for the registration of newspapers, but in the middle of it we find the words -

Any Deputy Postmaster-General of such State may refuse to transmit or deliver any publication containing seditious, blasphemous, indecent, or obscene matter.

I think that provision should be, removed from the centre of the clause and placed in the Bill as a separate sub-clause. I move -

That the words, " may refuse to transmit or deliver any publication containing seditious, blasphemous, indecent, or obscene matter and " in sub-clause (1) be omitted.

Amendment agreed to.

Senator Sir FREDERICK

SARGOOD (Victoria). - 1 move -

That the following words be inserted as a new sub-clause to follow sub-clause (2) : - " Airy Deputy Postmaster-General may refuse to transmit or deliver any publication containing seditious, blasphemous, indecent, or obscene matter. "

Senator STEWART

- A certain number of words have been cut out of this clause, but there is still a provision in it enabling the Deputy Postmaster-General to remove from the register any publication which contains' seditious, blasphemous, indecent, or obscene matter. The Deputy Postmaster-General is thus empowered to remove from the register any publication which contains in his opinion seditious, blasphemous, indecent, or obscene matter. It appears to me that by placing this power in the hands of the Deputy Postmaster-General we put him in a position which he ought not to occupy.

Senator Sir Frederick Sargood

- There is the right of appeal.

Senator STEWART

- But only after the thing is done. It is like putting the cart before the horse. You punish a man first and try him afterwards ; you put him in gaol, for six months, and then you say that if he feels aggrieved he can appeal. That is the position in which this clause would place a man who published a journal which, in the opinion of the Deputy Postmaster-General, contained seditious, blasphemous, indecent, and obscene matter. I have seen a great deal of writing in the daily press recently which by all the recognised canons was purely blasphemous, but if I had appealed to many honorable senators they would have said it was not so. The Ten Commandments' were suspended for the time being, and blasphemy was relegated to the cool shades. If any person publishes seditious writings he should be brought before the courts in the ordinary way, charged with the crime of sedition, and, if found guilty, punished.

Senator Playford

- In the meantime he is to go on disseminating sedition.

Senator STEWART

- What some people might call sedition others would call patriotism.

Senator Staniforth Smith

- How are such persons proceeded against in England 1

Senator STEWART

- We are not in England. Honorable senators are always quoting England to us. We are at the South Pole instead of being at the North Pole. These honorable senators should look upon Australia, not as a hair in the tail of the lion, but as being-

Senator Higgs



- The lion itself.

Senator STEWART

- A young lion, a separate entity so far as legislation is concerned. I have seen a great deal of what I would call indecent matter in the press lately, but no attempt has been made to; stop its publication.

Senator Staniforth SMITH

- Hence the necessity for these powers.

<page>1462</page>

Senator STEWART

- The power already exists, but they only exercise it in certain cases. One newspaper is prohibited from Coming into Victoria because it contains an advertisement which some people think is indecent, yet we see indecent details of cases published in the papers every day.

Senator Walker

- Then let the Postmaster-General have power to destroy those papers.

Senator STEWART

- I object to give the Postmaster-General any power whatever in the matter. I think these words should be omitted altogether. If the criminal authorities come to the conclusion that any individual has published any seditious, blasphemous, indecent, or obscene matter, then they should bring that individual before a Court of Justice, and punish him for his act, instead of setting up the Postmaster-General as judge and jury and executioner all in one.

Senator Staniforth Smith

- What would the honorable senator do in the case of a Continental paper?

Senator STEWART

- I do not know what we would do in that case. We are dealing, not with English publications, but with papers published in the Commonwealth. Doubtless, the Minister for External Affairs would be able to arrange with regard to the English or Continental newspapers. I intend to move -

That the words - " a posted copy of which contains seditious, blasphemous, indecent, or obscene matter or " - be omitted.

Senator DRAKE

- I can hardly think the honorable senator is serious.

Senator Stewart

- Can the honorable member define " seditious " or " blasphemous ?

Senator DRAKE

- It may be rather difficult, and that is one of the reasons why a power of this sort is never exercised except in extreme cases. Though we may not be able to define it, yet it is possible for language to be used of such a nature that we know it is seditious and blasphemous. It is only in such cases that such a power will be used. I hardly believe that the Senate will desire that the Postmaster-General should be bound to keep upon the register a newspaper that is circulating matter of that character.

Senator DE LARGIE

- I move-

That the amendment be amended by the omission of the words "any deputy," and the insertion in lieu thereof of the word " the."

Senator DRAKE

- I think if the honorable senator will consider the matter he will see that it would render the clause almost nugatory. Situated as we are, six States covering such an enormous territory, before the Postmaster-General could be communicated with and exercise his authority the newspaper would be published all over the States. In the same way it may happen that extending the power to a deputy only is limiting it too much, because it is possible that newspapers might be published in some part of a State away from the capital where the deputy is situated. But in nearly every case the principal newspapers of each State are published in the capital. The Deputy Postmaster-General is there and on the spot to find out whether there is anything of an objectionable character in the newspaper. Therefore, with regard to all those newspapers he would be able to prevent any abuse at an early stage, but to confine this power to the Postmaster-General would be to cripple this clause almost completely. The Postmaster-General cannot be exercising supervision over a publication in Western Australia. Before he would know anything

about it perhaps many issues of the paper would be circulated. The very least we can do is to give the power to the Deputy Postmaster-General.

Senator DE

LARGIE (Western Australia). - I think it would be fair that whoever has this great power of suppressing a newspaper should be more directly responsible to either House of Parliament than the Deputy Postmaster-General would be. Unscrupulous men may get into these positions, and may exercise these great powers in a way we would not desire. Therefore I think it is very advisable that the amendment should be carried, if we are to have any safeguard over the doings of our officers..

Proposed amendment to the amendment negatived.

Amendment (Sir Frederick Sargood's) agreed to.

<page>1463</page>

Senator PEARCE

- I move -

That, after the words " may be," sub-clause (3), the following words be inserted : - "withheld by the order of the Postmaster-General, and if at the expiration of one calendar month no action betaken under sub-section (5) of this section, may be."

I quite agree with the intention of this clause, but in times of high political excitement it might be used for party purposes, and I do not think we should leave the door open for that.

Senator KEATING

- I have already indicated what are my views in regard to this portion of the clause. I think it is desirable that the Postmaster-General should not be invested with the power of destroying the whole issue of a newspaper that he might consider came within the provision with regard to sedition and blasphemy. Six issues of a paper might go through the Post-office and be destroyed before the proprietor knew that they had been destroyed, and I think he should have every opportunity of taking the opinion of a justice of the High Court in a manner that I shall indicate directly before the whole issue is destroyed. One issue may be posted and destroyed, and that may be repeated four, five, or six times before the proprietor knows that his newspaper has come within the purview of this provision, and all the time he is responsible to the subscribers for the loss they have sustained in not receiving their newspapers. I have much pleasure in supporting the amendment.

Senator DRAKE

- I have no objection to giving effect to the wish of Senator Pearce, but I think it could be done in quite a different or simpler way, but the proposal he has made will be objectionable from some points of view. His amendment says "If no action is taken." Supposing that action has been taken, and that the person aggrieved has appealed and the case has been decided against him, why should the paper not be destroyed? I think it would be sufficient to amend the clause in such a way as to insure that the matter objected to should not be so quickly destroyed as to prevent it being delivered back to the person concerned if, on appeal, it was found that the matter was not objectionable. The post office would not be likely to destroy any matter that was likely to be the subject of litigation, and I am willing to give the assurance that in such a case the matter would not be destroyed so quickly as to prevent full justice being done.

Senator DE

LARGIE (Western Australia). - I see the force of the Postmaster-General's remarks that there is no necessity for the words " in no case be taken," and I would leave them out; but I think if it is the practice of the Postmaster-General to withhold those papers, there is. no harm in stating it. We are now dealing with the Commonwealth instead of the States, and it may be necessary to refer matters of this kind to the Postmaster-General.

Senator FRASER

- I do not see any necessity for altering the clause. The Postmaster-General will never take this decided step unless he is supported by unanimous public opinion. He must have the responsibility, and he would rather err on the lenient side than the other side. I do not see that there is the slightest danger in the sub-clause.

Amendment negatived.

Senator KEATING

(Tasmania). - 1 move -

That, after the word " court" in sub-clause (4), the words " or until the establishment of such court to a Judge of the Supreme Court of a State " be inserted.

We have no knowledge that the High Court will be established, and from indications from various quarters, it is possible there " may be a great deal of opposition expected to the establishment of such a court in the immediate future. Under those circumstances, I do not think we can do any harm by inserting these words, so that opportunity may be given for appeal in any case.

Senator CLEMONS

- May I point out that the Interpretation Clause gives us no explanation of the meaning of the term " Deputy Postmaster-General."

Senator Drake

- It is in clause 7.

Amendment agreed to.

Amendment (by Senator Keating) agreed to.

That, in lieu of the words "a justice," the words " such justice or judge " be inserted.

Clause as amended agreed to.

Clauses 28 to 34 agreed to.

Clause 35 -

The Postmaster-General may cause letter pillars or boxes for the reception of postal articles to be erected and maintained in any public road, street, or highway -

Senator KEATING

- I move -

That the words " highway or. other place" be inserted in lieu of the words " or highway."

Senator Drake

- Is it the object of that amendment that letter-boxes may be erected in buildings ?

Senator KEATING

- Yes ; in buildings where there is a large number of tenants.

<page>1464</page>

Senator Drake

- I have no objection to that.

Amendment agreed to.

Clause, as amended, agreed to

Clause 36 -

Where any postmaster or officer has reasonable cause to believe that any unregistered letter or packet contains any valuable enclosure other than money orders, or bills of exchange, or promissory notes payable to order, or postal notes, or postage stamps not exceeding Five shillings in value, such postmaster or officer may register such letter or packet and charge it with double the prescribed fee for registration, and the fee to be So paid shall be written on such letter or packet by the postmaster or officer of the post office who registers the same, and such fee shall be paid by the person to whom it is addressed before delivery unless such person before delivery opens the letter in the presence of some postmaster or officer of the post office and it is found not to contain any valuable enclosure in which case such fee shall not be charged.

Senator Sir FREDERICK SARGOOD

- I move -

That the word " acceptance " be inserted after the word " exchange," line 4, move the amendment in order that the Minister may be able to say whether it is necessary that it should be made. I think until the English Act was passed there was a distinct difference between a bill of exchange and an acceptance.

Senator DRAKE

- In the Queensland Bills of Exchange Act the matter is quite clear, but I do not know whether in any of the States there would be any difficulty of the kind. I have no objection to the amendment. It is best, perhaps, if there is any doubt, to put it in.

Amendment agreed to.

Amendment (by Senator Sir Frederick Sargood) agreed to.  
That the word " cheque " be inserted before the word "or," line 4.  
Senator HIGGS

- I move -

That the clause be amended by the addition of the following words : - " Should any person who registers a letter, packet or newspaper desire to insure the same for any sum against loss by fire, or theft, or otherwise, he may do so by paying at the post-office at which the letter, packet, or newspaper is registered, a charge equal to one per cent, of the value he places on the said postal article, and in case such postal article is not delivered within a reasonable time to the person to whom it is addressed the Postmaster-General shall pay to the person who registered the missing postal article the sum for which it is insured.

I regret that I had not time to circulate the amendment in print. A person who now registers a letter or packet has no claim against the department if it goes astray, no matter what value he places on the registered article. All the department undertakes to do is to endeavour to deliver the registered article to the person to whom it is addressed ; every care is taken, but no responsibility. To register a letter or packet does very little more than indicate to some person that it contains something of great value. I really think the person has a better chance of getting a valuable article delivered by refraining from registering it.

Senator Fraser

- No.

Senator HIGGS

- I think the Postmaster-General will see that the principle of the amendment is eminently fair. Suppose I wish to register an article worth £100, I shall have to pay 1 per cent. If I am satisfied that the department will exercise every care in delivering my registered article I need not insure. I simply pay the registration fee, and undertake all risks. But if it is my desire that the department shall take the risk of the loss of the registered article by fire, or by theft, or by any other means, then it undertakes to pay the value at which it is insured. I hope that honorable senators will see how unsatisfactory it is to have no insurance against loss when valuable articles are sent through the post-office.

Senator WALKER (New South Wales). - This seems to me a very dangerous addition to make to the clause, because an unscrupulous person might put a high value on some article he posts and have an accomplice in the post-office to destroy the letter, and then claim for a large sum.

Senator Harney

- There should be a limit.

Senator WALKER

- It should be made the subject of a separate clause.

Senator HARNEY

- I entirely agree with the amendment. I do not say that this is the proper place for it to come in, but, if I remember aright, in England, if a man registers a letter, I think it is up to £10, he is insured against risk.

Senator Walker

- It says 1 per cent, on the value insured. I may send a draft for £10,000.

Senator Higgs

- Then the honorable senator would have to pay 1 per cent.

Senator HARNEY

- I commend to the Postmaster-General the insertion of a clause guaranteeing a person who registers a letter against loss, at all events to some extent, otherwise it is really a farce to register letters at all.

<page>1465</page>

Senator DRAKE

- We are not quite in the same position here as they are in Great Britain. An enactment of this kind that would work well in a very closely populated country becomes unworkable in a country so vast as this. We have an enormous number of offices, and in a great many cases they are in the hands of postmasters who are not postal servants. It is very undesirable to increase the amount of responsibility which is thrown on them, and this proposed insurance would, I think, tend in that direction. The system of registering letters and packets works very well. Of course it is not perfection. If there were some system of insurance against loss it would, no doubt, give the public more confidence, but I think results have shown that a

registered letter is practically safe.

Senator Ewing

- If a man wants to send valuables he can insure them through other sources always.

Senator DRAKE

- He can send them through the post-office, and he can insure them by some other recognised agency. This amendment extends the principle of registration, so as to make the post-office an insurer, and I do not think it is desirable to load the department up to that extent.

Senator HIGGS

(Queensland). - What means has a person situated in the back country in Queensland to insure valuable articles? Suppose a man at Opaltown wishes to send a packet of opals through the post-office, what method can he adopt to insure them ?

Senator Sir Frederick Sargood

- Why should that be thrust on -the State?

Senator HIGGS

- If the man is willing to pay 1 per cent, why not ?

Senator Sir Frederick Sargood

- Would the honorable senator take the risk himself?

Senator HIGGS

- If I had at my command the department and all its very efficient officers, and the means of tracing packets and parcels such as we now have, I would be willing to take the risk. For what purpose does the department undertake to register an article but to see that it is delivered ? - to exercise greater care. The only advantage now in registering a letter is that the postal authorities can get a very fair idea of where it has gone to.

Senator Drake

- It is not a promise to deliver, it is a promise to take a note of it.

Senator HIGGS

- Does any one mean to claim that, if a person registers an article in the ordinary way and pays 1 per cent, on its value, it will prompt a postal official to steal it? The official already knows that the article is registered, because a blue mark is drawn across the address. When he knows that it contains something of value,, why does he not steal it? He knows just as much about the nature of its contents now as he would then.

Senator Fraser

- There is somebody always responsible for a registered letter.

Senator HIGGS

- I only desire, inasmuch as somebody is responsible now, and the department has very good means of tracing a packet, that in case of fire, by loss or theft or otherwise, it should be responsible to the extent of the amount at which the sender valued the article ; it may be £10 or more. I am quite agreeable that there should be a limit put to the amount, that the postal officials should have power not to take an article which they believe is not of the value put on it. When a man registers a letter and in trusts it to the postal department and is willing to pay a percentage, it should be quite willing to insure him against loss.

Senator FRASER

- An enormous number of letters are registered and delivered, but we never hear of a registered letter miscarrying.

Senator O'Keefe

- Yes, we do.

Senator Higgs

- Where is the danger ?

Senator FRASER

- It is a great wonder to hear of a registered letter miscarrying. It may miscarry either because the sender has made a mistake or because the person to whom it is sent has changed his residence. I have dealt very largely with registered letters in Australia, but I have never known one to go astray by reason of departmental negligence.

Senator Stewart

- Why object to insure the registered letter ?

Senator FRASER

- I have no objection to offer, except that it is unnecessary. If we overload the Bill it will do an injury. Moreover, if we agree to insure a registered letter the rate of 1 per cent, is ridiculously high. I am sure that the department would do it for perhaps a shilling per cent.

<page>1466</page>

Senator STYLES

- Under this clause if a workman put a pound-note in a letter to send to his wife the Postmaster, if he suspected that it contained a valuable document, could register the letter and charge the receiver the registration fee.. That seems to me a rather hard provision. Many thousands of men who are working in the back country are not within three or four days' walk of a post office. A man may have in his pocket a pound-note which he would like to send to his family, and if he encloses it in a letter and intrusts it to a fellow workman to post at the nearest post-office, why should we be called upon to register the letter, and even then get no guarantee of safe carriage? It is at his own risk that he puts the money in the letter. Again, a seaman who is going along the coast in a coaster may be able to send a pound-note from Rockhampton or Western Australia, but under this clause he would have to go ashore to register the letter or run the risk of having it registered for him and a double fee charged. It seems to me a rather hard provision to make. I would suggest to the Postmaster-General that a provision might be made that a man at his own risk could send to the extent of a couple of pounds. ' I do not know why there should be any limit made if a man wants to send £50 through the post-office.

Senator KEATING

- I thoroughly approve of the principle of this amendment. I think it is very desirable that we should extend to those who use the facilities of the post-office a certain amount of insurance when they are prepared to pay for it. Senator after senator who has spoken or interjected has referred to the fact that, although we have had a good many registered letters going through the post-offices of the various States, none of them have gone astray. That single fact itself should be quite sufficient to indicate to the Postmaster-General that he should have very little difficulty in giving practical effect to this amendment. When we hear honorable senators remark that it would be a matter of extreme difficulty, and ask the mover of the amendment if he would be prepared to take the risk himself, we are practically taking up an attitude which is a very serious reflection on the officials in the States. If we cannot trust the officials of the post-offices throughout the Commonwealth, then I think we want to have a provision to secure a greater degree of security to the people than we now have, and we also want to have some provisions which will enable the Minister to have a much stronger hold on the officials than even the provisions of this enactment give him.. I think he might very well see his way to accept, if not the amendment in its precise words, certainly an amendment in a form which would enable those who use the post-office to obtain some degree of insurance, perhaps within certain limits. Let us recognise the principle, and let us afford facilities for those who are in back country towns, and are not able to avail themselves of the advantages of an insurance society as we in the cities can do. I shall support the amendment.

Senator Higgs

- If the Postmaster-General will promise to consider the matter I shall be quite willing to postpone my proposal.

Senator DRAKE

- I will be very happy to give consideration to this matter and see if anything can be done to extend the principle of registration in the direction indicated. I propose to postpone the clause because if it is desirable to carry out the suggestion I think it should be done in a separate clause. It is an important matter and some machinery would be required.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Progress reported.

SUPPLY BILL (No. 2)

The PRESIDENT

- I have to report that the following message has been received from the House of Representatives : -

<page>1467</page>

Mr President

-

The House of Representatives returns to the Senate the Bill intituled " An Act to apply out of . the consolidated revenue fund the sum of four hundred and ninety-one thousand eight hundred and eighty-two pounds to the service of the period ending the thirtieth day of June, one thousand nine hundred and one," and acquaints the Senate that the House of Representatives has considered the message of the Senate requesting this House to make certain amendments in such Bill, and has made the requested amendments numbered 1 and 3, and in the case of requested amendment numbered 3 has made such amendment, with the modification appearing by the schedule.

W. Holder,

Speaker.

Schedule.

Memorandum of suggestions made by the Senate in the Bill intituled " An Act to apply out of the consolidated revenue fund the sum of four hundred and ninety-one thousand eight hundred and eighty-two pounds to the service of the period ending the thirtieth day of June, one thousand nine hundred and one."

In the title. In line 1, after initial words -' An Act to," insert " grant and "

Amendment made by the House of Representatives.

Leave out the words of recital, viz. : - " For the purpose of appropriating the grant made by , the House of Representatives."

Amendment made by the House of Representatives, and after "Australia," insert "For the purpose of appropriating the grant originated in the House of Representatives."

In page 1, line 6 (clause 1, line 2), after " supply " insert " hereby."

Amendment made by the House of Representatives.

In Committee :

Postmaster-General

Senator DRAKE

. - I think that the Bill now is in such a form that it should be satisfactory to those honorable senators who took exception to some parts of it on a previous occasion. As it stands now it is a Bill to grant and apply a certain sum of money. It states clearly that the grant is made by both Houses, but that it originates in the House of Representatives.- The word " originated " is the word that is used in the Constitution, and I think, therefore, that the Bill as it now stands should be entirely satisfactory. The amendment in the enacting clause has only been transposed. We suggested that the words " for the purpose of appropriating the grant made by the House of Representatives" should be omitted. As the result of the amendment made by the House of Representatives, the preamble will now read -

Be it enacted by the King's most excellent Majesty, and the Senate and the House of Representatives of the Commonwealth of Australia for the purpose of appropriating the grant originated by the House of Representatives, as follows.

That is the enacting part. Then clause 1 will read -

There shall and may be issued and applied for or towards making good the supply hereby granted to His Majesty..... and so on. The amendment we suggested in the title has been made; the amendment that we suggested in the first clause has been made; and the amendment we suggested in the enacting words has been substantially approved of; but instead of those words being omitted, the word "originated" has been substituted for the word " made," and the other words we proposed to omit have been added after the word "Australia." I move -

That the modification made by the House of Representatives in the Senate's suggestion, No. 2, tie agreed to.

Senator Lt Col NEILD

- As the mover of the instruction to the committee and the mover of the motion therein, I may say the change which has been made certainly meets with my entire concurrence, and I believe with that of every member of the Senate.

Question resolved in the affirmative.

Resolution reported and agreed to.

Resolved  
(on motion by  
Senator Drake)

-

That the Bill be returned to the House of Representatives with a message acquainting that House that the Senate has agreed to the modification made by the House of Representatives in suggestion No. 2 of the Senate.

Senator HIGGS

- Is there any business before the Chamber now, Mr. President? We are very inquisitive.

The PRESIDENT

- There is no business, but I ought to explain the position. We sent to the House of Representatives a message which contained in a schedule three requests to make amendments. To two of those requests they agreed. They agreed to the other with a modification, but they did not wait to see if we accepted this modification. They have sent us back the Bill, but they have not amended it. What they ought to have done, according to the South Australian practice, was to have waited until the two Houses were in accord and then amended the Bill, and then we could have agreed to it as amended. It is a Bill which we cannot amend. We can only suggest amendments.

Senator Best

- It is only a clerical error.

The PRESIDENT

- It maybe a clerical mistake, but I, do not see how to get over it. Here is the Bill. It is certified to by the Clerk of the House of Representatives as having originated in that House. Having been passed by the House of Representatives it is transmitted to the Senate for their concurrence. The House of Representatives have agreed that they will amend it, but they have not done so.

Senator Best

- Have they not stated that they have amended it in the message?

<page>1468</page>

The PRESIDENT

- They have stated in the message that they have done it, but they have not done it. The practice in South Australia is to make the amendments in a Bill as soon as the two Houses have come to an agreement. We have come to an agreement, and when we send the Bill back the House of Representatives ought to amend it in accordance with the agreement.

Senator DRAKE

(Queensland - Postmaster-General). - I very much regret that this has occurred, and I hope still that some means may be found of getting over the difficulty, because I believe it is of very great importance that the Bill should pass to-day, seeing that we do not meet again until next Wednesday and that the other House has adjourned. This difficulty, of course, clearly arises from a misunderstanding with regard to the standing orders under which we are working. The probability is that we take one view of the standing orders, and that another view is taken in another place.

The PRESIDENT

- We have none.

Senator DRAKE

- If we have no standing orders there can be nothing to prevent us doing what evidently is intended, and what we desire to do. If we have no standing orders, I do not see how we can be blocked from going on by the supposed existence of some standing order. As it appears now the Bill has come back, and no amendments are shown, but there is a covering letter in which it is stated under the signature of the Clerk of the House of Representatives that certain amendments have been made. It states that the amendment in the title has been made, and that is signed by the Clerk; that the amendment which I have described has been made in the enacting clause, and that too is signed by the Clerk; and that the third amendment also has been made in the Bill. Though those amendments are not exactly shown on the Bill, we have the certificate of the Clerk that they have been made.

Senator Harney

- They have not formally recorded what they have done.



Senator DRAKE

- They have not made the amendments in the Bill itself. The Bill that has come back shows no amendments, but it is accompanied by a statement that those amendments have been made.

Senator Clemons

- Which statement has not been verified.

Senator DRAKE

- In the ordinary course, if this block had not occurred, we should have adopted the report of the committee, and the Bill would have been read a third time and passed. Both Houses would have agreed to it and passed it, and it would then have been ready for assent. It would be a very unfortunate thing, if, in consequence of having standing orders, or in consequence of having no standing orders, this difficulty could not be got over. The matter is one of such great urgency that it would be desirable to find a means by which the difficulty can be overcome.

Senator HARNEY

- Are not amendments a matter of fact and not a matter of mere recording ? If we have a document sent back accompanying the original document, which shows that certain amendments have been made in accordance with our suggestion, then it is within our power to record on paper what the House has in fact done. I think that the difficulty could be got over in that way. To quote an analogous case, the judgment of a court is not the written document but the words of the Judge.

Senator BEST

- Might I, with great respect, suggest that there may be some clerical mistake only in this matter ? We sent down three suggestions to another place, and some Minister took the responsibility of moving a motion, as we now learn, in regard to them. In reference to two of them, our suggestions were actually adopted.

Senator Clemons

- How do we know it ?

Senator BEST

- We have the information, here. Then, as regards the third suggestion, we know as a matter of fact that an amendment was made in a particular direction.

Senator Harney

- Which, as a matter of fact, we have agreed to.

Senator BEST

- We, as a matter of fact, have agreed to what has been done. It is reported to us that our three suggestions have been dealt with, and if the Clerk has made a mistake by not sending us the Bill with the amendments, that can be verified by the Clerk himself at any moment. If then, sir, you are not satisfied to permit us to take the report as a record of a matter of fact, we can get the Clerk to make the technical alteration so as to make the record complete in every respect.

<page>1469</page>

The PRESIDENT

- I would point out this consideration which appears to have been lost sight of. The House of Representatives ought not, it appears to me, to have made any amendments in the Bill until the two Houses were in accord. How can they know until we have decided the question whether we agree to the modification which they ask us to make in our second suggestion. That ought to be the practice. If we adopt any other practice we shall get into all kinds of difficulties. "We make a suggestion. They may say - " We want a modification of that suggestion." Why should they assume that we are going to agree to that modification ?

Senator Dobson

- It would be a most dangerous precedent.

Senator Best

- They can do as they like.

The PRESIDENT

- Here is a Bill sent back which has not been amended. It is not the Clerk who amends it, but the House itself. The Clerk is only the recorder. The Bill has not been amended. How can that Bill be presented to His Excellency the Governor-General for assent in its present form ; and in its present form who is going

to amend it?

Senator Drake

- The Clerk.

The PRESIDENT

- What Clerk? The House of Representatives must amend it. No doubt this is a new procedure to the Clerk of the House of Representatives and to most of us. If we look at the theory we must come to this conclusion, that until the two Houses are in accord as to suggestions and to modifications of suggestions, the House of Representatives ought not to make an amendment. Supposing we had not agreed to the modification, what would be the position ?

Senator Best

- We should reject the Bill.

The PRESIDENT

- We' do not-want to be put in that position.

Senator DOBSON

- I think that Senator Best, if he will allow me to say so, would apply a rather slipshod practice to the question before us. How could the House of Representatives amend the Bill when they did not know that we would agree to the modification of our suggestion. If we adopt that practice we say to another place, "Although we make suggestions, if you like to modify them a little you can do so, and nothing will happen." That is giving away our whole right to make suggestions. Another place ought to have sent us reasons for modifying our second suggestion. Until they get a message back from the Senate to say that we agree to their modification of our second suggestion, they are not in a position to touch the Bill at all. Therefore, it appears to me that we must, if we are to maintain our lights and privileges, send the Bill back with a message that we have agreed to their modification. Then they can amend the Bill in accordance with our suggestion, and when it comes back it comes back as a new Bill. That is carrying out the very letter and the spirit of the Constitution as regards the position which the Senate ought to take up. It would be a very simple matter for the Senate- to assume that another House has amended the Bill, but we are only in accord when the committee carries a resolution that their modification be agreed to. Senator Best will see that it is impossible to adopt any other course than that which the committee has adopted.

The PRESIDENT

- I must take the responsibility of giving a ruling on the question. My ruling is that a message will have to be sent back to the House of Representatives to inform them that we have agreed to the modification that they have made in our suggestion No. 2.

Senator Higgs

- I would ask the Postmaster-General if it would help matters if we agreed to meet on Tuesday instead of Wednesday.

Senator DRAKE

- I presume that if we could in any way arrange to meet at an early period it certainly would be a great advantage. AVe have a sessional order, and unless the Senate otherwise directs, we cannot meet until Wednesday. Whether at this time we could by consent agree to meet on an earlier day I am not prepared to say. If it could be done, I think it would be exceedingly advisable ; in fact, I should be almost inclined to suggest that we should meet on Monday or Tuesday. It is too late now to say to-morrow, because the other House could not possibly meet tomorrow, as it has adjourned. If you, sir, rule that the objection is absolutely fatal-

The PRESIDENT

- I rule that we have a Bill before us which is not amended, and which we cannot amend.

Senator DRAKE

- I was about' to suggest that the Clerk of the House of Representatives is here.

The PRESIDENT

- The Clerk of 'the House of Representatives is not the House of Representatives.

Senator DRAKE

- But he has certified that the House of Representatives has made amendments.

Senator Harney

- Did they get our message before that ?

<page>1470</page>

The PRESIDENT

- We have sent the other House a message which has not yet been received, because that House has adjourned.

Senator Harney

- The message, I believe, was sent only after the other House adjourned.

The PRESIDENT

- I know that.

Senator DRAKE

- It is a very difficult matter, because I understand that the Clerk of the House of Representatives is following the Victorian practice, and we are following the South Australian practice.

Senator Dobson

- Let us meet at half-past 2 o'clock on Tuesday.

Senator BEST

(Victoria). - Suppose it is a fact - which we can learn from an indubitable " source, namely, the recorder, whose duty it is to note what really has been done in the other Chamber - perhaps we might even go so far as to get information from the Speaker - suppose we learn as a fact that the other House did make these amendments, and the officials are available to acquaint you, sir, with that fact -

Senator Dobson

- Make amendments contrary to our suggestions 1

The PRESIDENT

- I cannot alter my ruling. I am quite sure that until the two Houses were in accord the amendments ought not to have been made, and the House of Representatives had no right whatever to assume that we would agree to the modification which they made. We must recollect that we are making precedents, and although we have agreed on this particular occasion, we might disagree on some other occasion, and we must look forward to the consequences.

Senator FRASER

- As no difficulty can arise in this case, and as a schedule of amendments has come up to which we have agreed, could not the Clerk of the other House write the amendments in the Bill. That is really all that remains to be done.

Senator Harney

- Yes ; but they have not considered our message.

The PRESIDENT

- That is so.

SPECIAL ADJOURNMENT

Motion (by Senator. DRAKE) agreed to -

That the Senate at its rising adjourn until Tuesday next, at 2.30 p.m.

<page>1471</page>

16:55:00

Senate adjourned at 4. 55 p.m.