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1901-06-26

Senate.

The President took the chair at 2.30 p.m.

#### PETITION

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Senator WALKER presented a petition from the Council of Churches of New South Wales against the alteration of clause 54 of the Post and Telegraph Bill in such a way as would facilitate lotteries or other forms of gambling.

#### DAYS OF SITTING

Suspension of Sessional Order

Senator Lt.-Col. NEILD (New South

Wales). - I take the earliest possible opportunity of drawing attention to what seems to be a very serious breach of the sessional order with reference to the meeting of the Senate. On Friday last a motion was moved without notice given, as positively required by the standing orders under which we are working, by virtue of which a special meeting of the Senate was held yesterday.

Senator O'Connor

- I rise to order. I would ask you, sir, whether the honorable member has any right to discuss any matter now unless it is to make a personal explanation or to raise a question of privilege.

Senator Playford

- The honorable member can move the adjournment of the Senate.

Senator McGregor

- It would have been better if he had been here.

Senator Sir Josiah Symon

- We did not know anything about it.

The PRESIDENT

- I think the honorable member would be in order in moving that the Senate at its rising adjourn until some unusual hour or day, and then he could bring forward the matter.

Senator Sir Frederick Sargood

- Is it not a matter of privilege ?

The PRESIDENT

- I do not think it is; it is a matter of the conduct of business.

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Senator Lt Col NEILD

- I move -

That the Senate at its rising do adjourn until Saturday next, at noon.

I take this course to bring forward the question to which I have referred. An extraordinary sitting of the Senate took place contrary to the sessional order at a time when it was practically impossible for honorable senators who had shown a certain amount of active interest in the determination of our procedure in reference to Money Bills to be present. I find that a Bill was read a second time and passed through the committee stage. It is down on the business paper for its third reading to-day. The standing order I refer to is No. 216, which says-

No member shall make any motion initiating a subject for discussion but in pursuance of notice openly given at a previous sitting of the House and duly entered on the notice paper.

I find from the records that, for some reason or another, the adjournment was moved on Friday night after a large number of honorable senators had left in the belief that the business was practically closed, and the Senate, in pursuance of that motion, made contrary to the standing order, held a sitting yesterday.

The sessional order is very clear. It was moved on the 5th June last -

That the days of meeting of this Senate during the present session be Wednesday, Thursday, and Friday of each week, at the hour of half-past 2 o'clock in the afternoon, unless otherwise ordered.

Debate ensued, and Senator Major Gould moved an amendment to fix half -past 10 o'clock as the hour of meeting on Friday, and the main question as amended was put and passed. It would appear that on Friday the Postmaster - General moved, without notice, " That the Senate, at its rising, adjourn until

Tuesday next, at 2.30 p.m." Of course, the words "unless otherwise ordered " in the sessional order do not give leave to suspend the standing orders. They only provide that other sittings, in addition to the three days named, may be held under and by authority of the standing orders, which provide distinctly for notice to be given of any such matter. It cannot be denied that a motion for an extra day's sitting initiates a subject for discussion. The motion on Friday that the Senate hold an extra sitting on Tuesday might have been discussed for half-an-hour or five hours and have been made the subject of a division afterwards. That it went apparently without discussion does not take it out of the category of motions liable to discussion, and therefore subject to the provisions of Standing Order 216. I do not wish to do more in the present instance than simply draw attention to this matter, because it seems to me that it is tending to set up an inconvenient practice. I believe that owing to some bungling on the part of somebody somewhere else it was necessary apparently in the public interest to hold this extra sitting. I do not want to take any special action in regard to this sitting. I did not wish to move the adjournment of the Senate, as you, sir, are aware. I merely desire to draw attention to this matter in order that there may be no precedent created for doing that which certainly, in my mind, is contrary to our rules. It is manifestly undesirable that honorable senators should be taken by surprise and matters pushed hurriedly through, as could readily be done if it were once admitted that there was a right on the part of any Minister or any senator to secure a special sitting in the manner in which Friday's sitting was secured. I repeat that I do not wish to take any more exception' to the matter than to draw the attention of the Senate to it with a view to its not being established in any shape or way as a precedent.

Vice-President of the Executive Council

Senator O'CONNOR

. -I, as representing the Government here, rise for the purpose of saying that I sincerely trust that whenever the occasion arises to take the action which was taken last Friday it will be taken.

Senator Lt Col Neild

- Oh, oh.

Senator O'CONNOR

- The honorable senator, I think, will know that when he left the Senate on the last occasion the business was not over ; the Senate had not adjourned. It was one of those instances which may sometimes happen when it. may be necessary in the public interest to take a course which is somewhat unusual.

Senator DAWSON

- It was a constitutional crisis.

Senator O'CONNOR

- It was a course justified by the sessional order.

Senator Lt Col Neild

- No.

Senator O'CONNOR

- The sessional order provides that the sitting days of the House shall be as mentioned therein unless otherwise ordered.

Senator Playford

- It must be ordered by notice.

Senator O'CONNOR

- I shall deal with that in a moment. The Senate having at the very moment just before adjourning ascertained the necessity of a special adjournment, carried out a special adjournment.

Senator Major Gould

- For a special purpose.

Senator O'CONNOR

- And it was those honorable senators who saw the necessity for holding that special sitting who gave consent to a motion being carried in that way. I altogether dissent from the view that it is necessary to give notice before suspending the standing orders.

Senator Lt Col NEILD

-Col. Neild. - Good gracious !

Senator O'CONNOR

- The honorable member says " good gracious," as I suppose, indicating that it is a very startling

proposition.

Senator Lt Col Neild

- It is.

Senator O'CONNOR

-If the Senate is to be of any value at all in carrying on the business of the country, it must have the power to act in emergencies-. What an absurdity it would be if because some honorable senator, I have no doubt perfectly properly, to carry on his own business, did not happen to be here, and therefore had not an opportunity of objecting, those who were carrying on the business of the country had no right to say whether a special sitting should be held or not. I quite sympathize with the honorable senator in not being here. I quite admit that honorable senators have to be away on their own business, but, if they are away, I think they ought to be very careful about questioning the right of those who remain to do the business of the country acting within the standing orders. The honorable senator admits very fairly that the action was justified under the circumstances as a matter of fact. I have risen principally to point out that it was justified also under the sessional order, and I hope that whenever the occasion does arise the Senate will act by the senators who are here in what they think to be the best interests of the public without regard to persons anywhere, or of any kind.

Senator Sir JOSIAH SYMON

- I confess that my honorable and learned friend, Senator O'Connor, has exhibited a degree of animation which no doubt is due to the energy which he has accumulated during the weeks of his absence. But I venture to think that this matter might have been discussed without this inflammatory style, or without these animated reflections on the honorable senator who has moved the adjournment.. I should not have risen except for the fact that my honorable and learned friend, not content with justifying this particular departure, as many of us venture to think, from the standing orders and the regular procedure of Parliament, has gloried in it and instead of saying that he will not do it again has said that he will do it again. I hope he will not do it again.

Senator Lt Col Neild

- He gloried in lawlessness. He was not here.

Senator Sir JOSIAH SYMON

- And he did not do it. In this vicarious way he offers himself as a sacrifice for the Postmaster-General, I wish to save him from any such sacrifice.

Senator O'Connor

- The Postmaster-General is well able to look after himself.

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Senator Sir JOSIAH SYMON

- I do not want to see my honorable and learned friend throw himself away on an altar of that kind. I think we have all got reason to complain, and I would not have said a word about it except for the tone which my honorable and learned friend, I think, rather unguardedly, has adopted. Now, it has been the common understanding that the Friday afternoon sitting should end about four o'clock.

Senator DAWSON

- No; that private members' business should end at that time.

Senator Glassey

- That was the understanding.

Senator Sir JOSIAH SYMON

- That was the understanding undoubtedly, and I repudiate emphatically the suggestion that any blame whatever is attachable to those honorable senators, including myself, who left at a few minutes to four o'clock on the understanding that the formal business was almost over, and that no new business of importance would be taken.

Senator O'Connor

- No one imputed any blame to the honorable and learned senator.

Senator Sir JOSIAH SYMON

- I think we should accept the explanation of the Vice-President of the Executive Council. He speaks rarely, but he sometimes speaks with the unguardedness which he has just exhibited. "We should forgive him. But certainly a number of senators from the other States left this Chamber at a few minutes to four

o'clock. Senator Playford, for instance, left the Chamber a few minutes after I did.

Senator Lt Col Neild

- I did not leave until a quarter to five.

Senator Sir JOSIAH SYMON

- Then the honorable senator was better than most of us. We had not the slightest idea that any other business would come on, or that any unusual sitting of the Senate would take place. The first time I heard of the Senate sitting yesterday was when I was coming across in the train last night to attend the usual Wednesday sitting of the Senate. I am not complaining. When an emergency arises, every one should be glad to assist in doing everything possible in order that the business of the country may be proceeded with. But I do not wish to have the standing orders set at defiance. My honorable and learned friend says that he would do the same thing to-morrow if he thought it desirable: I hope he would not. I am quite sure that, inadvertently, the Postmaster-General overlooked the fact that, if he desired to deal with this matter at an unusual time, he should have asked for the suspension of the standing orders. He might have done that without notice. A week or two ago he gave notice of a contingent motion for the suspension of standing orders when the Supply Bill came up from the other Chamber.

Senator O'Connor

- Would it not have been exactly the same ? The business would have been done in the absence of the honorable and learned senator.

Senator Sir JOSIAH SYMON

- The honorable gentleman knows it would not, because it would have required an absolute majority of the Senate. I am not blaming Senator O'Connor ; I am merely calling his attention to the fact that he is, if I may use the phrase, a little too cock-a-hoop about the way the affairs of this Chamber should be conducted. As we have standing orders, my contention is that business will be facilitated and tempers kept in better control if those rules are adhered to as closely as possible. It was perfectly competent for the Postmaster-General to move the suspension of the standing orders. That could have been done with the consent of an absolute majority.

Senator Lt Col Neild

- The Postmaster-General could not have done that.

Senator O'Connor

- Why ?

Senator Lt Col Neild

- Because there was not an absolute majority present.

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Senator Sir JOSIAH SYMON

- The least we could expect from the Postmaster-General was obedience to the standing orders under which we are acting. We look first to you, Mr. President, to be the guardian of our procedure and standing orders, and we look next to the honorable senator in charge of Government business in this Chamber ; and if the honorable senator in charge of Government business for the time being violates those standing orders, it is pretty sure that the whole business of the Senate will get into confusion. Even if the standing orders had been suspended to permit of the special, matter of the Supply Bill being rectified by a message or messages which; I understand, passed between the two Chambers, I do not understand why other business should have been proceeded with. It was not treating those senators who were absent with the fair respect to which they were entitled that the second readings of other Bills should have been moved in their absence. If a special sitting was necessary for a special purpose, and we know the trouble we had in getting the matter adjusted On constitutional lines, the business should have been confined to that purpose. I think my honorable and learned friend, Senator O'Connor, must recognise that senators treated the question with patience and fairness, and that they ought not to have been criticised in the tone he adopted when they called attention to what was undoubtedly, whether inadvertently or not, a serious departure from ordinary parliamentary procedure, which requires notice to be given of any motion. The standing orders can be suspended without notice, but only with the concurrence of an absolute majority of the members of the Senate. I am sure my honorable and learned friend will pardon me for suggesting that before this course is adopted again he should weigh the matter well, and not do it at least incautiously Or without adequate consideration. Although the Bills dealt with on Tuesday may have been purely

machinery Bills - I do not know what they were at this moment - the same course might have been followed in regard to Bills of the greatest possible importance and the rights of senators might have been very seriously invaded.

Postmaster-General

Senator DRAKE

. - As I was the Minister "who moved the motion for the special sitting of the Senate yesterday, I presume that I am, to a certain extent, on my defence. A number of the senators who are raising this objection this afternoon do not really object to the action which was taken on Friday last in calling the Senate ' together yesterday. They are a little bit annoyed because some other business was taken yesterday. I really think that that is what it comes to. Senator Lt.-Col. Neild himself says that when he left the Chamber On Friday, he considered that the business was practically closed. Now the particular business "I've had been engaged upon for several days previously was the Appropriation Bill. That is an admission on the part of Senator Lt.-Col. Neild and other senators that they were perfectly satisfied with the arrangements made so far as that particular Bill was concerned. They thought that, substantially, all the business that remained to be done was of a formal character, because the two Chambers were in accord. I believe that it was their desire, seeing that they had done nothing to obstruct the business of the country, that at the earliest possible time that formal difficulty should be got over, and the Appropriation Bill passed. It was in the belief that that would be their desire and, fortified with the opinions of those who were best qualified to express an opinion that the action I was taking was perfectly in accord with the rules and practice of the Senate, that I moved that the Senate at its rising should adjourn till Tuesday.

Senator Best

- It was in response to the request of the Senate itself that that was done.

Senator DRAKE

- Yes. I had intended to move the adjournment of the House till Wednesday, but there was an expression of opinion in the Senate that it was desirable we should meet on Tuesday to dispose of the Supply Bill at an early stage. Those senators who had left the chamber had expressed themselves in such a way as to lead me to suppose that it would be their desire that we should meet on the earliest possible day'. There was not a single dissentient in the Chamber to the course I proposed that the Senate should adjourn till Tuesday instead of 'Wednesday.

Senator Lt Col Neild

- Unfortunately there was not a quorum present.

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Senator DRAKE

- I think there was a quorum- right up to the end of the sitting. I will not say so positively, because I was not engaged in counting the Senate, but I believe there was a quorum right up to the close of the sitting. Before we knew that this emergency would arise, nearly all the business that had been brought before the Senate had been postponed, or made orders of the day for the following Wednesday, and at the time when I moved the motion complained of there was nothing left on the notice-paper except two second readings of Bills. Those second readings lapsed on Friday, but they appeared on the notice-paper on Tuesday. When we met on Tuesday the business with regard to the Appropriation Bill was settled without any difficulty. Then what happened 1 We had the Senate properly constituted, and I believed that every senator present desired that the Vice-President of the Executive Council should proceed with the business on the paper. There was no expression of dissent at all, nor was there any request to postpone the second reading of those Bills. The Bills were read a second time, and one was passed through committee with the consent of those present. So that all through the desire of the Senate has been given effect to. My justification for the course I took on Friday, is that I believe that according to our rules, and also in accordance with the practice that has been observed hitherto in the Chamber over which our President has so long presided in South Australia, I was perfectly in order in moving that the Senate should sit on Tuesday. I may also mention that in the State with which I am mostly acquainted, namely, Queensland, it has been the invariable practice, if necessary, to move the adjournment of the House to some day other than the day fixed in the sessional orders. I take it that the reason why the sessional order especially states that the Senate shall meet on certain days " unless it otherwise orders " is to leave an opportunity for the Senate in conducting its own business to meet on some other day, either earlier or

later, if it thinks fit to do so.

Senator Sir FREDERICK SARGOOD

- I was present on Friday afternoon last, and I was very much surprised to find afterwards from the notice-paper that instead of meeting on Wednesday the Senate was to meet on Tuesday. It may be said to me "how could that happen without your knowing it?" The reason is that while the Senate was discussing this matter I was behind the chair discussing the difficulty that had arisen in connexion with the Appropriation Bill with the Clerk of another place, and I knew nothing of what had taken place, although I was present up till the last minute. I take it that the object of standing orders is to enable senators to know when the Senate is to meet and also to prevent them from being taken by surprise. We are guided by standing orders so that the members of the Senate as a whole, or it may be a minority, may have an opportunity of knowing what business is to be taken and when it is to be taken. The standing orders may be suspended for one of two purposes. One is to get a Bill through all its stages at one sitting, and the other is, as Senator O'Connor states, to meet an emergency suddenly arising.

Senator Drake

- This is not a suspension of standing orders.

Senator Sir FREDERICK SARGOOD

- That is where I think the mistake arises. I am speaking from my experience of the suspension of the standing orders in the Victorian Parliament. The suspension of the standing orders can be moved without notice at any time in Victoria, but any one member may object to it. I do not profess to know the South Australian standing orders, but I believe that such a motion could be carried by an absolute majority. There was certainly not an absolute majority in the Senate on Friday night.

Senator O'Connor

- Under the sessional orders the Senate has power to vary the days of sitting.

Senator Sir FREDERICK SARGOOD

- With all due deference to the honorable and learned senator, I do not say it is wrong according to the South Australian standing orders, but it is an entirely novel feature to me. It appears to me to be surrounded with grave objections, and to open the door to senators being caught unawares. I do not suppose for one moment that Ministers would permit such a thing, but it is open for a Government which has for the time being a sufficient majority in the House to bring on suddenly and without proper notice an important measure and get it through. That is not desirable in the interests of proper legislation, and as far as I am aware it is contrary to the standing orders of the Senate. I recognise frankly that this was an emergency, and I am not going to blame the representative of the Government for what he did. Perhaps in similar circumstances I would have done the same thing, but I do not think it should be repeated. At all events it should only be repeated under exceptional circumstances, and it should not be taken up in the jaunty, off-hand manner in which the honorable and learned senator has put it.

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Senator PLAYFORD

- The way in which we who manufactured these standing orders would conduct such business as this would be totally different from that which the leader of the Government here has suggested. It could not certainly be done without the suspension of the standing orders, and the standing orders could not be suspended without giving notice of motion. I have not the slightest knowledge of the sessional orders in regard to the time of meeting ever having been departed from without notice. Then the matter is discussed and a decision arrived at, and the House knows what it is about. In the present instance the course pursued was exceedingly hard on those senators who live at a distance from Melbourne, like the representatives from South Australia and Tasmania and New South Wales. We left the chamber some little time after four o'clock, never dreaming for a moment that the sessional order for the meeting of the Senate on Wednesday, Thursday, and Friday of each week would be departed from. AVE never received the slightest information that it had been departed from. It was only when I got to the train in Adelaide yesterday afternoon that I was informed that some of our members had returned to Victoria on Monday, because of the fact that the Senate was to meet on Tuesday. I like to keep records myself, and one of the records that I desired to keep was that I should be able at the end of the session to say that I had attended every meeting of the Senate. My record, however, has been completely destroyed by the action of the Government. If circumstances warranted a departure from the sessional order, senators who had

left Melbourne for their homes in the neighbouring States should have received a special wire notifying the alteration. I returned to my home in the Mount Lofty Ranges without hearing a word about the change, and I learned nothing about it until yesterday when I boarded the train. Then it was that I found that the record which I had hoped to be able to point to with some degree of pride and satisfaction had been broken through no fault of my own. I do not blame the Government in the circumstances, but I do blame them for not giving notice to those who had left. Certainly the Postmaster-General knew that a great many of us had left before this incident occurred, and I suppose it was simply due to want of thought that we did not receive proper notice. If we have standing orders we ought to obey them. If anything of this sort is to be allowed; then the Ministry, at the fag end of a session, when there is barely a quorum of the Senate present, will have power to do just as they choose. They will be able to quietly get up and propose to meet on any day without giving notice to those senators who have left the Senate in the belief that the sessional orders will be obeyed. If we are going to allow this to happen whenever the Ministry chooses it will be a most objectionable procedure, and I shall protest against it with all my might. No advantage was gained by meeting on Tuesday. All that was done could have been done this afternoon, and there would not have been the slightest trouble. Nothing was gained by the meeting, and senators were brought here without any necessity. The Supply Bill is not wanted until the end of this month.

Senator Drake

- The interval between this date and the end of the month is very small to enable payments to be made all over the Commonwealth.

Senator O'Connor

- The end of the month is so near that every hour is important.

Senator PLAYFORD

- I fail to see that. All that is necessary is to send a telegraphic message to the various responsible officers, saying that the Supply Bill has passed. All the auditing and the vouchers and the receipts for payments have surely been attended to. Even if the Bill had been passed a day before the end of the month there would have been ample time for payments all through the Commonwealth in these days of the telegraph and the quick transmission of messages. I trust that the Government will be exceedingly careful about departing from the sessional order, and that in future we shall receive proper notice.

Senator Major GOULD

- I protest also against the idea that the standing orders can be bandied about in any way in order to suit the convenience of the Government of- the day. I dare say that if only the special business had been dealt with, no complaint would have been made. Any honorable senator who thought it worth while to waste a day to agree to some formal resolution might have done so ; but the Government was not content with that. The Service and Execution of Process Bill was brought on. It was read a second time, and the Senate went formally into committee on it.

Senator O'Connor

- There was more than a quorum ready to carry on business, and why should we not do so ?

Senator Major GOULD

- I know of one honorable senator who had taken no little trouble to make himself acquainted with the first abortive measure for the service and execution of. processes, and he was anxious to see that this Bill came into line with what was required.

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Senator MCGREGOR

- The honorable senator will have plenty of time to do that.

Senator Major GOULD

- The honorable senator to whom I refer should have had his opportunity on the second reading. He should not be compelled' to wait until a later stage has been reached. In any case, supposing, for the sake of argument, a further hitch had occurred between the Senate and House of Representatives over the Supply Bill, and some important constitutional question had been at stake, would it have been fair or honest to go on' with it as tme Senate was constituted on Tuesday last, when a number of honorable senators were absent who had taken considerable interest in the question 1 It is all very well to say that it was necessary to get the Bill through because of the payment of money. I do not care to go into the whole history of the Supply Bill, but I would point out that the initial mistake lay in the hands of the Government

in the other House, and that it was followed up by a further action on their part which led to the second mistake, so that any delay that took place was due to the fault of the Government. I protest against the course that has been pursued. Senators in some cases come hundreds of miles in order to attend the Senate, and is it just that there should be a possibility of business being transacted in their absence at a special sitting, when they go away in the full and implicit belief that the sessional orders will be observed. If we were living in Melbourne it would be another thing, but we live, many of us, in South Australia, New South Wales, and Tasmania. The Government were willing that these orders should be fixed in such a way as to allow us an opportunity of getting away. It is rather rough on us, therefore, for the representatives of the Government to say - " Here is an emergency, we will take advantage of the standing orders and adjourn the Senate until some earlier day to deal with this emergency, and while we have the chance we will deal with other business." The tiling cuts both ways, and therefore it is just as well for one side of the Senate to put their views forward as for the other side to do so. I do hope that Senator O'Connor, when he thinks over the matter, will see that it would not be reasonable to try and spring a surprise on senators by bringing business forward at an earlier date than that at which it should be taken.

Senator MCGREGOR(South Australia).I daresay I have as much reason to complain in this instance as any other honorable senator. I went away a few minutes after four o'clock and did not know anything about the alteration that had been made until I met you, . Mr. President, in the Adelaide railway station.' Fortunately, I was coming back in time for yesterday's meeting. I think it is entirely out of place either for myself or for any honorable senator to neglect our duty to that extent, and begin to complain against the Government. What are we doing? We. are only letting the public know that we do not take sufficient interest in the Government of the Commonwealth to make full and fair inquiry before we- leave as to what is likely to be done ; and I say to accuse the Government now of attempting to do anything in an underhand or offhand manner is out of place. This ought to be a lesson to every honorable senator that, when he is going off to his home, he should make it his business to thoroughly understand what is likely to happen. If the Government cannot give him an assurance before he goes away, then he ought not to go. That is the idea I have in my mind. Of course there is some reason in the argument of Senator Playford when he says that in circumstances such as this notice might have been given to those senators who were out of the State, and who might reasonably have been expected to know nothing about the change. In respect to what Senator Playford has said in relation to the sessional order, I should like to ask what prompted us to put in the resolution which we carried the words " unless otherwise ordered " ?

Senator PLAYFORD

- We have exactly the same thing in Adelaide.

Senator MCGREGOR.As far as my recollection serves me, where it has been thought desirable that the State House should meet next day to consider important business, it has not been considered necessary that notice of such a motion should be given. According to the wording of the sessional order, I think it is only necessary to move the motion, and if a majority agree to it, that is quite sufficient. I hope those who were here will excuse us unfortunates who were away, , and not be too hard upon us. They did their duty, and we did not, and we have no right to complain. .

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Senator CHARLESTON

- I as one who was absent yesterday protest against the remarks made by Senator McGregor. If I had known that the Senate would meet on Tuesday, I should have been here. I had no intimation whatever from any person that we should be called together again until Wednesday.

Senator DAWSON

- Did you ask ?

Senator CHARLESTON

- I depended upon the standing orders, and upon the Government carrying out their duty in relation to the standing orders. I certainly think it is very extraordinary on the part of Senator O'Connor, after absenting himself for practically three weeks, to treat those who have been here every day in the manner he has done. I did not expect that he would glory in his shame, and I hope that the same thing will not occur again.

Senator MATHESON(Western Australia). What we really want to know is whether the sessional order



bears the interpretation put upon it by the Postmaster-General. It seems to me, and I speak subject to correction, but with an experience based upon the procedure in our own State Parliament, that the provisional standing orders which we have adopted govern the circumstances of the case, and they lay down that no suspension of the standing orders can be permitted without the approbation of an absolute majority of the House. I do not think any sessional order worded in the way ours is gives a sufficient justification for adding an additional day to the sittings of the Senate. But you, sir, are the person who can throw most light upon the subject. In fact, you are the only person whose opinion the Senate would be likely to take as definite on the question, and I think it would be of interest, after your long experience of the standing orders in the State of South Australia, if you would give an opinion as to the exact meaning of the sessional order, and as to whether the Postmaster-General was entitled to act in the way he did at the sitting on Friday. I want to impress upon the Senate the absolute importance of a strict adherence to every line of our standing orders. It is perfectly outrageous for any Government to say that any exceptional circumstance warrants them in departing from them. Upon the standing orders every senator relies. He bases his conduct upon them, and he expects that other senators, including the members of the Government, will be bound by them. I think it would be most satisfactory if you, at this stage, gave your view as to the bearing of the sessional order upon this question.

Senator HIGGS

- I think that Senator Sir Josiah Symon has to some extent reflected on the President in saying that the Senate depended upon him to see that our standing orders were carried out.

Senator Sir Josiah Symon

- Quite the opposite. It was a eulogy.

The PRESIDENT

- I "take all the responsibility.

Senator HIGGS

- I imagine that you saw that there was an absolute majority of the Senate present when the motion was carried. There was no single voice raised against the procedure, which was in the interests of the carrying on of the good government of the country. I was very much interested to hear Senator Matheson say that the Senate relies on the standing orders, and that we should see that every line of them is carried out. Why, he has been away from this Chamber for some weeks.

Senator Matheson

- What has that to do with the standing orders ?

Senator HIGGS

- It has this to do with it: If we pay strict attention to carrying out the little details of the standing orders and stay away from the Senate, we are not likely to carry on legislation properly. Those senators who have undertaken to abuse the Government are the senators who are mostly away - the senators from New South Wales and South Australia. The business of the country has been left largely to the Queenslanders and Victorians. I am sure that we all sympathize with Senator Playford, whose record has been broken in this ungracious way. It should show the electors how poor a reed the attendance list is to rely upon when a senator can put in an appearance and then stay away for the rest of the afternoon.

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Senator WALKER

- Personally I am sorry that this question, has arisen. When I saw a telegram in the newspapers that the Senate would meet yesterday I assumed it was for the purpose of dealing with the Supply Bill and nothing more.' I have not yet heard any reason given why other business was gone on with. I have been as regular an attendant as most senators, and I do not think any other business should have been gone on with.

The PRESIDENT

- Before Senator Lt.-Col. Neild replies, I would like to make a statement to the Senate regarding this matter. So far as I am concerned, I have nothing to do with any understanding. All I had to do in this instance was to see that the standing orders warranted the motion which was made and carried. That entirely depended upon the meaning of the words, "unless otherwise ordered." Now, in reference to the conduct of the business of the Senate, it is not necessary to give notice. Motions are constantly carried relating to the business of the Senate without notice. For instance, the sittings are suspended without

notice. The theory is that all senators should be present ; and, if they are not, then, of course, they ought not to complain that the business of the Senate has been arranged in any particular manner. No one knows at any moment what emergency may arise. I do not think it is necessary at all to suspend the standing orders. In fact, the standing orders were not suspended. In the Legislative Council of (South Australia, over which I presided for nine years, it has always been the constant practice for the leader of the Government to move at the close of the business of the day, that is whenever he thinks it to be necessary, a motion, fixing" some other hour, and day, for meeting, than have been fixed by the sessional order.

Senator Playford

- It is never done in the Assembly.

The PRESIDENT

- It used to be done in the Assembly when I was there, a very considerable time ago. Honorable senators will see that if the Senate decides that it cannot sit to meet some emergency on a different date or hour to that fixed by the sessional order, great difficulty may occur. I consider that the motion was strictly in accordance with the standing orders. It certainly was strictly in accordance with the practice of the Legislative Council with which I am most familiar, and I believe that in other State Legislatures a similar practice is followed. I do not desire to express any opinion whatever as to whether or not the Ministry exercised a wise discretion. That is not my business, but I do think that there was nothing out of "order in carrying the motion.

Senator Lt Col NEILD

- In reply, the debate has disclosed these facts that, according to the practice of the Legislative Council of Victoria, as given by Senator Sargood ; according to the practice of the Legislative Assembly of South Australia, as recounted by its long-time leader, Senator Playford ; according to the practice of the Chambers in Western Australia, as related by Senator Matheson ; and according to the practice of the New South Wales Parliament for the last 20 years, and I am speaking from personal knowledge, where a sessional order has had to be varied under the proviso contained in the words " unless otherwise ordered," notice has invariably been given. I venture to submit that we cannot waft away sessional orders in the manner indicated by the Vice-President of the Executive Council. I was surprised to see such an ebullition of lawlessness from a gentleman of so sedate and grave a character. I would not have spoken had it not been for the violent and aggressive attack he made upon myself, because I did not happen to be here at a time when according to general agreement the Senate was not expected to sit. I was here up to a few moments of the train time. The honorable gentleman made a great many references to senators being away, although he himself was absent on his own business for weeks. I think that comes with an extraordinary undesirable grace from the honorable gentleman. In fact no grace at all.

Senator O'Connor

- When I came back I did not complain about what had been done in my absence.

Senator Lt Col NEILD

- No; the honorable gentleman would have had no good cause to complain, because he was away on his own business. I did not complain of his being away, and he need not complain of me being away for five minutes, when he was away for weeks. As far as my attendance was concerned, I am quite ready to prove that I, have not been away for one day except yesterday. My honorable and learned friend made a speech of a character that he knew was certain to be resented. He has got blue mouldy for want of a " bating," and he has come here with the idea of making a little theatrical display which may have some ulterior object in it, but which is entirely out of place.

The PRESIDENT

- Does the honorable senator wish the motion to be put.

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Senator Lt Col NEILD

.- No.

Motion, by leave, withdrawn.

STATE LAWS AND RECORDS RECOGNITION BILL

Third Reading

Senator Walker

- Before the Bill is read a third time, can we not have copies of it'

The PRESIDENT

- Senators are always asking for copies of Bills, when copies have been sent to them. They were sent when the Bill was read a first time.

Senator Major Gould

- Would it not be convenient if additional copies were laid on the table? Senators do not carry Bills about with them. They expect to get a copy in the Chamber.

Senator Sir Josiah Symon

- I know quite well that although copies are sent they are very seldom received in time for the sitting.

- Sometimes I get my papers at half past twelve, and sometimes not till after the Senate has met. I am not complaining at all, but I venture to think that when a senator asks for a copy at the moment of the third reading there is no reason why he should not be given one.

Senator O'CONNOR

- I move -

That the Bill be now read a third time.

I think it would be a very convenient practice to have copies of Bills which are being dealt with placed in a rack on the table, as is done in other Parliaments. I think I may say that it will be done for the convenience of honorable senators. I do not think it is necessary to enlarge on the Bill now as it is one "of a merely formal and technical character.

Question resolved in the affirmative.

Bill read a third time.

STANDING ORDERS

Prayers - Chairman of Committees - Quorum

Vice-President of the Executive Council

Senator O'CONNOR

. - I move -

That the interim report of the Standing Orders Committee be adopted.

I have no doubt that Honorable senators have seen the report which was brought up some time ago. It is a very short one, consisting of three recommendations, which I shall read -

That they recommend that the prayers adopted by the House of Representatives be adopted by the Senate.

That they recommend the appointment of a Chairman of Committees of the' House for the session. .

That they recommend that the quorum of the committee be reduced to four.

I understand that the work of dealing with these standing orders is very important, and will take some considerable time before it is completed, and that, in order that, certain matters connected with the business of the Senate may be dealt with, th Standing Orders Committee have brought up this interim report ; and they wish, as I understand, to have the sanction of the Senate to the propositions laid down therein so as to enable them to carry out their work. For instance, if the Senate decides that a prayer is to be read, and the form of it-

The PRESIDENT

- It has decided, and asked the Standing Orders Committee to recommend a form.

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Senator O'CONNOR

- The appointment of a Chairman of Committees, I understand, has become necessary to be dealt with at a very early period, because the temporary standing orders seem to contemplate the appointment of a Chairman of Committees, and to charge that officer with certain duties. For instance, Standing Order- 378 provides -

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

Then Standing Order 306 charges the Chairman of Committees with certain duties in regard to the signing of Bills and dealing with amendments. There are other standing orders which I need not deal with now, but all of which place certain duties on the Chairman of Committees. Besides that there are certain

positions which the Chairman of Committees will probably take in the absence of the President. All these are matters which depend of course upon there being a Chairman of Committees. The Standing Orders Committee, if I may say so, very properly wish to have the sanction of the Senate to their second recommendation in order that they may get on with the drawing out of the rest of the standing orders. The question of a Chairman has in an incidental way been discussed here several times, and I think the Senate is ripe to come to a decision. We have all heard the reasons urged pro and con on the matter, and I do not propose to say anything more about the general merits of the appointment of a Chairman beyond that I think that the debates have disclosed that there is a necessity for the appointment of such an officer. The House of Representatives has passed and, I understand in the last Supply Bill, embodied the money necessary to pay a salary, and the -only remaining objection is on the ground of economy. That question has been so fully thrashed out that I do not wish to say anything more about it, except that I think it would be very poor economy indeed to do without an officer who by his position as a permanent Chairman would become highly trained in the business of the Senate for the sake of saving a salary which might be saved by appointing honorable senators to do the work in a voluntary way. , Therefore I hope that this proposition will be adopted, as the others will be also. The third proposition, that the quorum of the Standing Orders Committee be reduced to four, no doubt is made for the convenience of carrying on daily its work.

Senator McGregor

- For that of the senators who are away.

Senator O'CONNOR

- I have no doubt that it will be assented to, but I do not ask for any sympathy for the proposition on that ground. Taking these three recommendations together, it appears to me that it is necessary that the Senate should express its opinion on them now, so as to inform the Standing Orders Committee as to what they can do with the further preparation of the standing orders.

Senator Sir FREDERICK SARGOOD

- "With regard to the first recommendation, I would suggest that the prayers be printed. I have not seen them, and I have not the slightest idea what they are.

Senator O'Connor

- When the report of the committee comes up, that will be before the Senate.

Senator Sir FREDERICK SARGOOD

- Pardon me ; it says -

That the prayers adopted by the House of Representatives be adopted by the Senate.-

If we approve of this report we are adopting these prayers without having seen them.

The PRESIDENT

- The prayers are in the Votes and Proceedings of the House of Representatives, which have been sent to honorable senators.

Senator Sir Josiah Symon

- Yes, and we have never seen them.

Senator Sir FREDERICK SARGOOD

- I have never seen them. It appears to me that the second recommendation is contrary to a resolution of the Senate. On the 13th of June, after the Post and Telegraph Bill was read a second time, a motion was made -

That the President do leave the chair and the Senate resolve itself into a committee of the whole for the consideration of this Bill, and the Postmaster-General moved, as an amendment, to add the words -

And that- Senator Best do take the chair for this sitting on the Bill.

Subsequently that was adopted, and then there was another amendment moved, and the question as amended became as follows : -

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

That, I understand, is the position in which the Senate is now. It has passed a resolution to the effect that the permanent position of Chairman shall not be filled until permanent standing orders are adopted. I need hardly say that the object in placing Senator Dobson in the chair was -to prevent any other candidate from having a preference, and the reason why it was not thought advisable to fill the chair at

present was that the standing orders provide practically that the appointment once made is made, if not for life, at all events for so long as the honorable senator remains a member of the Senate, and that by a number of honorable senators was felt objectionable. The present recommendation, so far as I can see, is that the chair be filled for the session. I think the recommendation is a good one, but it appears to me that before we can adopt it we shall need to rescind the resolution of the Senate.

Senator Major Gould

- There is no need to appoint a Chairman at present. We can wait.

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Senator Sir JOSIAH SYMON

- As Senator Sir Frederick Sargood has pointed out, there is that resolution of the Senate, and he might have gone further and said that there is a subsequent resolution - I am speaking from memory - which practically embodies the amendment which I moved, and which, in connexion with the motion to which it was moved, was ruled out of order that Senator Dobson's temporary appointment should apply to every occasion until permanent standing orders were adopted.

Senator Sir Frederick Sargood

- The resolution of the 20th June is in these terms -

That until permanent standing orders are adopted by the Senate, Senator Dobson do take the chair in all committees of the whole Senate.

Senator Sir JOSIAH SYMON

- So that the two resolutions put together undoubtedly conflict with tin's recommendation, and any step that may be taken to carry it out until these resolutions are in some way or other got rid of-

Senator O'Connor

- But this has nothing to do with the person to fill the appointment.

Senator Sir JOSIAH SYMON

- No ;. but these resolutions were in effect to defer the appointment of a permanent Chairman of Committees until permanent standing orders were adopted. I shall say in a minute the view which I hold, and which, perhaps, is not exactly the same as that which Senator Sir Frederick Sargood entertains. But I agree with him that these resolutions, undoubtedly, are in conflict with the motion which may be introduced "now to appoint a permanent Chairman of Committees even antecedent to the selection of an honorable senator to fill the "position. There is another matter which I think may very well be discussed after the debate which has taken place this afternoon. We should be careful, I shall not say astute, to preserve our procedure as strictly as we possibly can. We have been engaged for some time recently in setting right the procedure as between the two Houses on important financial measures. We have removed, if I may say so, the beam from the eye of the House of Representatives in those respects, and I think we might very fairly endeavour to take away the mote from our own eye in regard to this particular recommendation and perhaps those other things which have been discussed earlier in the day. What I want to know is by what process or authority this recommendation comes up to the Senate? The Standing Orders Committee were not asked, as they were in connexion with the form of prayer, to recommend whether or not a Chairman of Committees should be appointed. It seems to me that the committee have a little travelled beyond their functions in taking into consideration a matter which was not submitted to them - namely, as to whether it was desirable or not that the Senate should have a permanent Chairman of Committees.

Senator Dobson

- It was explained to the Senate that we cannot settle the standing orders until we decide that point.

Senator Sir JOSIAH SYMON

- That is a matter with which I entirely agree ; but what I am pointing out is that the Standing Orders Committee have taken upon themselves - and I am merely doing; this in the interests of our procedure - to make a recommendation to the Senate on a matter which was never referred to them for consideration or recommendation.

Senator Drake

- Did not the honorable and learned senator ask for that specially ?

Senator Sir JOSIAH SYMON

- No, certainly not. I do not remember whether the draft standing orders were thus referred to the

committee. But that is by the way. The Standing Orders Committee were asked to recommend a form, of prayer to the Senate. They were never asked to recommend whether a permanent Chairman of Committees should be appointed. That is the point to which I wish to direct attention. The Senate never delegated to any Standing Orders Committee - who may or may not have been, unanimous ; I do not know whether they were or not - its own function of inquiring into the desirability or necessity of appointing a permanent Chairman of Committees,, nor did it ask the committee to make a recommendation on the subject. It is said that in framing the standing orders it would be difficult for the committee to proceed unless, they knew whether the Senate was determined to appoint a permanent Chairman of Committees or not. I quite appreciate that point of view. When that difficulty arose the committee might have reported to the Senate and asked that the question whether a permanent Chairman was to be appointed should be determined before the standing orders were drafted.

Senator O'Connor

- Have not the committee done that ?

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Senator Sir JOSIAH SYMON

- No. If the committee, after taking this matter into consideration, had said - "We cannot frame the standing orders effectually unless the Senate first determines whether a Chairman should be appointed, and we ask the Senate to arrive at that determination! before we proceed," that would have been a proper position to take up. Then the Senate might have dealt with the main question. With regard to the main question itself, I concur with Senator O'Connor, that it is not necessary to debate it at any great length. I adhere to the view which I have taken upon this question throughout - that it is undesirable and unnecessary at the present time for this Senate to appoint a permanent Chairman of Committees. The view I have adopted all along is that, first of all, we have a precedent in an Upper House over which Mr. President has presided for nine years with great efficiency, great dignity and acceptability. The business of that Chamber, so far as regards the work in committee, was never better conducted than during the period when there was no Chairman of Committees. That is a matter of experience.

Senator Sir William Zeal

- Surely there will be more work to do here 1

Senator Sir JOSIAH SYMON

- There will not be more to do in respect to the duties of the office of Chairman of Committees than there was in the Legislative Council of South Australia, where the provisions with regard to Money Bills are nearly the same as those which apply to this Senate. In my opinion there will be no more practical business to be done by the Chairman of Committees in this Senate than there was in the Legislative Council of South Australia. Then it is said that the dignity of this Chamber requires the appointment to be made. I am not one of those who consider that the dignity of the Senate is to be maintained by multiplying offices or appointing officers whose services are .not absolutely necessary. In the interest of economy I hold that at present there is no necessity for a Chairman of Committees to be appointed ; and until we see that there is such an overwhelming body of work as to make it undesirable or inconsistent with the other duties of the President that he should preside in committee, we need not appoint one. Do not let us be premature. We have passed through this Chamber the Appropriation Bill dealing with the salary of the Chairman of Committees in the event of one being elected. We have certainly not dealt in any ungenerous way with that salary. The sum of £500, in addition to the £400 which would be drawn by the Chairman as a senator - making £900 a year altogether - is certainly generous payment for the amount of work that would have to be done. Whatever may be the case this session, and however onerous the work that has to be dealt with, I feel certain that in future sessions four months in the year, rather than five or six, will satisfy the necessities of legislation. A salary of £900 a year" for four or five months' work would not be in conformity with those views and pledges which we gave when we were before our constituents seeking election to this Parliament.

Senator GLASSEY

- Would not that apply to the President and the other officers as well ?

Senator Sir JOSIAH SYMON

- What I am pointing out is that this is an unnecessary salary. If it is absolutely necessary that we should have a Chairman of Committees we must appoint one; but according to my view, this office seems to be

unnecessary at the present stage of our proceedings, and involves an expenditure for duties that would only have to be discharged for some five or six months in the year, and which possibly in future will extend over a less period. On that account we ought to pay such regard to the pledges we have given as, at any rate, not to appoint a Chairman of Committees, unless we find that the volume of work in the Senate is so great as to make it absolutely necessary for such an appointment to be made.

Senator Harney

- Why take the case of South Australia, as against all the other States 1

Senator Sir JOSIAH SYMON

- I am not saying that honorable senators should be led by the example of South Australia, or by the example of other States.

Senator O'Connor

- We have five other States against one.

Senator Sir JOSIAH SYMON

- If a Chairman is necessary he will be appointed.

Senator Harney

- Ten other Houses of Parliament in Australia have Chairmen of Committees.

Senator Sir JOSIAH SYMON

- There is always a Chairman of Committees in the Lower Houses of the other States.

Senator Harney

- Why not here also if we have co-ordinate jurisdiction.?

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Senator Sir JOSIAH SYMON

- We have nothing like the same work to do, and we have a President whose familiarity with constitutional law has passed into a proverb.

Senator Drake

- And with, standing orders.

Senator Sir JOSIAH SYMON

- Not perhaps with sessional orders, but as to standing orders I quite concur with the Postmaster-General.

Senator Harney

- Why should we punish him because he is a good President?

Senator Sir JOSIAH SYMON

- Not at all. ' He has done nothing to deserve punishment, and being just men we have no intention of inflicting punishment where it has not been earned. We only meet three days a week, and there are five or six months in the year during which our own knowledge of constitutional law can be rubbed up. It seems to me, therefore, that at this stage of our history as a Senate we may well pause before we determine that there shall be a permanent Chairman of Committees. Let us wait and see whether the work can be done otherwise. We want the business of the Senate to be conducted properly. Let us see whether it cannot be done without incurring this unnecessary expense. If it cannot be properly done I shall be one of the first to join in securing additional officers for the purpose. But at present it seems to me that we shall be - I will not say playing false, but at any rate receding from the views we have all expressed with regard to economy, in seeking to multiply officers and add to salaries without any urgent and immediate necessity. I for one shall be found recording my vote against the second paragraph of the Standing Orders Committee's report.

Senator Sir JOHN DOWNER

- Senator Sir Josiah Symon has added to his functions as universal censor of the Senate the further position of being the censor of both branches of the Legislature. This matter came up to the Senate from the House of Representatives in the Supply Bill with which we dealt last week. The House of Representatives, having considered that the Senate ought to have a Chairman of Committees, and that a certain salary should be apportioned to that office, sent the Bill to us containing such an item of expenditure, and we passed it. With the full assertion of our powers of making suggestions whenever we liked, we made no suggestion in that particular. It is very unfortunate that Senator Sir Josiah Symon did not move an amendment at the time we were discussing the Supply Bill, without having to extend his universal right of censure to the Standing Orders Committee as well as to other persons concerned in

the Legislature of the country. We could not have anything more illustrious than the authority which is given for the establishment of the office of Chairman of Committees. We have had a salary for that office provided in a Bill sent up to us by the House which claims to be responsible for expenditure, and we have had it solemnly adopted by this Senate, which claims to have an equal- right to object or to make suggestions as to expenditure. Therefore we can say that by Act of Parliament we have practically resolved that there shall be a Chairman of Committees. We have done more than that. We have resolved - as Senator Sir Josiah Symon himself said just now - that Senator Dobson shall be Chairman of Committees until standing orders are finally resolved upon. So that we have got the vote of th whole Legislature that there shall be a Chairman of Committees. We have his salary voted ; and we have the vote of the Senate that there shall be a Chairman of Committees, an interim appointment being made.

Senator Sir Frederick Sargood

- And we decided that the President should not take the chair.

Senator Sir Josiah Symon

- Temporarily.

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Senator Sir JOHN DOWNER

- I think there is some one else to be considered besides the honorable senators who choose to take up such a leading position in this matter. I think Senator Dobson is entitled to a little of our consideration. The honorable and learned senator went into the chair thinking to sit there for a single day. He wants to be on the floor of the House, and to be able to discuss questions as other senators are able to do. But he finds himself placed practically between two other senators who are anxious to secure this position, although he had nothing to do with it. He finds himself entrapped into a position he never dreamt of assuming, and which is very repugnant to him. Senator Sir Josiah Symon says the Standing Orders Committee had no business to deal with the question unless they had a direction from the Senate. Might I inquire what the members of the Standing Orders Committee are intended to do at all 1 Are they to have an express direction from the Senate on every possible question before they deal with it ; or, on the other hand, are they gentlemen delegated by the Senate, as being fairly trustworthy and experienced, to prepare standing orders which the Senate will accept or reject as it pleases ? Of course it is only the honorable and learned senator's comparative ignorance of the standing orders generally that prevents him from knowing that this matter is always dealt with by the Standing Orders Committee. It is never left to a casual vote. It is always dealt with as a matter of course by the Standing Orders Committee. The committee was appointed, and Senator Playford, who was against the appointment of a Chairman, will tell us that it is the proper body to consider and recommend, and the Senate is the proper tribunal to decide whether the recommendation should be accepted or refused. So much for the form of the matter. Members of the Standing Orders Committee have been accused of going out of the way to deal with questions not properly before them. The first question is that of the prayer. The Senate resolved upon it, and I suppose no one will object to the committee having done its duty.

Senator Sir Frederick Sargood

- That was referred to the committee.

Senator Sir JOHNDOWNER Everything relating to the standing orders was referred to the committee, and it was undoubtedly their duty to bring up every species of standing orders that would be required for the conduct of the business of the Senate.

Senator Harney

- The other was a reference by implication.

Senator Sir JOHN DOWNER

- What are the standing orders we are working under now 1 They are the South Australian standing orders which the Senate unhappily adopted without knowing anything about them.

Senator Sir Josiah Symon

- On the recommendation of the Standing Orders Committee.

Senator Sir JOHN DOWNER

- Certainly not.

Senator Sir Josiah Symon

- Well, a portion of them.



Senator Sir JOHN DOWNER

- A very small portion of them. Where does the Chairman of Committees come in, in the South Australian Assembly, whose standing orders we have adopted? Why, he comes in through the standing orders and nowhere else. Thus we have standing orders now which say there shall be a Chairman of Committees. We send the matter generally, to the committee we appoint, asking them to recommend standing orders ; and yet we say they should not deal with the most serious matter that comes within the precise purview of the standing orders that are in force and that we should leave it to some special resolution of the Senate. Well, then, the committee did not know how to draw the standing orders in this state of haze. We believed that there was to be a Chairman of Committees, whichever of the candidates was to be appointed - and really the whole thing is not a question of the chairmanship but a question of the man. We could not draw up standing orders properly, however, unless we knew whether the Senate wanted a Chairman of Committees or not. We thought they did, but we did not know. We spent hours, and will have to spend many more hours yet at this work. We thought that the Senate would have been sufficiently considerate for those of us who are working when it is not sitting, as not to force upon us an amount' of work which would be futile after all, and which could be avoided by a simple expression of opinion by the Senate that a Chairman was not to be appointed. Now for the question, " Should there be a Chairman ?" because I take it that all this talk about the question ultimately comes down merely to that point. I say, unhesitatingly,- we ought to have a Chairman. The very dignity we are assuming, and which we mean under Providence to maintain our right of interfering in a different way to that in which the ordinary Legislative Council could interfere, with the financial proposals of the other House, require that we should have the machinery to do the work properly. The other House have paid - think of it - they have paid us the honour of assuming that we ought to have the machinery because we have work to do which will require much more consideration than that which falls to the lot of the ordinary Legislative Council. Whether there will be work immediately or not no one can say, but if the Constitution works out in the way its framers intended, and the -two Houses are not co-ordinate only to the extent which the Constitution Act has laid down very thoroughly, then the Chairman of Committees will have quite as important work to discharge as the Chairman of Committees in another House. It would be beneath the dignity of the Senate, and unworthy of the high appreciation we please to put upon ourselves, for us to descend and say in one breath that we require all the machinery which the House of Representatives possesses, and in the other that we know it is all bunkum ; that the President may come down and take the Chairman of Committees' work as we have really nothing to do with committee work. Ought we to say to the House of Representatives - " It all rests with you. Our efforts to prevent you doing anything will be all futile, and dignity is all bunkum " ? I hope, as one of the members of the Standing Orders Committee, that the Senate will vindicate our action in saying it was our duty to make a report on this subject at the earliest possible moment, and that the Senate will agree that the committee did wisely in recommending that a Chairman of Committees should be appointed. The resolution, so far as the appointment of Senator Dobson is concerned, can remain until the final order is adopted; but members of the Standing Orders Committee will have the question of principle settled and will be able to go on with the work which has been intrusted to them by the Senate.

Senator EWING

- I think that some honorable senators who object to paragraph 2, on the ground that it does not exactly convey what the Senate would like to convey, take rather too technical a view of the case. It is quite clear to any person who reads the second recommendation that the Standing Orders Committee, realizing that the appointment of the honorable senator who now occupies the position of Chairman of Committees, did not settle the principle - that the Senate had done that temporarily - now really wish the Senate to say whether they are going to have a Chairman or not. I have little sympathy with those who take up these highly technical grounds. I think that, so far as we can, we should rise above these paltry technicalities ; endeavour to see what it really means ; and then vote on the issue itself and not endeavour to smother it up by taking a technical view of the case. The question is, that they recommend the appointment of a Chairman of Committees to the Senate for the session. Surely, Mr. President, it is clear to any one who knows anything of parliamentary practice that the duties of a President or Speaker are very onerous indeed ; that the holder of either office is tied to his chair for hours. Even during the short life of the

present Senate the position of the President must have been a trying one. We know that we have sat for a considerable length of time at one sitting. Therefore it seems to me that the appointment of an honorable senator to assist in the carrying on of the business of the Senate is highly desirable. Against that we have only the dictum and the statement of an honorable and learned senator, who says practically to us every time he speaks, that he knows better than we do. That honorable and learned senator tells us that what is done in South Australia should be done everywhere, whether it is in accord with the conduct of business in other places or not. He seems to think that there is no world except the little world of South Australia ; that the only people who can do that which is right are the people from South Australia ; and that the only senators who are entitled to stand up in the Senate and speak with dignity and authority, and lay down as law that which they say, are certain honorable senators who hail from the State of South Australia. I deny to South Australia the collective legislative wisdom of all Australia. I say that Western Australia, New South Wales, and the other States know a little bit about the way to manage their affairs, and I think it is quite clear that nearly every one of the collective opinions of those States are at variance with the opinions expressed by Senator Sir Josiah Symon. Nearly every one of the expressed opinions as to the practice of these States has gone to show that what Senator Sir Josiah Symon tells us is true is untrue.

Senator Sir Josiah Symon

- Is that in order, Mr. President?

The PRESIDENT

-It is not in order ; but I do not think that the honorable and learned senator intended to use it in an improper sense.

Senator EWING

- I am sorry if Senator Sir Josiah Symon believed for one moment that I was suggesting that he spoke what was untrue. Nothing was farther from my thoughts.

Senator Sir Josiah Symon

- I accept the explanation.

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Senator EWING

- What I intended to convey was that the conclusion the honorable and learned senator had come to was not the correct one. I was saying that we had the whole of the States of the Commonwealth of Australia of one mind in this matter, with the exception of South Australia. Seeing that the Senate has greater powers than any Upper House in the States ; seeing also that we have taken upon ourselves a position of equality with the other House of the Federal Parliament, I think those facts materially affect the question. If it is necessary\* - and Senator Sir Josiah Symon suggests that it is necessary - for the House of Representatives to have a Chairman to do this work, then is it not manifest that we who have to do the same work, require such an officer to do that work. Where does Senator Sir Josiah Symon draw the distinction between our legislative duties and the legislative duties of the House of Representatives ? Is there any distinction ? In the House of Representatives Bills are introduced, and they are considered here ; and any Bill become the law of this land without the consent of both Houses 1 Can it be suggested merely because there is a larger number of members in the other House that that materially increases the work 1 We know perfectly well from experience that nearly every member in a small House speaks, whereas in a numerically large House there are comparatively few speakers on the various questions. Should the Senate accept the statement made by Senator Sir J Josiah Symon that this officer is not a necessary adjunct to the Senate? We have no evidence at all of that, but, on the other hand, we have evidence that the whole of the legislative bodies of the various States deem that such an officer is necessary for the carrying on of their business. We may have to sit for a considerable length of time - our hours may be long, and I fail to see that it is our duty to say that we do not require that which every State Parliament in the Commonwealth requires.

Senator HARNEY

- I have not very much to add to the remarks that have been made during the debate. As to the objection made by Senator Sir Josiah Symon that the Standing Orders Committee went outside their province in recommending the appointment of a Chairman of Committees, the answer seems to me to be this : We were asked - I am one of the Standing Orders Committee - to prepare standing orders, and we found a

difficulty in limine in the fact that until we knew whether there was to be a permanent Chairman or not we could not form any correct idea as to the basis upon which the orders should be drafted. Was it necessary for us then to come back to this Senate and say : "We have found this difficulty ; but, kindly tell us, ought we to come back and recommend to you that the difficulty should be removed"; or were we not within our rights in saving time and making that recommendation in the first instance, which ultimately we would have had to make had we gone through the unnecessary form of coming to the Senate for instructions ? - As to the merits of the question the first thing that occurs to me is this : - There are six Legislatures in Australia, with twelve Houses Eleven of them appoint Chairmen of Committees, and Senator Sir Josiah Symon asks us to adopt the practice of the one as against the eleven. When the honorable senator does that the onus lies upon him of showing some ground special and peculiar so as to justify us in throwing in our lot with so great a minority.

Senator Sir Josiah Symon

- How does that apply to Tattersall ?

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Senator HARNEY

- Really it is not that I am nonplussed by the cuteness of the interjection, but because I do not like to wander away from the subject, that I do not enlarge upon that matter. I for one have never said, when speaking of Tattersall, that the clause in the Postal Bill should be removed because the view of one State is preferable to the view of five. My whole argument was, that it was not for the Commonwealth to say which of the two sets of views were preferable; that it was a business with which it had no proper concern. Now, coming back to the point, Senator Sir Josiah Symon has given many reasons to justify us in accepting the practice of one House of Parliament as against the practice of eleven, and he has done it ingeniously, but I think they all come down to this : That because we have got a good President, an excellent constitutional lawyer, and a gentleman who has shown himself in South Australia not averse to work, therefore we ought to goad on the willing horse, and take advantage of his skill and energy to save ourselves the expense of a Chairman. I think that is scarcely a fair argument. Another argument he has given is that in South Australia, by reason of a compact that was made in 1857, by which they adopted the procedure in reference to Money Bills similar to that which is ours by right of the Constitution, therefore we should adopt the South Australian practice in reference to the appointment of a Chairman.

Senator Sir JOHN DOWNER

- Downes. - They had a Chairman of Committees at one time.

Senator Sir Josiah Symon

- Only when Sir Henry Ayers got too old for work.

The PRESIDENT

- When I was President they had a Chairman.

Senator Sir Josiah Symon

- For how long?

The PRESIDENT

- For two years

Senator HARNEY

- The whole force of the argument rests on the statement that the work was better done in South Australia than in the other States. We have only got the ipse dixit of Senator Sir Josiah Symon for that. If the work was as well done, just because of properhoo. If it was worse done it was through the want of a Chairman of Committees. The only strength in the senator's argument is that it was either as well done or better done, and he has given us no evidence of that. But we may assume that if the work was as well done, a saving of £500 a year in South Australia, the other eleven Houses of Parliament which have had from time to time to exercise economies would have taken advantage of the precedent. It was because experience has proved, in the other States, that it was impossible to carry out the work without a Chairman, that a Chairman was appointed. It is a most extraordinary doctrine that we, who are arrogating to ourselves co-ordination of jurisdiction with the other Chamber, who are saying that there are no Bills introduced in the House of Representatives that can not, with equal propriety, be introduced here, are to admit that a Chairman of Committees is a necessity for the House of Representatives, but is a surplusage for us. It seems to me that if we say that the Chairman's work merely consists of taking the chair while

clauses are being debated, we greatly minimize the duties attaching to the position. I find that the other day before a Bill could be read a third time it was necessary for the Chairman to certify that "this fair print is in accordance with the Bill as agreed to in committee and reported."

Senator Playford

- Not much work in that.

Senator HARNEY

- That particular Bill contained very few clauses, and there were no amendments. Not much work in it; but what of a Bill containing a few hundred clauses, every one of which is amended ?

Senator Playford

- No work at all.

Senator HARNEY

- Is the Chairman loosely to put his certificate on the Bill without satisfying himself that it is in accordance with the Bill as amended and modified ?

Senator Playford

- The clerks do that.

Senator HARNEY. May I say that I am astonished that a senator who has occupied such responsible positions as Senator Playford, should interject that he would accept as right under his own hand that which the clerks have done. Is the certificate worth nothing? If it is not an open untruth, it means that the person who has put his name to the certificate has gone through the clauses and compared them with the amendments. If we have not a permanent Chairman, I say the President must do the work, or we must have a succession of novices. It would be very hard to expect the President to go through all this work, involving a great deal of labour, when he is only getting the same remuneration for his services as the Speaker of the House of Representatives.

Senator DAWSON

- Do you mean to say that senators are novices.

Senator HARNEY

- I say they would be novices as Chairmen of Committees. I take a novice to be a person who is new to the game, and if we are to have a number of temporary chairmen we must have a number of persons who are comparatively new to the game. I think, therefore, that when we look to the dignity of the Chamber, the amount of work to be done, our capability of doing it ; and when we look to the precedents afforded by the other States, there is nothing to justify us in coming to the conclusion that a salary of £500 a-year should not be voted to a permanent Chairman of Committees of this Chamber.

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Senator WALKER

- It is my intention to support the committee's report. With regard to the chairmanship, I understand that we enunciated the principle the other night of appointing a Chairman, and I cannot see any reason for changing my views. As regards the quorum in committee, that is a matter on which the Standing Orders Committee are well able to give us advice. We ought to proceed with the business, if we want to finish before Christmas. I thoroughly approve of the report.

Senator DOBSON

- As a member of the Standing Orders Committee, and one who is slightly interested in this matter, I wish to say a few words. In my opinion the Senate practically decided this question long ago. I think it was Professor Tyndall who said of the grand old liberal statesman that his insincerity had become sincere. Well, I do not say that the Senate is becoming insincere but, I think there is a danger of it becoming very inconsistent. When I first heard Senator Sir Josiah Symon point out how admirably the work was done in South Australia, by the President occupying the dual position of President and Chairman, I was very much taken with the idea, but had there been anything in it whatever, we ought, when we were passing some simple Bills, to have invited the President to take the chair. I have never heard it suggested that you, sir, should step down from the chair as President and take your seat as Chairman.

Senator Sir Frederick Sargood

- We took a division on that.

Senator Sir Josiah Symon

- Temporarily it was defeated.

Senator DOBSON

- The argument I was going to use is this : The Senate upheld its own dignity and refused to ask its President even at the beginning of the session, and when we were dealing with short Bills, to occupy the position of Chairman. Even when we had no work to do the Senate positively declined to ask you, sir, to act in the dual capacity, and if they declined then why should we do it when we get into the thick of the work, and when we have before us a dozen large Bills including the Tariff Bill. It seems to me that you might find yourself sitting in the chair from half-past ten or half-past two till twelve o'clock at night. The point I take is that we decided the matter by the division which I had forgotten, and by passing the Supply Bill containing the salary of the Chairman. When Senator Higgs moved that the £500 be reduced to £300 he got very small support. If a majority of the Senate had been in favour of there being no Chairman of Committees, the honorable\* senator knows, we all know, that he would have carried his motion, because there was a second opportunity of indorsing the suggestion that there should be no Chairman of Committees. Therefore on two different occasions the Senate has practically decided the matter. I would like to see the report of the committee carried by a very large majority, and thereupon I hope the leader of the Government will take steps to get a permanent Chairman of Committees appointed forth- with. I expressed that hope for two reasons - first, because the Senate has decided the question practically if not constitutionally ; and secondly, because to some extent it would be a relief to myself. I am perfectly willing to occupy the chair, and to attend so long as I can be of use. I am greatly obliged to honorable senators for having placed me in that position of some importance, and if I were a candidate for the office, or if I were to find the office conferred upon me with a fair and reasonable salary, I should then 'be prepared to devote my time to that part of the business, and reading constitutional law, and probably I might be of some use to the Chamber and also educate myself more in constitutional law. But under present circumstances, in simply keeping the place warm, I find myself reading a Bill and making suggestions to be considered when it is in committee, and then I suddenly recollect that I shall be in the chair, and will have nothing to do with the committee work. If I am not putting the Senate to any inconvenience, I hope, not only for my sake, but for the sake of those who are candidates, and- who have a right to have the matter settled soon, that steps will be taken not only by Senator O'Connor, but- by the Senate, to appoint a permanent Chairman without much more delay.

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Senator GLASSEY

- There were two points mentioned by Senator Sir Josiah Symon to which I wish to make brief allusion. He asked the Senate to pause in making a permanent appointment, inasmuch as we are simply commencing the work of the Parliament, and, though he does not state it boldly, he implies that the work is likely to be more heavy during this session than any other session. If it be necessary even from that point of view to appoint a Chairman of Committees at all, it is necessary to appoint a permanent Chairman, at any rate for this session. Then he says it is very likely that the session will be a long one, that it may last five or six months, as there is a considerable lot of initiatory work to be done, but in the next breath he says, " I advise the Senate to be cautious, especially at this time," and he goes on to remark that the work of the sessions to come will be light, that we may not sit for more than three or four months in the year. If the work is going to be exceptionally heavy this session, which I think every one will admit it will be, then I think we ought to have a Chairman of Committees, whatever may happen next session. I observe from their report that the Standing Orders Committee only recommend the appointment of a Chairman for this session. Seeing that the work is likely to be heavy, there can be no harm done in making an appointment for this session. We can deal with the other sessions as they come along. If I am any judge of parliamentary work, and of the work that has to be performed by both Houses, I think that instead of it getting less it may increase. I have read most carefully an account of the work done by the Congress in the United States. During the first few years of their existence they did comparatively little work, but year by year their work has grown until it has reached to enormous dimensions. Can Senator Sir Josiah Symon, who must have given some thought to these questions - and certainly the work which was performed by the Congress must have come under his eye - say what is the basis of his argument that there is likely to be little work for this Senate to do in the years to come ? I think it is the merest plea - one of the smallest things I have ever seen, to urge-

Senator DAWSON

- It is contemptible

Senator GLASSEY

- I do not think it is contemptible, but I think it is unworthy to take up the time of the Senate in discussing the paltry saving of £300 a year, because the debate the other evening hinged principally on that question when Senator Higgs moved to reduce the salary from £500. to £200, rather than make an appointment which I think we are entitled to make. Having had some few years' experience of parliamentary work, I venture to say that the President and the Chairman will have abundant labour to do. I think it would be asking the President to do too much to ask him to sit in the chair from half past two o'clock while we debate a Bill up to a late hour in the evening, and then come down from the position to which he has been tied for so many hours and take the chair while the Bill is being dealt with in committee. On what ground is the demand made? It is on the paltry plea that we are going to save £300 a year. I think it is unworthy of the Senate. Senator Sir Josiah Symon, if he did not make the statement, implied that we would sit here so many months in the year, perhaps four or five months. Does he wish to lead honorable senators and the country to believe that when we desist from -our labours here we have no further work to do during the year? I have had thirteen years experience of parliamentary work, and I can say - and I am quite sure that I speak the mind of a considerable number of honorable senators - that a considerable amount of hard, useful, and beneficial work to our constituents and the country is done during the recess. Hitherto we had little divisions to represent - I only use the word little by way of comparison - but what will it be now that we not only represent a vast territory such as Queensland, not merely represent one State, but are indirectly responsible for the representation of the whole of Australia ? It is our bounden duty to see as much of the other States as is possible, so as to inform ourselves with regard to their wants and requirements. The statement that we shall sit here for only three or four months in the year, and that with the prorogation our labours terminate for the year, I entirely deny, and repudiate. I would scorn to draw a salary which I had not earned. I never drew from the State of Queensland a salary which I had not honestly earned, and I intend to earn my salary here.

Senator Playford

- What has that to do with the appointment of a Chairman of Committees ?

Senator GLASSEY

- We are clearing up various points which have been advanced. As the Standing Orders Committee have recommended the appointment of a Chairman for one session, let us make an appointment. I think the committee have done their work well, and I sincerely hope that this is the last we shall hear of this miserable paltry saving of £300 for 4,000,000 persons- not £100 for a million persons.

Senator Sir J JOSIAH Symon

- I would ask you, sir, to put the recommendations separately.

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The PRESIDENT

- I shall put them separately, as it is desired.

Paragraphs 1, 2, and 3 of the report - put and agreed to.

Question - that the report be now adopted - resolved in the affirmative.

PERSONAL EXPLANATION

Senator Sir FREDERICK SARGOOD

- Under Standing Order 125 I desire the indulgence of the Senate, in order that I may explain a matter of a personal nature. I am taking the first opportunity when Senator Sir William Zeal is present, to refer to what took place on the 30th June. When an amendment to the Supply Bill was moved by Senator Best, I suggested that we did not know officially as to whether the Bill had been properly introduced in another place, and that as a matter of fact on more than one occasion Bills had been introduced informally there, to which Senator Sir William Zeal said -

My experience of the State Parliament is that everything is done constitutionally and properly, notwithstanding the assertion of Senator Sir Frederick Sargood.

I have since looked up the matter, and the result of the inquiry is that I was fully justified in what I stated, for I find that in 1876 the Coroner's Jury Bill was ruled out of order and withdrawn.

The PRESIDENT

- I do not think the honorable senator ought to re-argue the question.

Senator Sir William Zeal

- Oh, let him go on.

Senator Sir FREDERICK SARGOOD

- It is a matter of personal explanation.

The PRESIDENT

- We must not set up a bad precedent. When the indulgence of the Senate is asked by an honorable senator it is only to explain how he has been misrepresented, not to show that he was right in his contention, otherwise we might re-argue every question.

Senator Sir William Zeal

- I would ask, sir, that the honorable senator be allowed to proceed.

The PRESIDENT

- I do not think we ought to set up a bad precedent. If we did we might re-argue every question.

Senator Sir William Zeal

- The honorable senator will be complaining about the stove presently. That is one of his annual complaints.

The PRESIDENT

- I would point out to Senator Sir William Zeal that so far as I can understand- I may be wrong - Senator Sir Frederick Sargood wishes to show that he was right in the contention which he put forward. That would be re-arguing the question ; it is not a personal explanation.

#### ACTS INTERPRETATION BILL

##### Second Reading

Senator O'CONNOR

- I move -

That this Bill be now read a second time.

This is one of those necessary measures which form the beginning of our code of statute law under the Commonwealth. It is well known that in all systems of statute law nowadays what is called an Interpretation or Acts Shortening Act has become necessary. The object of an Act of that kind is this : In the first place, in any code of statute law there are a large number of phrases which are continually being used and it is very desirable that they should always be used with the same meaning. The Interpretation Act fixes that that meaning shall, unless the contrary intention is expressed, be the same in all Acts of Parliament to which the Interpretation Act refers. Certain phrases are also used which it is desirable should always have the same meaning attached to them unless the context of the Act is expressly different. There are also statutes for the interpretation of certain rules which are generally recognised and which are made statutory by measures of this kind. A similar Act has been in force in England for a great many years. This particular Bill is founded partly on the English Act, partly on the New South Wales Act, and also to some extent upon the Victorian and New Zealand Acts. There is nothing new in the Bill. Although there may be some new words introduced, the principle of it is well recognised in every code of laws and where there are statutes to be interpreted. It is not necessary to go into detail with regard to these provisions. The clauses, of course, will be considered in committee, and if any honorable senator thinks fit to call special attention to any particular provision I hope he will make his views known then.

Question resolved in the affirmative.

Bill read a second time.

Motion (by Senator O'Connor) proposed -

That the President do now leave the choir, and the Senate resolve itself into a committee of the whole for the consideration of the Bill.

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Senator DAWSON

- I object to going straight into committee on this Bill. There are certain amendments which I desire to move in committee, but I am not prepared to move them now. It is not fair for the honorable and learned senator to ask the Senate to go straight into committee immediately after the second reading. He should be satisfied with having secured the second reading, and should leave the further consideration of it to another day.

Senator O'CONNOR. - I am very much averse to rushing a Bill in any way, but at the same time there is a

great deal of business to be done, and we must get on with it. Consequently, I propose to go into committee with this Bill forthwith. If any honorable senator has an amendment to move, and if there are good reasons for the postponement of a clause, I shall be willing to take that course.

Senator DAWSON

- Does the Vice President of the Executive Council say that he will be willing to postpone any clause?

Senator O'Connor

- If we think it - is necessary to do so.

Senator DAWSON

- I object altogether to the principle of going into committee immediately after the second reading of a Bill, and shall insist upon a division being taken.

Question - That the President do now leave the chair, and the Senate resolve itself into committee of the whole for the consideration of the Bill - put. The Senate divided -

Ayes ... .. 22

Noes ... .. 5

Majority ... .. 17

Question so resolved in the affirmative.

In Committee :

Clause 1 agreed to.

Clause 2 -

This Act shall apply to all Acts of the Parliament, including this Act, and shall be binding on the Crown.

Senator Sir FREDERICK SARGOOD

- Will the honorable and learned senator in charge of the Bill explain the necessity for the words - " shall be binding on the Crown"

Vice-President of the Executive Council

Senator O'CONNOR

. - Honorable senator's will be aware that there is a rule of law that the Crown is not bound by any statute unless it is expressly named therein, or unless by necessary implication the rights of the Crown are involved. For that reason it is often a matter of very difficult construction as to whether a particular Act binds the Crown or not. As these interpretation words are to be stretched over a vast number of statutes dealing with all kinds of subjects, it is necessary in so far as they carry any meaning binding the Crown that that should be expressly declared in this Bill. I may mention also that in the English Act upon which this provision is founded these very words are used.

Clause agreed to.

Clauses 3, 4 and 5 agreed to.

Clause 6 -

Every copy of an Act purporting to be printed by the Government Printer shall be evidence of such Act and its contents-

Senator O'CONNOR

- This clause is unnecessary. I therefore ask the committee to negative it.

Clause negatived.

Clause 7 -

The date appearing on the copy of an Act printed by the Government Printer, and purporting to be the date on which the Governor-General assented thereto, or made known the King's assent, shall be evidence that such date was the date on which the Governor-General so assented or made known the King's assent, and shall be judicially noticed.

Senator Sir JOSIAH SYMON

- Does this clause go sufficiently far as to say not only that the date appearing on the copy of the Act is evidence of the date on which the Act is assented to, but also that it is evidence of the Act itself?

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Senator O'CONNOR

- I think it goes far enough if read in connexion with clause 5, which is as follows : -

Every Act to which the Royal assent is given by the Governor-General for and on behalf of the King shall come into operation on the day. on which such Act receives the Royal assent, unless the contrary



intention appears in such Act.

Every Act reserved for the signification of the King's pleasure thereon shall come into operation on the day on which His Majesty's assent is proclaimed in the Gazette by the Governor-General, unless the contrary intention appears in such Act.

Senator Sir Josiah Symon

-If the honorable and learned senator is satisfied, I am.

Senator O'CONNOR

- Oh, yes, I am quite satisfied.

Clause agreed to.

Clauses 8 to 17 agreed to.

Clause 18 -

In any Act, unless the contrary intention appears -

"The Commonwealth" shall mean the Commonwealth of Australia.

"Australia" includes the whole of the Commonwealth. (c) "The Constitution" shall mean the Constitution of the Commonwealth.

"The Constitution Act" shall mean The Commonwealth of Australia Constitution Act.

"Proclamation" shall mean Proclamation by the Governor-general published in the Gazette.

Senator Sir Josiah Symon

- Might not sub-clauses (c) and (d) be put together?

Senator O'CONNOR

- The honorable and learned senator will remember the way in which the Constitution Act is printed. There are two different things. First of all there is the Constitution of Australia Act, which consists of seven or eight clauses, and covers the Constitution. Then there is the Constitution itself, which begins its numbering separately. What is no doubt intended here is first of all the Constitution of Australia Act, and then the Constitution. The honorable and learned senator will thus see that it is better to have them dealt with separately.

Senator Sir Josiah Symon

- Yes, but the honorable and learned gentleman will see that the Constitution Act embodies the Constitution. It is not merely an introductory section.

Senator O'CONNOR

- I quite see that ; but they really are treated separately.

Senator Sir Josiah Symon

-Very well, if the honorable and learned senator thinks it is necessary.

Senator O'CONNOR

- I think it is. It has been looked into very carefully.

Senator DAWSON

- I should like to have some little explanation from the honorable and learned gentleman in charge of the Bill as to what is really meant by the word "Government" in this Act. This is an Interpretation Act, and the marginal note to the clause, which is intended for the guidance of honorable members, says the clause deals with "constitutional and official definitions," that is, that the words following shall have a legal meaning if the clause is passed. I should like to have some explanation as to what that really means. The clause opens with the words -

In any Act unless the contrary intention appears ;

Who is to be the judge of the intention?

Senator O'CONNOR

- The meaning of the words quoted by the honorable senator may be readily explained. I will take one of these items -

Proclamation shall mean proclamation by the Governor-General published in the Gazette.

If we find in any Act of Parliament of the Commonwealth the word "proclamation" without anything else, that will refer to a proclamation by the Governor-General as published in the Gazette, but if the word is used in connexion with other words which show that it is intended to refer to the proclamation of a State, or the proclamation of some foreign power, then it will have a contrary meaning to what is defined here, because in that case the intention will have been expressed in the Act. That is the object of it.

Senator DAWSON

- Supposing it was an Inter-State proclamation?

Senator O'CONNOR

- Exactly the same thing would apply. If the word proclamation is simply used, it means proclamation by the Commonwealth, but if it is used in connexion with the name of a certain State, then it means the proclamation of that particular State.

Senator DAWSON

- Then as to the intention?

Senator O'CONNOR

- The intention of the Act is what the court has to decide.

Senator DAWSON

- Exactly so. It is a measure for the lawyers.

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Senator O'CONNOR

- I may say that the object of the Bill is to take a great deal of work from a most deserving class in the community.

Clause agreed to.

Clause 19-

In any Act, unless the contrary intention appears -

" The Imperial Parliament" shall mean the Parliament of the United Kingdom.

Senator STEWART(Queensland). -I wish to ask the honorable and learned gentleman in charge of the Bill where he finds the expression " Imperial ' Parliament " ? The clause provides - "The Imperial Parliament" shall mean the Parliament of the United Kingdom.

The United Kingdom is not an Empire, and how its Parliament can be an Imperial Parliament I fail to understand. Senator O'CONNOR.- Great Britain in its possessions is an Empire, and the Parliament which transacts the business of that Empire is an Imperial Parliament. This phrase correctly describes what that Parliament is. The reason for the phrase is that it will avoid the use of a long expression such as " the Parliament of the United Kingdom " or " the Parliament of the British Empire." The term " Imperial Parliament " is a short method of describing the Parliament which sits in London at Westminster. The honorable senator will therefore see that it is really a correct description of what we are speaking about.

Senator Stewart

- It is not the Parliament of the British Empire.

Senator O'CONNOR

- Honorable senators may differ as to whether these words are exactly descriptive, but I do not think any one could have any doubt as to what is intended.

Senator Sir JOSIAH SYMON

- May I point out that the words " the Imperial Parliament" here are not used to arrogate any particular dominion. If that expression should appear in an Act in some way, then we define in this Bill what it shall mean. It, therefore, meets the objection of Senator Stewart, because we take care to say that the " Imperial Parliament " shall not mean more than the Parliament of the United Kingdom.

Senator PLAYFORD

- We might say that "Parliament" shall mean the Parliament of the United Kingdom or the British Parliament. The latter would ' include the United Kingdom, with the exception of Ireland. That would be just as simple an expression as "Imperial Parliament." I think it would be a convenient term to use.

"Imperial" implies power over all the Empire.

Senator O'Connor

- This definition does not give it any such power.

Senator PLAYFORD

- " Imperial," to my mind, conveys the meaning that it is over all the other Parliaments.

Senator Sir Josiah Symon

- So it is.

Senator O'Connor

- A good many of us would object to the term " British Parliament " because that leaves out Ireland and

Scotland.

Senator PLAYFORD

- Oh no, it does not.

Senator Sir JOSIAHSYMON (South Australia). - We are not using the word " Imperial Parliament " at all ; but if, by some' unhappy oversight on the part of this Parliament, an Act is passed which contains the expression " Imperial Parliament," then we say here that the term shall mean " the Parliament of the United Kingdom." It does not bind us ; so that when we get a Bill here which contains the phrase, " Imperial Parliament," we can deal with that phrase. When we get such a Bill then Senator Playford may move an amendment to insert the shorter word " British " in lieu of "Imperial."

Senator Playford

- If we are going to use it by inadvertence then we had better strike out the term altogether. It is put in here to be commonly used. I think it would be better to omit the term, even if we have to use a little more printers' ink.

Senator DE LARGIE

- I do not think the words, " Imperial Parliament," or the word "British," would meet the meaning of either party. I think the term, " Parliament of the United Kingdom," would be much clearer. The word " Imperial" has gradually changed its meaning with the spread of the British Empire. I remember at the time that the late Queen Victoria was first designated Empress of India it was distinctly understood that that name should only apply to her as the Empress of India. The use of the word "Imperial" here would convey to my mind that the Imperial Parliament is the controlling power over the Commonwealth.

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Senator O'CONNOR

- I would point out to Senator De Largie that the use of the term here gives no power at any time to any Parliament, Imperial or otherwise. It simply means that if the term "Imperial Parliament" is used in any Act, the definition given in this Bill shall be the meaning of it. It does not bind the Parliament down to use those words. As Senator Sir J Josiah Symon has very properly pointed out, when a Bill is before the Legislature in which that phrase is used, then any honorable senator who thinks it ought not be used can suggest some other term. That will be the time for considering the matter. It seems to me to be a very convenient phrase to express what otherwise would have to be set forth in a great many words. I do not think it is a matter of very much importance, and the definition might remain as it is. I do not care whether it stays in or does not. But if Acts have been passed containing those words a difficulty would be created. If necessary I will postpone the clause to make inquiry as to whether any Bill is in course of passing with those words in it. If that is so, it will be rather a serious matter to interfere with the' clause, but if there is no Bill in that position I would not object to striking out the words. I will undertake to recommit the Bill if I find out that there is any necessity for it.

Senator Playford

-Strike out the words now.

Senator O'CONNOR

- But there might be a Bill going through the House now with those words in it. However, perhaps it is not worth while talking about the matter, and I am willing that the words should be negatived.

Senator Charleston

- I cannot see the object of striking out the definition.

Senator O'CONNOR

- It is a perfectly new definition.

Senator Walker

- It is frequently used.

Senator O'CONNOR

- No, it is perfectly new. I think it is hardly worth while spending time over it.

Senator PEARCE

- If we pass an Interpretation Bill with this clause in it, that may be used as a reason why we should include this phrase in our future legislation, and the draftsman would take it as an authority.

Senator PLAYFORD(South Australia). - I do not think the Imperial Parliament has ever arrogated to itself the title " Imperial Parliament." I may have seen it used in magazine articles, but I do not think the Imperial

Parliament itself uses the title.

Senator O'CONNOR

- Personally I do not think it is of the least moment, and do not see the difficulty that some honorable senators see. Still as some senators see a difficulty, and as I do not think it matters whether the words are in or not, I am willing that they should be negated.

Senator DAWSON

- Postpone the clause.

Senator O'CONNOR

- No, I will ask the committee to negative the sub-clause. I move -

That sub-clause (c) be omitted.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 20 to 23 agreed to.

Clause 24 -

In any Act, unless the contrary intention appears -

Words importing the masculine gender shall include females ; and

Words in the singular shall include the plural, and words in the plural shall include the singular.

Senator DAWSON

- I would like to ask the senator in charge of the Bill what is the meaning of this clause ?

Senator O'CONNOR

- The meaning of it is this : If an Act of Parliament says it shall be unlawful for a man to do so and so, the court interpreting it will declare that that means it shall be unlawful for any man or woman to do so-and-so.

Senator DAWSON

- Why not have it in the interpretation clause ?

Senator O'CONNOR

- This is the interpretation clause, it is all interpretation.

Clause agreed to.

Clauses 25 to 29 agreed to.

Clause 30 -

Where an Act authorizes or requires any document to be served by post, whether the expression " serve " or the expression " give " or " send " or any other expression is used, then unless the contrary intention appears the service shall be deemed to be effected by properly addressing prepaying and posting the document as a letter, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Senator STEWART

- I think it ought to be provided in this clause that any document which is to be served by post should be registered. The mere fact that a letter is posted is not evidence that it has been delivered. Cases have been known of letters not being delivered for years after they were posted. I think some provision as to registration ought to be inserted here.

Senator Playford

- That is a very good idea.

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Senator O'CONNOR

- It has been the rule of common law, altogether apart from any statute, that the posting of an answer to a contract, for instance, is quite sufficient evidence of the acceptance of that contract. The mere posting is prima facie evidence. Of course a person may prove that he did not get the letter, but prima facie the posting is evidence if there is no proof to the contrary. It is taken that the posting is the same as delivering. The difficulty is this : this measure will apply to all kinds of statutes and all kinds of circumstances The posting of a letter or notice might be required to be done by statute, and it might be impossible to have the letter registered. There is no magic about registration, except that there is a record of the letter having been posted. It does not insure its delivery. If we were to require that there must be a receipt from the receiver, then, of course, that would be going a great deal further than this. We would not

then want this provision at all. This simply deals with the effect of posting a letter. The only aid that registration could give would be the proof that the letter had been posted. But then you must prove that it has been posted.

Senator Playford

- Registering the letter proves that.

Senator O'CONNOR

- Before you can succeed under this clause, you must prove that the letter has been actually posted. It seems to me that it does not carry it any further to prove that you not only have posted it but have registered it. Registration does not carry the letter to the receiver.

Senator Stewart

- He has to sign for it.

Senator O'CONNOR

- If he gets it ; but we are dealing with the condition of things before it gets to him at all.

Senator Stewart

- The clause presumes delivery

Senator O'CONNOR

- That is the object of the clause. The law presumes delivery. The best way to illustrate it is by giving an actual case. As soon as a man makes an offer to purchase something, and that offer is forwarded by post, the offer and the acceptance constitute the contract. A person comes to court to prove that contract. He proves the offer by letter. Then the person who has accepted it wants to prove that it has been accepted. If he proves that he posted a letter and properly stamped it, accepting the offer, that is quite sufficient. That is all that he need prove prima facie, and that is all the meaning of this clause. It does not conclude the matter. It does not prove that there is a contract. But it presumes that the letter in the ordinary course of things would be delivered in the ordinary course of post, Now registration would do nothing more than that. Instead of proving that he delivered it into the post-office and that it was stamped, the sender would prove that in addition he registered it. That does not carry the matter any further in regard to the receipt of the letter at the other end. You still must presume something.

Senator Stewart

- You have evidence of delivery.

Senator O'CONNOR

- You have no evidence of delivery to the person to whom it is addressed.

Senator Stewart

- - Yes.

Senator O'CONNOR

- We are talking about 'two different things. This clause simply deals with the posting of the letter, and not the receiving of it. All that could be gained by such an amendment would be that you would have to prove registration as well as posting, and there might be difficulties in the way of proving that. Say a man is engaged in some work out in the back blocks, and he wants to accept an offer to sink a tank. He may post that offer at the nearest post-office, but there might not be facilities for registration.

Senator Stewart

- There are in all postoffices.

Senator O'CONNOR

- There are generally, but not invariably. If the person accepting the offer can prove that he stamped and posted the letter, how do we get any further in the direction of proof that it was delivered by proving that he registered 1

Senator DAWSON

- He signs a delivery book.

Senator O'CONNOR

- I am talking about the sender, and not the receiver of the letter. Senator Stewart will see that there is no evidence of the letter having been received. All this means is that the letter has been posted. It is presumed then that it was " served, given, or sent " at the time it was put into the post-office. Of course it is open to any one to prove that the letter did not reach him, and if he proves that, it is a fact that the court will have to take into consideration.

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Senator EWING

- There is a great deal in what Senator Stewart has suggested. This is a method of substituted service of legal process. To give an illustration, the notices of municipal councils to owners of property are sent by post. We have heard recently from senators with long experience in business circles that registration means almost absolute certainty in the delivery of a letter. Well, seeing that this is doing away with personal service and substituting service by post for a notice that would otherwise require personal service, surely we might have every reasonable available facility for insuring the delivery of the letter. The court would have evidence on the face of the registration slip that the person who registered the letter not only registered it but put the proper address on it. There could be no mistake about that. He would have to produce the registration slip containing the name of the addressee ; and there could be no mistake about his actually having sent the letter. We know how many mistakes are made when things depend upon the memory of individuals. In the case of this clause, all that the individual would have to prove is that he put the letter in the post, but if we had registration he would have a document proving that, in the ordinary course, the letter had reached its destination. There is an easy method of tracing how it has gone astray or what has become of it. The illustrations which Senator O'Connor has given us, I think, are not happy because they would not apply to a man accepting a contract or sinking a dam. They would not apply to ordinary contracts. They would not apply to the law which says that the acceptance of a contract shall be deemed to have taken place from the time of the insertion of the letter accepting it in the post. It only applies to cases where an Act requires a document to be served by post, so that honorable senators will see that it is a substituted service.

Senator Drake

- This clause does not provide for any substituted service.

Senator EWING. - No; but it says where an Act authorizes or requires any document to be served, that service is to be service by post. We might pass a law imposing a land tax, and it would be necessary to serve the notices of assessment or to serve them by post. Surely it is a fair thing to ask the authority which sends these notices, on which so much depends, to take the trouble to register them.

Senator Sir Frederick Sargood

- We have put that provision in many Victorian Acts.

Senator EWING

- It is contained in many Acts in the various States, and I think the suggestion of Senator Stewart is well worthy of the consideration of the Minister. I hope he will see that a service of this kind only takes place when there is a matter of some importance at issue, when an Act orders that a thing shall be served by post, and seeing that it is really a substituted service, he might well fall in with the suggestion.

Senator DRAKE

- (Queensland, Postmaster-General). - I interjected when Senator Ewing was speaking, for it seemed to me that he started off by stating that this was a provision for substituted service by post.

Senator Ewing

- I did not say that.

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Senator DRAKE

- Of course, it provides for nothing of the kind ; it simply defines an expression. When an Act requires that a document shall be served by post, the clause tells us what service by post shall mean. From a Postmaster-General's point of view strictly, the amendment which has been suggested would be a very admirable one, because it would considerably increase the postal revenue ; but what I should like the committee to bear in mind before it hastily amends the clause in this way is that it will refer to ill sorts of documents. Reasoning by analogy, Senator Ewing spoke of notices which are issued by municipalities to owners of property previously to taking action in the direction of leasing or selling them. It would also apply to all the ordinary rate notices, which are sent out by hundreds of thousands. As the clause deals with all sorts of documents -some documents which it might be very desirable to insure correct delivery of by means of registration ; others, comparatively unimportant, of such importance that it would not be considered necessary that the senders should go to the expense of registration - is it not better to leave this simply as a definition, because then if a particular Act refers to some document of a comparatively

unimportant character, it will simply provide that it shall be served by post ? If it is a document of a more important character the Act could well prescribe that it shall be served by post, and that the letter shall be registered. If we leave it open, then a particular Act that requires service by post may require service simply by post according to the ordinary facilities, or it may require that the letter shall be registered ; but if we put in this amendment then we are insisting that all documents that have to be served by post under any Act, whether important or unimportant, must be registered. In one case we are leaving it open for the matter to be decided in every instance as it arises according to the importance of the document ; but in the other case we are setting a hard and fast rule that cannot be departed from.

Senator Ewing

-A document would not require service unless it were important.

Senator KEATING (Tasmania).- Much of what I was going to say on this clause has been anticipated by Senator Drake. I think it will be apparent to all of us that there is a great deal in the contention that has been raised by Senator Stewart. That process, at any rate, citing any individual to appear before a court of competent jurisdiction to decide on any matter should not be allowed to be served on him by a substituted process such as this unless there is something further in support of the evidence of the party himself that he has served it than his own statement. There are several of the State enactments and the regulations thereunder which expect process to be served by means of the post. I have had instances come under my own observation where a person has availed himself of this particular provision, and endeavoured to cite another party to appear before a court to deal with some matter that was in dispute between them. And in some instances, in a perfectly bona fide way, the party who had taken advantage of this provision went before the tribunal and asserted that he had posted the necessary document ; but still there was no evidence but his own that he had put the proper amount of postage on the document, and the other party, not having appeared at all, was not in the position which Senator O'Connor seemed to think he would be in under those circumstances, that he could negative the actual receipt of the document itself. If a man has not received it through the post, he is not there to answer for himself, and, practically, the other individual, who may have blundered in a perfectly bona fide way, can simply go there and have an ex parte determination of the particular matter in dispute.

Senator DAWSON

- The same thing applies under the electoral law.

Senator KEATING

- The same thing applies so far as the electoral law is concerned. When it was intended to strike the names of different electors off the roll, men have had sent to them, according to the addresses which appeared against their names on the roll, notices calling on them to appear and to show cause why they should not be struck off the roll, and the notices have been proved to have been posted to what was considered the last known address or place of abode of each party, and it was not until months afterwards that some of those persons learned that their names had been struck off the roll ; as a matter of fact the letters were never delivered at all.

Senator Ewing

- Perhaps the postage was deficient.

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Senator KEATING

- The postage may be deficient, the letter may be tendered to the individual himself, and he may refuse to receive it, because he has to pay twice the amount of the deficiency, and not knowing what it is until he finds out some considerable time afterwards that the proceedings have gone on in his absence, and the other party perhaps in a perfectly bona fide way has gone before the court and proved that he has complied as far as he believed with the provision which enabled him to avail himself of this means of service. Then it also opens the door to possibilities that we should legislate against - to the possibility of an individual of an unscrupulous turn of mind simply sending either a blank document or nothing at all, and going before the court and saying he had effected service of notice on the other party by post in a letter which was properly prepaid and addressed. But, as has been pointed out, the effect of registration would be that the tribunal itself would be able to check the address, and to check the actual receipt of the service. When interjections were made during the course of his remarks, Senator O'Connor insisted at length on the fact that what the clause aimed at, and all that it really affected, was the position of the party

posting the notice. But I maintain if we are going to legislate in this direction we should consider the position of the party to whom the notice is posted ; he is the one man who is much more likely to be affected by this document. If there are certain cases where registration can not be effected owing to the postal facilities not being as great as they are in some of the larger centres, I do not think we ought to take that little matter into consideration, but legislate in accordance with the balances of convenience, and I think the balances of convenience are strongly in favour of a principle such as this - that where advantages are extended by legislation to parties to which by common law they are not ordinarily entitled, or at any rate only after a series of decisions which have been occasioned by the newer conditions of the last century, they ought to be quite prepared to submit to some little inconvenience or some little expense, even if it be only a threepenny registration fee, in order to enable them to avail themselves of the greater facilities which the legislation affords them. Possibly Senator O'Connor may see his way to accept an amendment of the nature suggested by Senator Stewart. There is one other matter which I wish to refer to. Honorable senators will notice that the wording in the first line is -

Where tin Act authorizes or requires any document to be served by post.

Presumably the clause would only apply to this particular enactment of the Commonwealth Parliament because, by clause 2,

This Act shall apply to all Acts of the Parliament, including this Act, and shall be binding on the Crown. We have no definition, so far as I can see - I am speaking subject to correction - of the term "Act." It may possibly be that some Acts of this Parliament will contain provisions to enable the Governor in Council or some other authority - perhaps the Judges of the High Court - to make regulations for the proper administration of the Acts, and in many instances provisions with regard to service of notice and documents are contained, not in the Act itself, but in the regulations framed thereunder. If we are legislating in this particular way we should include any regulations made under an Act authorizing any document to be served by post, so that the legislation may be uniform as regards all matters of service of this character. Senator Drake has pointed out that, of course, it will apply to all documents and all notices, important or unimportant, and whether they are matters of contention or other matters - ordinarily formal notice ; but still I think the clause, now that we have an opportunity to legislate in this direction, ought to be so amended that the matters in the nature of process, calling upon the party to whom they are addressed to appear before any Court of any jurisdiction at all, and which would subject him by his non-attendance, either to a penalty in the nature of a fine or imprisonment, or to the determination of a case, in which he was interested, in his absence, should be referred to, and service of those should only be effected by a communication through the Post-office in a properly registered and addressed letter. The clause should be amended in that way, though perhaps not at the table now, and I sincerely hope that honorable senators who represent the Government will see their way, even if it involves the postponement of the clause for further consideration, to have made an amendment of the character indicated by Senator Stewart, and the amendment in the earlier part of the clause which I referred to.

Senator WALKER

- I join with those honorable senators who have already spoken, in thinking that it would be well that this clause should be postponed in order that it may be redrafted by the Government. As an old banker, I have frequently known great difficulty to arise in proving that remittances have been received by those to whom they were sent, because in our foolishness we did not register the letters. It is no proof that a document is received to obtain a declaration that it has been posted. It seems to me that Senator Stewart has done good work in drawing attention to this matter.

Senator O'CONNOR

- I have been much impressed by the discussion as to the reasonableness of the suggestion of Senator Stewart. This is a general provision to apply to all Acts of Parliament. If we are not to insert the word "registration," as now contended for, in Acts of a trivial nature, we shall have to specify in the Act itself that the service shall be sufficiently proved by posting without registration. Otherwise this Clause would apply in the case of every Act. The question is whether it is better to make the amendment in the way suggested or to pass the clause as it is, and then in any special Act dealing with an important matter to provide that registration shall be necessary before the receipt shall be *prima facie* proved. In that case this clause will not apply. If no inconvenience, trouble, or expense to any one were involved it would be a matter of no moment what was done.



Senator Sir Frederick Sargood

- Has it not been the general practice to insert such a provision in Acts? It was our practice in Victoria.

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Senator O'CONNOR

- It is nearly always done. The only reason I object to dealing with the matter off hand in the way suggested by Senator Stewart is that I am informed that the registration of thousands of documents, which might be involved in some instances, would mean very considerable expenditure and trouble. No doubt the money would go to the revenue, but there might be circumstances in connexion with a particular Act requiring notices to be sent which would make it very undesirable that registration should be required. It might really be a hardship to impose registration upon persons sending out thousands of documents.

Senator Sir William Zeal

- It might be the cheapest way of proving service. Senator O'CONNOR,- You would have to prove the posting in any case, so that it would be neither cheaper nor dearer in that respect. You would have to prove the postage by the evidence of the person who actually posted. I see the reasonableness of the objections pointed out by the senator who raised this question originally. But still, in all matters of importance, where it was thought desirable that registration should be enforced, that could be provided in the Act itself. The Legislature would take care in such cases that unless there was registration there was no proof prima facie of delivery, or of the receipt of the notice. That is done in the vast majority of cases. For instance, I know of several Acts under which the notice sent has to be registered. Under land registration Acts, or where matters have to be done under electoral Acts, it is expressly provided that proof of the posting and registration of the letter shall be prima facie proof of the sending. But it may be different in other cases. We do not know what class of legislation and what circumstances we may be dealing with. By inserting such a provision in this Bill we may be tying ourselves up and preventing a discretion being exercised which ought to be exercised. There is no doubt that if the attention of the Legislature is called to the matter, they will put in words which will prevent this particular clause from applying where it should not apply. The easier course would be to leave the clause as it stands, and then, when we come to deal with particular Bills, we can make such provision as may be necessary in regard to registration.

Senator GLASSEY

- It is Very desirable that registration should take place in regard to some documents that are posted, but my experience in travelling over

the very large territory of Queensland is that there are hundreds of receiving officers in places where there are no facilities for registration at all. In some cases you would have to travel .50 or 100 miles before you reached a registration office.

Senator KEATING

- They "are not places where such business is carried on as would necessitate the operation of this provision.

Senator GLASSEY

- In regard to some documents it might be necessary to provide by Act of Parliament that it should be proved by means of registration that they had been posted. In such a case the travelling of a certain number .of miles would be regarded as nothing. It would have to be done.

Senator Stewart

- How do you prove the serving of a summons ?

Senator GLASSEY

- That is done by proving that some one takes the summons. If I serve a summons upon some person my evidence to that effect proves that I have served it. Whatever we do in the way of legislation, we should be practical. To lay down a hard and last rule that all documents posted in so vast a territory as that of Queensland should be registered, would be impracticable. But, on the other hand, . it would be possible to single out certain documents and require that they should be registered. Documents in regard to a man's vote, for instance, should be registered, even though long distances have to be travelled for the purpose. What I object to is laying down a hard and fast rule with regard to all documents which have to be delivered in so large a territory as that of Queensland. There, for instance, we have no less than 800

polling places, and the inconvenience attached to delivering documents is so great that in some cases it takes a whole month before you can reach a certain place.. A certain discretion should be exercised with regard to documents which are important. It may be necessary to show that such documents have been actually delivered and have reached the person. The best means of proving that is by registration. But to say that documents are to be registered in every case would not work out in a practical manner.

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Senator Sir JOSIAH SYMON

- It seems to me that we have wandered a long way from what the clause refers to. The clause does not determine what documents are important or unimportant. It does not legislate as to what documents can be served by post. It merely enacts what is the ordinary every day practice in every court of justice which any of us are acquainted with. When you have to prove that somebody has received a letter, the evidence you give is that somebody posted a letter.

Senator Stewart

- That is not sufficient.

Senator Sir JOSIAH SYMON

- If one is engaged in a legal controversy with another person, and a multitude of correspondence is involved, and the receipt of certain letters is not admitted, the way you prove it is by putting some one in the witness box to give evidence that the letters were posted.

Senator Sir William Zeal

- That costs money.

Senator Sir JOSIAH SYMON

- Well, perhaps you have to bring the office lwy who put the stamps on and posted the letters. It costs money to that" extent.

Senator Stewart

- Can it not be proved that a letter has gone astray 1

Senator Sir JOSIAH SYMON

- It can. That is one of the contingencies that may possibly occur in connexion with all human affairs. We cannot make sure that all letters posted are received by those to whom they are sent. If we imposed a regulation such as that with regard to registration in connexion with the millions of letters that are posted every day, the business of the world could not be carried on. Undoubtedly at the option of the sender of a letter the document may be registered. Then you get a receipt back which proves that the letter has been received. If you are sending a remittance for instance, the receipt satisfies you that the person who was intended to receive the letter does receive it - unless there has been a fraud. This clause merely expresses in an enactment the same rule which applies to the millions and millions of letters posted every day throughout ' the British Empire and throughout the world; and that rule enables the receipt to be proved unless the person to whom the letters are issued proves the contrary.

Senator Keating

- Now you have hit the point.

Senator Sir JOSIAH SYMON

- The exact rule which prevails in every court is embodied in this Bill - that the posting of a letter is prima facie evidence of its delivery to the person for whom it is intended.

Unless the contrary is proved it is deemed to have been delivered to the person at the time when the letter would ordinarily have been delivered.

Senator Keating

- How do you expect the contrary to be proved ?

Senator Sir JOSIAH SYMON

- It rests with the person who has received the particular letter to prove that he has not received it. There is no reason for the alarm which has been expressed with regard to the operation of this clause. It is not defining what shall be sent by post, but merely saying that when the Legislature in its wisdom provides' that anything shall be sent by post, then the document sent shall be treated as delivered, whenever it is proved that it -was properly posted, sealed, and prepaid. | Senator Sir Frederick Sargood.- Unless ! a. particular Act provides otherwise.

Senator Sir JOSIAH SYMON

- That is so. This clause merely says that where the Legislature provides that something must be sent by post, it may be proved in this particular manner. To some extent the clause is unnecessary, because it provides for the rule of evidence which already prevails : but it is better to have it in the Bill. '

Senator O'Connor

- It follows the section of the English Act.

Senator Sir JOSIAH SYMON

- So I see. When we come to deal with the legislation which must come before us - because we are now only at the beginning of our legislation - I hope we shall take very good care that we do not allow a summons, or a citation, or any process calling upon a person to answer in penalties, or at the expense of his liberty, to be conveyed to him by post.

Senator Keating

- Unless it is registered.

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Senator Sir JOSIAH SYMON

- I object to it even when registered. The proper way of serving a summons, or any legal process of any kind, is by hand. When we get the Bills before us I am sure we shall all take care that nothing that is unjust, or that involves immediate penalties, or that will give a sort of locus pœnitentiæ before the imposition of any penalty, like a writ, or anything of the kind, shall be upheld if it is sent by post. The Legislature will take care that no such document, certainly no legal process, shall be sent by post. I must not refer to South Australia or it will be suggested that all wisdom, political, legal, and otherwise, will die when South Australia ceases to exist, which I hope will not be for ages to come, but at present I am not aware of any power which enables a citation or a summons, or anything that imposes a penalty or involves an immediate penalty without an opportunity of a hearing, being sent by post.

Senator Stewart

- It would be a great convenience.

Senator Sir JOSIAH SYMON

- I belong to the legal profession myself and some people say that we are in the habit of endeavouring to be too "red tapey," always following precedents. I hope, however, that we will never permit a legal process which might involve loss of property, or the imposition of a penalty, or loss of liberty, to be served by post. We have no security even if we register, for in a remote district some one else of the same name may get the document. Mere registration is no security at all, where we have to deal with important documents of this kind. Then, again, as Senator O'Connor has said, registration is no proof. Unless another clause is inserted a person will still have to call witnesses to prove that the document was registered, and to produce the receipt. . But how is he to prove that the receipt is signed by the person to whom the document was addressed.

Senator Glassey

- I once represented a mining town in which there were thirteen persons by the name of Jones, and in the case of ten of them the name was John Jones.

Senator Sir JOSIAH SYMON

- And I dare say that in some other village there are just as many Robinsons. This illustrates the difficulties that will arise. I hope that Senator O'Connor will adhere to the clause, bearing in mind the very weighty observations which Senator Keating has made as to the necessity of being on the alert, when other measures come before us, to see that in matters involving personal liberty or penalties there shall not be power to serve by post. It is no use assuming in this that a land tax or anything of that kind should go by post. That depends on the substance of enactment. At present we are merely enacting an ordinary rule which governs the daily correspondence of millions of people, and which enables proof to be given by simply proving postage of a letter. If the person to whom it was addressed did not receive it he could show that he did not, but prima facie, it is sufficient.

It is a well-trying rule which enables the business of the world to go on.

Senator McGREGOR

- I hope that Senator O'Connor will adhere to the clause as it stands. I think there is a great deal of misunderstanding, because Senator Stewart has asked: "How would you prove personal delivery?" That is nothing to do with it. It has been clearly shown that this only refers to any Act that may be passed. It

should be remembered that all the federal Acts, with the exception of one or two, have yet to be put through, and it is in the passage of these measures that we have to be careful as to how delivery is to be effected. For instance, we have an Electoral Bill to be passed, and I hope that when that Electoral Bill comes before the Senate it will provide that where it is necessary to strike electors off the roll a notice of intention to do so shall be given, and that none of these notices shall be sent without registration or personal service.

Senator O'Connor

- We shall take care to provide that.

Senator McGREGOR

- As Senator Sir Josiah Symon says, where penalties are involved, where serious consequences may follow, we will have to be careful in passing these Bills that every provision is made for effecting service. I want to show why I believe the clause should remain as it is. There may be a great many notices in the future that will have to be delivered by post. Let me take one instance. I am not afraid to refer to South Australia; we have a lot of good things there.

Senator O'Connor

- That is where all the good things come from.

Senator McGREGOR

- In South Australia we have a land tax of 1/2d. in the £1 up to £5,000. Supposing, for instance, that I hold an acre of ground about 40 or 50 miles from Adelaide which is worth £3. In that case I should be served with a notice that my land tax was due, and I should have to pay 1 1/2d. Who is going to pay the 4d. for registration of the notice?

If the Government is going to pay the registration fee, then it will have to pay 4d. in order to collect 1 1/2d.

If I, as a landholder -

Senator Stewart

- Is there no exemption clause?

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Senator McGREGOR

- No, and that has nothing to do with the question. Supposing I had to pay a registration fee. If I only owned £3 worth of land and was assessed at id. in the £1, I would object to pay 5 1/2d., and it would in cases of that kind, and also in regard to notices relating to rates and many other things, be advisable to serve by post. It is only where any Act that we may pass in the future provides that service shall be by post that the evidence of posting a communication is to be taken as evidence that that communication has been received. Even then it is only prima facie evidence. The individual on whom it is supposed to have been served has the right to come forward and prove that he did not get it.

Senator Stewart

- If he did not get it, how could he prove that he did not?

Senator McGREGOR

- I will tell the honorable senator. Supposing that Senator Stewart was an elector under an electoral law that we might pass here, and that we were foolish enough to adopt the postal service in it. When a notice was posted to Senator Stewart under the Act, and when the revision court sat to take evidence, it would accept the evidence of postage as evidence that Senator Stewart received it; but as soon as the honorable senator found out that he had been struck off the roll he would come up and prove that the notice was never delivered to him, and he would have the right--

Senator Stewart

- But the election might have taken place in the meantime.

Senator McGREGOR

- That only shows that it is absolutely necessary to provide in the Electoral Bill that we must be more careful in regard to the service of notices. I think I have shown that there are many cases where postal service is convenient, and where the proof as required by this clause is all that is necessary. It is our place as senators to see that the Bill is passed in a way that will not permit of injury or inconvenience arising. Unless we leave the clause as it is we can never have the postal service of any notice, unless it is clearly shown that the effect of this clause is embodied in the Act itself.

Clause agreed to.

Clause 31 agreed to.

Clause 32 -

Judicial notice shall be taken of every proclamation or order by the Governor-General or by the Governor-General in Council made or purporting to be made in pursuance of any Act or Imperial Act.

Senator Sir WILLIAM ZEAL

- In view of the alteration which has been made in clause 19 by striking out the definition of " Imperial Parliament," an alteration will have to be made in this clause. In fact, the whole Bill will have to be completely altered.

Senator O'Connor

- The honorable senator is quite right.

Senator Sir WILLIAM ZEAL

- This clause refers to an Imperial Act. We want a definition of an " Imperial Act."

Senator O'CONNOR

- That comes later on. I am obliged to the honorable senator for calling my attention to this clause. If I am not out of order in referring to a later clause, I would direct the attention of the Senate to clause 39, which provides -

An Act passed by the Imperial Parliament may be referred to by the term "Imperial Act."

Of course that provision was necessary in view of the existence of the sub-clause we have already struck out. It will now be necessary to make an amendment of clause 39. If the passage I have just quoted is passed, then the words " Imperial Act " may remain here. It therefore really depends on what we are going to do in regard to clause 39.

Senator Sir William Zeal

- Then there is clause 41, which refers to an " Imperial Act."

Senator O'CONNOR.- An " Imperial Act " is defined here. This matter may stand at present, and we may come back to the clause if there is any necessity.

Clause agreed to.

Clauses 33 to 35 agreed to.

Clause 36 - (Measurement of distance.)

Senator Walker

- This clause refers to the federal capital.

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Senator O'CONNOR

- I do not want to take any catch vote about that matter. This clause will not have any application to the site of the federal capital. Our Act is to be interpreted as an Imperial Act by the laws of interpretation of an Imperial Act.

Clause agreed to.

Clauses 37 and 38 agreed to.

Clause 39-

An Act passed by the Parliament of the Commonwealth may be referred to by the word "Act" alone.

An Act passed by the Imperial Parliament may be referred to by the term " Imperial Act."

An Act passed by the Parliament of a State may be referred to by the term "State Act."

Senator O'CONNOR

- In pursuance of the amendment already made by the committee in clause 19, I propose to strike out the word " Imperial" (line 4) and to insert after the word " Parliament," the words "of the United Kingdom," so that sub-clause (2) will read -

An Act passed by the Parliament of the United Kingdom may be referred to by the term "Imperial Act. "

Senator Sir William Zeal

-That keeps the sting in the Bill.

Senator O'CONNOR

- I do not think it keeps any sting in the Bill. If you get rid of that phrase whenever you wish to refer to an Act of Parliament of the United Kingdom you will have to use the whole of that phrase. "Imperial Act " is a very necessary expression, and I think the definition which I have suggested will really carry out the spirit of the amendment carried by the committee in the other clause. I move -

That the word "Imperial" in sub-clause (2), line 4, be omitted, and that after the word "Parliament" the words "of the United Kingdom" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Glauses 40 and 41 agreed to.

Senator Sir JOSIAH SYMON

- Before the Bill is reported I wish to draw attention to the expression "the regnal year" used in clause 41.

Senator O'Connor

- That is the year of the reign.

Senator Sir JOSIAH SYMON

- Would it not be better to say "the year of the reign." "Regnal" is a very awkward word. "Senator O'CONNOR.- I quite agree that it is. not very elegant English, but it expresses exactly what is intended.

Senator Sir Josiah Symon

- I never saw it before.

Senator O'CONNOR

- I think it will begin to grow on the honorable senator. I admit that I have never seen it before, but if you do not use that expression you will have to use the words "Year of the reign of the Sovereign in whose reign it was passed." The sub-clause would then read "any Imperial Act may be cited by the short title (if any) or by reference to the year of the reign of the Sovereign in whose reign it was passed." Technically the clause could not be touched now, but it could be reconsidered later on.

Senator Clemons

- Could the honorable gentleman inform us whether this phrase has been derived from some other Act or whether it is original.

Senator O'CONNOR

- It may have been taken from the English Act. However, I do not propose to ask the Senate to agree to the third reading now. I will put the third reading down for to-morrow, and if I find, on inquiry, that the phrase is unique, or that there is any danger in using it, I will recommit the Bill. If it has been used before, I will let it stay where it is.

Bill reported with amendments.

POST AND TELEGRAPH BILL

Petition.

On the order of the day for the further consideration of the Bill in committee,

Senator KEATING presented a petition from 3,967 citizens and ratepayers of the State of Tasmania, praying the Senate to reject clause 54 of the Post and Telegraph Bill.

Petition received and read, and ordered to be printed.

In Committee (consideration resumed from 21st June, vide page 1476) :

Clause 37 -

Any person making a complaint that an unregistered letter containing coin, or an unregistered letter or packet containing jewellery, gems, watches, or any other valuable enclosure of the like kind has not been duly delivered to the person to whom it was addressed may be required by the postmaster of the post-office at which the complaint is made to make a declaration in the Form D in the second schedule to this Act, and to pay the fee (if any) prescribed before any inquiry is instituted.

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Senator KEATING

- I move -

That the word "letter," line 2, be omitted with a view to insert in lieu thereof the words "postal article."

If that amendment is made it will necessitate the omission of the words "or an unregistered letter or packet containing." I think it will be better if the clause is amended in that way, because other clauses seem to anticipate the possibility of postal articles being used for the transmission of money or something that is dutiable or valuable. A person might use a newspaper or anything which was not a letter. It would make the clause more uniform if we used a word that is defined in the Act, and it would obviate the necessity of repeating the words "or an unregistered letter or packet."

General - Queensland

Senator DRAKE

. - I think it is rather a pity that this amendment was not mentioned before, in order that I might have an opportunity of finding out exactly what is the meaning of it. I would not say it is unfair.

Senator Keating

- I did not intend to be unfair.

Senator DRAKE

- No ; but when an amendment is suddenly moved, without any preliminary explanation, to make an alteration in a clause, it places the Minister at a disadvantage. I believe it is only in letters or packets that jewellery or coin can be transmitted through the post.

Senator Keating

- A person might use a newspaper.

Senator DRAKE

- A "postal article," as will be seen by the definition clause, includes even a telegram. We do not want to use a term that is wider than the necessity of the case requires, and at the present time I cannot see exactly what advantage is to be gained by the amendment. As it stands, it will only mean that instead of using the word "letter" it is enlarged to include a packet or parcel that may contain coin. Speaking on the spur of the moment, I am not sure whether a packet or parcel containing coin can be registered. We have six different Acts and six different regulations, and it is fixed by regulations what kind of postal article can be registered.

Senator Keating

- This is an unregistered postal article.

Senator DRAKE

- But the possibility is - I cannot speak from knowledge at present - that nothing but a letter containing coin can be registered. The probability is that the regulations provide that coin cannot be transmitted in a parcel or package, and if that is so there is no necessity to make the amendment. I think there are reasons why coin cannot be transmitted through the post-office in packets or packages, and if coin can only be sent in a letter then there is no need to provide that if it is sent in a packet or package or postal article except a letter, then it must be registered.

Senator Keating

- If a man violated that provision, would not the Minister give an inquiry?

Senator DRAKE

- Perhaps the honorable and learned senator has some better knowledge of the regulations than I have, and he may perhaps be able to explain the reason for it.

Senator Sir FREDERICK SARGOOD

- It appears to me that this clause is consequential on the previous one. Clause 36 provides that letters containing valuable enclosures must be registered and it uses exactly the same words - "registered letter or packet" - as are used here. And then clause 37 provides what is to be done in the event of those letters being missing. It appears to me that clause 37 must necessarily recite exactly the same terms as are contained in the preceding clause. It appears to me to be perfectly correct. .

Senator Drake

- It looks all right.

Senator KEATING(Tasmania).- I moved the amendment because it might possibly happen that an individual, through inadvertence or ignorance, or perhaps thinking that the rate would be lower, might send a costly article in something which did not come within the designation of registered letter or packet. If he did he would not be debarred from getting the advantage of the inquiry that would result from the complaint that he might make under the clause. The only object I had in seeking to get the words "postal article" put in was to cover any possible case which might arise.

Senator CLEMONS

- Perhaps the objection of Senator Keating would be met if the words "an unregistered letter or packet containing" were left out, so that the clause would read -

Any person making a complaint that an unregistered letter or packet containing coin or jewellery.

I do not see why, in the first line of this clause the word "letter" is used instead of the words "letter or packet." If the words "or packet" follow the word "letter" where it is first used I believe the object of the

amendment will be met and satisfied.

Senator Sir Frederick Sargood

- The word "letter" occurs in the preceding clause.

Senator CLEMONS

- My contention is, that it ought to read "an unregistered letter or packet."

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Senator DRAKE

- I think the best way will be to make the clause read : " Any person making a complaint that an unregistered letter or packet containing coin or jewellery," and so on. That would be the better way ; because we cannot admit that a person who puts valuables into a postal article he cannot register should have a right to an inquiry. The insertion of the words " or packet" would meet the case.

Senator Keating

- There is nothing that can prevent a person putting valuables in a newspaper.

Senator DRAKE

- Yes, there is. The third sub-clause of clause 36 prevents that.

Senator Keating

- The provision gives power to the postmaster to register a packet containing valuable articles, but if a newspaper is used for that purpose, is the postmaster to stop it?

Senator DRAKE

- Yes. A newspaper should not contain valuable articles. A person may register a newspaper, but not with a valuable enclosure in it. I object to the omission of the word " letter," but I am quite willing to insert the words " or packet " after letter.

Senator Keating

- I will consent to the course suggested by the Postmaster-General.

Amendment, by leave, withdrawn.

Amendments by Senator Keating agreed to-

That the words "or packet" be inserted after the word " letter," line 2.

That the words " or an unregistered letter or packet containing," lines 2 and 3, be omitted.

Clause, as amended, agreed to.

Clause 38-

Every postal article received in a post office -

on which the postage stamps have been previously obliterated or defaced (unless the postage thereon has been prepaid by money) ; or

which contains an enclosure contrary to the provisions of this Act or the regulations or of any other Act ; or

containing an enclosure upon which the duties of Customs are payable : or

which is posted contrary in any other way to the provisions of this Act or the regulations : or

on the outside of which any profane blasphemous indecent obscene offensive or libellous matter is written or drawn, shall be deemed to be posted in contravention of this Act.

Senator CLEMONS

- May I ask, in regard to two paragraphs of clause 38, what is the fate of a postal article that is deemed to be posted " in contravention of this Act"?

Senator Drake

- That is dealt with in clause 39, which provides that any article posted in contravention of the measure is sent to the Postmaster-General and dealt with. If Senator Clemons wants to know what happens to any letter that is in contravention of any one of these provisions, I will deal with that point specifically.

Senator CLEMONS

- In regard to paragraph (c) of clause 38, I gather from the Postmaster-General that the effect of the clause will be to prevent any one from posting to any part of the Commonwealth any article of a dutiable nature, and practically to interfere with the receipt of such article if posted abroad. In Tasmania our postal regulations have always allowed us to post letters and packets containing articles of a dutiable nature, and the customs duty has been collected at the post-office by arrangement with the Customs authorities.

Senator Sir Frederick Sargood



- It is the same in Victoria.

Senator CLEMONS

- It is my intention to move that paragraph (c) be omitted.

Senator DRAKE

- The point alluded to by the honorable senator is dealt with in clause 48. The practice is as follows : -

Where a letter containing dutiable articles is sent through the post office, a notice is sent to the addressee, telling him that a letter, which apparently contains dutiable articles, is lying at the post-office. He attends, and the packet is opened in his presence. If it contains dutiable articles, the duty is assessed by a Customs house officer, and the person to whom the packet is addressed pays the duty. The packet is then delivered to him, except where there is reason to believe that it has been posted with a deliberate attempt to 'contravene the Customs Act. In that case, the matter is handed over to the Commissioner of Customs, for him to deal with it as he chooses.

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Senator PLAYFORD

- When we have free-trade between the States there will be no necessity for this provision, as far as concerns the Commonwealth ; because a letter or package cannot possibly contain anything upon which duties of customs are payable, if posted within the Commonwealth. Therefore, the clause can only be meant to apply to articles which are sent through the post from foreign countries. I understand that this clause refers to postal articles received at any post-office in the Commonwealth from abroad. There is a well-recognised manner of dealing with them, at any rate in the State of South Australia. They are, when received, handed over to a Customs house-officer. He opens the packets to see if they contain anything dutiable. If they do, he sends a notice to the person to whom they are addressed saying that he can receive them when he pays duty upon them.

Senator Drake

- It is all provided for in the 48th clause.

Senator PLAYFORD

- But the Bill says that such articles " shall be deemed to be posted in contravention of this Act." Surely we shall not provide that an article posted from a foreign country to a person in this Commonwealth, if it contains an article of jewellery, is posted" in contravention of this Act?

Senator DRAKE

- Clause 48 is rather a long one, but it is perfectly clear and I may as well read it : - .

Every undelivered letter or packet which is opened under the provisions of this Act (if it contains any valuable or saleable enclosure) shall be safely kept and a list thereof together with a memorandum of such contents made and preserved ; and the Postmaster-General shall (unless such contents have been posted or be in fraud or violation of this Act or of any Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them) cause notice of such letter or packet and of such contents to be sent to the person to whom the same is addressed if he be known or otherwise to the writer or sender thereof if he be known. And upon application by the first mentioned person if known and if unknown by the last- mentioned person if known such letter or packet and its contents shall (unless as last afore- said) be delivered to the person so making such demand.

If neither of such persons can be found or makes such application within three months after the sending of such notice or if the said contents have been posted or are in fraud or violation of this Act or of a ny Act relating to the Customs or of any regulation or order made under the authority of this Act or with intent to evade payment of the postage properly chargeable on the letter or packet containing them such letter or packet shall be destroyed and its contents forfeited unless the Postmaster-General directs the said contents to be restored to the writer or sender of the said letter or packet. And if the contents aforesaid are not money or a security or order for money payable to bearer the same may be destroyed sold or converted into money in such manner as the Postmaster-General or Deputy Postmaster-General directs, and the proceeds thereof and such money security or order shall be paid into the consolidated revenue fund.

This means, boiled down, that if any packet of this kind is received, and no fraud is being practised, an effort will be made to find out the person to whom it is addressed, and if he cannot be found, the person

who sends the letter will have it sent back to him.

Senator Clemons

- There may be no difficulty in finding the person.

Senator DRAKE

- In that case not the slightest difficulty arises. I have had the same thing happen to myself. A letter is addressed to a person containing an inclosure which appears to be a dutiable article. Notice is at once sent to the addressee telling him that the letter apparently contains some dutiable article and is lying at the post-office, and asking him to attend and see the letter opened in his presence. If it contains a dutiable article a Customs house officer assesses the duty, and the addressee pays the duty and receives the article.

Senator Clemons

- Is that all provided for ?

Senator DRAKE

- Yes, in the 48th clause. Besides that, it is the practice in the post-offices of all the States.

Senator PLAYFORD(South Australia). - It may be all right in the 48th clause, but we are now dealing with clause 38, which says that - Every postal article received in a post-office containing an inclosure on which the duties of customs are payable, shall be deemed to be posted in contravention of this Act. What is the penalty for posting anything " in contravention of this Act"? In the past we have been allowed to receive such articles. I recollect a son of mine sending to England for a watch. A watchmaker advertised that he would send to any of the colonies a watch if a certain amount of money were remitted to him. The watchmaker in London sent to my son a little parcel, which was marked as containing a watch of a certain value. My son got it after going to the post-office and paying the customs duty. Under this clause that watch would have been posted "in contravention of this Act." But I hold that the posting of it was a perfectly legal and proper proceeding.

Senator Drake

- Exactly the same provision existed at the time the honorable senator's son sent for the watch.

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Senator PLAYFORD

- It seems to me that we should facilitate this sort of thing. It has never been looked upon as contravening an Act to send for an article to the old country. Why should I not be able to send a remittance to London, and get a watch by parcels post, paying duty upon it according to its value? In South Australia every provision is made for such a proceeding. A Customs officer is specially told off to examine the articles sent out by parcels post. I cannot see why we should provide that an article so sent is posted " in contravention of this Act." If it is to be so, -what is the penalty to be inflicted?

Senator Sir JOSIAH SYMON

- The penalty is inflicted by the next clause, which provides that the postmaster receiving the article shall transmit it to the Postmaster-General : and then it is provided at the end of clause 39 that - Every postal article supposed to contain dutiable articles may be dealt with in the prescribed manner. Clause 38 says that every postal article received at a post-office is "deemed to be posted in contravention of this Act " if it contains a dutiable article; and clause 39 says that anything which is posted or is reasonably suspected to be posted " in contravention of this Act" shall be transmitted without delay to the General Post-office. When we have Inter-State free-trade, that can only apply to oversea letters and goods. When the article posted comes to the General Post-office it is dealt with, if it is supposed to contain dutiable things, in the prescribed manner.

Senator Drake

-A man could send £1,000 worth of diamonds through the post in a letter.

Senator Playford

- The Postmaster-General proposes to put a stop to dutiable articles being sent by parcel post from England and other places.

Senator CLEMONS(Tasmania). -I have listened carefully to the explanation of the clause given by the Postmaster-General and I have studied it myself, but I am quite unable to ascertain that the procedure he tells us of is contained in this clause. The honorable and learned senator tells us what we all know in regard to the usual practice in the post-office, but I am quite unable to find that procedure detailed in

clause 48. I quite agree with Senator Playford that the ordinary method we have been accustomed to adopt in order to get things sent from abroad to the States is not provided for in this Bill, or at least, so far as this clause is concerned. I would ask the Postmaster-General to tell us whether provision is made in clause 48 for a person to receive through the post-office some article of value, which is posted to him, on payment of the duty charged or chargeable upon it. If it is not in that clause, then where does it appear in the Bill ?

Senator DRAKE

- I think it must be clear to every honorable senator that where we have import duties, we cannot give to a person the light to import anything he likes into a State or into the Commonwealth, without making a declaration as to what is the duty upon it. A letter might be sent into the Commonwealth containing several hundred pounds worth of diamonds.

Senator Sir Frederick Sargood

- That has been done.

Senator DRAKE

- It might be done, and I contend that the treatment that is given to persons who do import valuables in this way through the post-office has been most liberal. Some provision for it has been in operation in all the States, but it has always been a contravention of the Postal Act to import articles liable to customs duties through the post-office. As Senator Playford knows, however, the practice has always been to exercise the very greatest liberality in every case where it appears that no fraud is intended. Therefore, articles of value are continually brought into the States by means of the post-office. All that we claim in the Bill is that letters containing these valuable articles, if they are liable to customs duty, shall in the first place be brought in in contravention of the Act ; then we provide in the next place that letters containing valuable enclosures are to be sent to the Postmaster-General, and in clause 48 we set forth how they are to be dealt with.

Senator Clemons

- Does that mean sending the letter away from the addressee?

Senator DRAKE

- It means the sending of the letter to the Postmaster-General in order that he may deal with it:

Senator Walker

- The Postmaster-General may be in another State.

Senator DRAKE

- There is something in that.

Senator Clemons

- And a distinction is drawn between the Postmaster-General and the General Post-office.

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Senator DRAKE

- I am quite willing to amend the clause in order to provide that such a letter shall be sent to the principal post-office of the State, so that it may be dealt with by the Deputy Postmaster-General. That would be exactly the same practice as has existed in the past. We cannot open the post-office as a channel by which dutiable goods may be passed through. It would be entirely unfair to the Minister in charge of the Customs department to do that. It is no use to put import duties upon articles if we say that a person may send any amount of dutiable articles through the post-office, and that they will never be checked. That seems to be perfectly unreasonable.

Senator HARNEY

- It is the practice in Western Australia.

Senator DRAKE

- Do I understand the honorable and learned senator to say that dutiable articles may be sent through the post and that they do not pay duty there ?

Senator Clemons

- No, we want a provision for the payment of duty. Senator Matheson. - The man who posts the package puts a label on it, stating the value of the article ; and the addressee, receives notice that a dutiable article is waiting for him. He then goes round to the post-office and opens the package.

Senator DRAKE

- Is that where articles are posted in the United Kingdom?

Senator Matheson

- Yes.

Senator DRAKE

- That is in accordance with some regulation they have in the British Post-office.

Senator Sir Josiah SYMON

- And it is so through the continent.

Senator DRAKE

- I have received packages in Queensland from the United Kingdom containing dutiable articles, but not having any mark on them to that effect.

Senator Matheson

- I only quote from my own experience in my own State.

Senator DRAKE

- I have had a package stuck up in the post-office in Queensland which did not contain a dutiable article but was only supposed to contain one. I think it absolutely necessary to insure that dutiable articles shall not be sent through the post-office and the Customs defrauded.

Senator Clemons

- But why should the Customs be defrauded ?

Senator DRAKE

- It might be if the package had to be delivered without question.

Senator Clemons

- We do not want it to be delivered without question.

Senator DRAKE

- Then we want to have a provision that where a package contains dutiable articles it shall be stopped and sent to the deputy Postmaster-General and dealt with by him in the manner provided in the Act.

Senator Sir FREDERICK SARGOOD

- It is absolutely necessary, in order to protect the revenue, that the post office should have power to stop any letters which the officials deem to contain dutiable articles. That is the first step. The next step is as to what is to be done with that letter. The Bill says that it is to be sent to the General Post-office. That means the General Post-office of the State. There it is examined, and if it is found to contain dutiable articles it is supposed to be posted in contravention of the Act. These words are used in order to enable it to be stopped by the post-office, and the next step is that under clause 39 the letter shall be sent to the General Post-office, the head office of the State.

Senator Clemons

- The result of that would be that if a letter were sent to a resident of some country township, it would have to be transmitted from the township to the head office. That would be inconvenient.

Senator Drake

- It is stopped in the General Post-office.

Senator Sir FREDERICK SARGOOD

- It is stopped in the General Post-office, and is not sent to the country township.

Senator Clemons

- And so would not get to the addressee.

Senator Sir FREDERICK SARGOOD

- On the contrary, as soon as it is stopped by the General Post-office a printed notice is sent to the addressee.

Senator Clemons

- He may be living 100 miles away.

Senator Sir FREDERICK SARGOOD

- Yes; but it would never do to send these letters up to branch offices. It is well known that in Victoria attempts have been made to smuggle valuable diamonds through the post, and it is in order to prevent the enclosure of these valuable articles in postal packages so as - to avoid payment of duty that this power is necessary. I have often had letters sent through the post-office in this way, and there has been no difficulty. A printed notice is sent to the addressee, and the addressee either goes himself, or if he is

living in the country he sends some one else, say, in Melbourne to the post-office to pay the duty, if any. The only point is that it is not quite clear whether, under clause 4S, the duty can be enforced, unless it be under sub-clause (2). I think that clause 4S might be made much clearer by distinctly stating that the article shall not be given up unless duty be paid.

Senator Clemons

- That is the point.

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Senator Sir FREDERICK SARGOOD

- It is not the sending . of the articles through the General Post-office, but the question of how it is to be dealt with under clause 48, about which there is any difficulty.

Senator PLAYFORD(South Australia). - I quite agree with Senator Sir Frederick Sargood with regard to letters, but- this particular clause does not deal with letters only. It deals with every postal article, with anything that is sent through the post in the way of parcels post, as well as in the way of letters. I agree with Senator Sir Frederick Sargood that if a person tries to make use of the post-office by sending diamonds in letters through the Commonwealth so as to avoid the payment of duty, then we certainly ought not merely to confiscate the valuable article in the letter, but we ought to have power to punish the individual if we can prove that it was done with his knowledge. I have been referring, however, to something quite different. I gave the illustration of a watch sent from London to this country, and I want to know is it the intention of the Postmaster-General in future to prevent any dutiable article being sent through the post to some one in the Commonwealth from the mother country or from any foreign land. If it is, then I understand what the honorable and learned gentleman means.

Senator Drake

- No it is not.

Senator PLAYFORD

- If the Postmaster-General says no, then I say that in this particular clause he has inserted a provision which will prevent them coming in. The clause I speak of refers to articles being posted in contravention of the Act. By that the honorable and learned gentleman intends to stop, these things coming in. If they are posted in contravention of the Act, then penalties should be inflicted. If the Postmaster-General is going to make it part of his policy to prevent dutiable goods being sent through the parcel post, I do not think we should allow th goods to be given up. to the addressees. It would be better to adopt the system in vogue in my own State, and also in the State of Western Australia, under which valuable articles are sent in parcels through the post, on which are written a statement of their contents and the value placed upon them. They are never sent to up-country post offices at all. They are always detained at the General Post-office, where they are examined by a Customs house officer sent by the Treasury. I have known cases of attempted fraud, but where we have officers, specially appointed to examine packages, if they have any doubt, they open them and value them. By that means people have been able to get jewellery, fancy goods, presents, and articles of various descriptions sent by their friends through the post, when those articles were of a dutiable character. There 1ms been no difficulty'. A great many of the packages are examined, so that no fraud can possibly be perpetrated. The system has been of great convenience to the people, and I do not see why it should be put a stop to. Under this clause we do put a stop to it.

Senator Drake

- Oh, no !

Senator PLAYFORD

- We say here that any package containing dutiable articles shall be deemed to be posted in contravention of the Act. Is that not saying that it is illegal to send those articles through the post?

Senator Drake

- No.

Senator PLAYFORD

- The Bill says it is unlawful. If it does not mean unlawful, what does it mean 1 We are, as a matter of fact, going to hastily put a top to a practice which is of great convenience to many people, and we are taking a retrograde step in legislating in this manner upon the subject. So far as frauds are concerned, I am with Senator Sir Frederick Sargood on the subject. In cases where people get things into the country which are liable to customs duties, and do not pay the duty upon them, we cannot inflict too severe a

punishment. But this provision will affect everything the post-office will carry, including parcels, and we know, of late years, to what extent the parcels post has been utilized by the public, to the great benefit of every one concerned. Does the Postmaster-General intend to stop all enclosures upon which duty is payable ? If he does he undoubtedly intends to put a stop to what has been in our State a great convenience to the public.

Senator-DRAKE. - I have not the slightest doubt that the practice in South- Australia has been exactly the same as the practice in Queensland. If I had the Acts of the various states before me, I should be able to show that the South Australian Act contains exactly the 'same provision.

Senator Fraser

- They are much more strict in Queensland.

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Senator DRAKE

- This particular clause has been taken from the Queensland Act, word for word. I can assure the Senate that the practice in Queensland has been exactly the same as the practice which Senator Playford described as existing in South Australia.

Senator CLEMONS(Tasmania).- May I draw attention to the words at the end of clause 39 '!, There is something to be explained, and I think it contains the solution of this question. It shows what is to be done with the article that is posted when it arrives at its destination.

Every postal article, supposed to contain dutiable articles may be dealt with in the prescribed manner.

What is the prescribed manner 1

Senator DRAKE

- The prescribed manner is the manner as prescribed by the regulations. The regulations prescribed in Queensland are exactly the same as those prescribed in South Australia. Postal articles apparently containing dutiable goods are sent to the Postmaster-General. The Postmaster-General causes a printed notice to be sent to the addressee, telling him there is a letter or package lying at the post-office supposed to contain dutiable goods. The addressee attends at the post-office, and the article is opened in his presence by the Customs officer. If it contains dutiable articles the value is assessed by the Customs officer, and if the addressee chooses to pay the duty he can take away .the article then and there.

Senator Major Gould

- Under section 48 the Postmaster-General would not be bound to give notice where a fraud on the Customs was not suspected.

Senator DRAKE

- Yes. That is the distinction I pointed out at first. If there is suspicion of fraud ; if it is suspected that there has been a deliberate attempt to defraud the Customs, the Postmaster-General will deal with the matter in quite a different way. He will have to inform the Customs department, and they will take any action they see fit. The practice of putting a declaration on the package itself that it contains dutiable articles, should where adopted remove the suspicion of an attempt to evade customs duties.

Senator Clemons

- And yet such an article would be posted in contravention of the Act.

Senator HARNEY(Western Australia). - How can the honorable and learned gentleman say it is the practice to have these dutiable articles sent legally if by the Bill we declare the practice illegal.

Senator Drake

- The Postal Act does not provide for the transmission of dutiable goods.

Senator HARNEY

- The Bill says most distinctly that if an envelope contains dutiable goods it is posted illegally; and the Postmaster-General now tells us that it is the practice to receive envelopes containing dutiable goods, that the practice in Queensland has been similar to the practice in South Australia, and that there is nothing wrong in sending dutiable goods in an envelope.

Senator Drake

- I did not say that.

Senator HARNEY

- He also said that it is only in case of fraud that the parties are dealt with, and that, as sanctifying the practice, there is a statement on the envelope of the contents.

Senator DRAKE

- No, I did not say that. That has been conveyed to me this evening for the first time. That may be according to some regulation of the British Post-office, but we have nothing to do with it.

Senator Sir FREDERICKSARGOOD (Victoria). - It appears to me that we are troubled with the words "deemed to be posted in contravention of this Act." As a matter of fact, for many years past it has not been in contravention of the law to send dutiable goods through the post-office, but the practice has always been to protect the revenue. I should suggest that we strike out the words "deemed to be posted in contravention," and insert the words "shall be transmitted without delay to the General Post-office." I do not see the advantage of putting in the words "deemed to be posted in? contravention of the Act." If a package or letter supposed to contain dutiable articles is received, the practice has always been to send it to the General Post-office. I know that is the practice in South Australia, because I have had packages myself from there.

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Senator MATHESON

- The Postmaster-General has declared that it is not intended to legalize the transmission of dutiable goods through the post. Now,, we desire that the Bill shall be framed in such a way that it shall be legal to send these goods through the post under certain restrictions. That seems to be the practice in nearly every State, and it is a most convenient practice. I will explain how it happens to be convenient. A small package; is sent to some person as a present, say a letter case for the pocket. "Unless it is sent through the post it has to be sent through an agent in London, if it is purchased there, and he puts it in a case with a lot of other packages which he collects. He then sends a notice to say he has received a parcel for you, and he charges you agency fees in addition to the customs duties, and he sometimes detains the parcel till all the other owners have signed their declarations and the whole of the contents of the package is free. I speak from absolute experience, because I received a parcel from London only the other day. It was a very small parcel, and it came through an agent, and I had to wait three or four days before I could get delivery, because the owners of the other packages did not take the same prompt steps to get their goods cleared. We want to have the transmission of dutiable goods through the post-office made absolutely legal, and if the Postmaster-General can see his way to strike out the words "deemed to be posted in contravention of the Act," I think the whole difficulty will be got over.

Senator EWING

- I think the suggestion that Senator Clemons has made is the right one. The only way of dealing with this matter is to strike out sub-clause (c). That will wipe out the illegalizing element, and will leave persons to post dutiable articles as they have been in the habit of doing, subject to such regulations as the Government may see fit to make under clause 39. We are putting an express clause into the Bill saying that it shall be illegal to do a certain thing. With regard to goods being sent to the General Post-office, I would suggest that that is not satisfactory either. Goods are sent from Melbourne to a person in Western Australia, perhaps 1,000 miles from the General Post-office. Are they to be sent to the General Post-office in Perth.

Senator Drake

- I think so, if they contain dutiable goods.

Senator EWING

- Surely the Postmaster-General can do what he has been doing in the past. Take the case of Kalgoorlie. Hundreds and thousands of pounds worth of goods are sent through the post to that town every year. Why should they be sent to the General Post-office in Perth to be dealt with? Why could not the local postmaster deal with them as efficiently as a local Customs officer? Surely the postmaster is capable of doing this work; and why should a man living in Kalgoorlie put up with all the inconvenience of having his goods sent to Perth for the value to be assessed?

Senator Drake

- Why should not the package be stopped at Perth?

Senator EWING

- Take an extreme case. A man may be living 1,000 miles from the Perth General Post-office, and his goods being stopped there, he would not hear of them for a month.

Senator Playford

- The department will write to him and tell him what duty is payable.

Senator EWING

- It will take two or three weeks to get the letter.

Senator Playford

- - -We cannot help that.

Senator EWING.- Why should we stop - his goods in Perth when the same object can be achieved by sending them to the place where he lives, letting him make a declaration as to their value.

Senator Drake

- Is his declaration to be accepted?

Senator EWING

- Suppose goods are sent to me at Perth. I make a declaration. If the authorities doubt the truth of my declaration, they have the opportunity to inspect the goods and value them.

Senator Drake

- Who is to value them ? Have we valuers in every town ?

Senator EWING

- After all we are not dealing with very valuable goods.

Senator Drake

- Are we not ? That is the question !

Senator EWING

- Surely the postmaster is just as capable of valuing as the Customs agent.

Senator Drake

- I should think not.

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Senator EWING

- I should think it is easy enough. The Postmaster-General will see that there is a severe penalty upon the receiver of goods for making a false declaration. A man, for the sake of a few pounds, is not going to make a false declaration ; and if he is prepared to make a false declaration, we know that he can pass thousands of pounds worth through the Customs in spite of the agent. So that I think we should place some reliance on the declaration made. Let us take Peak Hill, in West Australia. It would take a man a fortnight to receive his notice from the post-office that the goods that were addressed to him" at Peak Hill were lying in Perth, and then he would have to reply.

Senator Sir Josiah Symon

- But what is to prevent the General Post-office sending the goods on to Peak Hill ?

Senator Harney

- That is not prevented by this clause.

Senator EWING

- No ; but it says they are illegally sent on.

Senator Sir Josiah Symon

- But that is to be removed.

Senator EWING

- The proposition of the Postmaster-General means that the goods shall be detained in Perth.

Senator Sir Josiah Symon

- If that is his intention that is not what his Bill says.

Senator Playford

- They ought to be examined in Perth before they go on.

Senator EWING. - I have no objection to the goods being examined if an examination is found necessary ; but certainly they ought to be sent on at once to the addressee.

Senator Sir Josiah Symon

- That is a matter for regulation.

Senator EWING

- That is purely a matter for regulation. Under the clause every postal article supposed to contain dutiable articles may be dealt with in the prescribed manner. The Minister would have power to make a regulation to do it.



Senator Drake

- I am willing to take it out of clause 38 and put it in clause 39.

Senator Sir Josiah Symon

- Senator Clemons is waiting to move that amendment.

Senator EWING

- If the Minister takes it out of clause 38 ample power is left to him in clause 39 to deal with it without putting it into that clause.

Senator Drake

- We want to provide, first of all, that it shall be transmitted to the principal post-office of the State.

Senator CLEMONS(Tasmania).- -With a view to having sub-clause (c) of this clause inserted in clause 39,I move -

That sub-clause (c) be omitted.

Senator Drake

- I will accept that.

Amendment agreed to.

Clause, as amended, agreed to

Clause 39 -

Every postal article -

which is without address or bears an illegible address ; or

which is posted or is reasonably suspected to be posted in contravention of this Act ; or

which the person to whom it is addressed refuses to receive : or

upon which any postage is payable by the person to whom it is addressed and in respect of which such person refuses to pay the postage, shall be transmitted without delay by the postmaster receiving it to the General Post-office.

Every postal article supposed to contain dutiable articles may be dealt with in the prescribed manner.

Senator DRAKE

- I move -

That the following paragraph be inserted after paragraph (d) " or(e) containing an enclosure upon which the duties of customs are payable."

Senator EWING(Western Australia).I wish to point out to Senator Clemons what I am sure he will see is a reasonable proposition, that if- we insert this sub-clause in clause 39 it will compel the postmaster receiving a packet containing dutiable articles, say 1,000 miles from the General Post office in Perth, to send that packet back to Perth, probably to have it examined, and then Perth -will notify the addressee, perhaps a thousand miles away, and he will send down the duty, and get an agent to clear the article in Perth. It will practically debar persons from taking advantage of the provisions of the Act. The concluding words of the clause say that it -

Shall be transmitted without delay by the postmaster receiving it to the General Post-office.

So that every article which contains dutiable articles addressed to Kalgoorlie-

Senator Playford

- They will all go through Perth.

Senator EWING

- According to this clause they will have to go to their destination first.

Senator Drake

- No, to the postmaster receiving it.

Senator EWING

- If that is not the intention, perhaps the Government will make their intention clear. The clause says in plain words that the postal article shall be transmitted without delay by the postmaster receiving it, that is the postmaster in the town of the addressee.

Senator O'Connor

- No, the postmaster receiving it in the first instance.

Senator EWING

- Then where is the General Post-office?

Senator Drake

- I am going to alter that, and to say the head office of the postal department of the State.

Senator Sir Frederick Sargood

- That is provided for in the interpretation clause.

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Senator Sir Josiah Symon

- "General Post-office " of State is defined.

Senator EWING

- If it is the postmaster receiving it, I think that intention should be made quite clear.

Senator Clemons

- It is proved in the word " transmitted."

Senator Pearce

- That may be the General Post-office.

Senator EWING

- Surely the Government will make their intention quite clear. Let me ask the Postmaster-General am I, living perhaps 1,000 miles away, to clear my article in Perth.

Senator Playford

- They will send the honorable and learned senator word, and he can send down the duty.

Senator Pearce

- It is done under our present regulations.

Senator EWING

- But they send the article up to the post-office.' It goes through the General Post-office, but the individual away back on a gold-field can claim it and clear it at the post-office in the town in which he is resident after it has gone through the General Post-office. The provision here is that the article should be sent to the postmaster, not to the addressee. If it were to say that it should be transmitted from the General Post-office to the addressee, I could understand it.

Senator Fraser. - It must be dealt with at the receiving port, and then transmitted to its destination.

Senator EWING

- I quite agree with Senator Fraser that it must be dealt with at the receiving port. That means that every man who has a parcel coming through the post must get an agent to clear it at the receiving port, Or wherever the General Post-office is. This is a serious matter, and I am thoroughly convinced that it will practically destroy the value of the General Post-office for parcels purposes.

Senator Major GOULD

- It appears to me that the difficulty may be got over by amending the last paragraph of the clause so as to make it read- -

Every postal article containing an enclosure on which duties of customs are payable, or supposed to contain dutiable articles, may be dealt with in the prescribed manner.

That will leave it entirely in the hands of the Postmaster-General to frame regulations which will meet the convenience of the public generally. We can realize at once the great difficulty that would exist if an article which had to be delivered to a man 1,000 miles away had to be sent to a post-office at Perth. It would be very much better to have regulations made by means of which the article could be delivered to, the addressee by the postmaster at the town at which he got his letters. Under the regulations they would have power to assess the duty in the first instance, and then to send on the article. It would save a world of trouble and of delay, and would meet every requirement of the Postmaster-General.

Senator Playford

- We have to meet the requirements of the Customs house.

Senator Major GOULD

- The requirements of the Customs house would be met by the regulations. The Postmaster-General would be empowered by the regulations to have the duty assessed by the Customs house officer, and the article would then be sent on to the addressee, who would know that he would have to pay so much duty, and if he were dissatisfied it would be a matter of appeal.

Senator FRASER

- I think the position is very simple. I have received and sent any number of parcels by post. If I were sending a parcel to Kalgoorlie I would expect that the receiver there would allow the parcel to be dealt

with at Albany or Perth, or Eucla or Port Augusta, if a railway is made across that way, which I am sure never will be done. The receiving port, where there is- always a Customs official or expert, is the proper place to deal with such parcels. In this State it is the custom to receive any number of parcels from New South Wales and to send them on after they have been dealt with as parcels by experts at the post-office. It would not be business-like to be hawking parcels from a Customs house to a post-office, or viae versa. The simplest way is to deal with the parcel when it comes to the General Post-office, and then to acquaint the receiver that such a parcel is there, and that the Customs expert has reported that a certain duty is payable, and the money will be received from the man at Kalgoorlie.

Senator Major Gould

- Why not send it up to the man and let him pay the duty there?

Senator FRASER

- That is a simple matter to deal with.

Senator Major Gould

- Do not compel a man to employ an agent here to clear his parcel.

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Senator FRASER

- No ; and the Postmaster-General would be instructed not to deliver the parcel until the duty was paid. This idea is carried out every day. Any number of parcels are coming from London to all the States, and why should we not encourage the sending of parcels by post? It is a very paying business for the department. We make regulations to receive and to send parcels from and to all parts of the world, and yet we are asked to say by law that it is illegal.

Senator DRAKE

- I am willing to accept the amendment suggested by Senator Major Gould, because I think it is the best way of meeting the difficulty. With the permission of . the committee I shall withdraw my amendment.

Senator CLEMONS

- I am not at all sure that the Postmaster-General is quite correct in saying that he is withdrawing his amendment. As a matter of fact, I think he is doing me the courtesy of withdrawing mine, .and I intend to object to the amendment suggested by Senator Major Gould, on the ground that it is shelving all the responsibility on to regulations which we so seldom see and scarcely ever read.

Senator Major Gould

- But they will be submitted to the Senate.

Senator CLEMONS

- No doubt the Postmaster-General will be glad to shelve this responsibility on to regulations or to get rid of it in any other convenient way. I shall oppose the withdrawal of the amendment.

Senator PEARCE

- A provision similar to this one is in operation in most of the States. Suppose an article is sent from outside the Commonwealth into Western Australia ; first of all it goes to the Perth General Post-office for the purpose of being inspected by a Customs house expert, and then the value is indorsed on the face of the parcel which is sent on to the post-office to which it is addressed.

Senator Ewing

- That is all we want.

Senator PEARCE

- I think, it is in- eluded in the power to make regulations.

Senator HARNEY

- May I offer a suggestion which I think would meet all the requirements ?

The CHAIRMAN

- The question is that . Senator Drake have leave to withdraw his amendment.

Senator Clemons

- I submit, sir, that Senator Drake did not move that amendment.

Senator HARNEY

- The first objection was that by allowing sub-clause (a) to stand in clause 38 we expressly declared the sending of dutiable articles through the post to be illegal, while in clause 39 we implied that it was legal. The Postmaster-General saw the force of that, at all events he gave way and agreed to strike out

sub-clause (o). Now, the question remains whether it shall be inserted somewhere else. The Postmaster-General says that, while he is willing that the Bill shall declare that there is nothing illegal in sending dutiable articles, he wants a provision which will insure that dutiable articles shall not go to the addressee in the first instance, but to the General Post-office. The objection taken to that is that it would create a great deal of inconvenience to persons, but I think every one will be agreed that if an article went to the General Post-office of each State, and was there dealt with as the Bill provides, there would be no further objection.

Senator Drake

- That is so. Under the interpretation clause the General Post-office is the head office of the department in each State.

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Senator HARNEY

- If " General Post-office" is to be read as the General Post-office of the State the effect of the Bill, with subclause (u) struck out of clause 38, and inserted in clause 39, is very clear, namely, that the sending of a dutiable article is not illegal, but instead of reaching the addressee in the first instance it will pass through the post-office of the State, and there be dealt with. I see no objection whatever to that.

Senator Major GOULD(New South Wales): - I think if the honorable senator who suggested the amendment will follow me he will see that there will be no difficulty if he withdraws it, and allows the latter portion of the clause to be amended so that it will read -

Every postal article containing, or supposed to contain, dutiable articles shall be dealt with in the prescribed manner.

The regulations I understand will be framed in such a way as will enable the article to be dealt with in the first instance at the General Post-office, and when the duty is assessed it will then be sent 011 to the postal town where the addressee gets his letters from. When a postal article Comes into the Commonwealth the duty, will be assessed in that way. The objection is raised that we do not want this tiling to be dealt with by regulation, but let me remind the committee that the regulations will be laid before the Senate, and it will be open to any honorable senator to object to any regulation which he thinks is not fair and reasonable. Surely we must be prepared to trust the Government with the preparation of regulations dealing with important matters. We do not want everything to be put in the Bill when we shall have an opportunity to deal with a regulation afterwards if it is not to our liking. I would like to urge the honorable and learned senator to consent to the withdrawal of his. amendment, and have the latter part of the clause amended as I have indicated.

Senator Sir JOSIAH SYMON

- I only wish to point out that a good deal of confusion has arisen, perhaps from the use of these words - shall be transmitted without delay by the postmaster receiving it to the General Post office.

These words are altogether inapplicable to oversea packages containing dutiable goods, because, as already pointed out, we all know that oversea mails, whether they contain dutiable goods or not, come direct to the General Post-office. There, I understand from what honorable senators have said, and from my own experience, the mail matter is examined, and is then distributed to the different post-offices.

There are two things that must be borne in mind in considering this clause. The first is that as soon as we have Inter-State free trade there will be no possibility of dutiable goods going to any post-office other than the General Postoffice.

Senator McGregor

- That is primarily.

Senator Sir JOSIAH SYMON

- Yes. They would go there primarily.

Senator O'Connor

- Except in the case of Western Australia, where they have a sliding scale.

Senator Sir JOSIAH SYMON

- Yes, there is that possibility no doubt, but so far as all the rest of the States are concerned, the whole of the mail matter would go direct to the General Post-office. It would not go to its ultimate destination and then be sent back, which, as several honorable senators have pointed out, would be a very grave inconvenience. There is no reason whatever why these packages should be sent to their ultimate

destination, and then back to the post-office, and detained there until notice has been sent to the ultimate recipient, who might have to travel hundreds of miles, or else employ an agent in order to attend and pay the duty and receive the package. But we must remember that, with the exception of Western Australia, that state of things could not possibly occur ; that the whole of the mail matter would pass through the General Post-office, and then be sent to the ultimate address with an intimation to the postmaster there to collect the duty before delivering up the package. It therefore seems to me that if Senator Clemons' amendment is introduced, it will get over the difficulty as to the sending of these things being in contravention of the Act, and therefore a sort of statutory illegality. The words- shall be transmitted without delay by the Postmaster receiving it to the General Post-office, will not apply to oversea mails. They will only apply until we have intercolonial freetrade, which I hope will be at a very short interval, and to the case of Western Australia for a short time under the sliding scale.

Senator Fraser. - Articles sent to Western Australia would necessarily go by sea.

Senator Sir JOSIAH SYMON

- Yes, but they would not be dutiable.

Senator FRASER

- It is " oversea " if it goes to Perth.

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Senator Sir JOSIAH SYMON

- But it is not " oversea " as to dutiable goods. There will be no dutiable goods going from Melbourne to Queensland, whether they go by sea or land. That is the point. The question we are dealing with is that we should not place any restriction on the post-office being made the medium of conveying dutiable goods in small quantities, and, on the other hand, that it should not be made an instrument for evading duty by the persons receiving the goods. Therefore, I think that probably Senator Clemons' amendment will carry out the result that is sought. The words - shall be transmitted without delay by the postmaster receiving it to the General Post-office. will be inoperative' certainly after Interstate free-trade has been obtained so far as all the States, with the exception of "Western Australia, are concerned, and in a short time so far as Western Australia is concerned. There is an objection to the shunting off of all these matters to regulations, and so far as possible, we should see that the principles are in the Bill. The clause as it stands, with the Minister's amendment, should, in my opinion, be accepted.

Vice-President of the Executive Council

Senator O'CONNOR

. - Before the question is put I should like to ask my honorable and learned friend, Senator Clemons<sup>^</sup> whether it would not be a more convenient course for him to allow the Postmaster-General's amendment to be withdrawn. Senator Clemons carried an amendment to strike out the words - containing an enclosure upon which the duties of customs are payable from clause 38. Clearly those words were in the wrong place. Then the Postmaster-General moved to add the paragraph to clause 39. After consideration, however, it is quite evident that the words would be in the wrong place even if inserted there. Now the Postmaster-General wants leave to withdraw the amendment, being convinced that the words would be in the wrong place.

Senator Clemons

- I do not see that they would be.

Senator O'CONNOR

- They would be in the wrong place for this reason. The clause requires that every postal article referred to in it shall be transmitted without delay by the postmaster receiving it to the General Post-office. That, as Senator Ewing has pointed out, refers to the postmaster at the office nearest to the residence of the addressee. Therefore, the proposed amendment is not applicable. The clause deals with things necessarily going to the post-office of the addressee. It deals with any article - Which is posted or is reasonably suspected to be posted in contravention of this Act; or which the person to whom it is- addressed refuses to receive.

These are things which must be dealt with by the postmaster at the address of the addressee. Therefore, the words removed on the motion of Senator Clemons from clause 38 have no business among these provisions. The simplest way out of the difficulty is for Senator Clemons to allow the Postmaster-General to withdraw his amendment. Then we should be able to see what is to be done with it, and we might

consider whether we ought not to adopt Senator Major Gould's suggestion. If Senator Clemons does not follow the course I have suggested, then the Postmaster-General, as well as myself and others who take the same view, will be obliged to vote against the insertion of the words in this clause, and the honorable and learned senator, if he votes on the other side, will be voting to put it in a place where it has no business at all. The best course would be to allow the Postmaster-General to withdraw the amendment. Senator CLEMONS(Tasmania).- It is quite impossible for me to understand what Senator O'Connor has said. It is quite impossible for the Senate to follow him. The honorable and learned gentleman started off by saying that clause i>9 obviously referred to the case of sub-postmasters in the country receiving some package or letter ; that is to say to a postmaster at the office nearest to the addressee. Perhaps-Senator O'Connor will explain to me, as I cannot understand it myself, how Such a postmaster could receive an article which is without an address, because the very first paragraph of clause 39 deals with such postal articles.

Senator DRAKE

- The address may be insufficient. We have heard this evening of one township in which reside thirteen persons by the name of "John Jones." A letter might be addressed to "John Jones,. Bendigo." That is not a proper address. It is simply sufficient to carry a letter to a certain postal town. Then let us suppose the case of letters which go not to the individual to whom they are addressed, but to the end of their journey so far as the postal town is concerned. If we put this new paragraph in, the idea will be that a. package is to go to its destination- and then come back to the General Post-office. That, it is admitted, would be undesirable. The amendment proposed by Senator Major Gould would give us the right to deal with postal articles containing dutiable goods in the way in that they have been dealt with hitherto.

Senator Walker

- Paragraph (a) refers to a postal article which is without airy address. In such a case how could it be determined who was the nearest postmaster. I think we ought to substitute- for the words " without address " the words " without sufficient address."

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Senator DRAKE

- That cannot be 'done unless I withdraw my amendment.

Senator CLEMONS(Tasmania).- I will consent to the Postmaster.General withdrawing my amendment, with a view to its being inserted elsewhere. My reason I may explain is that the words - shall be transmitted without delay by the postmaster receiving it to the General Post-office - are, as every senator will see, obviously applicable to the whole clause as it at present stands. They might not be so. applicable to the clause if the words taken from clause 38 were transferred to it. I therefore consent to my amendment being withdrawn to that extent.

Amendment, by leave, withdrawn.

Senator Major GOULD(New South Wales). - I move -

That after the word "article,"line15, the words " containing or" be inserted.

Senator Best

- Would it not be better to have a new clause altogether, containing paragraph (c) of clause 38, which has been struck out, and also the last paragraph of clause 39?

Senator Drake

- It will be sufficient as it is.

Senator Sir FREDERICK SARGOOD

- I am aware that the marginal notes are not part of the Bill, but they are supposed to agree with the clause itself. The marginal note to clause 39 reads -

Letters, & c, in contravention of this Act.

The CHAIRMAN

- The committee does not deal with the marginal note.

Senator Sir FREDERICK SARGOOD

- I am aware of that. All that I desire to say is, that I think it would be better to have a separate clause.

Senator Harney

- I think we must have a separate clause.

Senator DRAKE

- I will see that, the marginal note is altered.

Amendment agreed to.

Amendment (by Senator Major Gould) agreed to -

That the words "dutiable articles may" lines 15 and 16, be omitted with a view to insert in lieu thereof the words "an enclosure upon which the duties of customs are payable shall."

Clause, as amended, agreed to.

Clause 40 agreed to.

Clause 41 -

The Postmaster-General or Deputy Postmaster-General may at any time cause any postal article having anything profane, blasphemous, indecent, obscene, offensive, or libellous, written or drawn on the outside thereof, or any obscene enclosure in any postal article to be forthwith destroyed.

Amendment, by Senator Sir Frederick Sargood, proposed -

That after the word "or," line 1, the word "any" be inserted.

Senator STEWART

-I think we ought to have some definition of what is to be understood by the words - profane, blasphemous, indecent, obscene, offensive, or libellous.

This clause appears to be altogether too spacious.

Senator Drake

- Too spacious?

Senator STEWART

- Yes. It is a very good adjective. It embraces nearly everything, and this clause is exactly in the same position. Why, the handwriting upon an envelope might be offensive to some fastidious individuals of the post-office. It might be too angular or crooked. What is the meaning of the words "profane" and "blasphemous," and what is "indecent" or "offensive" ? I have a complaint to make in connexion with a particular newspaper which has been suppressed by the Victorian Government. I refer to Reynolds' Newspaper.

Senator Drake

- Suppressed by the Victorian Government?

Senator STEWART

- Yes. It has been suppressed by the Victorian Government. I sent a communication recently to Mr. Kingston on the subject, and received a very evasive reply. The statements of the Customs authorities and of the newspaper sellers in Melbourne contradict each other. The newspaper people tell me that their consignments were seized and destroyed by the authority of the Victorian Government. The Customs authorities deny that they ever interfered, but the fact remains that Reynolds' Newspaper does not come into the colony now. I do not know the reason for refusing admission to that paper, but apparently, in the first instance, its exclusion was decided upon under some Victorian Act in relation to certain advertisements.

Senator Drake

- I do not think your information is correct.

Senator STEWART

- The fact is you cannot get that newspaper in Melbourne.

Senator Drake

- That is a different thing.

Senator STEWART

- It is practically suppressed by the Victorian Government. They simply seized the newspapers without any warning whatever to the public, or as far as I have been able to discover, to the proprietors. It appears to me that this is a left-handed fashion of suppressing papers which may be political opponents of the Government, or of which the Government of any State does not approve. One bookseller told me that he was under the impression that Reynolds' Newspaper was not permitted to come into Victoria.

Senator Glassey

- Did he say why ?

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Senator STEWART

- Because of the order of the Government.

Senator GLASSEY

- In this enlightened age to suppress a newspaper like Reynolds' !

Senator STEWART

- But it was suppressed, and it is no earthly use denying it. I am not blaming the Government of the Commonwealth, but the Victorian Government have suppressed it in a most underhand fashion. If they had done the thing publicly and in a manly way, the offence would have been palliated in a slight degree, but they, resorted to this underhand fashion of suppressing a newspaper without saying a word about it. When the booksellers went for their consignments, they were told that they had been seized by the Customs and destroyed.

Senator Drake

- By whom were they told that? .

Senator STEWART

- I suppose by the Customs authorities.

Senator Drake

- That is all too vague.

Senator STEWART

- They were not delivered to the booksellers. I am not blaming the Commonwealth Government, but I think, the Postmaster-General ought to make a statement on the subject. He ought to let it be known publicly whether Reynolds' Newspaper is permitted to come into Victoria or not. The Commonwealth Government has charge now both of the Post-office and the Customs, and if Reynolds' Newspaper is kept out of Victoria, the Commonwealth Government is now responsible.

Senator GLASSEY

- Would it not be better to move for the correspondence to be placed on the table to-morrow ?

Senator STEWART

- Well I have some correspondence on the subject.

Senator DRAKE

- Let us have the correspondence you have got ?

Senator STEWART

- I do not know that I have it in my pocket. I could get it if the honorable senator is very anxious.

The CHAIRMAN

- The question before the committee is a verbal amendment inserting the word "any " after the word "or."

Senator DAWSON

- There is a point in dispute between Senator Stewart and the head of the Postal department, and before any other business intervenes he desires to bring forward certain correspondence in' proof for his assertion, and to show that he is not misleading the Senate in any way.

The CHAIRMAN

- The amendment I am going to put is only a verbal amendment in the first line.

Senator DAWSON

- It will not interfere with this other matter ?

Senator Drake

- Not in the slightest.

Senator MCGREGOR

- I want to know the object of Senator Sir Frederick Sargood's amendment. I am not in favour of any Deputy Postmaster-General having this power. I do not believe it is a proper thing that any individual, whether he is a Postmaster-General or a deputy, should have the power of destroying anything that has been put in charge of the Postal department. When anything of an objectionable character is transmitted through the post-office, I would not object to an officer in the department, or any individual outside, having power to cause proceedings to be taken against the persons sending it.

Senator GLASSEY

- Suppose the individual lived in England or France?

Senator MCGREGOR

- It does not matter where he lives. There are people here who are interested just as the people here are



interested in the matter to which Senator Stewart has referred. Here we have an amendment proposed that not only the Postmaster-General but his deputies can cause these objectionable articles to be forthwith destroyed. I am not in favour of the insertion of the word " any." I am not in favour of the clause at all, but I. should say that power to prosecute for a violation of the laws of the Commonwealth should be given to the Postmaster-General alone. When anything indecent or objectionable is so transmitted through the post, it should be submitted to the Postmaster-General, and he should have power to prosecute or otherwise deal with the matter, and I would not give power to his deputy. For that reason I am opposed to the amendment.

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Senator GLASSEY

- This is a clause of some importance, and I think' the amendment of Senator Sir Frederick Sargood cannot be objected to very seriously. Where we deal with the opening of letters and private communications that may be of most serious moment, then such a power should not be given to any man ; but when you come to deal with the question of taking off the Cover of a newspaper which may contain matter of an indecent character, that is a different matter. Such a paper might be sent from India or Paris or London, and how could the Postmaster-General in such a case prosecute the sender. The person who received it might be perfectly innocent. I might receive a newspaper to-morrow of the most objectionable character. I \_ might know nothing whatever about the person who sent it, and am I to be prosecuted as the receiver, when it is absolutely impossible to reach the sender, the real culprit

Senator DAWSON

- You could open the paper without being the receiver.

Senator GLASSEY

- The number of papers that Members of Parliament receive is simply wonderful.

Senator McGregor

- Do you reserve obscene papers ?

Senator GLASSEY

- I have received all sorts of papers. Surely some power must be given to the Postmaster-General. It is impossible for him to be everywhere throughout the length and breadth of Australia,,and surely it is reasonable when we have persons discharging official duties in whom we have confidence, that those persons should have power to act for the Postmaster-General. In regard to the matter of opening letters that is of much more serious moment. I .think honorable senators will see that power should be given to suppress obscene papers.

Senator Stewart

- How do you know they are obscene %

Senator GLASSEY

- By taking the cover off them.

Senator Stewart

- This refers to letters as well.

Senator GLASSEY

- I am simply dealing with obscene papers, such as the DeadBird and others. There is a newspaper circulating in my own district which I consider should be put under the cattle, and should certainly never be allowed to reach the hands of young persons. I certainly think the Postmaster- General and his deputies should be given the powers sought for.

Senator FRASER

- I think I see some little difficulty about the word " any " being placed in this clause, because it gives to deputies a power that I do not think should be so widely disseminated. This power will never be really much exercised except under special and unusual circumstances; therefore I do not think everybody should have it. I think it would be better that the Postmaster-General and his deputy should exercise it.

Senator Staniforth Smith

- There is a deputy in each State.

Senator FRASER

- The power should not be left to seven deputies. One man may be a very strict man, and another the reverse. The strict man might put down everything, and in another State the reverse policy might be

adopted. That is not consistent with uniformity, and to get uniformity you should confine this action to the Minister and his real deputy, that is, the next man to him.

Senator KEATING

- I am quite in agreement with the utterances of those senators who are opposing this amendment. I think we ought to make our legislation with regard to these particular matters as harmonious as possible. If senators will turn back to clause 27 they will find that subclause (3) provides that any posted newspaper found to contain seditious, blasphemous, indecent, or obscene matter may be destroyed by order of the Postmaster-General, not by order of any deputy. Of course it may be pointed out that, so far as this clause is concerned, there is a distinction inasmuch as this one refers to indecent, libellous, or offensive matter written or drawn on the outside. Unless the Postmaster-General has eyes which will enable him to see without the assistance of X rays into a newspaper, he will not be able to exercise the power conferred on him, by clause 27. Of course there might be some outward indication on the paper which would help him.

Senator Drake

- He may open a newspaper.

Senator KEATING

- He may open a newspaper and many other packets and letters which are supposed to be posted in contravention of the provisions of the Act. I should like to see this power vested only in the Postmaster-General, so that our legislation in this particular respect shall be harmonious. If such a power, allowing so wide a discretion to the individual by whom it is going to be exercised, is reposed in six different officers we cannot hope for anything like uniformity. This is a very comprehensive clause. Some of the terms used are very sweeping, and would be construed very differently by different men. I doubt if we would get any two Deputy Postmasters-General who would construe at once some of these words in a precisely similar way. There is one word here which is very extensive in its signification, and that is the word "offensive." What is offensive? One Postmaster-General might construe as actually harmless something which another considered highly offensive.

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Senator Sir Josiah Symon

- He might construe as offensive & himself something complimentary to another. .

Senator KEATING

- Quite so. Owing to a feeling of jealousy, he might consider as offensive an article which referred in flattering terms to one with whom he was in competition. And the Postmaster-General himself might not be free from a tendency to regard as somewhat offensive a newspaper which might be a little critical at times. I would certainly like to see that word struck out.

Senator DAWSON

- He might suppress the Argus because it is a free-trade newspaper.

Senator Harney

- They will be construed ejusdemgeneris

Senator KEATING

- I would like to see the word struck out, and the power reposed in the Minister. At the proper time I intend to move that there be added a provision in the nature of sub-clause (4) of clause 27, which gives any party who considers that he is aggrieved a right to appeal in a summary way to a justice of the High Court, or to a Judge of the Supreme Court of any State by summons or petition. I would like to see the provision absolutely harmonious.

Senator DRAKE

- I should like to say a few words.

Senator McGregor

- But I want to say a few "more words for the Minister to reply to.

Senator DRAKE

- I wish to reply to some remarks which fell from the honorable senator. I want to explain the reason why this power is given to the Deputy Postmaster-General as well as the Postmaster-General. In clause 27 we provide that, in certain circumstances, newspapers may be stopped in the post, and we provide for an appeal.

Senator Keating

- They may be destroyed.

Senator DRAKE

- But the newspapers will not be destroyed until after the lapse of a considerable amount of time. It is not a case in which there is any hurry. An appeal is allowed in these cases, and there is plenty of time for the Postmaster-General himself to adjudicate on the matter. This clause, however, deals with a different evil altogether. It deals with indecent offensive, libellous matter which is put in the post-office, and which in the interests of the whole of the community ought to be destroyed as soon as possible. And the reason why the power is given to the Deputy Postmaster-General is in order that action may be taken immediately. Senator McGregor suggested that in a case of this kind it would be sufficient if proceedings were taken against the offending person ; and Senator Keating has put some supposititious case in which it would appear that no offence, perhaps, had been committed. I would put some cases on the other side, and ask honorable senators how they propose to deal with filthy, blasphemous, and obscene matter which is obtruded on the post-office at any time during day and night. Remember that our post-offices and pillar-boxes are always open. Any evil-minded person can put anything into a letter-box. And, when they are shown to the Deputy Postmaster-General, is he to save these things up and send word to the person to whom the postal matter is addressed, and have an inquiry? Possibly it may become necessary to have the thing printed and circulated all over the place, thereby propagating the very filth which the department is asking power to suppress. That is the particular class of case which is intended to be dealt with by the clause. The post-office does not want to have the power to do these things simply for the sake of exercising power, and certainly does not want to be suppressing anything which is on the border line. My experience of postal officials is not that they are inclined to exercise their authority in the direction of opening or suppressing letters. Their inclination is rather to decline authority whenever it is possible.

Senator DAWSON

- The Ministry is claiming a power which may be very dangerous in times of industrial troubles.

Senator DRAKE

- I am not thinking of that at all.

Senator DAWSON

- But the Bill is giving the power.

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Senator DRAKE

- The question which the committee has to face is whether it is desirable that it should give the power to the Postal department of immediately suppressing, postal matter of this particular filthy or objectionable character, or whether it insists that in every case there shall be an inquiry, and the whole matter shall be made public. If there is a class of matter that should at once be suppressed, then I think it is necessary to give that power not only to the Postmaster-General, but also to his deputies.

Senator MCGREGOR(South Australia). - I wish that Senator Drake had retained his seat until I had made a few other statements, for then he could have replied to them also. It appears to me that some honorable senators have got a very bad opinion of the people of the world. I know that some persons are very bad, but none of my acquaintances are. By the expression of opinion and details of the experiences of Senator Glasse<sup>3r</sup> one would think that this Commonwealth is full of this sort of thing. I deny that. I object to any one but the Postmaster-General having control or power over the majority of the things that are mentioned in this clause. If the Postmaster-General were to confine the powers of the Deputy Postmasters-General to anything which was obscene or filthy or blasphemous, and there was a clear definition of what the word " blasphemy " meant, I would have no objection to as many deputies as possible dealing with them. But whenever we hear of such a publication as objectionable, who is to decide whether it is or is not objectionable or libellous? It takes a law court and half-a-dozen lawyers very often to decide whether a thing is libellous or not. If we are going to put it into the power of the Postmaster-General and an unlimited number of deputies-

Senator Charleston

- They are not unlimited now.

Senator MCGREGOR

- The honorable senator is talking about something which he does not thoroughly understand.

Senator Charleston

- Or any Deputy Postmaster-General .

Senator McGREGOR

- I know what is in the honorable senator's mind. There are only six States in the Commonwealth, and in his idea there would be only six Deputy Postmasters-General. That is what he is thinking of, but I want to show how narrow minded he is. It was only a few days ago that Senator Stewart was making an attempt to have three -Deputy Postmasters-Generals in Queensland, and why should not Senator Harney make the attempt to have half-a-dozen deputies in Western Australia ?

Senator Charleston

- We are dealing with those we have.

Senator McGREGOR

- We must not only deal with what we have to-day, we must deal with what we are likely fib have in the future, because we do not want an amending Bill to be brought in every year. Unless the Postmaster-General is prepared to confine this provision to what is really blasphemous or obscene, I shall oppose any one but the Postmaster-General exercising" the power, and I am" justified in doing so.

Senator Glassey asked if those publications come from England how are we to prosecute the senders ?

What is the use of bringing up an impossible case of that kind ?

Senator Glassey

- Not at all. The case is occurring every day.

Senator McGREGOR

- That we know is done every day,' and the- Postmaster-General will have power to deal with such cases, but if they occur in the Commonwealth he will have a further power to deal with them more drastically if this clause is amended to the extent to which it ought to be. With respect to objectionable matter, and even with respect to what might be considered blasphemous, I once was acquainted with a good man, at least he thought he was better than he really was, who, if he came across a certain word, was so particular that he would say h-e-1-1 rather than pronounce it. Now, if we had a man like that as Deputy Postmaster-General--

Senator Staniforth Smith

- Are we likely to have such a man ?

Senator McGREGOR

- We do not know what is likely to be, and the best way to provide against these very unlikely things is to leave no loophole in the clause or in the Bill which would give an opportunity for men of that description to exercise a power which they should never possess. There cannot be any great harm done. A Deputy Postmaster-General may have power to detain postal articles and submit them to the Postmaster-General, but the Postmaster-General should be the ultimate authority, unless the provision is particularly confined to the word "blasphemy" - and that word should be defined - and to what is really obscene or filthy. If it is confined in that way there could be no objection to the power being given.

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Senator PLAYFORD

- The honorable senator who has just resumed his seat has overlooked the fact that this provision has been taken from the celebrated State of South Australia. As far as I am aware, .although the honorable senator has occupied a seat in the Parliament of South Australia, he has never lifted up his voice in protest against the exercise of that power by Sir Charles Todd, nor has he heard of the power being exercised in an improper manner. There is a point that I think is worthy of consideration by the Postmaster-General. No one would object to the Postmaster-General or the Deputy Postmaster-General having power to stop at once anything profane, blasphemous, indecent, or obscene, but the word " offensive " is a very doubtful one.

Senator Drake

- That only applies to anything written on the outside of a postal article.

Senator PLAYFORD

- It does not matter. For example, a man might draw a caricature of myself. They used to caricature me with a foot as big as an ordinary man's body. Of course that was offensive in one sense, but we only laughed at it. You may look at Punch and the various comic papers and find something offensive to some

individual in these publications every week. Then there is the word "libellous." Who is to define the term 1  
' The Deputy Postmaster-General and the Postmaster-General would have some difficulty in many instances in doing so. If we leave out these two words, "offensive" and "libellous," the rest of the clause would pass without the slightest objection. They are indefinite words, and there would be difficulty in defining their meaning. There is no such difficulty with regard to the word "blasphemous" or the word "indecent." What one man may consider "libellous" is not so considered by another man, and what one man may consider "offensive," in the sense of stopping an article from going through the post-office, may not be considered "offensive" by another person. If the Postmaster-General will agree to withdraw the two words I have mentioned, my honorable friend, Senator McGregor, will be satisfied, I shall be perfectly satisfied I think Senator Fraser will be satisfied, and I believe the Postmaster-General himself may be equally well satisfied. I will move that the words "offensive" and "libellous" be struck out.

Senator O'KEEFE

- In support of what Senator Playford has said, I would call the attention of the Senate to the fact that in clause 27, which also deals with various postal articles, the words "offensive" and "libellous" are not used.

Senator Drake

- That clause relates to what is inside the parcel. This deals with what is outside.

Senator O'KEEFE

- But the principle is the same. I submit that to leave out the words "obscene" and "libellous" from this clause would be in the direction of uniformity, as those words are not mentioned in clause 27.

Senator DRAKE

- Before the amendment is agreed to, I should like the Senate to understand what it will mean. It' will practically say that a man may use any offensive or libellous expression on the face of a letter, and yet we cannot touch him.

Senator Clemons

- But he will do so at his own risk.

Senator DRAKE

- Who would like to be at the mercy of any scoundrel who cared to buy a post-card, put libellous matter upon it, and drop it into a letter-box 1 I want the Senate to understand that there is no comparison between this and clause 27. The latter refers to certain matter of an objectionable character which may be inside an envelope, but this relates to matter written on the face of a postal article. We are dealing now with matter written on the outside of a postal article which may be of an objectionable character. It is to such matter that the terms "offensive" and "libellous" apply. That is to say, that if a man places offensive or libellous matter on a post-card and posts it, the Deputy Postmaster-General or the Postmaster-General is authorized, under this clause, to destroy it. If we strike out this provision, it seems to me that we shall be practically saying that a man commits no offence against the postal regulations when he puts offensive, or libellous matter on a postcard.

Senator FRASER(Victoria). - I never meant to convey to any honorable senator that I was in favour of striking out the words "offensive" and "libellous" in regard to matter placed on the face of a document. Let me put a case to the Senate. Supposing that a man is in bitter enmity with another. Such a man might employ the lowest scoundrel on earth to send a post-card through the .post-office, most damaging in every way to the addressee, most offensive, and most libellous.

Senator Playford

- Then it would be obscene, or profane, or indecent.

Senator FRASER

- It might be grossly offensive or grossly libellous. It might set forth that the addressee had swindled every one.

Senator Harney

- Or that he had just come out of gaol.

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Senator FRASER

- It might set forth that he ought to be in gaol ; that he ought to have ten years imprisonment, or that he had been in gaol.

Senator O'Keefe

- The person so libel led would have his remedy.

Senator FRASER

- A remedy against a scoundrel who had not twopence in the world! I should like to see my honorable and learned friend, Senator Sir Josiah Symon, in a case like that. A scoundrel who had not twopence in the world, and who had only been out of gaol for an hour or two, would be able to send out a hundred post-cards of the kind.

Senator Stewart

- How could he do that if he had not twopence in the world ?

Senator FRASER

- He could very quickly obtain the loan of twopence from a man who wanted to do an injury. In fact, he could get any amount of twopences from men of that class.

Senator Harney

- He could send them without postage.

Senator FRASER

- Yes, he could under post them. I say this is a very dangerous proposal indeed.

Senator MCGREGOR(South Australia). - I just want one word in explanation. The question is what is the post-office ? Is it a public exhibition? If I were to send through the post anything libellous or objectionable or offensive I would put it in the pillar-box. It would only be seen by the sorter and the letter carrier, who are bound to secrecy, and then it would be delivered.

Senator Fraser

- It be might delivered to some one's wife or servant.

Senator MCGREGOR

- Far worse things than what Senator Fraser alluded to have been said about every one of us.

Senator Fraser

- Oh no, thank God.

Senator MCGREGOR

- I am not going to say what ought to have been said if the truth had been told, but I know many wicked-things have been said about many senators, and it is very fortunate for Senator Fraser that he has got off so lightly. Even if I have had to put up with a great deal, I do not think I would care for the Deputy Postmaster-General, or any other postal authority, to be the judge of what was libellous and what was offensive matter. I would like to see the words libellous and offensive struck out. :

Senator STANFORTH SMITH

- There is one phase of the question that is worthy of consideration, and that has not been touched upon. It has been said that in the event of matter being offensive or libellous, it is within the power of the authorities to proceed by law against the sender. But I would ask, in the event of a person sending a post-card, and not signing his name, what is the remedy ? The Postmaster-General has no power to stop that. That practice may be used as an electioneering dodge. Such cards may be delivered at a man's house, and no one may know who the writer of them is. It gives to people of a dangerous, malignant disposition an opportunity of sending out broadcast libellous matter, and the postal authorities are made the means of transmitting that libellous matter throughout the whole State. The same may happen in regard to a letter. There may be nothing to indicate from whom the letter was sent, and yet it may contain some gross libel or something exceedingly offensive. Suppose in the case of an election, for instance, that a person wished to injure a candidate, he could send libellous post-cards throughout the State, and I consider that to give that power would be exceedingly dangerous. For that reason I am opposed to my honorable friend Senator Playford's amendment.

Senator Sir JOSIAH SYMON

- I would ask Senator Playford to withdraw the amendment.

Senator Fraser

- He has gone.

Senator Sir JOSIAH SYMON

- Perhaps the amendment has gone with him.

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Senator Drake

- It is not moved.

Senator Sir JOSIAHSYMON. It is open to a great deal of doubt whether it would not be advisable to have one man instead of six sitting in judgment in these matters. That seems to me to be the most vital and important objection that has been taken to the clause. It would be much better to have one man to say whether a thing is libellous or indecent than to have six giving different judgments. There can be no doubt whatever about the advisability of retaining the words "offensive and libellous." This clause is directed at what is written on the outside of a letter. Now all a person sending a letter has a right to put on the back of it is the address, with the words " Mr." or " Esquire," if he so pleases. Beyond that there should be no writing of any kind. The object of this clause is to prevent persons venting their ill-feeling by using the outside of envelopes to propagate disparaging remarks. There is no doubt that, as Senator Playford has said, it is difficult to define what a libel is, but it is quite easy to define what is sufficiently libellous to come under this clause. Libellous means something disparaging or slanderous, or disrespectful, and that should not be put on the back of an envelope. I recollect a case in which a man was a defendant in an action. He was unsuccessful, and took his beating with a very bad grace, and when he paid the cheque representing damages and costs he put upon the face of it " pay swindler so and so." Fortunately, plaintiff's solicitor was a man of the world, and he sent for him and said - "You had better take this and cancel it, or you will render yourself liable to a heavy action for libel," and the man had the sense to take it back and tear it up. It is that sort of thing that is sought to be met, and I think the words should be left as they stand.

Senator CHARLESTON

- There is nothing in this clause to give any one a greater power than is already possessed. Every Deputy Postmaster-General has power to do all that this clause says he may do ; therefore I see no reason why it should not pass. With regard to obscene enclosures, I think those words should also be included.

Senator STEWART(Queensland).- I have been waiting patiently for an opportunity to speak.

The CHAIRMAN

- If Senator Stewart is going to refer to other words, I would suggest that we had better get rid of the word " any " in the first line.

Senator DAWSON

- For some considerable time, sir, honorable senators have been debating the whole clause. If certain honorable senators are permitted to debate the whole clause, I do not see why Senator Stewart should be prevented from speaking.

The CHAIRMAN

- Senator Stewart will not be shut out at all. We only want to amend the first line before we begin to discuss the third and fourth lines.

Senator MCGREGOR(South Australia). - I do not want this amendment to be made, but I want to strike out the words " or Deputy Postmaster-General." I desire that the Postmaster-General shall have the whole power and that everything shall be submitted to him before it can be dealt with.

The CHAIRMAN

- The honorable senator will have an opportunity of speaking to that Question.

Senator MCGREGOR

- The word "or" comes before the word "any" in the clause, and if the word "any" is retained I may be blocked. Senator Charleston has stated that every Deputy Postmaster-General has that authority now. Every Postmaster-General in the States had it before federation was accomplished, but now the Postmaster-General takes the place of the lot, and that power ought to be vested in him. If the words "libellous and offensive" are struck out then I do not mind all the Deputy Postmasters-General in Australia dealing with what is left. But I want first, sir, to move a prior amendment.

Senator Sir FREDERICK SARGOOD

- With a view to bring this discussion to an end, and with the distinct understanding that we go at once to a division, I withdraw my amendment in order to allow the other to be put.

Amendment, by leave, withdrawn.

Senator MCGREGOR(South Australia). - I move -

That the words "or Deputy Postmaster General " be omitted.

Senator Drake

- Give Senator Sir Frederick Sargood a chance to move his amendment afterwards.

Senator McGREGOR

- It would be nonsense if the word "or" only were struck out.

Senator Drake

- His amendment will not be moved if the honorable senator succeeds.

Senator McGREGOR

- Then I move That the word " or" be omitted.

Senator DAWSON

- Mr. Chairman-

Senator Sir Frederick Sargood

- I withdrew my amendment on the distinct understanding that a division was to be taken at once and no more time to be wasted. If the discussion proceeds further, I shall move that the committee divide, and so stop it.

Senator DAWSON

- I understand, sir, that I am in possession of the chair.

The CHAIRMAN

- I think it only fair to point out that the honorable senator withdrew his amendment on that condition.

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Senator DAWSON

- The honorable senator will find his opportunity after I have resumed my seat. He is not in a position to dictate terms to any honorable

Senator Sir FREDERICKSARGOOD (Victoria). - I now move -

That the committee divide

The CHAIRMAN

- The honorable senator cannot make that motion while an honorable senator is addressing the committee.

Senator DAWSON

-Iwish Senator Sir Frederick Sargood to distinctly understand that I have no wish to offend him in the slightest degree, but I certainly think that we ought to carry on our business in a regular manner. When an honorable senator objects to a particular amendment he ought to take his opportunity of raising his objection to it. The present proposal is to omit the word " or " with a view to give Senator Sir Frederick Sargood an opportunity of moving to insert the word " any." I object to both amendments.

Senator Sir Frederick Sargood

- That is not the object.

Senator DAWSON

- Senator McGregorwants a further amendment to be made by omitting certain words. I do not think that honorable senators ought to forget that for some hours we have been debating, and ably debating, what is the meaning of the term " Deputy Postmaster-General." If it merely means the one who is going to be appointed by the Postmaster-General, we can understand it, but if it is to mean half-a-dozen Deputy Postmasters-General, then we shall object to it.

Senator Sir Frederick Sargood

- Clause 7 defines it.

Senator DAWSON

- It does not cover it. There are half-a-dozen Deputy "Postmasters-General, and I do not propose that there should be six Deputy Postmasters-General who can exercise the great powers which are vested in them by this clause. If it is confined to one Deputy Postmaster-General, I am perfectly willing to agree to it.

Senator Drake

- One in each State.

Senator DAWSON

- Senator Charltonsays they have had it for years in South Australia. I would like to know whether it has done them any good. We have not had it in Queensland, and have never felt the need of it.

Senator Drake

- Yes.



Senator DAWSON

- No, I would like Senator Drake to quote one Act of Parliament with a provision that the Postmaster-General may at his own sweet pleasure appoint six Deputy Postmasters-General.

Senator Drake

- The honorable senator is changing his ground.

Senator DAWSON

- I am going on the experience we have had in that State, and we have got along well with our post-office.

Senator Charleston

- Could the Postmaster-General there suppress ?

Senator DAWSON

- That is not the point at all. I am arguing on the proposed amendments, not on the general principle of the clause as to who shall have the authority to suppress anything of an offensive, blasphemous, libellous, or slanderous character that is going through the post-office. I have no objection to the Postmaster-General and one Deputy Postmaster-General exercising this authority, but I certainly object to half-a-dozen doing it, and that is why I object to the business being carried on in this way. I think a particular Deputy Postmaster-General should be named by the Minister, and that is the only one in authority in his absence.

Amendment (Senator McGregor's) negatived.

The CHAIRMAN

- The question now before the committee is the amendment proposed by Senator Sir Frederick Sargood.

Question - That the word proposed to be inserted be so inserted - put. The committee divided -

Ayes ... .. 19

Noes ... .. 5

Majority ... .. 14

Question so resolved in the affirmative.

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Senator DAWSON

- I understand that some honorable senators wish to move further amendments, and while affording them an opportunity of doing so I desire to explain that I certainly object to the general principle contained in this clause, inasmuch as I think it gives the Postmaster-General and any Deputy Postmaster-General, as it now stands, too much power altogether. I do not think they should have a right to interfere with the correspondence of the people in the way it is proposed. I think a feature of British liberty is that in the Postal department there is to be trust, secrecy, and honour ; and that which distinguishes us as Britishers from Continental people is that when a man writes a letter, or has any communication to make by post to a friend in any part of the British dominions, he is absolutely certain that once he puts the letter in the post-office it will not be interfered with by any British official. I do not think the Federal Parliament ought to start upon its career- by teaching our people to have no faith in our postal system. We shall certainly do so by giving this power to the Postmaster-General or any Deputy Postmaster-General. I understand that we have to judge of these matters by experience ; and we have to gauge the intentions of those in authority who bring down a Bill to the Senate by the marginal note they put opposite each clause. What is the marginal note to this clause? It is - "Power to open letters."

Senator Drake

- Not to open letters.

Senator DAWSON

- The honorable and learned gentleman will see that according to the marginal note blasphemous and obscene letters may be destroyed.

Senator Drake

- But the clause deals, with what is written on the outside of the. letter.

Senator DAWSON

- If the honorable and learned gentleman will read further on he will find that the clause . goes on to provide what .may be destroyed. Any postal article having anything profane, blasphemous, indecent, obscene, offensive, , or libellous written or drawn on the outside thereof, or any obscene in closure in any postal article, , may be destroyed.

Senator Drake

- The words which the honorable senator is referring to relate to what is written on the outside of a postal article.

Senator DAWSON

- I simply desire -to point out to the honorable and learned gentleman that we arrive at the meaning of those in charge of the Bill by the marginal notes they put in, and we find that power is to be given here to open letters.

Senator Drake

- No ; the clause says that they may be destroyed.

Senator DAWSON

- It may mean this, that if the honorable gentleman in charge of the Postal department had a particular objection to myself he might destroy my letters, and I would have no remedy against him. I would particularly draw attention to this fact, you have to judge of the powers given to a Minister by experience. That has been our experience in Queensland. We had a strike - a very bitter and prolonged one - feeling ran very high, the military was brought out, and both parties fought very bitterly and strongly against each other. Any letters sent to any one of the strike officials were opened by the post - office officials, and it is after an experience of that kind that I object to giving this power.

Senator Drake

- Surely there was nothing indecent or blasphemous written outside those letters.

Senator DAWSON

- The Postmaster-General and his officers are the only judges; they are in the position of a Czar. There is no appeal' against them. If, in the opinion of the Czars of the post-office, they think that a newspaper contains blasphemous, obscene, or indecent matter enclosed in- it they can destroy it.

Senator Sir John Downer

- What would you suggest?

Senator DAWSON

- I would suggest that the word enclosure should be omitted altogether. Enclosure means something concealed, and this gives a right to open letters belonging to any person who happens to be obnoxious to the powers that be.

Senator Keating

- How will they ascertain whether the enclosure is indecent?

Senator DAWSON

- By opening, and I object to them having the power to open. They will only open communications of persons obnoxious to them. If I am in strong antagonism to certain persons in the post-office, I object to them opening my letters. We have had this right of privacy for many years, and I hope that every senator who has any speck of British blood in his veins will resent this proposal.

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Senator STEWART

- I do not wish to move any amendment, but I wish to get a statement from the Minister whether Reynolds' Newspaper will come under this clause, and will in that way be prohibited from being imported into the Commonwealth. I said I had a statement from the Customs department on this measure, and for the benefit of senators I will read it. It is dated the 21st June, and signed by Mr.

Wollaston -

It having been brought under the notice of the State Government that certain newspapers and periodicals, imported into Victoria, and others published in the State, contained advertisements respecting the treatment of certain diseases, which advertisements it was considered were calculated to have an injurious effect on the community, more especially as they were usually issued by unqualified persons, an Act, entitled the Crimes Act 1900, was passed on the 19th of February, 1900, to prevent the printing, publishing, distribution, transmission by post, or importation into Victoria, of any picture, advertisement, or similar matter of an indecent or obscene nature, as determined by section 3 of such Act, and the Crimes Act of 1900, above mentioned, further provided, section 8, for the inclusion of such advertisements among the goods prohibited from importation into Victoria, as if they were specified in section 49 of the Customs Act 1890. In the administration of the Crimes Act 1890, it has been found necessary to detain

several consignments of well-known and, in many instances, highly reputable periodicals, owing to the fact that they contained advertisements relating to sexual disorders, specifically mentioned in the Crimes Act, section 3, as advertisements of an indecent or obscene nature. The proprietors and publishers of these journals and periodicals generally, upon exception being taken to the advertisements in question, shown every readiness to comply with the requirements of the law by excising the objectionable matter, and in the case of publications printed outside Victoria, have forwarded instructions to the printers to in future prevent the inclusion of such advertisements in any publications intended for exportation to this State. In regard to Reynolds' Newspaper itself, there is no objection to it as a paper, nor has its introduction been prevented, except so far as that in 1900, when the Act was first passed, it, in company with many other publications, was refused admission until certain prohibited advertisements had been removed. It was understood that this was done, and no objection has since been taken, if the paper has been brought in at all. The importers, however, at the time, said that the sales were so few that they would not trouble to import any more issues. Since last year no importations have been stopped. Inquiry has been made before on this subject and the same reply has been given. The sale of the paper is a matter in which this department is not concerned. It is understood, however, that no objection has ever been taken to the sale by the Victorian authorities.

I wish to direct the attention of the honorable gentleman to the last sentence -

It is understood, however, that no objection has ever been taken to the sale by the Victorian authorities.

The statement is absolutely contradictory of a statement a little higher up where he says -

Nor has its introduction been prevented except so far as that in 1900, when the Act was first passed, it, in common with many other publications, was refused admission.

He admits in one portion of the letter that the paper was refused admission, and further down he says -

It is understood, however, that no objection has ever been taken to the sale by the Victorian authorities.

Senator Drake

- The publishers or the agents in London did not send the newspapers.

Senator STEWART

- The agents in London sent the newspapers, but they were seized or refused admission.

Senator Drake

- That is another thing.

Senator STEWART

- Does the Minister understand that the papers arrived in Victoria?

Senator Drake

- It does not say so there.

Senator STEWART

- What does "refused admission" mean? If the honorable and learned gentleman went to a door and knocked, and nobody would open it, or if somebody came and told him that he could not enter, would not that be refusing him admission? Reynolds' Newspaper came to the Customs department in Victoria, and was refused admission. All I want is a specific statement from the Minister as to whether it will be brought under this clause. I have been very anxious to get the newspaper since I came to Melbourne, and I have been told by the booksellers that they will not import any more copies until some statement is made as to whether they are at liberty to do so.

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Senator DRAKE

- The letter which the honorable senator has read harmonises to a great extent with information I had before. I was asked to make some inquiries with regard to Reynolds' Newspaper, and, speaking from memory, the information I got was that in consequence of the Crimes Act of Victoria, the agent who was accustomed to sell that newspaper here communicated with the agent in London and informed him of the existence of this Act, and the agent in London knowing that that Act had been passed, and that the newspaper possibly would not be sold if it arrived here, left off sending it. That coincides exactly with the statement in that letter that in consequence of the Crimes Act the newspaper was not sent out here, and the letter, which has been quoted, goes on to say that the sales out here were very small. That the sales were very small, and that an Act was passed here which would possibly interfere with, if it did not stop altogether, the sales of that newspaper; and that, in consequence of that information the agents in

London advised by their agents here left off sending it out, was the information I was able to obtain. My information might have been incorrect, but the letter which has been read seems to me to bear out what I was able to get. I have not the slightest hesitation in saying, as I think any honorable senator can see for himself, that this clause does not affect any newspaper of the kind at all unless a person chooses to write something indecent or blasphemous or obscene on the outside of it. It is simply intended to deter persons from patting objectionable matter on the outside of a letter. Before I sit down I wish to say a word with regard to the expression "obscene." I cannot go into any particulars, but I can tell the committee that in Queensland articles of a most disgusting and filthy nature have been imported, and sent through the post; articles that could be discovered easily without opening the enclosure at all, and which were clearly of a most objectionable character - of such a nature that I am perfectly sure if I made an explanation to any honorable senator he would agree that the Postal department should have the power to act at once, and destroy any such filth going through the post.

The CHAIRMAN

- Senator Dawson indicated to the Chair that he desired to move that certain words should be struck out, but he has just left the chamber. I do not know whether any honorable senator cares to move the amendment for him.

Senator MCGREGOR

- For the reasons which have been stated, I move -  
That the words "offensive or libellous," line 4, be omitted.

I think it is thoroughly understood why I move the amendment. A great deal has been said about what might be done on post cards to libel any one at election time. Our election law ought to deal with any proceeding of that description, and nobody should be allowed to send anything unless it bore a signature. It is not a provision which ought to be embodied in a Post and Telegraph Act. I would call the attention of the Minister to the fact that a number of honorable senators are away, and that he may get into a row to-morrow if he transacts any more business to-night, seeing that the hour is so late.

Senator WALKER

- Before the amendment is made the word "or" should be inserted before the word "obscene."

The CHAIRMAN

- That will be a consequential amendment if the other is carried.

Senator DRAKE

- I am going to ask the Chamber to report progress now.

Senator Charleston

- Why not finish the clause.

Senator DRAKE

- Because there is barely a quorum.

Progress reported.

SUPPLY BILL (No. 2.)

Royal assent to this Bill reported.

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22:40:00

Senate adjourned at 10.40 p.m.