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1901-06-11

HouseofRepresentatives.

Mr. Speaker

took the chair at 2.30 p.m.

QUESTIONS

MR. G. C. T. STEWARD

Mr WATSON

- , for Mr. Joseph Cook - asked the Prime Minister, upon notice :

Whether the position of the chief clerk to the Under-Secretary of External Affairs has been offered to and accepted by Mr. G.C. T. Steward, of Tasmania ?

Minister for External Affairs

Mr BARTON

- Mr. Steward has been appointed, like all other officers, temporarily ; and it is proposed to appoint him permanently to the post of chief clerk in the department of External Affairs.

PARLIAMENTARY ELECTIONS BILL

In Committee -

Resolved

- That it is expedient that an appropriation be made from the Consolidated Revenue Fund for the purposes of a Bill to regulate Parliamentary elections.

Resolution reported and adopted.

INTER-STATE COMMISSION BILL

In Committee -

Proposed resolution -

That it is expedient that an appropriation be made from the Consolidated Revenue Fund for the purposes of a Bill to constitute the Inter-State Commission, to invest it with certain powers of adjudication and administration, and to regulate trade and commerce with other countries and among the States.

Read by the Clerk.

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Sir WILLIAM McMILLAN

- I should like to ask the Prime Minister if he can state definitely when the Bills which we are now putting through a certain stage, though only a formal one, will be in our hands?

Mr Barton

- As soon as I can get them.

Sir WILLIAM McMILLAN

- That is a very vague answer.

Mr Barton

- I expect to have them almost immediately.

Sir WILLIAM McMILLAN

- Although this stage is only a formal one, it seems rather ridiculous to deal at all with Bills which are not in our hands, and which, perhaps, are not likely to come before us for a long time.

Minister for External Affairs

Mr BARTON

. - I sympathize with the honorable member in the question which he has put to me, and I can assure him that I shall have- these Bills placed in the hands of honorable members at the earliest moment possible, which I anticipate will be to-day or to-morrow. At the inception of a session such as this, and with the limited time left free to ministers for the preparation of measures, matters do not move quite so swiftly in regard to the supply of Bills as they do in the second or third session of a Parliament which has been in existence for 40 or 50 years ; but we are doing all we can to get these measures ready, and the Bills will be circulated among honorable members at the earliest moment possible.

Question resolved in the affirmative.

Resolution reported and adopted.

ACTS INTERPRETATION BILL

In Committee

(consideration resumed from 6th June,
vide

page 811).

Postponed Clause 2.

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

Attorney-General

Mr DEAKIN

. - I trust that honorable members have, in addition to their Bills, a list of the proposed amendments.

An Honorable Member. - We have not got a Bill yet. We did not know that it was coming on so soon, or we might have brought our copies.

Sir William McMillan

- Perhaps, sir, I may be permitted to draw your attention to the custom we have in New South Wales of having the Bills, according to their order on the Business Paper, placed in a box on the table so that every honorable member can immediately get a copy of a particular Bill.

Mr Deakin

- The Bills ought to be on the table now according to our practice.

The Chairman

-I shall submit the matter to Mr. Speaker.

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Mr DEAKIN

- Now that honorable members have been provided with copies of the Bill, if they will take in their hand the printed sheet of amendments, I think they will find that my undertaking to consider the various points which were raised has been amply fulfilled. It is quite true that a number of these proposed amendments are merely formal but still even in formal matters it is desirable that a measure of this kind should be as explicit and as precise as possible ; and consequently I have taken advantage of every suggestion which seemed to me to be reasonably necessary to embody in the Bill. I admitted at the outset that so far as it was declaratory, and it was declaratory, of a great deal that was well accepted law, whether it was in the statute or not, it became very difficult to draw the line between those matters which it was desirable to put on the face of the statute and those which might be accepted without being so specially mentioned. With regard to clause 2, which now comes on for reconsideration, the amendment I have framed is simply to adopt the precise form adopted in the English Interpretation Act. To those who have raised the question whether this was a desirable reference to make, I have to say that after consideration it appears to me, referring especially to the objection taken by the honorable and learned member for South Australia, Mr. G lynn, as to the possible absence of this expression in other Acts, and the effect therefore of putting it on the face of this Bill, that no possible injury can follow up on a supposition of that kind from any such omission. As I have said, the strong ground which leads me to favour this proposal is that this precise expression is adopted in the Act on the English statute book, and I fail to see that, even when regarded from the Commonwealth standpoint, there is anything in the circumstances of our situation as a federal body of limited jurisdiction to render the operation of this particular phrase injurious. If, in any future case, we propose to bind the Crown, to affect the prerogative in any way, that intention must appear, and in express words, on the face of any such Act. But this phrase relieves us from the necessity which might otherwise conceivably arise of having to specially interpret what will be rendered familiar terms - to re-interpret them in the Act binding the

Crown, in case it might be submitted by some refined argument that, as this Act did not bind the Crown, its interpretation of these particular words in an Act which did bind the Crown would not be binding. It is to meet that difficulty evidently that the phrase was inserted in the English Act ; to make assurance doubly sure, to put it beyond all possibility of doubt that certain words and phrases shall have the same force and effect in an Act which does bind the Crown as in the great bulk of Acts which do not bind the Crown. Consequently, instead of using the abrupt expression " shall bind the Crown," I propose to copy exactly the expression in the English Act " shall be binding on the Crown," the significance of which, of course, is precisely the same. On this point I ask honorable members to consent to the amendment ; and with that view I move -

That the word "bind," line3, be omitted, with a view to insert in lieu thereof the words " be binding on."
Mr GLYNN

- I would withdraw any suggestion of an objection to the amendment. I have looked into the matter a little since the consideration of the Bill was adjourned, and I think it safer to put in the expression, and for the reason given by the Attorney-General, that it might possibly be held - and it is doubtful I know - that the Constitution Act does not bind the Crown, that is, that the words in the Constitution Act do not extend to all legislation passed under it. The fact that the King is part of this Parliament does not necessarily mean that His Majesty will be bound by any Act passed in the Parliament. I think there may be a doubt about that. I therefore think it safer to do what the Attorney-General suggests. We shall by so doing give the same terminology to every Act; and if we wish those Acts to bind the Crown, that can be done in the measures themselves. As to the words, I think the colonial form is better than the English one. These words appear in the sections of the English Acts ; but I do not know that in the matter of phraseology we should be absolutely bound by that precedent. The English words are not always an improvement.

Amendment agreed to.

Clause, as amended, agreed to.

Bill reported with amendments, and recommitted.

Clauses 1 and 2 agreed to.

Clause 3 -

In every Act the word "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

Where an Act, or any instrument made granted or issued under a power conferred by an Act, is expressed to come into operation on a particular day, it shall come into operation immediately on the expiration of the last preceding day.

Mr DEAKIN

- I move-

That the words "including any rules, regulations, or by-laws " be inserted after the word " instrument," line4.

I take this opportunity to move the amendment suggested by the honorable and learned member for Tasmania, Mr. Piesse, who, on Thursday last, called attention to an omission that might have occasioned difficulties of interpretation. I intend to move that the words "including any rules, regulations, or by-laws " be inserted after the word " instrument " wherever it occurs in this Bill, so that there may be no doubt that, wherever the word instrument occurs in our legislation, its ordinary meaning is to be specifically extended to cover rules, regulations, and by-laws.

Amendment agreed to.

Clause as amended agreed to.

Clause 4 -

When an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make grant or issue any instrument (including any rules regulations or by-laws), to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time "after the passing of the Act for the purpose of bringing the Act into operation at the commencement thereof.

Provided that any instrument made under the power shall not, unless the contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

Mr GLYNN

- I wish to call attention to the way in which the object of this clause might be accomplished, even with the excision of the provision itself. The practice in American drafting is that if there are any machinery clauses which ought to come into operation before the clauses dealing with the principle of the Act, it is declared that those machinery clauses shall come into operation on a certain date. They put that in the Act itself.

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Mr Deakin

- This is much simpler.

Mr GLYNN

- Under the American practice you see in the Act itself what is being done. I understand that the object of this clause is that preliminary appointments may be made before the principal measure comes into operation. I suggest omitting the clause and passing specific legislation to deal with each case.

Mr DEAKIN

- I do not propose to take the course suggested by the honorable and learned member for South Australia, because this clause, like many other clauses in this Bill, is introduced to cure possible defects of drafting. That is the object, although it is not definitely expressed. The clauses are introduced to provide against carelessness which should not exist in the framing of Bills. I agree with honorable members that it is better to state in plain terms on the face of the particular Act the exact time when any portion of it as distinct from the remainder of the Act is to be brought into operation ; and I should be glad to assist in having that course adopted in any measure that comes before this House. But, as honorable members know, some Bills may be passed hastily, others will perhaps be passed at the instance of private members, and may escape that strict scrutiny which ought to obtain ; while other Bills may be hurried through at the end of a session. The meaning of this clause is that if such an omission takes place in a Bill, litigation is not to be occasioned by the absence of the provision.

Mr Glynn

- I know the object, but this is the wrong way of accomplishing it.

Mr DEAKIN

- This clause cannot possibly do any injury. It provides for the absence of those provisions which the honorable and learned member thinks should appear in the Bill itself. I am inclined to agree with him. In cases where the provision appears on the face of the Bill, this clause will be inoperative. We can do no injury by inserting the words in this general measure, in order to cover any accidental deficiency.

Clause agreed to.

Clause 5 -

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, or on such day thereafter as the Act itself prescribes.

Mr THOMSON

- I wish to draw the attention of the Attorneys General to this clause. Clause 3 states that the time at which any Act is to come into force, when it expressly comes into operation on any particular day, is to be " immediately on the expiration of the last preceding day." In sub-clauses 1 and 2 of clause 5 it is stated that -

Every Act to which the Royal assent is given by the Governor-General . . . shall come into operation on the day on which such Act receives the Royal assent.

The second sub-clause provides that -

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.

The time of day on which those Acts will come into operation is not stated in this clause. Presumably that time will be governed by clause 3. Consequently, if the assent is given late in the day, the Act will come into operation at the end of the preceding day, and an offence may be committed before the Act has become law. That, of course, to a layman seems rather extraordinary - that before an Act becomes law an offence may be committed, and become punishable under that Act. That might at times operate injuriously to individuals, and to a layman the clause appears to need correction.

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Mr WATSON

- There is another point to which I would like to direct the attention of the Attorney -General. Clause 5, sub-clause 2, which deals with Bills reserved for the Royal assent, states that the Act shall come into operation on the day it receives the Royal assent, " or on such day thereafter as the Act itself prescribes." I understand it is proposed that in lieu of the words I have just quoted, the words, " unless the contrary intention appears in such Act." Assuming it was intended to bring into force an Act affecting, for instance,

the sugar industry on the 1st of October, providing that no further black labour should be imported, or something to that effect, and the Royal assent were not given until November, then the Act would have a retrospective effect to the extent of a month, during which, people would not know the measure had become law, and might be committing offences under the Act.

Sir William McMillan

- Does not the one thing annul the other?

Mr WATSON

- The clause as it stands might lead to a lot of complications. The time set down might be before the Royal assent was given, and that would be erroneous.

Mr DEAKIN

- The difficulty raised by the honorable member for Sydney North, is one that might possibly arise, but it is very hard to conceive of such an occurrence, and still more difficult to conceive that a penalty would be inflicted, or any punishment incurred in such a case. If the honorable member's whole point is, that in the few hours elapsing between twelve o'clock on the preceding night, and the particular moment in which the Act is assented to by His Majesty, some offence may be committed under the Act, for which the guilty person is punished, although as a matter of fact, it might conceivably happen that the Act had not been actually assented to at the moment the breach occurred, then I say that that is a very remote case : and, moreover, the difficulty suggested by the honorable ' member might arise under almost any provision of the kind which might be made. Far greater advantage will be derived from certainty and determination as to the precise moment at which an Act begins to operate than there could possibly be disadvantage arising from the fact that within the few hours following there might be a breach of the law involving a penalty. I am certain that in any court of the Commonwealth, a breach under circumstances of the sort would be very lightly dealt with, if indeed it were recognised or taken notice of at all. There is, however, a great advantage in having one common and uniform practice, so that the whole lay public, as well as the professional public, may know that if an Act appears to come into force on a particular day, it does so at one second past twelve o'clock on the preceding night. The great advantage of a specific time under all circumstances, must outweigh the remote possibility to which the honorable member' has very properly called attention. Indeed, it would be very hard to propose the time or any mode of determining the instant at which an Act should come into operation that would not involve some such possibility as that to which the honorable member referred. As to the point raised by the honorable member for Bland, it deals with cases in which we must rely either on the foresight of Parliament in framing its Acts, or on subsequent legislation. If the case referred to by the honorable member is to be met, it must be by some provision so elastic as to cover the whole period of two years within which a measure may be disallowed.

Mr. WATSON

(Bland).- Would it not be sufficient to provide that the Act shall come into force on receiving the Royal assent?

Mr Deakin

- There is no doubt about that.

Mr WATSON

- But the clause says " unless the contrary intention appears in such Act." Suppose it is laid down that the Act shall come into force on the 1st October, 1892, and that it is not assented to until the 1st of November of the same year ; that means a month during which the Act should have been in force. The date might be not that of the King's assent, but the date expressed in the Act, and that would be the " contrary intention." If the Bill said the contrary intention subsequent to the Royal assent I could understand it.

Mr DEAKIN

- I was going to point out that in such a case as the honorable member mentioned, the dates named would have no meaning ; orders would simply become of no effect- nullities. The Act would become an Act only when the Royal assent was given to it, and could operate only from that date ; it could have no retrospective effect.

Mr Watson

- Then the words " unless a contrary intention appears in such Act" would operate only in case of a subsequent date?

Mr DEAKIN

- Yes.

Mr Watson

- Then why not say that?

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Mr DEAKIN

- I was not quite sure as to which of the points the honorable member was concentrating his attention on. There were three points I intended to deal with, and this was the last. This provision is intended to cover cases particularly in which an Act comes into operation under proclamation ; which would be at some particular date fixed by the Act, or which might be fixed by His Majesty or by the Governor-General. In those cases we have to provide that if the Act itself makes such a specific reference to the date in the future on which the Act comes into operation, then, of course, this clause would not apply. I move - That the words " on such date thereafter as the Act itself prescribes," lines 10 and 11, be omitted with a view to insert in lieu thereof the words " unless the contrary intention appears in such Act."

Mr. WATSON

(Bland).- Taking the interpretation of the Attorney-General to be correct, which I have no doubt it is, this clause would apply only where the intention of the Act is contrary to the general tenor of the sub-clause, and when a subsequent date is laid down in the Act. Would it not be better, instead of the words suggested, to insert "or on such later date"?

Sir William McMillan

- The provision might never be brought into effect.

Mr DEAKIN

- It might never come into effect. The proclamation might be left to the Governor-General. Take the case of the Constitution Act. The Queen had power to issue the proclamation on whatever date she pleased. It would be necessary to provide for more than the one case in the honorable member's mind.

Mr WATSON

- I see a word in the original Bill which does not appear in the draft amendments - the word " thereafter," which may govern the clause.

Amendment agreed to; clause as amended agreed to.

Clause 6 -

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.

Mr GLYNN

- This clause was postponed for further consideration.

Mr DEAKIN

- It was postponed for the purpose of having a new clause prepared, and I propose to introduce that clause as usual when we have gone through the Bill.

Mr GLYNN

- Why not deal with the whole matter in one clause? I see the amended clause makes a copy of the Act prima facie evidence of the contents, and this is to make the date appearing on any copy evidence of the date only ?

Mr Deakin

- Yes.

Mr GLYNN

- Why not deal with the whole thing in one clause ?

Mr Deakin

- This is an accepted form we took from another Act.

Mr GLYNN

- If the Attorney-General is satisfied I do not press the point.

Clause agreed to.

Clause 7 -

The repeal of an enactment by which a previous enactment was repealed shall not have the effect of

reviving such last-mentioned enactment without expressed words.

Mr DEAKIN

- If honorable members will throw back their minds to the debate the other evening, they will understand the significance of the alteration which is here made. The word "Act " under this Bill relates only to Acts of the Federal Parliament. It was pointed out during the discussion the other evening that the word "enactment"-

Mr V L SOLOMON

- I thought they were all termed " laws " and " proposed laws."

Mr DEAKIN

- It was pointed out that the word "enactment " was wide enough probably to cover State laws which may be said to have been repealed, either intentionally or unintentionally. Consequently, the clause in its operation would have covered a very wide area indeed, one on which it may be advisable to enter, but upon which it is certainly not desirable to enter in a Bill of this kind. It might have raised a question as to the validity of State Acts, whose operation had been for a time suspended by a Commonwealth Act - that is, whether when that Commonwealth Act was repealed, they should again be revived. The point has been discussed at great length in the United States, and there is a considerable body of decisions upon it. It was undesirable to leave it doubtful whether it was raised under any Interpretation Act. It was not intended to raise it, and therefore I have adopted the more inelegant form of phraseology which will put the matter beyond all doubt by the substitution of the word " Act," which has a special meaning. By confining ourselves to the word "Act" under this clause we remove the possibility of a construction which might otherwise be placed upon it. These clauses with reference to the effect of repeals relate only to their effect upon Acts of the Commonwealth, and have no reference either direct or indirect to the Act of any State Parliament. I move -

That the word "enactment" in lines 1, 2, and 3 be omitted with a view to insert in lieu thereof the words " Act or part thereof."

Amendment agreed to.

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Mr V L SOLOMON

- I wish to call attention to the fact that we are adopting in this Bill different phraseology from that used during the Federal Convention and from the phraseology-which finds a place in the Constitution. In the Constitution the terms " proposed law " or " laws " are invariably used, but now we are dealing with "Bills" and "Acts." I merely call the attention of the Attorney-General to this point, and to suggest whether an additional clause in the way of interpretation will not be necessary to make this Bill on all fours with the Constitution Act itself.

Mr DEAKIN

- The honorable member will see that this is an Interpretation Act for all future Commonwealth Acts. It has no retrospective effect, especially on an Act of the Imperial Parliament, such as our Constitution Act. Consequently these definitions cannot be read back into that Act.

Mr Glynn

- A law might be part of an Act.

Mr DEAKIN

- Exactly. For my own part, although in the Constitution the use of the words " laws " and "proposed laws " has great advantages, I think that the words " Bills" and " Acts " are far more familiar to honorable members, and indeed to the profession. Consequently we need not in future measures be bound by the terms employed in the Constitution, which was an exceptional piece of legislation.

Mr GLYNN

- I think that the word "law," as used in the Constitution, is not identical with the word "Act," because a law might be portion of an Act. For instance, many Bills which are called Money Bills, or under the Constitution "proposed laws" dealing with money, might contain a great number of clauses which could become laws, but which could not become " Acts." The fact is the term "Act" includes "laws," whereas " laws " does not include " Act."

Clause as amended agreed to.

Clause 8 -

Where an Act repeals in the whole or in part a former enactment, then, unless the contrary intention appears, the repeal shall not -
revive anything not in force or existing at the time at which the repeal takes effect ; or
affect the previous operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed ; or
affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed ; or
affect any penalty, forfeiture or punishment inclined in respect of any offence committed against any enactment so repealed; or
affect any investigation, legal proceeding or remedy in respect of my such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

Mr DEAKIN

- I wish to make some amendments in this clause. I move -

That the word "enactment" in lines 2, 8,13, and 17 be omitted with a view to insert in lieu thereof the words "Act or part thereof. "

Mr PIESSSE

- I would like a little consideration given to the proposed disuse of the term "enactment." Clause 13 states -

Every section of an Act should have effect as a substantive enactment without introductory words. Now we are going to use only the term " A.ct, " and there may be doubt whether the repeal of a portion of an Act is covered by the use of the word "Act."

Mr Deakin

- We say " or part thereof."

Mr.PIESSSE. - In the beginning we do, but not afterwards. According to this clause, where an Act repeals in the whole or in part a former enactment the repeal is not to affect the previous operation of any enactment so repealed. If the whole Act is not repealed will that be sufficiently explicit to cover the repeal of a portion of it. ?

Mr Deakin

- I think so.

Mr PIESSSE

- I draw the attention of the Attorney-General to the matter. Then there are regulations and rules made under Acts of Parliament and I am not quite sure whether the term " enactment " is intended to cover them. It is very difficult to discover the meaning of the word "enactment." I have consulted three law lexicons and have not been able to discover any meaning. The word is not in the lexicons. It is difficult to gather what may be covered by the word, but I have understood it generally to cover the whole of an Act, or any portion of it, or any thing under it which becomes law, such as the by-law of a local body, or regulations issued by the Governor-in-Council. I am not ready to express a very emphatic opinion on the point, but I would like the Attorney-General to consider it.

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Mr DEAKIN

- I have found some difficulty in endeavouring to arrive at the precise bounds of the word "enactment." It was one of the valuable qualities of the English section that it was large enough to cover a very considerable variety of mandatory commands having more or less the force of law. But owing to the peculiar circumstances in which we were placed, by reason of the Federal . Legislature with limited powers sharing concurrent powers with many of the State Parliaments, it appeared desirable to part with some of the advantages of the very general term, and to confine ourselves explicitly to the words of which we can see the direct result. Therefore, for greater caution, at the present stage we have substituted the words, "Act or part thereof." "Enactment " is a very wide word. It is an advantage to use very wide words when you can do so with safety, but, owing to the peculiar relation of the Federal Legislature to the State Legislatures, it was thought better not to run risks in an Interpretation Act.

Amendment agreed to.

Clauses as amended agreed to.

Clause 9 similarly amended by the omission of the word "enactment" and insertion of the word "Act."

Clause 1.0 agreed to.

Clause 1.1-

The expiration of an enactment shall not affect any civil proceeding previously commenced under such enactment, but every such proceeding may be continued and everything in relation thereto be done in all respects as if the enactment continued in force.

Amended by the omission of the word " enactment " and the insertion of the word " Act."

Mr GLYNN

- Perhaps the honorable and learned gentleman will tell us why the clause is in the Bill. It is very wide of the scope of an Interpretation Act to repeal legislation upon which litigation may already have commenced.

Mr DEAKIN

- In this State we are in the habit, and it may be the practice in the Commonwealth in certain particulars, to pass Acts 'whose operation is limited to a certain special time. They may or may not be renewed, and occasionally they have been very important Acts in regard to labour questions involving a variety of possible breaches. Although the time of the operation of an Act is fixed, the honorable member will agree that it would be very unwise and unjust if an offence had been committed in the last days of its operation and it could not be punished because the Act had expired.

Mr Glynn

- It is contrary to the general principles of jurisprudence.

Mr DEAKIN

- This is not a case in which Parliament has indicated by its repeal of a measure its determination that it should disappear from the Statute-book. Take the case of one of our Factory Acts, which has been passed for three years only. A breach occurs in the second year of the operation of the Act; the appeal is sent from court to court, and before it is determined by the Privy Council the Act expires. The honorable member will admit that where a breach has been committed there must be a penalty, and the fact of the Act having expired by effluxion of time should not render the parties guiltless. The clause is intended only to declare a very obvious principle.

Clause, as amended, agreed to.

Clause 1 2-

Where an Act for continuing a temporary Act is passed after the expiration of the temporary Act, but the Bill on which the continuing Act is founded was introduced into the Parliament and was pending at the date of such expiration, the continuing Act shall unless the contrary intention appears be deemed so far as it continues the temporary Act to have come into operation from the date of such expiration.

Provided that no person shall be subjected to any punishment penalty or forfeiture in respect of anything done or omitted by him contrary to any provision of the temporary Act between the date of its expiration and the date of the passing of the continuing Act.

Mr DEAKIN

- I intend to omit this clause. I have been unable to find, on inquiry, that its operation is attended by any great advantages, and the criticism to which it was subjected the other evening renders it undesirable that it should appear in this measure.

Clause negatived.

Clause 13 agreed to.

Clause 14 -

The headings of the Parts, Divisions, and Sub-divisions into which any Act is divided shall be deemed to be part of the Act.

Neither the marginal notes nor the footnotes to any Act shall be deemed to be part thereof.

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Mr DEAKIN

- I move the addition of a sub-clause to meet the point to which attention was called by the honorable and learned member for Tasmania, Mr. Piesse. Although we had omitted this sub-clause, it is desirable perhaps to make the clause complete, and I therefore move that the following stand sub-clause 3 : -

Every schedule to an Act shall be deemed to form part thereof.

Mr V L SOLOMON

- Would it not be better to reverse the position of the two last sub-clauses ?

Mr DEAKIN

- I think the- honorable member is right. I am obliged to him for the suggestion.

Amendment agreed to.

Clause as amended agreed to.

Clause 15 -

An Act may be altered amended or repealed in the same session of Parliament in which it was passed.

Mr CONROY

- Has the honorable and learned gentleman considered the point which was raised last week in reference to this clause?

Mr DEAKIN

- I have all the objections noted, and might have called attention to them as we proceeded ; but unless honorable members revived them I did not think it necessary. This clause has been thought worthy of a place in the English Interpretation Act. This is an Act not only for the interpretation, but for the shortening of the language of Acts of Parliament. It unquestionably has come to include a great many declaratory sections which do not alter the law. They state the law as it undoubtedly is, and put it in this form more for the information of the public than for the use of the profession.

Mr Conroy

- It is quite unnecessary.

Mr DEAKIN

- It may be; but so is much else. Its one merit is this : I am informed by practitioners who appear in the country Courts that occasionally it takes one or two hours to convince a body of magistrates of something everybody ought to know to be the law. It is said that in. such Courts a provision such as this would involve a great saving of time.

Clause agreed to.

Clause 16 agreed to.

Clause 17 -

Every Act shall, unless the contrary intention appears, be deemed to be a public Act, and shall be judicially noticed as such.

Mr DEAKIN

- I propose to move the omission of the words, " unless the contrary intention appears." We have already struck out clause 18, and by the omission of these words we get rid of the problem raised by some honorable and- learned members last week as to whether the Commonwealth will have any Acts which should be called "private Acts" as distinguished from " public Acts." "

Mr Watson

- Is it not likely that we shall have private acts ?

Mr DEAKIN

- It is quite possible, but a question of that kind should not be raised in an Interpretation Act. The insertion of these words in the clause does not give us any right, or settle any question as between private and public Acts, but their, omission will avoid the difficulty which has been suggested.

Mr Glynn

- Why not strike out the clause ?

Mr DEAKIN

- If we are to strike out any clause because it is undoubted law, we should strike out a great many other clauses in this Bill. As I have already pointed out, I am assured by members of the- profession that they find these apparently utterly unnecessary clauses of great assistance where an interpretation is likely to be challenged by an adventurous member of the Bar, who can measure the knowledge of the Bench with which he has to deal. The clause is contained in the English and other Interpretation Acts, and I think it should be allowed to remain for use by magistrates dealing with Commonwealth laws.

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Mr GLYNN

- I would suggest that the clause be struck out. There are private Acts in England, and there are public Acts, and this is a copy of the English section. We should strike out the clause instead of proceeding to amend it by omitting, the reference to private Acts. We must have private Acts, and we shall probably recognise that in our standing orders. They will be proposed private laws in strict terminology. If you call them proposed private laws, and there is no such thing as a private Act, then the terminology must be wrong. I would suggest that the clause be omitted.

Mr. DEAKIN. - Very well ; it is better to strike out the whole clause than to waste time in debating it. I ask the committee to negative the clause.

Clause negatived.

Clause 19 agreed to.

Clause 20 -

In any Act unless the contrary intention appears. [a] "The Commonwealth" shall mean the Commonwealth of Australia.

"Australia" shall mean the territory of the Commonwealth.

"The seat of Government" shall mean the seat of Government of the Commonwealth.

Mr DEAKIN

- I move-

That the words, "shall mean" in paragraph "b," line 5, be omitted, with a view to insert in lieu thereof the word "includes," and that the word "territory," in paragraph "6," line 5, be omitted, with a view to insert in lieu thereof the word "whole."

The definition will then read -

Australia includes the whole of the Commonwealth.

Amendment agreed to.

Mr SAWERS

- I should like to have an explanation from the Attorney-General in reference to sub-section "I," which reads - "The seat of Government" shall mean the seat of Government of the Commonwealth.

Under what circumstances does the honorable and learned member think the term is likely to be used in any Act? If it is probable that it will be used to any extent, I think the seat of Government should be defined.

Mr DEAKIN

- I think this is a phrase which is likely to be used a great deal in debate in the immediate future, and that it is also likely to be frequently used in legislation. When the seat of Government is once established a certain number of things will require to be done at the seat of Government,

Mr Sawers

- But pending the establishment of the seat of Government?

Mr DEAKIN

- This interpretation has been drawn with an eye to all the possible and probable legislation of the Commonwealth in the future.

Mr Watson

- What the honorable member desires to know is, where is the seat of Government now ?

Mr Sawers

- Will the phrase apply to any immediate legislation?

Mr DEAKIN

- No; it cannot operate until the Commonwealth has a seat of Government in the sense of the Constitution; a seat of Government of its own, and absolutely under its own control. It may be used in immediate legislation, and the words are inserted to interpret a phrase which must occur in administrative and other legislation. I do not know whether the word "capital" may not come to be adopted; but, in the meantime, the phrase "seat of Government" appears in the Constitution Act, and it is likely to be used until the "seat of Government" is provided with a local habitation and a name."

Mr Sawers

- Presuming the capital is not definitely fixed for some years, then, the phrase may be used in immediate legislation?

Mr DEAKIN

- In my opinion it cannot be effective.

Mr CRUICKSHANK

- With regard to this question, I should like to mention that the Right Honorable the Prime Minister, when speaking in Sydney, very clearly defined the term. He said that honorable members there were misinformed, or misinterpreted the term "seat of Government" when they confused it with federal capital. He said that although the Federal Parliament would sit in Melbourne, the seat of Government would be in Sydney. I want this clearly understood. These words will be found in the State Hansard.

Mr DEAKIN

- I think without reference to Hansard the honorable member will find that what the Right Honorable the Prime Minister . probably said was that, although the Federal Parliament was sitting in Melbourne, the seat of Government might be in Sydney. It might also be in Melbourne ; in fact, I understand the Governor - General arrived here to-day, and from to-day until the time that he leaves Melbourne this will be the seat of Government. There is certainly no prohibition against Sydney being the seat of Government by reason of the declaration that the Parliament shall sit in Melbourne.

Clause, as amended, agreed to.

Clause 21 -

In any Act, unless the contrary intention appears -

"The United Kingdom " shall mean the United Kingdom of Great. Britain and Ireland :

" British possession " shall mean any part of the King's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local Legislature all parts under the central Legislature shall for the purposes of this definition be deemed to be one British possession :

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

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Mr FOWLER

- I wish to bring under the notice of the Attorney-General a matter that has occurred to me in considering this clause, which must be of some interest, and which possibly involves a very important principle. There is no doubt that the term "British possession," when originally used in the days before autonomous government for the colonies was granted, was thought to be and was sufficiently correct for the purposes indicated in this Bill. But I think that we have arrived at a time when it is necessary to bring that definition back to its historical meaning. I do not think that we could in any way consider Canada or Australia a British possession in the sense of being possessed by the British people. These countries are possessed by their own people, though those people are certainly a portion of the British race. In our own interests it is very necessary that we should carefully consider this matter ; and for this reason in particular : Of late, we have frequently heard the people of India referred to as our fellow subjects.

An Honorable Member. - So they are.

Mr FOWLER

- I think that the people of Australia will insist very strongly upon the fact that the inhabitants of India are not upon the same plane of citizenship'-in regard to the Empire as we are; and the Attorney-General ought to give careful consideration to the point whether the term " British possession " should not be made to apply only to such countries as" are now held in a greater or less degree by the power of the sword, and are inhabited by people who do not belong to the British race.

Mr DEAKIN

- T - This definition of the term " British possession " does not oblige us to use the words in our future legislation; but I have adopted it because I find it in the Imperial Acts Interpretation Act, and because it will be convenient, if ever we use the phrase in any Commonwealth Act, that it shall "mean there exactly what it means in the English Act. I agree with the honorable member that, if we were referring to the great Dominion of Canada, to what may yet be the South African Dominion, or to this Commonwealth, we should seek more appropriate language than is here employed ; and there is a great deal to be said in support of his contention that in the course of time these words which, perhaps, were very applicable a century ago, have now ceased to be so applicable to a great portion of the British Empire ; but that need not deter us, if we do use the phrase, from using, it in its accepted sense. When we wish to indicate the broad line of. demarcation which exists, "and which must be drawn in legislation, between these self-governing communities and people who- are of different races from our own, inhabiting countries

which are held under dominion by the sword, we can find sufficiently appropriate words for doing so without referring to the Interpretation Act.

Mr CROUCH

- I wish to ask the Attorney-General if he cannot find a better word than -the word "Imperial " which is used in sub-clause («).

Mr DEAKIN

- Can the honorable and learned member suggest a better word 1

Mr CROUCH

- I should like to see the suggestion of the honorable and learned member for Parkes adopted, and the clause struck out. By using the word "Imperial" we are really abrogating our powers. 'The colonies were once non-sovereign States, and I suppose that it would be stretching our authority to say that we are now a sovereign State ; but we are a sovereign State to the extent that we owe our existence, as the Constitution puts it, " to the guidance of Almighty God, and to the creation of our own people," and that it would be quite impossible for any State which regards itself as above us to stamp us out. We have a separate and, to that extent, co-ordinate existence and powers with any Parliament that may choose to call itself Imperial ; and if we once give away the right of separate, distinct, independent, and individual legislation, which we now possess, we shall be making a very great mistake. I therefore move - That sub-clause (c) be omitted.

Mr DEAKIN

- I can assure the honorable and learned member that I have given this subject some consideration, and I do not think that the term, which is used in the Bill for the purpose of definition, and to shorten the language which we may employ in future Acts, can have the slightest conceivable effect in diminishing our rights or in altering our status.

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Mr CROUCH

- It is an admission.

Mr. -DE

AKIN- I 'do not think that it admits anything. I wish to guard myself in dealing with this question by saying at the outset that to my mind it is and must be purely a question of terms - a convenient collocation of syllables and letters to express a particular idea. I cannot admit that it will have any effect in any way upon anything that the future Parliament of Australia may choose to do ; but, since objection was taken to the term, I have ransacked the colonial statutes and some English Acts in the endeavour to find any word, or any two words, which might convey the same idea. I have been unable to find them. On the contrary, I have found, as I thought I might find, precedents for the use of the word " Imperial " in this connexion.

Mr Crouch

- I know that they exist.

Mr DEAKIN

- I have found that the term "Imperial Parliament" is used in a New Zealand Act passed no later than 1888, and in a number of other Acts in the sense given to it by the definition in the Bill.

Mr Crouch

- The term is constantly used in our Victorian legislation, but those measures were passed by a Parliament having a status different from our status.

Mr DEAKIN

- The term is used in our "Victorian legislation, and I find that it has been customary to use it in all the States in referring to the statutes of the Parliament of the United Kingdom, which are described, for brevity's sake, as Imperial statutes, and may be seen so lettered on the shelves. So that we are not taking the first step on a new path ; we are following a number of footsteps which have already been taken upon it. What does the term "Imperial Parliament" mean in this connexion ? It means the Parliament of the United Kingdom, which is distinguished from other Parliaments throughout the Empire because it speaks for a sovereign state - which we are not - and because it possesses sovereign powers in relation to this and every other Legislature throughout the Empire. Under these circumstances the term is accurate as well as apt, and it points to a distinction possessed by the Parliament of the United Kingdom.

Mr Conroy

- It would be extremely difficult to propose any other term which would express so much in so few words.
Mr DEAKIN

- That is what I have found . It marks a peculiarity of the Imperial Parliament which is not shared by any other Parliament; and is, therefore, a distinctive term. The term has, of course, associations with which I am not enamoured; but, on the other hand, it has other associations which appeal to me, and, no doubt, to honorable members. Having searched for a better word, or for any word which could be used in substitution for it, I must confess that I have found none.

Amendment negatived.

Clause agreed to.

Clauses 22 to 24 agreed to.

Clause 25. - In any Act, unless the contrary intention appears -

"Land" shall include messuages, tenements, and hereditaments, corporeal and incorporeal, of any tenure or description, and whatever may be the estate or interest therein :

"Estate" shall include any estate or interest charge right title claim demand lien or incumbrance at law or in equity.

Mr GLYNN

- I would point out to the Attorney-General that the English definition . of the term " estate " does not include corporeal and incorporeal hereditaments, though I believe it refers to houses and buildings. The word " land " is defined by sub-clause (c) as including- " estate," which by sub-clause (d) is made to include a lien, so that an estate might comprise an attorney's lien upon title deeds. I do not know why this departure has been made from the English Act.

Mr DEAKIN

- That part of the clause to which the honorable and learned member - refers has been taken from the New South Wales Act. In regard to sub-clause (c), it appears to me wise to retain the words, which, as the honorable and learned member has pointed out, do not appear in the English Act, because of the circumstances, of the Commonwealth Parliament in regard to our dealings with land. As the honorable and learned member will see, there are but few respects in which any question relating to land can come before us.

Mr Watson

- It might if the Commonwealth resumed a big area for the purpose of the federal capital.

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Mr DEAKIN

- The honorable member is perfectly right ; he has called attention,. I will not say to the only class of cases, but, by far the chief class of cases that are certain to come before us. These are the references that will be made to the lands which will be acquired for the purpose of the federal capital, and which require to be acquired for the various purposes of the departments of the Commonwealth. For purposes of that kind it has been found convenient in New South Wales to use the one word " land " very shortly as covering all the estates of which it is necessary that private persons should be deprived in order that the State - and the Commonwealth is now in the same position - may enter into full possession of them. As the great bulk of the references to land in any statutes which one can foresee are likely to relate to the acquisition of land it will be very convenient to use the one word shortly. Then, in regard to the second sub-clause, I am unable after consideration to discover any reason why the word "lien" is there introduced, and except that it appears to be intended to cover certain easements or matters of that kind which might possibly attach to an estate, there really appears to be no justification for it. But I was fortunate enough to be able to have some conversation on this matter with the head of the Department of the Attorney-General of New South Wales, and he informed me that although the inclusion of the word "lien" might be looked upon as superfluous, yet in one or two cases it had proved to be of some use. Certainly on the whole the section had worked well with it, and he did not advise that the clause should be amended in any other way.

Mr Glynn

- It would be all right for the acquisition of land, but for demising it might be dangerous.

Mr DEAKIN

- Under these circumstances, although like the honorable and learned member I should never have

thought of including the word in the clause, yet as it is there, and is reported to work well, it may, I think, be allowed to remain.

Clause agreed to.

Clauses 26 and 27 agreed to.

Clause 28 -

In any Act, unless the contrary intention appears -

" Federal jurisdiction " shall mean jurisdiction as to matters in respect whereof the High Court has or is capable of being invested with original jurisdiction.

Mr DEAKIN

- The definition of "federal jurisdiction" in sub-clause (e) furnished the ground for a great deal of discussion last week, and if the discussion were obliged to be renewed I think I could find something to say in the defence of the particular meaning sought to be attached in the connotation I had then in my mind. But I am free to admit that the precise interpretation of these words, taking into account the sense in which they are used in the Constitution itself, and also allowing due weight to the consideration of the various circumstances in which they might be employed in other senses than the one sought to be attached to them in this definition, leads me to propose that they should be abandoned, at all events in this Bill. If it be necessary for the purposes of any other of the measures we are drafting - and I believe it will be necessary for a very important measure to be laid before the House - to attach this meaning or some meaning very like it to these particular words, still that meaning had better be given in the particular Acts in which it is intended to be applied. I am willing to agree that the criticism to which it has been subjected shows that there were certain reasons against its universal use in all federal Acts to cover precisely this one department of what might very properly be termed federal jurisdiction in a larger sense than the words are here employed. Under these circumstances, although I might approve the definition for other purposes, still, considering the nature of this Bill, it appears to be desirable to take the step of moving the omission of this sub-clause. If it be necessary to attach this meaning we can do so in the particular Act in which it is intended to be specially applied. I move -

That sub-clause (e) be omitted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 29 -

In any Act, unless the contrary intention appears -

The word " indictment" shall include information.

Mr GLYNN

- I do not know whether the Attorney-General thinks it is quite safe to say that the word "indictment" shall include information. Of course in the Supreme Court that word would be all right, but it might cover an information before a "court of summary jurisdiction," which we have defined in the previous clause. Indictment could not be identical with information in a subordinate court. The terms cannot be interchanged, and I do not see the necessity for using them as synonyms.

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Mr CROUCH

- Under certain sections of the Police Offences Act of Victoria certain informations need not be sworn when they are signed, but an indictment must be both sworn and signed. It means that if the word " indictment" is to cover every information referred to in subsequent legislation, it will have that effect on applications to the Justices' Courts.

Mr DEAKIN

- The point taken by the honorable and learned member for South Australia is perfectly correct ; but this, of course, is merely an Interpretation Act, and to give full effect to his point, all that is necessary to avoid the difficulty is to use the word "information" when information alone is meant, and to use the word " indictment" when indictment, including information, is meant. If the use of the words be distinguished as it ought to be in that respect, no difficulty or injury can follow from the inclusive meaning which is here given to the word indictment. .

Mr Glynn

- If that can be done, certainly not ; but I am doubtful whether it can be done.

Mr DEAKIN

- This will be the primer of every draftsman of the Commonwealth. He will consult it, I presume, whoever he may be, before dealing with any Bill he may be framing, and he will take care to preserve the distinction to which the honorable and learned member has very properly referred. If this Bill has one purpose more than another, it is that of shortening language. The honorable and learned member must know a number of Acts in which indictment or information occurs in section after section, and we have here a chance of getting rid of the duplication of terminology by using the word indictment only when we wish to cover information, while pains will be taken that it shall not be employed in any sense in which information only is intended.

Mr Glynn

- Suppose we apply the provision to information, would it include indictment ?

Mr DEAKIN

- It would not include indictment. It is intended that information should relate to information alone, and that indictment, unless otherwise expressed, should cover indictment and information, and be used in a great variety of proceedings which are common to both. That reply, I think, meets the point raised by the honorable and learned member for Corio.

Clause agreed to.

Clauses 30 to 35 agreed to.

Clause 36 -

Where in an Act a power is conferred on any officer or person by the word "may," such word shall mean that the power may be exercised or not at discretion, but where a power is conferred by the word "shall" such word shall mean that the power must be exercised.

Mr DEAKIN

- I move -

That the clause be amended by inserting the words " unless the contrary intention appears " before the word " mean," line 3-

I move this amendment in consequence of the point raised by the honorable and learned member for Indi, who referred to cases in which the word " may " might require to be interpreted as mandatory, especially in relation to certain courts which have been held to be required to exercise their jurisdiction, although the language of the statute only says that they "may" exercise it.

Mr Crouch

- Does not the amendment destroy the effect of the clause 1

Mr DEAKIN

- I think not. The honorable and learned member for Corio on Thursday referred to the effect of the clause when he said, if I recollect aright, that in some courts of inferior jurisdiction he had known long arguments upon the meaning of the words "may" and "shall."

Mr CROUCH

- It is just as well that we should have the clause. The justices always decide that " may " means " shall."

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Mr DEAKIN

- The honorable and learned member, as I understood, referred to the usefulness of the clause for that purpose, but he now thinks that the words " unless the contrary intention appears " destroy the effect of clause. But surely not. Those words must allude to the small minority of cases, and they are well understood. This clause relates to future Acts. It is to be the dictionary or text-book of the draftsman of the Commonwealth Acts. He is to use the word "may" when he means "may"; and when he means " shall," he is to say " shall." If the word " may " in some particular circumstances be employed, in a sense which is intended to be mandatory, the draftsman is to make that intention clearly apparent. Under these circumstances the clause is as much a direction to the draftsman as anything else. It is true that the law will remain the same whether this clause is passed or not. I do not pretend that the clause will effect any change whatever in the law, nor will any of the other clauses of the Bill. That, in the minds of many honorable members, will be no cause of complaint. They will be better pleased to have the old law re-stated than a new law made. But this clause will be accepted as a direction to the draftsmen of Commonwealth Bills, and it also makes it plain to the inferior courts in which such verbal issues may be

discussed, what is the purpose for which the words "may" and "shall" are intended to be used in our Acts.
Mr V L SOLOMON

- What is- the object of the amendment 1

Mr DEAKIN

- It is to remove the objection of the honorable and learned member for Indi, who pointed out that in certain circumstances the word " may " is used in statutes as if permitting a discretion, when, as the context shows it is intended to be mandatory, provided that certain conditions are complied with. To say that if such and such a thing happens the court " may " do so and so, means that the court " shall" do it, provided that those conditions are fulfilled. This clause is intended to provide against appealing to the set of decisions upon the word "may," and on the point raised by the honorable and learned member for Indi I have suggested the amendment. The clause will, however, stand for what it is worth as a finger-post ; and I do not pretend that it is for any other purpose.

Mr GLYNN

- I should like to see this clause struck out altogether. The Attorney-General will admit that these words simply restore the existing law, if they do anything ; and they may not even do that. It may not be the context that guides you as to whether the contrary intention exists or not ; it may be a whole line of decisions. Because there is an elaborate number of decisions as to whether "may" is obligatory in some cases. There is also this further point - the words " it shall be lawful " have been held to be equivalent to the word " may " in some cases, and in some cases to mean " shall." The Attorney-General is leaving out the phrase - "it shall be lawful," so that the same difficulty may arise in the future. The clause is not comprehensive enough. It may do harm, or it may do good ; but if you do not cover the whole ground by including such words "as " it shall be lawful," it will be dangerous to keep the clause in the Bill at all.

Mr CROUCH

- I like this clause as it originally stood because it is clear and definite.' It made it clear to men who had not too much legal knowledge what was the meaning of the word " may." But that was not a position of which the honorable and learned member for Indi approved. I could sympathize with his position if we did not have the clause at all. If we are going to follow the common law as it is now interpreted we have a long course of precedents to guide us. We know when "may "means "may" and when it means " shall." If we keep to that we are safe. But if we are to have an amendment such as this, and are to have "may " not meaning " may," but only meaning that " unless the contrary intention appears," we shall simply be making " confusion worse confounded." We shall be destroying the effect of the precedents as to when " may " means "may " and when it means "shall " ; and shall be bringing in a new provision that " may " may mean " may," unless the contrary intention appear. Instead of making the law clearer we shall make it more confused. If this Bill is to be a draftsman's primer, I take it that any draftsman preparing a Bill would have this difficulty in his mind. It seems a small point, but I know its importance in many a court, and the large number of cases that have arisen upon it, and have been taken to a court of appeal simply because of simple words having a meaning other than that which appears on the face of them.

Mr DEAKIN

- I did not, and do not, think the introduction of this amendment absolutely necessary, but I thought it was desirable to. meet the difficulty raised by the honorable and learned member for Indi. As I have already said more than once, the provisions of this Bill relate to future legislation. They can have no effect upon those ambiguous sections of the existing law to which the honorable and learned member for Corio has made reference. Their value in the future will be in regard to what we all wish to see, and that is a stricter use of the two words " may " and " shall," and a recognition of the difference between them.

Mr CROUCH

- Then why the amendment ?

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Mr DEAKIN

- The amendment has been moved because the opinion of certain honorable and learned members who took part in the debate last week, but who are not now present, was that it was impossible to make the distinction absolutely, and "that cases would arise in which the old familiar ambiguity would occur. Under the circum-stances the committee will decide for itself. I have pointed out the probable usefulness of this proposal in the future, but it is not a point upon which I set much store. I believe the amendment will be a

convenience, but I cannot recommend it as anything more.

Amendment negatived.

Clause negatived.

Clause 37 -

Any court, judge, justice of the peace, officer, commissioner, arbitrator, or other person authorized by law, or by consent of parties, to hear and determine any matter, shall have authority to receive evidence and examine witnesses and to administer an oath to all witnesses legally called before them respectively.

Mr CONROY

- I have to ask the Attorney-General to assent to the omission of this clause. It is clearly a matter of legislation.

Mr Deakin

- It is in the New South Wales Interpretation Act.

Mr CONROY

- The clause says that the courts " shall have authority to receive evidence and examine witnesses." That is legislation. I object to a good many things in the New South Wales Interpretation Act. Bills are rushed through in the Parliament of that State as quickly as we are trying to rush this Bill through. A lot of things have crept into the New South Wales statutes that should not be there.

Attorney-General

Mr DEAKIN

- I should have said that many of the clauses do not come within the scope of the interpretation or even of the shortening of language, if we did not find so many precedents for them. It appears universally understood in the mother country, and also in Australia, that we may include in such a Bill as this all merely declaratory or machinery provisions of the kind which shorten Acts, as this provision undoubtedly does, by relieving us from the necessity of providing, when dealing with courts, that judges, justices, officers, commissioners, arbitrators, or other persons shall have power to take evidence on oath. If you endow them with certain duties, they, under the Act, have authority to administer the oath, and this saves repetition in, at least, one out of every three or four statutes passed, and distinctly shortens the language used. The clauses, which it is intended to shorten, appear with wearisome monotony in so many Bills, that it has been thought desirable to insert this provision. Otherwise I cannot defend it, though, as a matter of fact, there is precedent for it, and, as it will shorten statutes and do no possible injury, I think it might be allowed to remain.

Mr. CONROY

(Werriwa).- The clause says " by consent of parties to hear and determine any matter, shall have authority to receive evidence and examine witnesses, and to administer the oath." If there be power to do that I presume there is also the power to call witnesses and enforce their attendance.

Mr Deakin

- No.

Mr CONROY

- It is a very doubtful point.

Mr DEAKIN

- No, it is perfectly clear that to the witnesses who are there the oath may be put ; but those people cannot be forced to take the oath, which may only be administered to all witnesses legally called before the tribunal, the last words, " all witnesses legally called before them respectively," being saving words. The clause will save repetition and cannot possibly do any injury.

Clause agreed to.

Clause 38-

In the measurement of any distance for the purposes of any Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Mr CONROY

- I referred to this clause when the Bill was last considered in committee. Has the Attorney-General considered what this provision means in a community such as this?

Mr Deakin

- I have.

Mr CONROY

- In parts of Gippsland, say the mountain ranges, a man may be only half-a-dozen miles away from a given place in a direct line, and yet 40 miles distant by road. I have not had time to fully consider the clause, but I think there is a certain amount of objection to it, though I quite see that in the case of witnesses, provision might be made in another way to get over the difficulty.

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Mr DEAKIN

- I have again considered this clause since the honorable and learned member for Werriwa drew attention to it on the last occasion, and my answer to him is much the same as that I gave a few moments ago to the honorable and learned member for South Australia, Mr. Glynn. If the honorable and learned member for Werriwa considers the subjects for legislation with which this Parliament is endowed, he will see that there are comparatively few matters in which this clause can be of much moment. In the legislation of a State in Australia, the English definition and method of measurement are often, if I may say so, inappropriate, and involve many difficulties. As to the point now alluded to by the honorable and learned member, in the case of a country like Gippsland, it is possible that a person may in a direct line be only two or three miles distant, while by road he may be fifteen or twenty miles away. That will continually occur in State matters, but it will occur in hardly any instance in Commonwealth legislation. The Commonwealth Parliament will not legislate in regard to land or its control, except as to that land of which the Commonwealth may become the proprietor, and consequently on hardly any matter with which we have power to deal can difficulty arise. Here, . in the first Act we pass, we warn the draftsman that if he has to deal with cases of this kind, he must deal with them expressly to prevent injustice. No injury can arise having regard to our jurisdiction, and at all events, the clause is doing what is always valuable and useful - following English precedent.

Clause agreed to.

Clauses 39 to 43 agreed to.

Mr DEAKIN

- I move-

That the following new clause be inserted to stand clause 6 : - Every copy of an Act purporting to be printed by the Government Printer shall be evidence of such Act and its contents.

As the marginal note shows this clause is from the New Zealand Act, and there is a similar provision in the Acts of South Australia, Victoria, and several of the other States.

New clause agreed to.

Mr DEAKIN

- I move-

That the following new clause be inserted, to follow clause 26 : -

Every provision of an Act relating to offences punishable on indictment or summary conviction shall unless the contrary intention appears be deemed to refer to bodies corporate as well as to persons.

Where under any Act any forfeiture or penalty is payable to a party aggrieved it shall be payable to a body corporate where the body corporate is the party aggrieved.

I was of opinion that this was practically provided for in our definition of " persons," but to remove all doubts it has been thought desirable, at the suggestion of the honorable and learned member for Tasmania, Mr. Piesse, to add this new clause.

New clause agreed to.

Preamble.

Mr DEAKIN

- I move-

That between the word "and" and "House" the word "the" be inserted.

The article has been omitted between " Senate " and " House of Representatives."

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Mr GLYNN

- In the State of South Australia, the word "Parliament" is used to cover the two Houses. There the Governor enacts by and with consent of Parliament. In the Commonwealth Constitution Act, "Parliament" is defined to include the King. Why, then, mention him ? Why not use the word " Parliament"? I think it

would sound better to say - " Be it enacted by the Parliament of the Commonwealth, &c."

Mr. DEAKIN

(Ballarat- Attorney-General). - In reply to my honorable and learned friend I may say that his proposition is one which suggested itself to me on my first consideration of the enacting words. It has the great merit of brevity and clearness. But, on the other hand, I thought it likely to come as a shock to honorable members to whom the familiar phraseology - " Be it enacted by His Majesty the King, with the advice and consent, &c," to see His Gracious Majesty disappear into the Parliament, of which under our Commonwealth Constitution he is a member. But there are other reasons which might be worthy of consideration, although I admit that they are not of great weight. The enacting words, if the Parliament only were mentioned, would not provide for the possibility which exists under our Constitution in regard to the treatment of measures being properly expressed in such an enactment. It may be that, in some extreme circumstances under the Constitution, a measure would become law which had not been passed by one portion of Parliament, and therefore it could not be said that it was enacted by the Parliament of the Commonwealth. There is another circumstance, too, which, perhaps, ought to be recognised in enacting words and this is that the assent of the people of the several States requires to be given either in substitution for that of one House or in indorsement of something which has been assented to by both Houses. In such a connexion even these introductory words may need some addition. It would then be enacted not only by His Majesty the King, the Senate, and the House of Representatives, but by the people of the Commonwealth. It therefore seems that this particular form of enacting words a little more plastic, and more adaptable to a possible variety of purpose in future measures. There is not much to be said on either side ; but the proposal to insert the names of the two Houses is the more elastic one, and it approaches the phrase to which we have been accustomed. We have taken the Parliament distributively, not collectively.

Mr CROUCH

- May I make a suggestion to the Attorney-General ? "Whatever course is adopted on this occasion will, I suppose, be adopted in all future Acts. The preamble says -

In Parliament assembled.

Of course, under the Constitution the King cannot come into the Parliament. Therefore, the King is not in Parliament assembled. Would it not be better to make the preamble read -

Be it enacted by the King's Most Excellent Majesty, and the Senate and House of Representatives of the Commonwealth of Australia, as Parliament assembled.

Mr Deakin

- That would not get over the honorable and learned member's difficulty.

Sir William McMillan

- The word " assembled " does not apply to the King.

Mr CROUCH

- That really destroys the argument of the honorable and learned member for South Australia, Mr. Glynn, and also the statement of the Attorney-General that the Parliament consists of three forces, the Crown, the Senate, and the House of Representatives. There is certainly no doubt that if the King were assembled in Parliament, Parliament could not do its work whilst he was present. It is a mere trifle, I know, but as this is our first enacting clause it may be worth consideration.

Mr DEAKIN

- The honorable and learned member for Tasmania, Mr. Piesse, has made a suggestion which at once disposes of the difficulty. The preamble could read -

Be it enacted by the King's Most Excellent Majesty and by the Senate and House of Representatives, &c.

That meets the honorable member's point at once. It is not necessary to criticise his suggestion, which I think may be open to exactly the same objection which he levelled against this phrase. As a matter of fact, considering that the King opens and closes Parliament, and may open it in person, as he has recently done, and that he gives his assent in the presence of Parliament to Bills, the ' honorable member's objection, though it has some foundation, is, I am afraid, hypercritical.

Mr Crouch

- - The King cannot be present.

Mr DEAKIN

- But he may so attend. The question is whether the King and the two Houses having assembled at the commencement of a Parliament, does not justify the assumption that they are " assembled " afterwards. There may be an " assembling " under three or four different conditions. The word is not wholly inaccurate, and it does not appear necessary to amend it, although I will give some further consideration to the question.

Mr. GLYNN

(South Australia).- I think the honorable member for Corio is right. The old idea was that the King legislated, and the Houses subsequently assembled to consent to the legislation passed by him at their request. The Crown enacts the law, and then Parliament afterwards agrees to it: The Constitution Act, being an Imperial one, in its preamble follows the old terminology of enactment by the Crown with the advice and consent of the Lords spiritual and temporal in Parliament assembled as if the enactment is by Her Majesty. She is not assembled. She enacts with the consent of Parliament assembled. But we really cannot apply that to the assembling of Parliament here, because the three estates, King, Senate, and House of Representatives all constitute, by the Constitution Act, the Parliament.

Mr DEAKIN

- I withdraw my amendment temporarily, and move -
That the word " by " be inserted after the word "and."

Amendment agreed to.

Original amendment also agreed to.

Preamble, as amended, agreed to.

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Mr DEAKIN

- On the motion that the Chairman report the Bill with further amendments, may I express my acknowledgments to honorable members for the assistance they have rendered in perfecting a measure which I trust may be useful to all of us.

Bill reported with further amendments.

SUPPLY BILL

In Committee of Supply,

Treasurer

Sir GEORGE TURNER

- I move -

That a sum not exceeding £491,998 be granted to His Majesty on account for or towards defraying the services for the period ending 30th June, 1901.

Under section 89 of the Constitution Act it is provided that the Commonwealth is to credit each State with the revenues collected therein by the Commonwealth, and we have two classes of expenditure to provide for. The Constitution Act says -

The Commonwealth shall debit to each State -

The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth.

The proportion of the State according to the number of its people in the other expenditure of the Commonwealth.

Under section 83 it is provided that -

No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law. But until the expiration of one month after the first meeting of the Parliament the Governor-General in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth, and for the holding of the first elections for the Parliament.

Honorable members will see that the Government had power under orders in council to proceed with expenditure for transferred departments ; and also for the holding of the first election ; and for one month after the day on which we first met. That month has now expired, and, therefore, any future expenditure must necessarily be provided for under appropriations made by law. Of course, there are some special appropriations, such as the Governor-General's salary, the salary of Ministers, and the salary of

honorable members, and also the payments back to the States to be made every month. We have now to deal with practically six months' expenditure in respect to what we call the other or new expenditure, and something under one month of the transferred expenditure. I have thought it wise to place in the hands of honorable members the details of expenditure, and this being the first occasion on which the committee has had to deal with this subject, I may be allowed, perhaps, shortly to refer to the items, a course which I would not follow were it an ordinary financial statement. I therefore ask honorable members to kindly follow me through the papers which have been circulated, and I think I shall be able to explain the items so that honorable members may fully understand what the proposed expenditure is for. The first item is for the salary of the President of the Senate. We have fixed the salary at £1,500 per annum, which we consider is not too large a remuneration for the position and for the work that honorable gentleman will have to do. Of course, honorable members will understand that this will be in addition to the £400 per annum which he is entitled by virtue of the Constitution to draw as a senator.

Mr McDonald

- Too much.

Sir GEORGE TURNER

- We have fixed the salary of the Chairman of Committees for the Senate at £500 per annum. That remuneration will also be in addition to the £400 per annum which he receives as a senator. The salary of the Clerk of Parliaments is fixed at £900 per annum.

Mr McDonald

- Too much.

Sir GEORGE TURNER

- That is not a very high remuneration when we consider the salaries paid in the various States.

Mr CONROY

- The Clerk of Parliaments of Victoria receives £1,200 per annum.

Sir GEORGE TURNER

- Yes. While these items possibly appear to be large, we must consider that the positions are very responsible and very important.

Mr McDonald

- Are they not the same in the States?

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Sir GEORGE TURNER

- Therefore we cannot pay a lower rate to these officers than that which is paid to officers holding corresponding positions in the State Parliaments. If we did so we should not be placing the Commonwealth in that dignified position which I think it is entitled to occupy. We know that in Victoria very high rates have been paid, but these have been fixed from time to time by Parliament. The Government consider that the proposed salaries are fair. They are not in any shape or form extravagant. They are perfectly justifiable. Then there are other officers. The salary payable to each officer is set out in the papers, and I do not propose to deal with individual cases. Honorable members will have the right of dealing with the items, and questioning any one of them. Fuller explanations can then be given. In regard to the House of Representatives, we have practically followed the lines adopted in dealing with the Senate. The salary of Mr. Speaker has been fixed at £1,500 per annum, and that of the Chairman of Committees at £500 per annum. The Clerk of the House of Representatives being in receipt of a salary at the present time as Clerk of the Victorian Legislative Council, we have not provided for him on these Estimates. The cost of the Parliamentary debates is also provided for ; the Principal Reporter, the Second Reporter, and seven reporters. We have temporarily taken over the control of the Library, and we are providing for the officers who were employed there before at the same rate of remuneration as was paid to them by the State of Victoria. The same remarks will apply to the control and management of the refreshment rooms, , the providing of water power for the working of the lift and other purposes, and the keeping in order of the gardens connected with these buildings. In the department of the .Federal Executive Council, we have provided for a private secretary to the Vice-President of the Executive Council, whose salary is fixed at £400 per annum; and to the Acting Clerk to the Federal Executive Council we propose to make an allowance of £150 per annum. If that gentleman did not draw a salary for his services in another position, the pay given to him as Clerk to the Federal Executive Council would

have to be much larger ; but we think that as he is willing to do the work, he is possibly able to do it better than any one else who could have been appointed. We have also made provision for a Clerk, who is to be paid £290 per annum. A question which will probably be asked is : How many of these are what may be termed new appointments, that is, appointments of men who were not in the Public Service of the States ? Among the appointments made to the Senate staff, one is a new appointment - that of a messenger. In the House of Representatives staff, there are three new appointments, of the rank of junior doorkeepers, and four new appointments in connection with the Parliamentary reporting staff, three of these being reporters and one a typist. The Private Secretary to the Vice-President of the Executive Council is also a new appointment, and the Acting Clerk to the Federal Executive Council may be looked upon as a new appointment, as he was not in the public service of any of the States. In the department of the Minister for External Affairs, there is provided a Secretary at, £800 per annum - a new appointment, a Chief Clerk at £600 per annum, a Private Secretary to the Prime Minister at £450 per annum - a new appointment; two clerks at £250 per annum ; one at £240, and one at £120; one of those at £240 being a new appointment, and three of the persons appointed being shorthand writers and typists. There is also a messenger, who is a new appointment, and a housekeeper for the Sydney office. One large item of expenditure which we have had to incur, honorable members will see set out under division 10 ; I refer to the £.10,000 provided for the "expenses in connexion with the opening of Parliament and the Royal Reception." That is the estimated amount, and we hope that the actual expenditure will prove to be less than that; but the accounts are not yet all in, and we have therefore provided what we think a sufficient sum to cover everything.

Mr Watson

- For what part of the festivities did the Federal Government make itself responsible?

Sir GEORGE TURNER

- We made ourselves responsible for the entertainment of the Commonwealth guests upon the occasion of the opening of Parliament, and at the reception which followed in the evening. There was also some expenditure in connexion with the defence forces.

Mr Conroy

- Does the £10,000 include the lunch which some honorable members did not get ?

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Sir GEORGE TURNER

- No ; but the amount includes the expenses of a certain number of guests who came here as the representatives of other countries, and who were therefore regarded as guests of the Commonwealth. Provision is also made for certain expenditure which had to be made in connexion with the preparation of the draft standing orders. In the department of the Attorney-General only one officer is provided for so far - a gentleman who acts as Secretary and Parliamentary draftsman, though, of course he has assistance. His salary was fixed at the rate of £360 per annum until the 1st of June, and at £750 per annum from that date, with an allowance of £50 per annum for acting as draftsman.

I understand that the gentleman who is filling that position held an appointment under the New South Wales Government.

In the department of Home Affairs, there is a Private Secretary at £400 per annum, a shorthand writer and clerk, and a messenger, and two officers, whose services have been temporarily borrowed from a State. All those officers were State officers. Then, £20,000 is provided for the expenditure in connexion with the holding of the first elections. We have already provided £50,000 under Orders in Council, so that the total cost of holding the elections will approximate £70,000.

Sir John Quick

- Does that amount include the expenditure . in connexion with the Senate elections ?

Sir GEORGE TURNER

- The whole expenditure. In my own department, I have a Secretary and three clerks. The Secretary was paid at the rate of £300 per annum up to the first of this month, as he was, until that time, drawing salary from the State, but since the 1st June I have had the whole of his services. I have provided £900 for the remuneration of officers in the Treasury and Audit departments of the various States who have been doing work for the Commonwealth. Those officers have done this work willingly and well, and the amount which we propose to pay them for services which have extended over a period of six months is not large.

Those are the departments in connection with which there has been what I may term new expenditure. I will deal now with the three departments which have been transferred from State to Commonwealth control - the departments of Trade and Customs, of Defence, and of the Post Office. In providing for the 'expenditure of those departments, we have followed closely the appropriations which have been made in the past by the various States, except that in connexion with the expenditure of the department for Defence in Victoria, where a larger expenditure has had to be met because, of instructions which were given by the Minister for Defence before the department was transferred, for the supply of additional ammunition and rifles. The expenditure upon these departments is charged against the particular States in which it is incurred.

Mr Conroy

- We want to know why the Department of Defence was taken over before it was necessary to take it over. Why was it taken over before an Act was passed authorizing its transfer 1

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Sir GEORGE TURNER

- I think the Minister for Defence will be able to give a very good reason for that, and I believe that honorable members will agree with me that it was right and proper that Ministers should obtain control of their departments at the earliest moment, so that they might make themselves thoroughly acquainted with the details of their administration, and be able to deal efficiently with the necessary legislation. If Ministers had waited until legislation providing for the transfer of these departments had been passed, they would not have had the advantage of four or five months' practical acquaintance with their detailed working, which will be very useful in dealing with the provisions of measures which may have to be introduced for the management of these departments. The new expenditure upon the department of the Minister for Defence is considerable. £43,500 was expended in connexion with the demonstrations which took place in Melbourne, Sydney, and Brisbane during the recent Royal visit and the opening of the Commonwealth Parliament. That amount is provided simply to pay the men who took part in those proceedings, and possibly covers some small items of expenditure incurred in connexion with the transport of men who had to come by water. The other expenses have been borne by the various States interested. The amount may appear a large one, but the expenditure was necessary, and I am assured by the Minister for Defence that it was kept as low as possible. As a matter of fact, the right honorable gentleman was charged in the first instance with not giving a reasonable amount of remuneration to the men for the time which they were asked to devote. With regard to the Post-office, the appropriations are on the lines of the appropriations which have been made in the past by the various States. So far the Government have made no permanent appointments, except the officers of the House and the members of the parliamentary reporting staff. But, while the other gentlemen who are now in the Commonwealth service are holding only temporary appointments, that state of things cannot continue. It is only fair that permanent appointments should be given to them, and the Government propose to make their positions permanent at an early date. The new expenditure may appear large, but honorable members will find it set forth in detail on page 2 of the Estimates. Under Votes the proposed expenditure is £93,000, while under Special Appropriations we have for the Governor-General, £5,000 ; Ministers of State, £6,000 ; and Members of Parliament, £6,446 - making a total of £17,446 ; "and, as I have mentioned, we have paid under Orders in Council, £50,000 for the first elections, so that the total new expenditure for the first six months would appear to be the large sum of £160,000. Honorable members may say that that is an expenditure at the rate of £320,000 per annum ; but it is not so, because out of the sum of £93,000 we have an extraordinary expenditure of £10,000 in connexion with the opening ceremonies, which -will not recur, and £43,000 in connexion with the troops. That will reduce the fair amount to charge as new expenditure to £40,000. Out of that we also have to take £20,000 for the electoral expenditure, which would leave our new expenditure at £20,000.

Mi1. BARTON - We have allowed for the first elections £50,000, but the amount charged against the half-year is £20,000.

Mr CONROY

- It ought to be spread over three years.

Sir GEORGE TURNER

- That would allow a new expenditure of £20,000 for the six months. That would be independent of the

opening ceremonies, the troops, and the elections. There is £17,000 for the Governor-General, Ministers of State, and Members of Parliament. Then I take one-third of the electoral expenses, and I may put it down at £23,000. That makes the total expenditure for the six months £60,000. So that honorable members will see that the expenditure so far, when we divide it and take out extraordinary items, has not been in any shape or form extravagant. We must not assume because these amounts only have been spent during the past six months, that during the next six months or the next financial year larger sums will not have to be spent. Of course they will have to be spent. At the same time I think that the estimate which was made at the Adelaide convention that the new expenditure would not exceed £300,000 was an estimate which for some years at all events it will not be necessary to exceed, and I hope that when I have an opportunity of submitting the Estimates and a financial statement for the next financial year to be able to give honorable members full details of the proposed new expenditure, and that they will see that the Commonwealth is not to be the very costly concern which some persons have told us it will be. Much of this expenditure will be saved to the States. Where we have taken over State officers, as we have done in many cases, and made really very few new appointments, the States no doubt will be able to save a considerable amount. I know that in the Treasury itself we have taken over four officers whose positions will be filled by promotions and by junior clerks getting higher positions, and the result will be that a considerable saving will take place in the State of Victoria in that one department. The same thing will happen with many of these other appointments, and in future, where appointments are being made, the large majority of them will undoubtedly be made from the various State services, and by that means considerable savings will be made. It will be the desire of the Government to assist the States by every possible means to make savings, because we know that the State Treasurers will have a somewhat hard and a very uncertain time during the first year or two, in regard to what their revenue may be, and the amount that will be returned to them. Under these circumstances our desire - and I am certain that we shall be carrying out the wish of the House - will be to make the expenditure as low as we possibly can, consistent with the position of the Commonwealth, and consistent with paying fair remuneration to men who are placed in important and responsible positions. These, sir, are simply the matters in connexion with the Estimates, which I desire to place before the committee. As each item is called on the Minister for the department will be able to give any further information which may be required. But I thought it wise, as there may be a general discussion on the first item, and as we have no real question with regard to financial policy to discuss on this Bill, which is practically only a Supply Bill, to give a short epitome of the various amounts, so that honorable members may have a fair idea of how the expenditure has been incurred, and what it is proposed to do during the balance of the year.

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Mr Isaacs

- Will the right honorable gentleman, before he takes his seat, kindly tell us where we can find the amount of the moneys drawn under section 83 of the

Constitution Act, other than for the first elections to the Parliament %

Sir GEORGE TURNER

- They are not shown. Simply the balance for the month is shown.

Sir WILLIAM MCMILLAN

- Apart from the question whether this debate will be long or short it is very interesting as the first practical legislative step in the finances of the Commonwealth, and I am sure that honorable members will feel with me that while we do not want to begin any captious criticism with regard to mere formal items in all matters which indicate expenditure for a long period, we cannot too closely criticise the proposals of the Government. I take this first opportunity, on the general debate, of drawing the attention of the Ministry to the fact that we have not yet had any introduction of a Defence Bill.

Sir John Forrest

- Yes, and the second reading has been put down for Tuesday week.

Sir WILLIAM MCMILLAN

- While I do not take such a very serious view of the question as some persons do there are certain anomalies arising out of the fact that the Defence forces have been taken over by the Commonwealth without any proper administrative Act to deal with them.

Minister for Defence

Sir JOHN FORREST

- The same observation would apply to the Customs.

Sir WILLIAM McMILLAN

- At the same time I quite acknowledge that these Bills which are laying the foundation of the administration of the Commonwealth, should be most carefully prepared, and that it is better to have a certain amount of delay than to bring in an undigested measure. I am glad also to see that as a matter of general rule in this Bill which is being now introduced the principle of cash payment, as we call it in New South Wales, has been adhered to. I see by the Bill that the items are dealt with, and the Bill says -

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moneys shall be expended under the authority of this Act after the 30th day of June, 1901..

By that I presume my right honorable friend means to lay down the principle that our votes shall be simply for the year, and that at the end of the year all unexpended balances shall lapse.

Sir George Turner

- I did not refer to the Bill, because that is not yet before the committee.

Sir WILLIAM McMILLAN

-I am just considering the question of principle.

I presume that the principle which will be adopted in the finances of the Commonwealth is that we shall not be carrying on from year to year tag ends of votes to make almost impossible the understanding of the public accounts. The most important matter in this Bill will be the question of the salaries of the heads of the departments - the salary of the Speaker and so on - and I trust that the Committee, while being economical in its mood, will fully consider the dignity and the duties attached to some of the positions in the Commonwealth. I say that with all regard to economy, because I believe that in the earlier years of our Commonwealth life we ought to try and convince by our actions the people of Australia that the Commonwealth Government shall be no burden on the taxpayers, or that at any rate whatever burden it is shall be that only which is necessary for the essential expenses of administration. I do not know that this need provoke a very prolonged debate at this time. We have only just had this paper put in our hands. A large amount of explanation will be necessary with regard to many items, but I take it that the explanation will be made by a responsible member in connexion with the expenditure of each department. Therefore, it is not my desire to intervene with a speech on any question of grievance at the present time. From my point of view the sooner we get to the items and deal with them practically the better. A certain amount of consideration must be shown to the Government owing to the very extraordinary circumstances attending the initiation of the Commonwealth Government. Therefore, as far as this side of the House is concerned, we are anxious to deal with the question in the broadest and most generous spirit. Whatever decision may be arrived at in regard to some of the salaries, it ought to be arrived at after the fullest discussion.

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Mr WATSON

- I have no exception to take to the general plan of these Estimates. I recognise that if we are to initiate the work of the Commonwealth on proper lines we must be prepared to pay reasonable salaries to the men who undertake the work. But I notice that there is on the Estimates a sum of £800 for the Secretary to the department for External Affairs; this is, as I understand it, the Department of the Prime Minister. I should like to know who the secretary is, and whether any one has been permanently appointed. A number of statements have been made about officers who are supposed to have been appointed to various positions in the federal service; but, unfortunately, it is exceedingly difficult to find out whether any one has been permanently appointed. I do not know why the Government should preserve any great amount of secrecy in connexion with these appointments. If they have made them they should be prepared to take the responsibility for what they have done.

Sir George Turner

- I said that we had not made any appointments except in regard to the officers of this House and the Hansard staff, but that we proposed at once to make appointments of the gentlemen now filling positions. We had to wait until the Address in Reply was dealt with before we could make any appointments.

Mr WATSON

- The right honorable and learned gentleman says that the Government intend to permanently appoint

those who are now filling the positions. That is what I want to know.

Sir John Forrest

- Wait until we get to the items. It will be time enough then to give the honorable member the information he wants.

Mr WATSON

- I thought we were to have a general discussion first. That is the usual course, I think.

Sir John Forrest

- Not as to those who are filling particular appointments.

Mr WATSON

- The whole question comes up ; and the ground I take is that unless the Ministry appoint officers obtained from one or the other of the various State services, we have a right to know not only who have been selected, but the qualifications of each individual appointed to any of these high and onerous positions. That is one reason why, before I attempt to debate the Estimates generally, I should like to know the name of the gentleman who has been appointed, or whom it is proposed to appoint, to the position of Secretary for External Affairs. I should like the Ministry to give us the information now. In fact, in fairness, they may be asked to give us the names of all the gentlemen who have been appointed to offices, but who were not previously in the employment of the other States. As we have not a blue-book so far, and cannot expect one at present, we are compelled to ask these questions.

Sir GEORGE TURNER

- I will give the honorable member the names of those who, not having been previously in the service of the States, have been appointed to offices under the Federal Government. For the Senate, there is a messenger, H. Scott, appointed at a salary of £168 per year.

Mr Watson

- I was thinking only of those occupying higher positions.

Sir GEORGE TURNER

- Then there are three junior doorkeepers for the House of Representatives' side at £156 per year. In connexion with the Hansard staff there are Mr. O. Bailey, Mr. W. Admans, and Mr. Dowling, who were not formerly in one or other of the State services. The two first mentioned gentlemen are members of the reporting staff, and Mr. Dowling is a typewriter.

Mr Barton

- Mr. Dowling was employed as a type-writer on the Debates staff in New South Wales.

Sir GEORGE TURNER

- Then there is the secretary to the Vice-President of the Executive Council, Mr. Flannery, at £400; and Captain Wallington gets an allowance of £150 per year as acting Clerk of the Executive Council. As to the department of External Affairs, Mr. Atlee Hunt will be secretary, Mr. Bavin will be private secretary to the Prime Minister, and Mr. Foenander will be the clerk. Those are practically all the new appointments.

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Mr WATSON

- I should certainly like to know from the right honorable and learned gentleman at the head of the department for External Affairs what are the qualifications of Mr. Atlee Hunt for the position of secretary 1
There was a howl of execration from one end of the Commonwealth to the other with respect to the rumoured appointment of Mr. Fegan to a permanent position in the Federal Public Service. I was one of those who did not altogether approve of the appointment of Mr. Fegan; but solely for the reason that that gentleman had had no experience of organizing a clerical staff, and also because I thought that any appointment that savoured of political influence was a bad thing for the Federal Public Service. Putting the position now as between Mr. Fegan's appointment and that of Mr. Atlee Hunt, it does seem to me that a great deal of the adverse comment hurled at Mr. Fegan arose from the fact that he had been a miner, and had apparently not passed through those various stages of culture that are supposed to pertain to a university education. But so far as practical experience of life is concerned, I venture to say that Mr. Fegan had far and away more to commend him than had Mr. Atlee Hunt. The position of Mr. Atlee Hunt is simply this - that for some little time he was in the public service of New South Wales, at a salary of about £150 per year. He left the public service on the occasion of some retrenchments. He studied for the Bar, and, to his credit, went through easily, I believe. I have no desire at all to detract from his qualifications so

far as barristerial or other work of that description is concerned ; but I say most distinctly, sir, that Mr. Atlee Hunt has had no experience whatever in relation to the organization of a staff, or in respect to the working of civil service affairs. Indeed, so far as experience goes, he is in a much worse position in regard to taking into his hands the responsible duties of UnderSecretary for External Affairs than Mr. Fegan was in regard to the Secretary ship for Internal Affairs. Mr. Hunt has had no experience at all of this kind of work. He has only his qualifications as a barrister to recommend him, with perhaps the additional recommendation that he made himself useful in the Commonwealth Bill campaign in New South Wales.

Mr Thomas

- He is a briefless barrister.

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Mr WATSON

- Many clever men have been briefless barristers. I do not think that in itself is an objectionable feature at all. But this appointment ill compares with the declaration made by the Prime Minister at Maitland. He stated there - if my memory serves me - that no appointment would be made except from amongst approved officers of the various States. The ground I take up in regard to this appointment is, that unless it can be shown that for the salary of £800 per annum you could not find in the services of the various States men of experience who are willing to undertake the work in hand there is no justification for the appointment of Mr. Atlee Hunt. My belief is that in each of the States there are men who have had years and years of experience, and who have put in many years' faithful work on behalf of their various States, but who can get no promotion for the reason that those above them in the services are men at least equally qualified, with perhaps longer experience, and whom it would be an improper thing to displace. And yet the Ministry, by making appointments of this character, practically say to all these various officers, with all their experience and with all their ability to commend them - "There are no openings for you in the Federal Public Service while there are friends of ours to be served." That, to say the least of it, is a discouraging attitude to assume towards men, numbering at least dozens, in the employ of the various States of Australia, who would be glad to have the opportunity for promotion in an appointment of this sort. I do not know at the present moment what action can be taken, but I feel inclined to move the omission of the item, as soon as we reach it, with a view of testing the feeling of the Committee. ' We have a right to insist that the Federal Public Service, in the words of the Premier himself at West Maitland, shall be filled by men of known and proved experience, and against whom nothing can be said as to influence which may have been brought to bear in connexion with their appointment. If, of course, Mr. Hunt had had experience of the class of work he is to undertake - if he had been a man who had been engaged in diplomacy or something of that sort in other parts of the world - there would have been some excuse for his appointment. But so far as I can learn, this gentleman, while possessing, no doubt, a great deal of natural ability, does not possess qualifications in any way transcending the ability of men who have had many years of experience to recommend them. I therefore trust that the committee will see the propriety of entering some protest against this class of appointment. It is not that I have any thing to say against Mr. Hunt personally; I give him credit for his perseverance and for many good aspects of his character. But the main thing seems to me to be that we should, at any rate in the initiation of Commonwealth affairs when everything has to be started from scratch, hold out every encouragement to enter the service of the Federation to officers of proved experience and ability who are available. I must say that the attitude of the newspapers and leading public men in relation to the appointment of Mr. Hunt, as contrasted with their attitude towards the appointment of Mr. Fegan, calls for very peculiar ideas from some of us who have notions with respect to the class feeling which generally prevails in these matters. I do not intend until the item is reached to say a great deal more in regard to this appointment. As to the other appointments, I do not know that any great objection can be urged. Concerning Mr. Garran's appointment, I believe he will be engaged principally in legal work and drafting?

Mr Deakin

- Wholly.

Mr WATSON

- So far as I can see, Mr. Garran's is an excellent appointment. He has had experience of drafting, and has had also general experience, and to that class of appointment I have no possible objection to offer. But I have very serious objection to make in the case of the proposed appointment of Secretary to the

Minister for External Affairs. While on the Department of the Minister for External Affairs, I would like to invite that right honorable gentleman to indicate what branches he has taken under his control to necessitate his large staff, as compared with the staff given to other Ministers. I do not make this last request in any carping spirit, but merely to elicit information. I do not know what branches the Minister for External Affairs has taken over, but he has, it would seem, a much larger staff than any other Minister has found necessary. I intend, when the opportunity arrives later on, and when the items are considered in detail, to take some action in respect to the appointment of the Secretary to the Minister for External Affairs.

Minister for External Affairs

Mr BARTON

. - Perhaps it would be expedient if I at once said something in answer to the remarks made by the honorable member who has just addressed the committee. When that honorable member has seen as much of Mr. Hunt as he probably has seen of Mr. Garran, I think he will change his views to the extent of saying that Mr. Hunt is a gentleman who deserves to be classed, for ability and general intellect, with gentlemen like Mr. Garran.

Mr Watson

- I spoke of experience.

Mr BARTON

- As to experience, to which I will come presently, I think. Mr. Hunt's experience in the civil service has been as long, or, at any rate, nearly as long, as that of Mr. Garran. Mr. Hunt was born in Queensland, and educated at the Balmain Public School, Sydney, and at Sydney Grammar School. He entered the civil service of New South Wales, and instead of being in the service a short time, he was there eight years, and instead of being retrenched he left of his own accord to study for the bar.

Mr Watson

- I said it was during retrenchment that Mr. Hunt left. I did not say he was retrenched.

Mr BARTON

- Mr. Hunt

. left the public service to prosecute his studies for the bar.

Mr Watson

- I said Mr. Hunt was being retrenched, and that sooner than take a lower salary, he left. That is no reflection on him.

Mr BARTON

- That may be the case, although I understand it is not. I understood Mr. Hunt left the civil service in order to prosecute his studies for the bar, and I do not know that there is much crime in that.

Mr Watson

-Certainly not. That is no reflection on Mr. Hunt.

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Mr BARTON

- And having been in the service several years, Mr. Hunt had, during the years that intervened before he was called to the bar, to maintain himself by teaching, in which I believe he was sufficiently successful as an educated man. It is true that Mr. Hunt rendered considerable service - of which I dare say, my friend, the honorable member for North Sydney, is perfectly well aware - in connexion with the official conduct of matters at the Federal Referendum of 1898, and also at the referendum of 1899. It is true - and I do not think any one will hold this against his account - that Mr. Hunt rendered signal service, not only officially, but personally, in those matters. In the first instance, I appointed him as my private secretary, and the reason he has become my under-secretary is, that he has proved himself, not only to be capable for the duties, but, I think, more capable than anybody else I could have selected. I have had experience of public life for 22 years, and during that time I have become fairly well acquainted with the public service of New South Wales, and not unacquainted with the public service of one or two of the other States. I am able to say, without casting the slightest stigma on any other public servant in Australia, that Mr. Hunt has shown a capacity and a grasp of principle as well of detail which has rendered him an invaluable assistant to me. If that had not been so, I should not have promoted him from the position of private secretary to that of under-secretary, which I propose to do. Of course, there is a great deal in; the argument - and I

admitted the force of it in my speech on the Address in Reply - that men who have proved their capacity in the public service are entitled to very strong consideration. I not only said that in my speech on the Address in Reply, but I said the same thing at Maitland.

Sir William McMillan

- It is embodied in the Public Service Bill.

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Mr BARTON

- It is embodied in the Public Service Bill, and the general principle no doubt does prevail. But there is one thing I demur to - I demurred to it in the debate on the Address in Reply - and that is the assumption that because gentlemen without having expected a Commonwealth to ever eventuate, some of them having taken particular care to try and prevent it - that because gentlemen who never expected the Commonwealth to eventuate have been competent administrators in the civil service of the States, it is, therefore, to be supposed that they, without exception, are to be entitled to all the public positions under the Commonwealth. That is a doctrine to which I never shall subscribe, whatever action I may be subjected to. I do not believe it is the right way in which to endeavour to serve the Commonwealth by getting the best talent into its service. The proper thing is to endeavour to get the best man, wherever he may be found, into the civil service of the Commonwealth - not to be too much hide-bound to persons in the civil services of the States, but to consider men outside those services and those in the services in the same way, with respect to their ability, their experience, and differing capacities. Some mention has been made of the case of Mr. Fegan. Honorable members have heard my statement as to that proposed appointment, and I need not add to it. I stated on the occasion when I spoke about it, that if Mr. Fegan's claims had been pressed I should have supported them in the Cabinet, and if they had not been acceded to I should have known what course to have taken myself as an honorable public man. Having spoken as I did of Mr. Fegan when the question of his appointment was brought before me I should have stood to that appointment to the death. I quite concur with the honorable member for Bland in saying that there were some who appear to have thought that that gentleman was objectionable because he was a miner. Let me say here that I never shared in that objection, and I pointed out in some remarks which appeared in the press how it did seem to me that with some public men the gravamen of their objection was that he had been a miner. It occurred to me that the remarks that had been made were really pointed in that way, and I thought they were unworthy remarks. There is one thing that we must say, namely, that if we find the requisite ability in a man, the occupation he has followed, so long as it is an honest and honorable occupation, is no concern of ours. If that consideration is to be applied to Mr. Fegan it can be applied also to Mr. Hunt. Dining my association with that gentleman I have found him possessed of a breadth of information and a general knowledge which have characterized very few men with whom I have associated. When I appointed him my private secretary, it was not because he was an intimate personal friend of mine, but because I had seen in him the capacity to hold such a position with satisfaction. But I did not know then that he would develop the capacity that he has since developed as an administrator, of whom any Minister might be proud, as well as a power of organization - and this power is not confined to the civil service, although many may suppose it to be largely confined to that service - which has borne fruit in the formation of a very competent and capable department. My honorable friend has asked why the sum set opposite to this department is so large. I will tell him why. A very large proportion of the funds absorbed in the Commonwealth celebrations has been set against this department. In other respects the expenditure is not large. I am quite sure that the honorable gentleman who questioned it will agree with me that the department of the Prime Minister is the focus of the departments of State. Whenever persons do not know to whom to write they write to the Prime Minister or to his secretary. Wherever there is a doubt as to which department a person should apply to he applies to the department of the Prime Minister. As a matter of fact I had early to take steps for the organization of a small department, and as one or more of my colleagues had not up to that time severed their connexion with the States in which they were engaged, communications and business which ordinarily would have fallen to the lot of those Ministers had to come to me and I had to deal with them. But since then the work of the department for External Affairs - which is a work of the highest responsibility - has greatly increased. Also in the management of matters connected with the House - and when the items come on I shall show a list of the subjects which appertain to this department - there has been a constant stream of business which has

been so difficult to cope with that I am obliged to work on days upon which no man ought to work, and I have to stay here and at other places at night for hours when the House is not sitting. That is the answer, I think, as to whether there is enough work for the staff. There is so much work for it that it is as much as I can do to cope with it, and whatever else can be laid to my charge I think it will be said that I am not slow in matters of administration. I have now the list for which I sent. I can assure my honorable friend that the work of the department has taxed my utmost energies, taking with it the work of the Prime Minister, which in many of the States is of itself a separate department. The matters with which the Prime Minister has to deal are external affairs, the general influx of criminals, the Pacific Islands, the constitution of the office of High Commissioner, communications with States, with the Governor-General, with Executive Council officers, with officers of Parliament after consultation with the Speaker and President, the naturalization of aliens, emigration and immigration, including such questions as undesirable aliens and the South Sea Islanders, and extra territorial fisheries. Honorable members will see that communications affecting these matters, even before a Bill is laid on the table, are so numerous as to require the assistance of a competent staff ; and when it is remembered that I had to conduct this work during the time I had not the assistance of my colleagues, I am quite sure I have answered the objection that has been raised. As to Mr. Atlee Hunt, I can assure the House that the more I have associated with him officially the more confidence I have gained in him as a capable, trustworthy, and intellectual administrator.

Mr CONROY

- I should like to ask for a little information from the Minister for Defence. It is clear that under section 69 of the Constitution it was not supposed that the department of Defence would be immediately taken over.

Mr Barton

- It was mentioned.

Mr CONROY

- It is mentioned that it should come under section 69 at a certain time; but it was, in my opinion, a great mistake on the part of the Government to issue the proclamation before an Act was passed.

The CHAIRMAN

- Will the honorable member pardon me for a moment I propose to submit to the committee the estimates in their several divisions, taking division 1, 2, 3, and so on, until we have concluded the whole number. Honorable members will then be able to deal with any separate item in the divisions.

Mr CONROY

- Is there not to be any discussion upon questions of principle? Surely there is some such right of discussion upon a proposal of this kind ?

An Honorable Member. - Keep cool.

Mr CONROY

- It is very hard to keep cool.

Sir William McMillan

- I take it that the general usage is that on the first item there can be a general discussion upon all matters coming under the review of honorable members. It very often saves time afterwards. At the same time I do think that, upon the question before us, a great deal of work might be done on the individual items.

Mr Barton

- There is not the slightest objection on the part of the Government to a general discussion upon matters of principle involved in the Estimates. There may be matters which could not be brought up on an individual item, and I think the discussion upon these is not only proper but ought to be welcomed by the Government. But there are matters connected with the items themselves, which, to discuss now, would mean discussing twice. I ask honorable members to exercise their discretion in this respect, and not to deal with items now which will come before us in their proper division. If they, in their observations confine themselves to matters of principle connected with the Estimates, such as the honorable and learned member for Werriwa was doing, I am quite sure _ there will be no objection.

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Mr CONROY

- It seems to me that a very unnecessary expenditure has been incurred by the Commonwealth in connexion with the defences, and that it was likely to throw the whole of the department in the various States into a certain amount of confusion.

Sir Jons Forrest

- In what way 1

Mr CONROY

- Until an administrative Act is passed I do not see how a high position could be held by any officer.

Sir John Forrest

- The honorable and learned gentleman cannot have looked into the matter.

Mr CONROY

- It appears to me that in taking away all the heads of the departments without the machinery for creating a new one, a very wrong thing has been done by the Minister. I am very sure that the three or four months that have passed might have been occupied by the Minister of Defence in considering what he should do, and he would have been much more able to do that if he had not encumbered himself with the work of administration. I do not suppose he was in such a hurry to blow up the Houses of Parliament, or smash up the Constitution, as to make it necessary that he should secure immediate control. We know that he is too genial a man for that. But I do say that it is a matter that ought to be seriously considered by the committee. I notice that the expenditure in the State of New South Wales has been £26,000 ; in the State of Victoria, a smaller State, ' it has been £55,000 ; and in the State of Queensland, with barely one-third the population of New South Wales, and not quite half that of Victoria, the' expenditure touches something like £22,000. °

Sir John Forrest

- For what period is' that?

Mr CONROY

- That is for this month, and I mention it so that the Ministry can give some explanation for it.

Mr Harper

- It will come up on the item.

Mr CONROY

- I should like a discussion to take place now, because I think this is the proper place for it. The State of Victoria alone has incurred £29,000 of extra military expenditure. Some remarks which fell from the honorable gentleman to show that the State Minister of Defence in Victoria immediately before the proclamation, and. some time during this year, knowing that the department was going to be taken over, did certain acts involving to the Commonwealth increased expenditure.

Sir George Turner

- No, it was done some time before. I myself authorized the expenditure when I was Premier.

Mr CONROY

- Was that not in December or November ?

Sir George Turner

- About December.

Mr CONROY

- I think it was an expenditure that might well have been borne-, by the State.

Sir George Turner

- This is all borne by the State itself.

Mr Barton

- These sums in so far as: they relate to the maintenance of departments are deducted from the monthly sums returnable to the States.

Sir George Turner

- The item to which the honorable and learned member is referring is borne by the State of Victoria. It does not affect the Commonwealth.

Mr CONROY

- Then why is it put down?

Sir George Turner

- Because it must be voted now. It is distinct as State expenditure.

Mr CONROY

- Then it makes it all the more clear that the Commonwealth should' not have taken over the department. There would have been no necessity for the bookkeeping in respect to these items if this large

department had not been taken over. Quarantine has not been taken over, and here." we have this large department of Defence by this means thrown into a certain amount of confusion. It could not have been merely for the purpose of giving the Minister for Defence a portfolio, because that was all ready for him, and he would have had quite enough work without this administration. With-, regard to the remarks made as to certain appointments, it is quite true that they do lie under the suspicion that has been cast" upon them of being political appointments, because they have been made from amongst men who were well known to the Prime Minister, and who have worked politically with him.

Mr Barton

- In one case the gentleman appointed is a free-trader.

Mr CONROY

- In that case the right honorable gentleman is much better able to speak regarding men he has known than of : those he does not know. The question is whether any of these men are as good as the Prime Minister has represented them to be.. If there is going to be such a large department of External Affairs, then the question arises whether the salary offered is sufficient. It is perfectly clear to me that some of the officers of experience in the States would' certainly have refused to take the position at the lower salary.

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Mr Barton

- I agree with my honorable friend, because I have proved by investigation: that in many cases the older servants and officers of longest experience in the States have refused to take the salaries which it was in the power of this Government to offer.

Mr CONROY

- regret to hear that it was not in the power of the Government to offer them better salaries, because I certainly think we ought to pay salaries that will attract the best men. If in certain banking institutions and societies, such, as the A.M.P. Society, it is necessary to give the men in then- employ very large salaries to attract the best men, the same policy ought to be adopted by Ministers, and they ought to have made that clear to the House. Once they had shown honorable members that the larger sums were necessary I am sure there is so much common sense in the House that it would have stood by them. Low pay often means bad work, and while members themselves may, for the sake of the honour and dignity of the position, consent to accept low remuneration, they cannot expect other men who are not sharing in the distinction of being members of the Federal Parliament to go and work for proportionately low remuneration. The best men will naturally go to the places where they are paid the best remuneration. I think that when we take into consideration the number of men in various private institutions who are offered very much larger sums than some of these, the salaries are clearly inadequate. I say this without any reference to the question whether the appointments are suitable or not. I am speaking solely in regard to the offices, and I say that they should carry with them sufficient salary to enable them to be filled by the best men in the States. I regret to hear from the Prime Minister that the salaries he thought the Federal Ministry could offer were so low that men to whom overtures were made in the various States had refused to entertain them. I hope they will reconsider the matter, and if necessary put higher sums on the Estimates. If they think they have not obtained the best men, I think they should still offer the appointments to those men who they think would be suitable. I understood from the Prime Minister that, in making these appointments, even if the salaries were higher, he was quite prepared to substantiate the appointments made, and that he was not speaking with reference to the amount of salary only. I should be very sorry to think that any officer was appointed an Under-Secretary because he was the best man obtainable at a salary of £800 a year. We should get the best men in the States for these various departments, because there is no doubt the departments will grow very largely, and we cannot expect rising and ambitious men to enter them if they are not properly remunerated.

Sir WILLIAM

MCMILLAN" (Wentworth). - May I be permitted to ask the Treasurer a question in regard to. the salaries payable to the. Speaker and Ministers of the Crown. Did I understand the right honorable and learned gentleman to say that the salaries received by the Speaker and Ministers of the Crown were in addition to their salaries as Members of Parliament? In other words, is the Speaker to receive £1,900 per annum, and are Ministers of the Crown, with £1,500 as salary, also to receive £1,900? I thought the right

honorable- and learned member only referred to the Chairman of Committees, but I understand now that his remarks had a much wider application.

Sir GEORGE TURNER

- I was referring to the Speaker. There is no doubt whatever that the salary of the Speaker is £1,500 per annum, in addition to the £400 a year to which he is entitled as a member of this House. I think the same statement will apply to Ministers of the Crown.

Sir WILLIAM McMILLAN

- Is that the custom in any of the Legislatures of the States, because it is entirely new to honorable members from New South Wales, except in the case of the Chairman of Committees. I think it is better to elicit this information now, and then the question can be debated on the items.

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Sir GEORGE TURNER

- I drew attention specially to this matter in order that the committee might have the fullest opportunity of discussing it. I do not know that it is the practice in any of the other Parliaments. As a matter of fact, I think that in the State Parliaments it is prohibited. Under our Constitution it is provided that each member of the House of Representatives and the Senate shall be entitled to receive £400 per annum. A certain amount is set apart for Ministers, and we are now fixing the salary for the Speaker. The matter was fully discussed at the Adelaide Convention, and the conclusion arrived at was not to place in the Constitution any prohibition such as is found in State Acts of Parliament and other Constitutions, but to leave the question entirely to Parliament. It is therefore open to the committee to determine it. So far as Ministers are concerned, I may say that up to the present we have not drawn our allowances as members in addition to our Ministerial salaries. We thought the House should have a full opportunity of discussing the whole matter and expressing an opinion as to whether that should or should not be. Sir William Mcmillan.- as a matter of information, may I ask how we are to deal with this question. There is a certain amount allowed in 'the aggregate for Ministers of the Crown, to be divided, I presume, as they think fit. We cannot very well reduce that item because it is according to the Constitution. On the other hand, if we want to show our disapprobation of, say, for example, the Speaker with all respect, taking his salary as Speaker as well as his allowance as a member of this House, are we to reduce his salary to £1,100 per annum on these Estimates? Or is there any possibility of moving a resolution which Ministers will take as mandatory in dealing with the question in the future? I do not like the idea of reducing what I believe - if I may anticipate the vote - is a reasonable salary for the Speaker on the face of it. I would much prefer that there was some arrangement come to by which the salary should be retained at what we believe is a reasonable amount, with an understanding that the allowance as Member of Parliament should not be drawn.

Mr. BARTON

(Hunter- Minister for External Affairs). - Before the honorable member resumes his speech, may I add a word to what my right honorable and learned colleague, the Treasurer, has just said. I think the House is entitled to the fullest information we can give in this matter. The question of this £400 a year was forced upon us in this way by section 48 of the Constitution Act, which sets forth-

Until the Parliament otherwise provides -

That is to say until Parliament passes any Act it chooses to pass on this subject - each senator and each member of the House of Representatives shall receive -

These are the most plain and direct terms - an allowance of £400 a year to" be reckoned from the day on which he takes his seat.

That allowance does not cut down or in any way qualify the special appropriation made under the Act for the salaries of Ministers. Each in its turn is only to exist until Parliament otherwise provides, so that Parliament, as to both cases, the salaries of members and the salaries of Ministers, is perfectly free to take its own course. Under the Constitution as it stands, £400 a year being payable to every member is payable to Ministers in addition to their salaries, but is subject to any- course which the House in its wisdom chooses to take by way of passing an Act of Parliament. Now comes the position of the President and Mr. Speaker. In those cases the Constitution makes no provision, assuming, of course, that Parliament will itself make a proper provision. But as a member of the Senate in the one case, and as a member of the House of Representatives in the other, they are legally entitled under the Constitution to

draw their salaries. When this question was forced upon us - the very fact of this section forced it upon the Ministry - we decided that, so far as we were concerned, we would not draw the proportion of the Parliamentary allowance payable to us as members, apart from our salaries as Ministers of the Crown, until the House had had an opportunity of expressing an opinion on the subject. We determined to wait for a month or two until the House expressed its opinion, if it chose to do so, and that if it did not do so we thought we might then honorably adopt the course of assuming that the House did not intend to challenge the receipt of the allowances in addition to the salaries.

Mr A McLEAN

- Are not the salaries of Ministers dealt with under a special appropriation ?

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Mr BARTON

- The £12,000 per annum is an appropriation, but it is one of those cases in which the Constitution does not require to be amended before Parliament can act, because it goes on to say in section 51, to which I draw the honorable member's attention, that the Parliament is entitled to make laws with regard to matters in respect of which the Constitution makes provision until the House otherwise provides, and there is legislative power so to do. In the next place every Legislature has power to express its opinion by resolution, and in a matter of this kind, the Government, having taken the House into its confidence, would of course loyally abide by any resolution passed -and provide accordingly. The question of the Speaker and the

President

arose, and it seemed to us that there would be too large a margin between the remuneration of a Minister and that of the President or the Speaker, who both hold high offices, if we cut down their salaries so that with the addition of their parliamentary allowance, they would come to only a certain amount. We were bound to consider that Parliament might express an opinion about the parliamentary allowance, which, if we did not make proper provision on the Estimates, would leave them very poorly provided for, with, perhaps, a bare £1,100 a year. The difference between their salaries and the salaries of Ministers would then be very considerable.

Mr McDonald

- £1,100 a year would be £300 a year more than is paid in Canada.

Mr BARTON

- Canada is a much poorer country than this is, and it does not do per inhabitant anything like the trade of this country, nor is its trade so great.

Mr McDonald

- But the legislative functions of its Parliament are as great.

Mr BARTON

- If we decided certain matters in the way in which they have been decided in Canada, we might open the door to abuses which I need not mention, but which have happened in Canada. Holding the opinion that the emoluments of Ministers would not be excessive, if they drew their salaries in addition to the parliamentary allowance provided by the Constitution Act, and that if they drew both amounts there would be too large a discrepancy between their remuneration and that of the high officers of Parliament, ministers thought themselves bound in honour to place this sum upon the estimates to be voted subject to the approval of Parliament.

Sir William McMillan

- We are anxious only to obtain a complete explanation j we are not dealing now with the question as to whether the salaries are too large.

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Mr BARTON

- That is an explanation of the whole of the facts ; I do not recollect anything which I can add to it. It is the history of the whole transaction to the extreme point to which it has gone. So far as I am personally concerned, I think that if honorable members will look at the onerous and urgent nature of the duties of the President and the Speaker, and will consider that they are bound to work during the whole time that Parliament is sitting, and that, even when the Houses are in committee, they must be always ready .to deal with questions of order which may arise, and to have personal consultation with honorable members,

they cannot help feeling that if the provision now put upon the Estimates is voted, and these officers are allowed to draw their parliamentary allowance in addition to their salaries, they will not be too highly provided for, especially when honorable members consider that this is the Parliament of a Continent, and the first Parliament of a Continent that has ever existed. We rely upon honorable members on all sides of the House to support us in taking this course. I am quite sure that both the President and Mr. Speaker will take the proper view of the duties which are imposed upon the holders of such high offices, and will recognise that their salaries are paid to them not wholly for themselves, but partly for the performance of certain functions which the State expects of them. I think that if they recognise this, they will, with this provision, have the opportunity to perform those functions properly ; but, if any undue reduction is made in the estimate, the action of the House will be an indication to them that Parliament does not expect that which has been ordinary in such cases to be done by them ; which, in my opinion, would not be a good principle to lay down at the beginning of our career. Let it be recollected that the Commonwealth, as the Treasurer has explained, is not incurring any abnormal expenditure. Of course, there has been the expense of the Commonwealth celebrations ; but the normal expenditure upon new services is nothing like the immense sum which those who doubted the wisdom of federation thought it would be. The Commonwealth expenditure, indeed, has been very much less than was anticipated by those who had such fears ; and I have not the least doubt that in the future, until much larger functions are assumed by the Commonwealth - when, with the increase of the Commonwealth expenditure, a proportionate relief will be afforded to the States - there will not be this large expenditure. In a return which was presented to the Federal Convention during its Adelaide session the new expenditure of the Commonwealth was estimated at £300,000 per annum ; but our expenditure for the first half year does not come to more than a little over £60,000, which is at the rate of less than £130,000 a year, that is allowing for the proportion of the election expenditure, and not taking into account expenditure which can only occur once in our history - that incurred in celebrating the inauguration of the Commonwealth.

Mr Watson

- But the Prime Minister should remember that a great many of the salaries which have been paid during the first half of this year did not commence until the first of May.

Mr BARTON

- By the wise discretion of Ministers a number of salaries were not allowed to commence until a later date than the beginning of the year, and thus a large expenditure has been saved. We have got along under shortened sail, and we have managed to do very well under the circumstances. The needs of the Commonwealth are developing day by day ; but if we are to take the experience which we have had, that is, putting aside the expenditure incurred upon Commonwealth celebrations and reviews, it will take us years to reach an expenditure of £300,000 per annum. Even if the new expenditure reached £300,000 a year, that amount would have to be shared among practically 4,000,000 people, so that would be equal to only £300 for every 4,000 people.

Mr.V. L. Solomon. - Did not the estimate of expenditure which was laid before the convention at Adelaide include interest on buildings?

Mr BARTON

- There is an item "Public Buildings to be constructed, interest and maintenance." I find that £4,000 was put down for the salaries of the President and Mr. Speaker, or £2,000 a year each; and that it was estimated that £400 a year each would have to be paid to 36 Senators - which is the actual number of the present Senate - and £400 a year each to 76 Members of the House of Representatives - which is one more than the actual number of the members of this House; showing clearly that it was the intention of the committee which investigated the probable finances of the Commonwealth to read the Constitution as it really does read as a matter of law - that the officers drawing the salaries of the President and Mr. Speaker should receive, in addition to those salaries, allowances for the performance of their functions as Members of Parliament. I mention this to show that, in an estimate which came to about two fifths of what our opponents thought we were going to spend, they were allotted salaries similar to those which we now propose to retain. In this return, election expenses are set down at £22,000 a year, and, as the Treasurer has explained, the cost of our general elections every three years will, on the face of our recent experience, work out at about £23,000 a year.

Mr Watson

- But we may have general elections more frequently than every three years.

Mr BARTON

- Yes ; but I do not think that we have reason to expect that they will occur more frequently than they occur in connexion with the State Legislatures. Since the introduction of payment of members in New South Wales there has been only one election in that State which could be characterized as penal, and I do not think that that election could properly be so characterized, as the object for which it was brought about was never carried into effect - reform of the Upper House.

Mr Watson

- But we went to the country for authority to carry that reform.

Mr BARTON

- Yes; but instead of reforming the Legislative Council the new Parliament passed the Land and Income Tax Acts. However, that is another matter altogether. I have referred to this return to show that, when an estimate of expenditure was made, forecasting salaries much higher than those we are proposing for the high officers of Parliament, it amounted in all to £300,000, which is a much larger amount than we are likely to reach for years.

Mr. CONROY

(Werriwa).- If we consider this matter as reasonable men we shall not think that the salaries which it is proposed to vote for Ministers are too high. We do not know what amount is to be allotted to the Prime Minister, but considering the number of Ministers, it is clear that it cannot be more than £2,000 or £2,100 a year.

Mr Barton

- I will tell my honorable and learned friend what Ministers have done in this matter.

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Mr CONROY

- I will not ask the right honorable and learned gentleman for the information, because I consider that it is entirely for the Cabinet to decide how the £12,000 which has been allotted should be apportioned. Even if the amount received by the Prime Minister came to a little more than the sum which I have mentioned, it must be remembered that the Legislatures of three of the States have fixed the salaries of the Chief Justices of those States at £3,500 a year, with the right to a pension if they retire after having acted for only a very short time.

Mr W H GROOM

- In Queensland the Chief Justice must remain on the Bench for fifteen years before he can retire On a pension.

Mr CONROY

- But if a Chief Justice is incapacitated by illness he can retire on a pension at any time. There have been very few examples of the kind, but still the provision is there, and when we find that in order to secure the best men for these offices the salary has been, and is being paid to these men, not with the approval of one State Parliament, but with the approval of three State Parliaments, it surely shows that the very Ministers who appointed them are at least entitled to some consideration. And if the salary of the Prime Minister were fixed at even that sum, and it secured for us the best man in the Commonwealth, I do not think that there could be any room for complaint. Of course there are some persons who assert that in Parliament the people never get the best men. I am quite convinced that while the members are not paid properly the people will not get the best men. I have never asserted myself that I am in favour of the principle of payment of members, and for a very considerable time I had very strong doubts as to whether it might not raise up a body of men who are interested in stirring up political agitation--

Mr Thomas

- A very good thing.

Mr CONROY

- Still, the principle of payment of members has been so far accepted now that I do not think that anybody who got up and asserted a strong opinion against it would be very likely to be returned.

Mr Thomas

- Even Mr. Bruce Smith will take payment now.

Mr CONROY

- I certainly do not object to take it ; in fact, so far from objecting to take it I would be very glad to receive a still larger sum, and I should not think that I was over recompensed for the work I am doing in the House if I devote myself to it. There are many other honorable members in the same position as myself.

Mr Thomas

- Every one of them.

Mr CONROY

- Certainly these opinions ought to be expressed, because men utter them among themselves, and believe and know them to be true. Whatever they think they ought to be prepared to state to the public. I am here to say to the public what I believe to be true, not what I think they would like to hear from me.

An Honorable Member. - Is the honorable member the only man?

Mr CONROY

- Certainly not; I am glad to say there are other men with the same amount of courage, and I shall be pleased to see them get up and express in public those views which I know they utter in' private. If the salary of the Prime Minister had been fixed at as large a sum as £3,500, we could not, seeing that three State Parliaments after full consideration, knowing that objection could be taken to each of the votes, had yet determined to raise the salary of the Chief Justice to that amount in order to secure the best man, complain that it was too high. These things are limited to a large extent by competition, and if it is necessary to pay a high sum, then it ought to be paid. With regard to the allowance that is paid to Ministers, we know that they have to give up the whole of their time when they are attending to their departments, that any business or profession they have must utterly go to the wall, that they cannot take care of their private affairs during that time. So far from Ministers making money out of their positions, I would, taking the history of all the States of Australia, ask anybody to point out to me men who have spent their lives in the service of the country, who perhaps have been in office for many years, and who have not gone down, so far as their personal interests are concerned.

Mr Mauger

- Why this warmth?

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Mr CONROY

- I am speaking with warmth because it seems to me that with some men there is an idea that parliamentary positions are not full of dignity and honour. They should be, and when they are proper salaries ought to be paid. I with many others from New South Wales hold this view. I represent an electorate which is represented in the State Assembly by five members, to whom the State Parliament pays £1,500 a year, and on inquiry in Victoria, I find that a district is represented in this House which is represented in the State Assembly by men drawing as much as £1,200 a year, and they have the privilege in each State of attending to their own business. I unhesitatingly assert that to-morrow I would sooner sit in Sydney with no parliamentary allowance, than be here with the pay there is. I should be far better off.

Mr O'Malley

- T - That is true.

Mr CONROY

- -Every man knows it is true. I see the condition we are going to drift into if we allow this thing to go on. Only that State is going to be properly represented where the capital is for the time being, because a man will not be able to afford to give up the whole of his time to parliamentary business. Why, sir, the A.M. P. Society, which only represents a certain number of men throughout Australia, actually pays more in salaries than is paid to the members of the Federal Parliament. The Bank of New South Wales has about 200 branches. I have no doubt, that if we add up its 'expenses, it comes to £1,500 a branch. Look at the very much larger sum it pays. We find that it is paying three or four times the amount which is paid to the members of this Parliament. If capital, which takes the greatest care of its own, considers that it is necessary to pay that sum, surely the people, if they want their interests to be properly looked after,, and to get the greatest care taken of them, will also find it necessary to pay a good sum to their representatives. I would be the last to allege for a moment that there are other considerations which do not come into play here. We all know that they do. We all know that the desire to take a share in the government of the country is one of the greatest ambitions that can take hold of a man, and that when it

does take hold of him he sacrifices all his time and everything else to it. But I submit that, in view of those facts, the House ought not to enter upon its career as the Parliament of a continent by belittling all the great offices that men are to hold. So surely as we value ourselves of little account so surely will the people value us of little account, and so surely will we members be of little account. We should speak out and let the people know what we really think on matters of this sort. If the people as a whole are determined that there shall be no thorough representation of them - if they are determined to keep down salaries and everything else, then let them at least do it with their eyes open. Let them know that they will practically limit themselves to one class of men as legislators - to that class who have inherited the means to come into Parliamentary life, or who, by their own exertions, have accumulated a competence. We know that, as a general rule, men do not accumulate a competence until they reach,, perhaps, long past middle-age, and are getting into the "sere and yellow leaf." We find that this is the rule in a great majority of cases, and therefore the number who will be able to enter into parliamentary life in this way will be strictly limited. I have been led off a little by some of the remarks which have been made to mention a couple of the matters that occurred to me. I cannot but think it a matter for regret - and I say this with a great deal of hesitation, owing to my knowing both the gentlemen named, and of whom, I must say, I think rather well - that the two appointments that have been made by Ministers should have incurred the reproach of having been made strictly on private grounds. I refer to the appointment of the Under-Secretary and the appointment of the Parliamentary Draftsman. It does seem to me that in order to avoid even the breath of suspicion these offices should have been filled by men who had had a good deal of experience in the service of the various States.

Mr O'malley

- T - They are both good men.

Mr CONROY

- I am not entering upon that point at all. I am merely saying that to me it is a matter for great regret that when these appointments were made they at least left room for that suspicion. Whether they are good men or not for their respective positions, cannot be stated either by the honorable member for Tasmania, Mr. O'Malley, or by myself. We have had no experience of how they perform their duties, and therefore it would be impossible for us at the present time to pass judgment upon them. We can only say that it is a matter for regret that appointments should have been made in this way, which as I have said, allowed the Ministry to fall under the shadow of suspicion.

Mr A McLEAN

- I think the particular item under discussion is the salary of the President of the Senate.

An Honorable Member. - ;This is a general discussion.

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Mr A McLEAN

- I am aware that a general discussion is usually allowed on the first item. I only desire to direct my attention to the particular question to which reference has been made by the Prime Minister. I think it was unfortunate, although I admit that it was unavoidable, that we were not able to deal with the question of salaries before appointments were made, because the discussion now may have somewhat of a personal appearance. Nothing is further from my thought than to introduce a personal element into the debate. I am personally unacquainted with the gentleman who has been elected to the high office of the President of the Senate, but all I have ever heard concerning him was to his credit and advantage. Many of us, however, have expressed opinions to our constituents regarding the salaries that we thought should be paid to Ministers, to members, to the President, the Speaker, and the Chairman of Committees. It would be unreasonable to expect us to abandon our principles and convictions from the esteem in which we hold the gentlemen appointed to these offices. I, therefore, regret that I cannot support the addition of £400 to the salary of £1,500. I think that £1,500 is the very outside sum that should be paid to the President. I am one of those who have to plead guilty to having strongly opposed some of the provisions of the Commonwealth Bill. But at the same time I am as anxious to make the union a success as the strongest advocate of the measure could be. I recognise that nothing would make the union unpopular sooner than extravagant expenditure, and the unduly heavy taxation which is the necessary corollary of extravagance. It is idle for us to speak about economy in connexion with the conduct of the affairs of the Commonwealth if we show an undue disposition to extravagance in regard to Parliament. "We should

economize there first before we can hope successfully to extend economy to any other branch of expenditure. Therefore, if no one else moves for the reduction of the item, I shall be compelled to do so or to vote against it. As the acting leader of the Opposition said, I should like to see the actual amount put down on the Estimates that the President, the Speaker and the Chairman of Committees are to receive. That would be very much better, because I admit that if the amount is reduced in order to allow of the payment of the Parliamentary salary afterwards, it will look very small. The real amount should appear on the Estimates. With regard to the salaries of Ministers, I expressed my views before the Government was formed, when the question of paying them a total sum of £12,000 a year was discussed. I met a very large number of people who thought that £12,000 was too much. I did not share that view. I thought that £12,000 was little enough ; but I certainly never expected that that would be supplemented by an additional payment of £400. I am very pleased indeed to find that Ministers, - although they know they are constitutionally permitted to draw the £400, have not done so. I sincerely hope they will take the initiatory steps towards legislation to define the salaries in one amount without excluding the payment of £400 which is at present due to them as members of this House. I know perfectly well that Ministers must make a sacrifice to discharge their functions for £1,500 a year, but we must all make sacrifices if we desire to make the government of the Commonwealth a success. Will any one say that private members who have to leave their States, and spend their time in another State during the whole session, are not compelled to make personal sacrifices 1

Sir William Lyne

- And a great many honorable members cannot continue in their present positions unless a change is made.

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Mr A McLEAN

- I quite believe that ; but at the same time I could not support any addition whatever to the present salary. I do not mean to say that I would not perhaps support such an addition as the payment of the fares by boat of those members who have to come long distances, in order to place them on the same footing as those who travel by rail.. But I would not go any further than that. I hope the Government themselves will take some action in connexion with their own salaries as well as in regard to the salaries of the President of the Senate and the Speaker of the House of Representatives. I would much rather have had an opportunity of dealing with these questions before the appointments were made, because we must all feel a delicacy in referring to them after the offices have been filled, and well and worthily filled, by gentlemen whose services on their intrinsic merits are probably worth a great deal more than the salaries attached to their various positions. But it is absolutely necessary that we should satisfy the people of the Commonwealth that they are not to be unduly burdened with taxation on account of extravagant expenditure, more especially in connexion with the Parliament of the Commonwealth.

Sir JOHN QUICK

- I gathered from the remarks of the honorable and learned member for Werriwa that he was in favour not only of high salaries for Supreme Court judges, but also for ministers of the Crown ; and indirectly I understood him to say that he favoured increasing the salaries of honorable members.

Mr CONROY

- If such a proposal were brought forward I would support it.

Sir JOHN QUICK

- I am not prepared at present to say that I agree with the hon. and learned member. The honorable member for Gippsland anticipated the remarks I intended making. I am glad that no amendment has been moved up to the present with reference to the first item ; and I am pleased that the Government have assumed such a very fair and straightforward attitude in regard to the question. I had heard it whispered that Ministers were drawing not only the salaries connected with their offices, but also the amount allowed by the Constitution to private members. I am pleased to have the assurance from the Prime Minister that that has not been done. I understand that the Government have submitted the question to the committee, and that they are willing to acquiesce in any view that the committee may be disposed to adopt. I join with the honorable member for Gippsland in expressing the hope that Ministers will not draw their salaries as members in addition to the salaries attached to their offices. I admit that, as a matter of constitutional law, they would be entitled without any further Act or appropriation to draw them, but I sincerely trust they will

not do so. That is my private view. At the same time, I do not say that the salaries at present drawn are at all in excess, or are even adequate to the services of Ministers. It may be that honorable gentlemen on the front bench are entitled to larger salaries than they are receiving. But the question is one of political expediency - whether it is desirable that Ministers should draw, in addition to their salaries as Ministers, their salaries as members. The same principle is Applicable to the offices of President of the Senate and Speaker of the House of Representatives. It may be that the gentlemen occupying those offices are entitled to £2,000 or £1,900 a year on the constitutional basis suggested, but on the ground of economy, which has been mentioned in the speech of the Governor-General - where we were assured that economy would be observed in the various branches of the public service, and in the administration of the departments - I would strongly urge that the salaries of the Speaker and of the President should be fixed at £1,500 a year without the addition of the further amount to which those gentlemen are entitled as private members. It is highly desirable the amount should appear in some form or other as £1,500, but certainly not with the right of drawing the salary of a member in addition. The salary would be too high under the circumstances, and, with the honorable member for Gippsland, I am afraid that if we join at this early stage of our career in going in for high salaries all round, it will make federation unpopular. I am sure a large number of honorable members would be very sorry if, in consequence of any action of the House in its initial stages, we were to be accused of extravagant expenditure beyond justification by the circumstances of the case. The temporary leader of the Opposition has asked the Prime Minister how this question can be dealt with by the committee at the present stage. It seems to me it can be dealt with by the slight addition of the words "including the Parliamentary stipend" after the words "per annum."

Mr Watson

- Can we do that in view of the Constitution 1

Mr Higgins

- A footnote could be inserted to that effect.

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Sir JOHN QUICK

- Yes, a footnote could be inserted with some indication to that effect ; but I would rather the proposal did not come as an amendment from any part of the committee, -but that the Ministry should take it into consideration. I do not desire my remarks to be considered as hostile, adverse, or unfriendly. I would prefer the suggestion to come from the Prime Minister or the Treasurer after they have heard the views of honorable members. I feel sure that, if the Ministry do this, they will strengthen their position in the House and also in the country, whereas if they acquiesce in a general scheme of high salaries for Ministers and for the President and Speaker, with the understanding that there is to be an increase of payment to members, it will be a disastrous move both for Ministers and those who associate themselves with them.

Mr THOMSON

- As the Ministry have asked for an expression of opinion from the committee in connexion with the matter of their salaries, and the salaries of the President and Speaker, I desire to say that I indorse the remarks that have been made by the two previous speakers. It is decidedly necessary that the Commonwealth should gain the confidence not only of the Parliaments of the States, but also of the people of the States. One of the great objections to federation always was that a new national Parliament meant inflated expenditure, added to the already too largely inflated expenditure of the local Parliament. If the amount which is named for Ministers' salaries in the Commonwealth Act, and which, whilst it may not legally be considered to include the allowance of £400 per year, was at any rate taken by the people to cover the whole, that the payment is exceeded at the first stage of the Commonwealth's existence, I am perfectly sure that the fears of the people, which I believe to be unjustified, will become greater as to the extravagance and increased taxation likely to arise from the operation of the Commonwealth. In case the committee should be under the impression, from some remarks of the Treasurer, that the expenditure so far is very much below the estimate, I desire to point out that, whilst only £60,000 has been expended on the Commonwealth services herein dealt 'with, the whole expenditure estimated for those particular services by the Convention was £140,000 per year, or £70,000 for six months. It is true that only £60,000 has been expended, but that does not include a considerable amount of expenditure which would have been charged to the six months if the Commonwealth had come into existence earlier than it did and the appointment of officers had been necessary. There is some £15,000, £1S,000, or £20,000- at any rate,

£15,000 - not accounted for in the expenditure of the Minister for External Affairs - that is expenditure for an ordinary half-year, or salaries which are only being paid, for instance, for a third of the time, and other items. Then there are railway travelling expenses for members, and a number of other charges, which will come into future half-years, but which are not included in the items before the committee. . Under these conditions we can readily see that the £10,000 beyond the £60,000 which will bring the expenditure. of the half-year up to the estimate of the Convention, will very soon be reached and exceeded. I will just point out, for the information of the Treasurer, how I arrive at this estimated expenditure of £140,000. At the Convention the total estimated outlay "was, in round figures, £246,000. Off that there has to be taken £8,000 for the Agent General, which does not appear in the figures which we have before us - £24,000 for the Federal High Court and Prothonotary's Office; £52,000 for public buildings to be constructed, that is maintenance and interest ; and £22,000 election expenses, which the Treasurer has already deducted in arriving at this £60,000.

Sir George Turner

- No, I put that in.

Mr THOMSON

- How much did the right honorable gentleman put in 1

Sir George Turner

- £23,000. I took off £20,000 because it was voted, but I put on £23,000.

Mr THOMSON

- I did not observe that. It makes a difference.

An Honorable Member. - The InterState Commission is not allowed for.

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Mr THOMSON

- The Inter-State Commission is not allowed for. The discrepancy is very great between the expenditure for the past half-year, from which these exceptional items are excluded, and what will be the expenditure for an ordinary half-year; so that we come very close up to, if we have ° not exceeded, the estimate of the Convention. As I am speaking at this stage, although I intended to deal with the matter later, and as the Prime Minister has referred to me in connexion with Mr. Atlee Hunt, I can only say that while I indorse every word the right honorable gentleman said as to the capacity of Mr. Hunt - whilst I believe Mr. Hunt will make a very desirable officer for the position in which he has been placed, and whilst, also, I have every wish for his success, having been associated with him in federal matters for a considerable time, and knowing the good work he then did - I think it was an error on the part of the Prime Minister to depart from the principle which he is embodying, or which the Ministry are embodying in the Public Service Bill that will shortly come before us. It would have been much better to have selected one of the able officers of the States who, owing to circumstances, have not yet attained to the positions for which they , are capable, and to have placed him at the head of the whole department permanently. But when it is stated that this appointment is on all-fours with that of Mr. Fegan, I must say that, in my opinion, it is not. There should be some evidence of experience, and of capacity, in connexion with such appointments, and whilst I have' no personal objection whatever to Mr. Fegan - indeed, I respect him very highly - I do say he has not had the experience, even the experience that Mr. Hunt has had for a number of years in the public Service, and has not exhibited the capacity - the particular capacity - required in this position. I am not saying that he is not an able man. in other respects. Then there was this strong objection to the appointment of Mr. Fegan, that there seemed to be no other reason for it but the purely political one. If it was a reward for political services rendered to the public of Australia, why were not other politicians considered who had had longer service and who had given more proof of their fitness for such a position? If we reverse the case, and if Mr. Hunt and Mr. Fegan were rival applicants for the position, say, of an inspectorship of coal mines, it would be infinitely worse, under any circumstances, that Mr. Hunt should be appointed in preference to Mr. Fegan.

It would not matter if Mr. Fegan had never served the State before - that might perhaps be an objection when there were men who had served the State. But it would be infinitely worse to appoint a man who, so far as we can judge, was utterly incapable, when we had a man against whom the only objection that could be urged was that he had not served the State previously, although his capacity was admitted. That is the difference between the two positions. I do say that, while wishing Mr. Hunt well, I would have rather

seen preference given to an officer in the service of any one of the States.

Mr. MAUGER

(Melbourne Ports). With reference to the matter of the salary of the Speaker I agree with my friend the honorable member for Gippsland in the remarks he has made. I think honorable members will recognise that the amount of the difference will be the amount that is likely to be spent upon the entertainment of distinguished guests and others, and I do not know that the Commonwealth will be improved very much by a lavish expenditure in that direction. . In regard to Ministers and honorable members coming from distant States I take an altogether different view. My experience has been that men who have devoted the best of their time, energy, and ability to the State as Ministers of the Crown have from time to time made demands through their friends on the Public Treasury that the public and the House for the time being have felt called upon to recognise. I think that Ministers' salaries should be in every respect adequate. They are not adequate. We pay our Commissioner of Railways £3,500 per year - I think I am correct in the quotation - and we expect the Prime Minister to be satisfied with £2,000. Let me remind honorable members, too, that there are quite a number of contingencies. When we come to go into the necessary expenditure that Ministers are put to, we will find that the- £12,000 provided for in the Constitution is considerably reduced. If we want the business of the country to be run on business lines, we will have to pay salaries adequate to the ability required to fill these various positions. I trust, notwithstanding the protests that have been made perhaps not in full view of all the facts, that this House will not adopt a parsimonious policy in regard to its important officers of State. So in regard to the allowances to honorable members-

Mr Conroy

- That is not on the Estimate.

Mr MAUGER

- Well, it has been under review, and it has been allowed. I therefore take it that I can allude to it. So far as the honorable members of the State in which the Parliament is assembled are concerned, I have not a word to say, but to honorable members representing Western Australia, Queensland, and the more distant States, the amount seems altogether inadequate.

Mr Conroy

- They knew all about it before.

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Mr MAUGER

- I am not at all sure that they realized, as they do now, the very great calls that would be made upon them, and even if they did, I take a higher view of the matter than the fact that they ought to have known. That argument reminds me of employers excusing themselves for paying low wages. They say to their men - "It is quite an open matter, and if you do not like it you need not come." The people of Queensland and Western Australia have sent their representatives here. Those representatives find themselves subject to a very heavy expenditure, and their business connexions are absolutely cut off unless they can go in for managing them by telegraph. They are called upon to face an expenditure that I am quite sure not one of them anticipated. To say that their present allowances will be anything like adequate to these sacrifices seem to me to be unworthy of my honorable friend. I have no hesitation in saying that I will support heartily at any time, both by voice and vote, a resolution to adequately remunerate men who come these long distances and make these great sacrifices. There are honorable members in this House who will not see their families for months. The circumstances demand either that they should have two homes - one in each State - or that they should incur all the expenditure appertaining to hotels.

Sir Philip Fysh

- That is a very serious item.

Mr MAUGER

- If it is a serious item to the honorable gentleman, how much more serious must it be to those who are not in so good a way ? I trust that this House, in regard to its responsible Ministers and in regard to honorable members, Will not be parsimonious. I trust that they will recognise - I say it unreservedly - the temptations that must come to Ministers who in the near future fill those offices in this great State.

Mr Conroy

- We had a bad example of that in Canada.

Mr O'Malley

- Qui Quite true.

Mr1. MAUGER. - Honorable members will doubtless recollect that the history of low salaries is the history of inadequate and ineffective service. Whilst the amount involved constitutes a great deal to Ministers, it is of very little consequence to the Commonwealth of Australia. A matter of £1,200 is the difference really between what honorable members are entitled to draw, and what my honorable friend proposes that they should draw. I shall vote for the amount including the £400, and on the first opportunity I shall vote for a special allowance being made to those honorable members who come from distant States.

Mr. W.

H. GROOM (Darling Downs). My honorable friend, who has just sat down, has enunciated my views upon this question very accurately. I have always been of opinion that even our State Ministers have been most inadequately paid. In the great State of Queensland, which is of enormous dimensions, and with most laborious work to be performed, Ministers simply get a salary of £1,000 a year, whereas the Chief Justice of that State, who has probably not three month's work in the whole year, gets £3,500. The Commissioner for Railways,

Mr. Mathieson,

received £3,000 per year, and yet the Premier of Queensland, with all his responsibilities and duties, only gets £1,000. I do not give way to the honorable member for Bendigo, or the honorable member for Gippsland, with regard to necessary economy, but I am not prepared to advocate indiscriminate economy. I do not think the people of the Commonwealth for one moment expect, that in dealing with officers of the Houses or Ministers of the Crown, we should consider them in a spirit of parsimony. I would like to correct a statement made by the honorable member for North Sydney with regard to what he termed inflated expenditure in the States. I can only express the opinion of my own State, that there is not a single item on the Estimates that would ever bear the name of "inflated expenditure." There is too rigid a criticism exercised by members on both sides of the House for anything of the sort. With regard to the salary of the Speaker, I am of opinion that it should not be less than £2,000 a year. Speakers of the other Parliaments get from £1,200 to £1,500 a year. The Speaker of the New South Wales Parliament receives, I think, £1,500.

Mr Conroy

- It was £1,500, but there was a 10 per cent, reduction.

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Mr W H GROOM

- It is very nearly that amount, at all events. Taking into consideration the high and dignified position which the Speaker of the House of Representatives of the Commonwealth of all Australia occupies, I do not think £2,000 a year is too much. We must rise above provincialism. We are not in a parish vestry. Let us deal with the question in something like a dignified way. The Speaker of the House of Representatives of the Commonwealth of Australia ought not to receive a less salary than £2,000 a year, and I will not consent to the £400 a year allowed him by the Constitution Act - being deducted. Now, with regard to the allowances of members. An honorable member interjected just now that those members who come from long distances knew very well what the salary was when they stood for election. That is quite true ; but I told my constituents before my election that I considered I was making a dreadful sacrifice in representing them on the miserable pittance of £400 a year. I have in my possession, at this present moment, 22 letters sent to me for subscriptions, which would take away nearly £100 of my salary at once.

An Honorable Member. - Are those from Queensland ?

Mr W H GROOM

- Some from Queensland, and some from this colony. Now, look at another aspect of the question. The electorate of Darling Downs, which I represent, comprises seven State electorates, returning seven members to the Queensland Parliament. Each of those members receives £300 a year ; so that Queensland is paying those gentlemen £2,100 a year to represent the district that I represent in this Parliament for £400 a year. Then look at the sacrifice I have to make compared with my honorable friends in Queensland, who on every Friday can return to their homes by train, and come back again on Tuesday. Looking at the question from the point of view of adequate remuneration for services rendered, I say the £400 is totally inadequate. Honorable members must bear this in mind : That when the first

Constitution was drafted at the Convention the salary of members was fixed at £500 a year. I know this from one who took a very prominent part in drafting the Constitution, that had he been present on the second occasion he would have advocated a salary of £600 a year being paid to senators and members of the House of Representatives, and he is more than ever convinced of the justice of that since he has seen the large electoral districts which members have to represent. If the Ministry desire an expression of opinion from honorable members, I have no hesitation in stating my opinion freely in this way. ' I think that the members of the Cabinet are entitled to draw their £400 a year in addition to the salaries prescribed by the Constitution.

Mr O'Malley

- H - Hear, hear; and members £700 a year.

Mr W H GROOM

- Take the case of the Postmaster-General. The work performed by the Postmaster-General now was, if I am correct in my calculation, performed by six Postmasters-General in the different States, each receiving £1,000 a year.

Mr Kingston

- More than that.

Mr W H GROOM

- Well, take that as an average. The Postmaster-General now draws £1,650 a year, compared with a total sum of £6,000 a year which the different States paid. Why, if honorable members will look into the question they will see that there is not the slightest indication of extravagance in these Estimates. On the contrary--

Mr O'Malley

- T - They reach the height of economy.

Mr W H GROOM

- To talk of cutting out the express provision of the Constitution Act, which entitles members to draw £400 a year, appears to me to be carrying economy to extremes. This is a message from His Excellency the Governor-General, and this committee cannot alter the determination of any of the votes ; but if it is suggested to put a footnote to the Estimates, saying that Ministers shall not draw their £400 a year, I will be no party to "it. I think we should leave them all where they are Ministers are entitled to the £400 a year under the provisions of the Constitution Act, and I do not think they will be at all' extravagantly paid for the onerous work they are called upon to perform.

Mr McDONALD

- I do not exactly know where we are regarding this vote. I understand that no question has been put from the Chair at all, and I do not know whether I should be in order in moving an amendment. In fact, the discussion has been irregular and out of order all through.

The CHAIRMAN

- Will the honorable member indicate where he desires to move. an amendment.

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Mr McDONALD

- I understood the Chairman to say that he was going to put" the various divisions separately, and I take it that he will then indicate to the committee that the question is that so much money be granted, when we can take exception to any item included in the division. While I agree with a large number of the statements that have been made concerning Ministers themselves, I do not think any man who has entered into, politics has made much out of it. From my short experience in it, the longer you stop the poorer you will get. At the same time I think that a number of the salaries

Sir John Forrest

- That is so. It was only printed this afternoon.

Mr MCDONALD

- Well, Mr. Chairman, I am forced to the conclusion that the members of the Government are not the set of gentlemen I thought they were. We were told that they had all their Bills and business ready to go oh with immediately Parliament met. In face of this statement, however, we have had to adjourn this afternoon for three-quarters of an hour or an hour in order to allow this particular Bill to be brought down.

Sir William Lyne

- I was ready to go on with the Public Service Bill, but I did not desire to be stopped after the first halfhour.

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Mr MCDONALD

- I recognise that the honorable gentlemen was prepared to go on with the Public Service Bill, but he knew that the Treasurer had to put this Supply Bill through to-night or to-morrow. I do not think the Committee has been fairly treated by the failure of the Government to circulate these Estimates earlier. Taking into consideration the fact that in the Canadian House of Representatives and the Canadian Senate the Speaker and President, respectively, receive £800 a year, I think that if we reduce the first item by £400, and allow the President of the Senate to draw his £400 as a private member, making £1,500 a year in all, that will be a fair remuneration for the position. I therefore move - That the item " The President, at £1,500 per annum from 9th May, 1901," be reduced by the sum of £400.

Sir John Quick

- Do not move an amendment now.

Mr MCDONALD

- I can withdraw the amendment later on, if necessary.

Mr Wilks

- If the honorable member tables his amendment it will shut out a general discussion.

The CHAIRMAN

- I intimated to the committee some time ago that it was my intention to submit the various divisions in their numerical order. It was, however, the wish of the committee that a general discussion should take place. If the amendment is submitted I shall be compelled by our standing orders to confine the debate to the items within the division. If the honorable member intimates to me now that he desires to reduce the amount I must submit division No. 1 to the committee.

Mr MCDONALD

- I think I am taking the correct course.

Mr McCay

- But the honorable member is preventing every other honorable member from speaking.

Mr MCDONALD

- It appears to me that we are having a general discussion on the first item.

The CHAIRMAN

- If the honorable member moves this amendment it will stop the general discussion. I have allowed a general discussion to take place in accordance with the wish of the committee.

Mr MCDONALD

- I do not wish to prevent any discussion whatever, and under the circumstances, with the permission of the committee I will withdraw my amendment, but on the distinct understanding that I intend to move it at a later stage

Amendment, by leave, withdrawn.

Mr MAHON

- I think that the honorable member for Gippsland has sounded a true note - one which will find an echo and response throughout Australia - in asserting that at the beginning of the Commonwealth we should commence on a basis of economy. I certainly think that the salary provided for Mr. Speaker is quite ample without the additional allowance of 400 per annum due to him as a member. Applying the same principle, the salaries paid, to Ministers are also ample for the start of the Commonwealth. It has been said that Mr. Speaker, or that Ministers, should be placed in the same position as the Chief Justice of one of the State Supreme Courts ; but honorable members who reason in that fashion-

Mr Conroy

- I did not say that.

Mr MAHON

- I am not referring to the honorable member ; when I do so it will be time enough for the honorable member to interrupt. It has been said that Ministers should be paid salaries and placed in positions equal to those of the Chief Justices, but we know very well the talent and the capacity, the erudition and training

which must be inherited and acquired by a man in order to reach the position of Chief Justice of the Supreme Court of any State, and we know very well that some honorable gentlemen who have reached Ministerial office are not at all in the same category.

An Honorable Member. - Some of them are much superior.

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Mr MAHON

- It is absolutely ridiculous for honorable members to reason in this manner. Another honorable member has told us that because he represents six or seven Legislative Assembly districts, therefore he should be entitled to something like the aggregate salary which the representatives of those six or seven districts in the State Assembly receive. This is a specimen of the arguments by which it is sought to support this indecent attempt to increase the salaries which honorable members knew were provided by the Constitution before they entered the House. The honorable member for Melbourne Ports was very kind in expressing solicitude for honorable members who come from distant States. I come from one of the most remote States, and from what is perhaps one of the most expensive districts to contest and represent ; but I certainly repudiate the honorable member's sympathy. I do not want it. I knew before I came to this House the salary which it was proposed that honorable members should receive, and I would consider myself most dishonest in voting myself another shilling more than what I understood to be payable to me as a member when I came here. With regard to the other officers, I think that on the whole the salaries 'which have been fixed by Ministers are not excessive, that is, considering the salaries attached to similar offices in the various States. I should like to know, with regard to the Hansard staff, if it is proposed that the seven reporters shall do Select Committee work and the reporting of Royal commissions, in addition to their ordinary duties during the sitting of Parliament ?

Mr Barton

- Yes.

Mr MAHON

- Then I can tell the Minister that he will have to add one or two more reporters to the staff.

Sir William Lyne

- Hear ! hear ! I do not think it is strong enough.

Mr MAHON

- The staff is not strong enough to do the work required of it, and the Government will find, as has been found elsewhere, that further assistance will be required during the session.

Sir George Turner

- We have already discovered that.

Mr MAHON

-I do not think that the salaries which are being paid to the members of this staff are excessive. While it is necessary that we should practise economy, and while the Government service should never be made too attractive, we should always offer salaries which will tempt the best men available for the work ; but at the inception of the Commonwealth, we must be careful not to set an example of extravagance which may disgust the people with federation. We shall have enough difficulties to contend with, without giving the public the idea that this Parliament has entered upon a career of extravagance, and therefore I support the remarks of the honorable member for Gippsland, and the honorable and learned member for Bendigo, in regard to the need for economy in fixing the salaries of Ministers and of the President and Speaker.

Mr. CONROY

(Werriwa).- I should like to say, as a matter of personal explanation, that although the honorable member for Coolgardie has made it appear that I have stated that the salary of the Prime Minister should be £3,500 a year, and of ordinary members of the House £1,500 a year, I did not intend to express that opinion, and that my remarks have been misunderstood if I have been taken to have expressed it. I merely drew attention to the fact that £3,500 a year is paid to the Chief Justices of three of the States, and that in the State of New South Wales £1,500 is paid to the Ministers, and about £1,200 to the Speaker and President.

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Mr McCOLL

- The matters which have been discussed here to-night came so frequently and so prominently before the people during the recent elections, that I do not feel inclined to give a silent vote in regard to them. Honorable members who advocated federation during the last two years know that one of the greatest difficulties with which they had to contend was to get the people to accept the Constitution, because of the fear of the increased State expenditure which it would entail. During the last elections I distinctly pledged myself, on every platform from which I spoke, to do what I could at the initiation of federation to secure the most rigorous economy, so that I feel that I am not altogether a free agent in regard to these matters, because one of the first duties of a member, unless he knows that what he has promised is absolutely wrong, is to keep his election pledges, and I do not think that my election pledges were wrong. The public is certainly under the impression that the amounts set down in the Constitution fix the limit which the salaries paid to Ministers should not exceed. Another reason why I think we should be extremely careful is this. For a considerable time to come the States will be under financial stress. Many of us promised that we would endeavour to have economy practised in the States so that the additional expenditure required for the Commonwealth might be counterbalanced ; but we do not yet know what reductions and retrenchments will be made by any State, and are therefore, to a considerable extent, working in the dark. While I think that honorable members from distant parts of the continent are not-sufficiently remunerated for their loss of time and business, this is not the time to discuss that question. Probably in the course of a year or two, when we know what has been done by the various States to equalize matters, we shall be able to reconsider our position, and see whether the salaries which are being paid by the Commonwealth are fair and reasonable, having regard to the character of the men employed and to the nature of the work they are doing. I think that honorable members who have objected to the appointment of Mr. Atlee Hunt are unreasonable and capricious in their criticism. The Prime Minister has told the House that he obtained for the position the man whom he believed to be the best fitted for it, and surely we must allow Ministers to exercise their discretion in matters of this kind. I hold that the public servants of the States have no lien upon Commonwealth positions, and that if a good man can be found outside the service he has as much right to be chosen as any State official.

Mr Watson

- The Prime Minister said quite the contrary when he was speaking at West Maitland.

Mr McCOLL

- Another question for us to consider is whether it is right that we should deprive the States of their good officials ? I have been a member of two Cabinets, and have had a great deal to do with leading State officials. I have not found that many of these officials, who have risen almost automatically in the service, and have been accustomed all their official lives to departmental routine, have the capacity necessary for the organization of a new department. In many cases I would rather intrust such work to a business man than to an official. I shall vote for economy, so long as the proposed salaries are fair and reasonable, and although honorable members may find it difficult to do this, no one will be readier to acknowledge the pledges which they have made on this subject.

Mr CAMERON

- I listened with great interest to the remarks of the honorable member for Bland, and I indorse a great deal of what he said ; but I think it was unfortunate that he should have introduced the name of Mr. Fegan, because, by doing so he may have created the impression that he was influenced by party feeling. I have always held that the public servants of the various States should receive consideration when appointments are made by the Federal Government. A large number of public departments were taken over by the Commonwealth Government, and a number of State officials have come with them, and it seems to me that it is only right that the public servants of the State should be offered appointments before outsiders. In private affairs you will always find that men who are working on weekly wages only do as little as possible, but if they are put on piece work, and offered the inducement of higher remuneration, they will do twice as much. It seems to me that we should apply the same reasoning to our public service. As a rule public officials enter the service on the lowest rung of the ladder. They have to make their way up step by step, and if we keep away from them any hope of advancement we discourage them from exerting their abilities to the utmost. For these reasons I certainly think that the gentlemen in question should not have been taken. With regard to the salaries of the Ministers, the President of the Senate, the Speaker of this House, and Members of Parliament, it seems to me that any honorable

member suggesting an increase, especially in members' salaries, is committing a distinct breach of faith with the people who returned him. He knew perfectly well when he aspired to that honour what the emoluments were going to be. In common justice, we should be content to be bound by the Constitution, and not try to increase the amount of salary. With regard to the salaries of the President and Mr. Speaker, I shall be found supporting the proposal which I understand is going to be made, to fix the amount in each case at £1,500 and to strike out the allowance of £400.

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Mr HUME COOK

- As I understand that a vote is to be taken on these items, I propose to say how I intend 'to vote. I shall vote for the Ministers drawing £400 a year each in addition to the salary they now draw, for the reason that I differentiate between responsible persons and what are more in the nature of ornamental positions. The Ministers are responsible for the administration of their departments and the initiation of legislation, and consequently the salaries they receive are not too high ; in short, they are too little. I heard an honorable member say a few minutes ago that men ought to be paid a salary in consideration of their learning, their erudition and gifts of that kind. I do not know that the Treasurer pretends to any great learning, but I know that when he was Treasurer to the State of Victoria he was worth not the £1,250 a year which he got, but £10,000 or £12,000 a year for the work which he did. And men who occupy positions such as he did then and does now, who bring their administrative capacity and all their business habits to bear, are worth a great deal more than the Commonwealth seems to be prepared to pay them. I care not very much what public opinion outside is. I try to value the work that Ministers do and remunerate them accordingly, so that I propose to vote, if it comes to vote, for each Minister drawing an increased amount of £400 a year in addition to the salary which the Constitution Act provides. With respect to the President and Mr. Speaker the position appears "to me to be somewhat different. These gentlemen occupy positions which are more ornamental. No responsibility lies on them of administering any department, or of initiating any legislation, and whilst we ought to pay them something in accordance with their dignified positions, I do not know that we are called upon to pay any very great amount of salary at the beginning of the Commonwealth's career, and therefore I propose to vote in each instance for a salary of £1,500. Some considerable comment has been made with respect to extravagance in connexion with the departments of the Commonwealth. I am inclined to think that greater care ought to be exercised in that particular. Individuals who draw very high salaries for responsible work ought to be well paid ; but extravagance could take place a little lower down the scale, and I propose to call attention to a place in these Estimates where I think something of that kind may be taking place. As I said, men who occupy high positions, such as Under-Treasurer or Under-Secretary - men who are responsible for administrative work - ought to receive a considerable salary ; but the tendency has grown up, in Victoria at any rate, for the man holding the next position wanting almost a similar salary, and the man next to him wanting almost equally as much. For these men, although they are not responsible officers, have been drawing salaries approximating very nearly to the salaries paid to the highest officers. In division 9 of the Estimates, under the head of administrative, I see that there are four clerks provided. Of these clerks two are to receive £250 a year each, one £240, and another £120. What I would like to know is whether, if these men are occupying responsible positions, their positions are equally responsible, and if the work they are doing is of such value as to necessitate the payment of about £5 per week 1

Sir George Turner

- They are shorthand writers as well.

Mr HUME COOK

- That may be so. What I desire to say is that very many clerks in the civil service of Victoria at any rate, if they were asked to work for business men in Melbourne, would not get anything like the salaries they are receiving.

Sir Malcolm Mceacharn

- A good many of them would get more.

Mr HUME COOK

- Some might, but very few. A great number of men in the civil service of Victoria are getting a great deal more I think than they are. entitled to receive, and I hope that the work in all the departments with respect to these men who are occupying, not the highest positions but somewhere near them, will be valued at

something like what would be' paid outside the service of the State, and that they will be remunerated accordingly.

Mr Mauger

- The State should set an example to people outside.

Mr HUME COOK

- Not at all. I hold the view that the State should pay fair salaries, but that the State service should ' not be made so enticing as to make everybody want to go into it. I feel that the men ought to be paid salaries approximating; to those which are paid in similar positions, outside - no more and no less. The State has no right to pay any more because it is the State than a private businessman would pay. So I draw attention to this item as one of a number where I think a . great deal of money may be expended, and where, if we keep a watchful eye over things, a great deal may be saved. I propose to vote for high salaries for responsible - positions, and fair salaries where the positions are not so responsible.

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Mr V L SOLOMON

- I do not desire to go over the same ground as has been taken by many honorable members, but I would simply say briefly that I sympathize with the expression of opinion given to us by some honorable members who have placed their estimate of a fitting salary for the President and Speaker at about £1,500 a year. Of all the battles we had to fight when recommending the Commonwealth Bill to the people of Australia, I think the greatest was; that which had to be fought against the enemies of federation, who were continually warning us of the extravagant expenditure it would involve, and the constant necessity for increased taxation in the various States. We had it to-night from, the Prime Minister that his expenditure for- the six months ending the 30th June is a great deal less than the estimate placed before the Convention. I do not know how he has arrived at his figures, but I have taken the trouble to check the estimate, and! I find that, instead of the half-year's expenditure being a great deal less than it should be in accordance with that estimate, it is a very great deal more. Taking the estimate placed before the Finance Committee of the Convention and leaving out the question of. interest upon public buildings and the margin for contingencies-

Sir George Turner

- The margin must be taken in because there are a number of things to provide which have not been put in the list. The very object of putting in the margin was to provide for them.

Mb. V. L. SOLOMON. - I think that the light honorable and learned gentleman will see presently that all the things I am going to allude to are absolutely dealt with in the Estimates before this committee. Irrespective of the £52,540 for maintenance of public buildings which we have not got to pay, and a margin of £5 4, 1 7 5 for contingencies, the total estimate of the new expenditure of the Commonwealth, including the Legislature, the Governor-General, the Executive, the Civil Establishment, &c, was only £193,000. In the figures before the committee we find, without reckoning £44,225 additional expenditure for defence, that the absolute expenditure under the Minister for External Affairs, the Attorney-General, the Minister for Home Affairs, the Treasurer, and the Minister for Trade and Customs amounted to £49,073.

Sir George Turner

- Do you include the £10,000 for the opening ceremony in that amount ?

Mr V L SOLOMON

- Under what heading is that amount?

Sir George Turner

- Under the heading of Department of External Affairs.

Mr V L SOLOMON

- I presume that it is included.

Sir George Turner

- Then that is not fair.

Mr V L SOLOMON

- We come then to the salaries of the Governor-General, Ministers, and Members of Parliament, making a total of £66,513 altogether. The savings effected for expenditure we have not had to incur during the six months include four and a half months of members' salaries. Ministers' salaries are not included, because

honorable gentlemen have held office since the 1st January. The saving on members' salaries is £16,000 for the period. The saving for the half year on account of the High Court is £11,500. The saving on account of the Agent-General is £4,000. The saving for the printing department is £6,000. The saving on account of expenses of staff is £5,000 ; making a total of savings of £42,800, or a total in all of £109,313. Taking the half of £1.92,000, the estimate for the general expenditure of the Commonwealth, we find the result is £96,000, or an increase over the estimate of £13,000. If we then deduct the £10,000 that the Treasurer just pointed out was extraordinary expenditure incurred in connexion with the opening of the Federal Parliament, we still have an excess of £3,000 odd - and a very great deal -more if we like to go into the smaller details of expenditure for the six months.

Sir George Turner

- You see there is no provision here for Internal Affairs and the Attorney -General's departments. They are all covered in the margin, you know.

Mr V L SOLOMON

- I do not think so. The Home Office establishment, £10,000, is not touched. The Agent General's expenditure, £7,000, is not touched, nor is the Treasurer's expenditure, £11,000 ; and so on. I think, however, 'that during the past six months there may have been some extraordinary expenditure which could not properly be estimated, and perhaps we ought not to be over critical. But there has been a great deal of expenditure that has not been reckoned at all. For instance, take the Customs, Postal, and Defence departments. We have the use of the buildings for Customs and post and telegraph purposes, and I do not notice any item for interest upon those buildings. The expenses in connexion with these buildings will be a very heavy item when they come to be reckoned. I point to these matters for the purpose of emphasizing what several honorable members have said, that it is absolutely necessary that economy should be studied. If the greatest economy is not observed in every department of the Commonwealth we shall find ourselves in the position of being called to account by those whom we recommended very strongly to enter into the Federation.

Mr Higgins

- The States have to pay interest on the cost of those buildings now.

Mr V L SOLOMON

- The States will have to receive money for them. Undoubtedly the States have to pay interest now. I am not questioning that; I am questioning the cost of the Commonwealth.

SirWilliamLyne. - That is not anew cost.

Mr V L SOLOMON

- It will be a transferred cost, and it should be shown.

Minister for Defence

Sir JOHN FORREST

- Not during the first five years.

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Mr V L SOLOMON

-Undoubtedly, during the first five years. However there is no item in. these Estimates to cover that expenditure. Without touching those items at all, I may point out . that although a great many officers have only been in the federal service for a couple of months, and the cost of working the departments has not been very heavy as yet, the full estimate put forward at the Federal Convention has not only been reached, but to a trifling, extent exceeded. On the question of Ministerial salaries,, there is not a great deal of money involved in the idea of paying the £.400 a year to each honorable gentleman, in addition to the total sum permitted to be paid by the Constitution. The amount involved is a matter of £2,S00 a year additional. But one is apt to be influenced very much by the custom in the particular State from whence he copies. In South Australia, Ministers as well as the Speaker, the President of the Legislative Council, and the Chairman of Committees, cease to draw their members' salaries on taking their respective offices. In this particular instance no. great amount of money is involved, but if we start by winking at extra expenditure to the amount of £2,000 or £3,000 we must expect a very large total at the end of the financial year. Although the amount of £12,000 a year paid to Ministers is not in excess of requirements, still it was not expected by the people before federation was accomplished that that amount would be exceeded by another £2, 800, and that the total amount paid to Ministers would be increased to £14,800.

I do not intend to submit any amendment on these items, nor will it be necessary for an amendment to be 'moved. The* expression of opinion from a reasonable number of honorable members will be sufficient to indicate to the Government that the course of action they have hitherto pursued' in not drawing then-salaries as members, in addition to their salaries as Ministers, meets with the approval of this committee. Indeed, the fact that they have not done so is an admission that the drawing of the extra salary would be to a certain extent questionable, and is a sufficient assurance to the committee that the same course will be adopted in the future.

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Mr HIGGINS

- I confess I do not feel impressed by any comparison of the estimated expenditure at the Convention with the proposed expenditure now. We ought to treat each item on its merits, though perhaps hereafter, as a curiosity, it would be worth while to see the difference, if there be a difference. But if we find we should go to increased expenditure now, we ought to do it, and if we find we can reduce the expenditure estimated we should do that also. I must say I have sympathized with Ministers for the last two hours, because it is really very unpleasant for the question of their allowances to be discussed in this manner, and the sooner we pass from this subject the better. Considering the wear and tear which I see Ministers undergo in all our Houses, and especially in Australian Houses, they are not over remunerated by what they have been getting, or what it is proposed to give. I take- it that the more we pay them the more we may badger them, and' the more we shall feel free to give them a hearty critique when we find them doing wrong. But there is a great difference between the nervous wear and tear of a Minister and the nervous wear and tear of even- the- occupant of this dignified chair, or the President of the other House. Indeed, I think there is almost no comparison between the work. It is very awkward to have to speak about these' matters, but honorable members should ask themselves whether in a Minister's work - with a department to administer, and having to face the House night after night and stand the brunt of every evil that happens - there is not far more reason for big pay than in the case of a Speaker or President, who, if he have a good clerk to instruct him, has really no trouble, and has not his nerves worked on in the same way as Ministers' nerves are. A Speaker or President is relieved for a great part of his time by the Chairman of Committees, and while I feel as every honorable member must feel in speaking on these matters, I shall at the same time go for a very considerable reduction, if it be proposed, of the Speaker's and President's salaries. I might ask the Treasurer whether, supposing there were an attempt, which I hope there will' not be, to attack the £12,000- which is asked for Ministers' salaries, he has considered that there is no obligation to pay £12,000. All the Constitution says in section 66 is that, until Parliament otherwise provides, the amount shall not exceed £12,000 a- year, so that if this Parliament, which has full power; decided that a Minister should only receive £200 his salary could be fixed at that amount So far as I can see the amount ought to appear on the Estimates and in the Appropriation Bill. I apprehend there has ' been no auditing of the accounts yet. If there has been, I cannot see under what authority the auditor has passed a vote of £12,000 a year, unless it be by virtue of section 83, which allows the Government to withdraw from the Treasury any moneys needed for the administration of a department. I say this for fear there should be an impression that this £12,000 is a special appropriation by the Constitution, which it is not. The Constitution simply provides that the expenditure under this head shall not go beyond a certain sum until the Parliament otherwise provides. That means that the expenditure ought to come under review, and if my view be correct, payments to Ministers ought to appear on the Estimates and in the Appropriation Bill. The payments ought to be discussed. We may reduce the amount, but we cannot go beyond the £12,000 without a special resolution by Parliament. I hope it is understood I do not think that £12,000 a year is at all too much for the work Ministers have to do.

Sir John Quick

- Do you think the Governor-General's salary should be an annual vote under section 3 of the Constitution
1

Mr HIGGINS

- The honorable and learned member asks me for an opinion, but an opinion given on one's legs is really not worth much.

Sir John Quick

- The same words are used.

Mr HIGGINS

- The words are quite different.

Mr Barton

- In the one case the amount is certain, and in the other case the amount must not be exceeded.

Mr HIGGINS

- Quite so ; as the Prime Minister says, section 66 provides that the amount paid to Ministers is not to exceed £12,000, whereas section 3 provides that the Governor-General's salary shall be £10,000, the latter being a fixed appropriation until Parliament otherwise provides. With regard to the salaries of officers appointed, I wish there were some means by which we could make these offices temporary until we have more experience of what the work, and the character of the work to be performed, are. We are beginning a new machine, and we do not know exactly what the parts require in the way of strengthening and support. There are some cases where a man's services cannot be obtained unless he feels certain of permanence, but if it be possible these appointments, or as many of them as possible, should be made temporary. We should wait until experience shows how the work will "pan out." I know that the making of such appointments was the origin of a great many sinecures in England. Many of these sinecures arose from the fact that a particular Minister, who wanted certain work performed, gave it to some man and promised him a certain salary. It turned out in the course of a year or two that the work was not required, but the man had a permanent billet, and when he vanished somebody else was put into the place, and so it went on. I think there must be some means, as we have not passed a Public Service Bill., by which we could make those appointments provisional, so that we might see exactly what work is involved, and what are the needs of the Commonwealth. I have regretted, in common with other members, the canards circulated in the newspapers for the last two or three weeks as to attempts of members of the House to increase their allowance. The first intimation I got of any attempt on the part of any honorable member of the House to increase the £400 allowed by the Constitution appeared in the newspapers ; and I firmly believe it was simply an attempt to create, -a sensation, no other sensation offering. But honorable members have come here knowing that the Constitution provides for an allowance of £400, and we ought to adhere to that allowance. In fact, I think the Constitution would not allow anything else, and I am very sorry that at this early stage of this Parliament there are already attempts made to degrade Parliament in the eyes of the people, when I am sure we shall all try to do our duty.

Mr Conroy

- I expected that assertion from eight Victorians out of ten. They do not want to see the other men over here.

Mr HIGGINS

- If the honorable member has been the source of these canards in the newspapers I withdraw my statement as to its being incorrect.

Mr Conroy

- No, sir, I have not.

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Mr HIGGINS

- I am quite sure my honorable friend would not be guilty of anything of the sort.

Mr Conroy

- I have never even said I am in favour of the principle.

Mr HIGGINS

- I do not want to keep the committee too long, but may I say one word with regard to the contention that federal appointments ought to be made from the existing civil service. It is a matter which I hope will be dealt with thoroughly and soundly in the Public Service. Act. We ought to lay down some principle. It is the old difficulty that is continually arising in connexion with the public services of all the States of seniority against merit. It is really the same principle. If we go by seniority we knock against the rock or Scylla of red-tapeism, and if, on the other hand, we go by merit we fall into the whirlpool of favoritism, so that the question is whether we shall have favoritism or red-tapeism. On the whole my experience is- and I have looked into it pretty closely - that it is better to risk favoritism than to risk the deadness that arises from promotions by seniority. The great thing is to have somebody whom we can put our hand upon as being

responsible. Let the Minister who has control of the department or somebody else be visited with the consequences of such appointments. It is only by enabling us to put our finger on the man who has made the mistake, and who we hold accountable, that we shall have a good and a live civil service. I have nothing more to say beyond to recur to what I opened with, namely, that it is our duty to disregard the estimates made at the Federal Convention. If there is money to be spent, and it ought to be spent, let us spend it, whether it is in excess of those estimates or not. But if we find that we have so much for any particular post, and we can do with less, by all means let us try and do with less, and thus save the taxpayers' money so far as we can do so consistently with efficiency.

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Mr HENRY WILLIS

- The Supply Bill submitted by the Treasurer would, I think, at first sight give one the impression that the Government were prone to extravagance. Having heard what was said by the honorable member for South Australia, Mr Solomon, one would feel that the Government had really gone much further than they had any right to have done, in face of the estimate that was placed before the Federal Convention, and repeated over and over again by the Prime Minister when he was stumping Australia in favour of the Commonwealth Bill. But after having looked carefully into the matter, I am of opinion that the Treasurer is within the estimate submitted on that occasion. According to his statement the expenditure up to the present time is at the rate of about £300,000 per year. In the estimate that was submitted to the Convention it was summed up at £300,000 per year, leaving a margin of something like £54,000. But I find that during the present year we have expended £43,500 in military and naval demonstrations in connexion with the opening of this Parliament and the Royal reception. That expenditure will not take place in future, so that it will bring the estimate of the Treasurer down to the figures I referred to in a speech made here some days ago, in which I stated that there was no reason to suppose that the Government could not carry on the affairs of the Commonwealth - the new expenditure of the Commonwealth, as it was termed - on the sum estimated during the sittings of the Convention. I am, therefore, of opinion that that estimate is fairly correct. I would say here that there is no warrant for the statement that there was a mandate from the people that the Speaker of the House of Representatives and the President of the Senate should receive less than £2,000 per year. When the Constitution Bill was before the country it was understood that these two high officials should receive not less than £2,000 per annum, just as it was understood that the Ministry should receive not less than the £12,000. The Prime Minister has pointed out that there is no provision in the Act against Ministers taking the allowance of £400 per year provided for honorable members. But I think he will see that there was no pledge on the part of the people who voted upon the referendum in favour of paying £12,000 a year to the Government and the £400 a year in addition, because the Constitution states specifically that the sum received by the Cabinet shall not exceed £12,000 a year. We have then to assume that the sum payable to Ministers shall be voted by Parliament, but shall not exceed £12,000 a year. It would exceed that amount if we gave them, in addition to £12,000, the £400 allowed to other honorable members, and included in the estimate made at the time of the Convention. Before the dinner hour the Prime Minister, made some reference to an appointment which he had made in his department. I do not know that I should have referred to it upon this occasion, but for the inference to be drawn from the Prime Minister's utterance. According to the right honorable gentleman, his reason for making the appointment was that he was not able to offer as salary a sufficient inducement to a more capable man to take that position. If that is what he meant, the assumption is that the officer appointed is not a man of the very first rank. He is a second rate man at the best, because a man of the first rank would not accept the position the Prime Minister having stated ' that he was not able to offer a sufficient inducement.

Mr BARTON

- -I made no such statement with regard to Mr. Atlee Hunt. I deliberately appointed him because I thought he was the best man I could get for the position.

Mr HENRY WILLIS

- The Prime Minister will find from Hansard that what he said before the dinner hour was substantially what I am saying now.

Mr BARTON

- If the honorable member will excuse me, I said nothing upon that subject in my speech. What I said

under that heading was said as the result of the indulgence of the honorable member for Werriwa, who allowed me to interrupt him, and it was that in several cases - I did not mention Mr. Hunt 's case - I had found it was impossible to get men of the greatest ability and longest experience in' the State services at any salary we could offer them. I think the honorable member for Werriwa will bear me out in my statement.

Mr CONROY

- So I understood you.

Mr HENRY WILLIS

- The Prime Minister said he was not able to get men of the highest ability in the State services - * -

Mr Barton

- I said that I could not get gentlemen who were highly qualified and of long experience- in the services of the States because they would not accept. That is so with regard to the formation of some of the staffs that have been in question. But I want to say that I- did not take that into consideration in- the case of Mr Hunt, although I might have met with the same experience there, because I simply appointed that gentleman on the ground that he could do the work that I had for him to do better than any one with whom I was acquainted.

Mr HENRY WILLIS

- The right honorable gentleman, in making a statement to the House with regard to this appointment, referred to an honorable member upon this side who was a member of a committee of which Mr. Hunt was secretary. I was a member of that committee also at the time that Mr. Hunt was first introduced as an unknown man, acting as junior to an honorable member of this House. Subsequently, when the second Convention took place, Mr Hunt became secretary of that committee.

Mr BARTON

- During the first Convention ; he was joint secretary in the second.

Mr HENRY WILLIS

- He was organizing secretary in the second, but not in the first. I was a member of the committee, and saw something of Mr. Hunt, and as the impression has gone abroad-that he is highly capable, I may say that I am personally of opinion that he is most incapable. He is a man who has had no experience whatever in business affairs ; he is not possessed of the ordinary courtesy of a gentleman.

Mr BARTON

- That is not correct.

Mr HENRY WILLIS

- He is not a person who should occupy, such a high position. He has never filled in New South Wales a position of high rank. It has been stated in this House that when he was on. the point of being retrenched he resigned his appointment, which was a junior appointment, in the service.

Mr Watson

- I do not want any false impression to be created from any statement I made. What I stated with respect to Mr. Hunt was that when retrenchment in the service was taking place, in preference to accepting a lower, salary, he retired. He was. not retrenched in the ordinary sense of the word.

Mr. HENRY WILLIS. - I understand that. He knew he would be retrenched, and he resigned; * This gentleman was organizing secretary to the 'Prime Minister on one or two election campaigns.

Mr Barton

- He was never anything approaching to it.

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Mr HENRY WILLIS

- Then he was secretary to the Prime Minister when he made a certain tour in Northern Queensland. Those are the only two instances we have of his great ability. He is a man of no administrative ability. He has been an. officer of minor importance, and now he is placed in the very highest position in the Commonwealth,, appointed by the Prime Minister for- no other apparent reason than that the right honorable gentleman holds him in very high esteem. I am of opinion that this appointment should never have been made,and the Prime Minister would do well to induce Mr. Hunt to retire, as another person has been induced to retire.

Mr.Barton. - You may make up your mind that I will do nothing of the kind-

Mr PIESSE

- During the course of this discussion, the question of paying a few thousand pounds a year more to certain officials and to Ministers has been raised. We are sounding the keynote of the finances of the Commonwealth for some time to come; and although it may appear to be a little invidious to have to discuss the gentlemen who are interested in this question, I think we have sufficient high public ground to make us firm in the resolve that, as far as we can, we shall not begin this first act of finance by anything that can be called extravagance. I am very grateful for the good spirit which has led honorable members, especially the honorable member for Melbourne Ports; to express themselves in the way they have done in regard to members who have come from distant places ; but I for one hope that neither he nor any other honorable member will press any proposal to increase the remuneration which the Constitution. Act provides for members. I would very much rather that even the travelling allowance question, which has been raised, should be allowed to sleep, and that those who come from distant parts should be content with the remuneration which we knew was to be ours when we accepted the position. Dealing with the whole question of the remuneration for the high offices to which reference has been made, I will say at once that those offices should not be judged by their money value. I hope honorable members have come to this House with a higher notion than that of obtaining money compensation for their services, and that we shall, having regard to our promises to our constituents, and for the sake of the future finances of the Commonwealth, not seek to increase the amount of remuneration which has been agreed upon under the Constitution. I do not accept the view which has been put, that some of these salaries are required to sustain the dignity of the offices. Dignity cannot be added to an office by the expenditure of money, but only by the due discharge of duty. I hope we will not vote the salaries of Ministers or officers of this House, the Speaker or the President, with the idea that they are to be expected to extend hospitality as a part of the consideration for holding these offices. If there is one danger in front of this Commonwealth it is the danger of extravagance, and we need to be careful of it from the beginning. I hope, therefore that Ministers will be ready to accept the suggestions which have been made, and will not ask that these salaries should be increased.

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Mr WILKS

- Following the lines of the last speaker, I may say that there is no doubt this debate will be watched with a great deal of attention by the people of Australia. Honorable members in this Chamber have practically admitted that their first duty is to study economy. Some of them have said that the enemies of federation are watching us very carefully and pointing out the danger of extravagance. Not only are the enemies of federation watching us, but also the friends of federation, and watching us with the same eagerness. The honorable member for Bendigo, Sir John Quick, has told us that he believes in economy, and while he desires that care and watchfulness should be exercised, he admits that some of the salaries to be paid are inadequate. Now, I maintain that while the people are asking for economy, they are prepared to pay just salaries to the officers of State ; but the point for members to determine is what they consider to be a just salary. The people of Australia do not wish us to act for a moment in the manner of a pauperized State. They wish us to vote salaries that are adequate. If I consider any salary adequate, I shall vote for it ; if I consider it inadequate, apart altogether from the question of expediency or in expediency, I shall vote against it. That brings me to the question of Ministers' salaries. We have to consider whether the people of Australia, having regard to the experience that has been gained in the past, are of opinion that the amount proposed to be paid is adequate or otherwise. We have to realize this new feature, that we have on the Treasury bench men of experience, and of great ability, who have held offices as Ministers in the various States of the Commonwealth, and who are, to all intents and purposes, removed from their particular callings. They are compelled to leave their own business absolutely and attend here ; and we have to consider now whether the voting of £400 a year more to them is an extravagance or not. Personally, I do not consider it an extravagance at all. The £400 a year is simply their Parliamentary allowance as private members. The other sum is provided for in the Constitution, and the people have not cavilled at it. Judged by the expenditure in the various States it is not extravagant. I must say upon that point that the only objection I raise with regard to the action of Ministers is, as to what may be termed their accessories. Several of them have provided themselves with private secretaries. In the case of the Minister for External Affairs provision is made for a private secretary at a salary of £450 per annum, while

the Minister for Home Affairs is to have a private secretary at a salary of £400 per' annum. I wish the committee to understand that these officers are not departmental officers ' in the ordinary acceptance of the term. They do not stand in the position of under-secretary of a department. So far as New South Wales is concerned this is entirely an innovation. For many years the late Sir Henry Parkes, as well as the Right Honorable Mr. G. H. Reid, Sir William McMillan, and others, while members of New South Wales State Governments, carried out their enormous transactions without the assistance of private secretaries. The right honorable and learned member who happens to be Treasurer of the Commonwealth has a reputation, I believe deservedly earned, as a watchful Treasurer, and, by his watchfulness over the Victorian finances, he -has performed good service for that State. I ask the right honorable and learned member will he exercise the same care over matters of the character I have referred to, and see whether there is any necessity for the ' appointment of such officers. I cannot vote for the appointment of private secretaries for Ministers. The honorable and learned member for Northern Melbourne has said that this is a matter to which we can refer in the detailed items, and that arguments which might apply to Ministers would not apply in certain other instances. I thoroughly agree with him in regard to the President of' the Senate and Mr. Speaker. Their occupation of office is practically continuous, whereas Ministers have but a precarious occupation. They are at the will and pleasure of the House. On the other hand, Mr. Speaker and the Chairman of Committees will hold their positions so long as they show aptitude for the work. I am confident that honorable members will not attempt to remove them from their high offices so long as they carry out their duties in a satisfactory manner. I do not consider it necessary, however, to pay the proposed high salaries to the President and Mr. Speaker in addition to the allowance of £400 per annum each 'to which they are entitled as Members of Parliament. The Treasurer's watchful care of the finances, for some powerful reason, has been departed from in this Chamber, but he will see that he has in this ethereal atmosphere, as it was called the other day, ready and active supporters in carrying on the Commonwealth expenditure upon justifiable lines. The amount payable to Mr. Speaker and to the President of the Senate should; I think, stand at £1,500 per annum each, including the £400 per annum to which they are each entitled as Members of Parliament. There are other matters with which I shall deal as they present themselves before the committee ; but I do think that this debate, and the attitude taken up by the House generally in regard to this Supply Bill, should not only satisfy the enemies, but please the friends, of federation, by showing that we are determined that the expenditure shall be on lines which are justifiable. We should not go to extremes, because, in my opinion, the people of Australia do not require any cheeseparing, and do not expect us to adopt a policy of that kind. If the Government can justify the salaries the people will be satisfied with the action they take. It is a happy sign that the prognostications as to extravagant expenditure under the Commonwealth have not been fulfilled.

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Mr TUDOR

- There is one phase of this matter which has been lightly touched upon, although to my mind it is of very great importance. I would like to be sure on the point myself. We had the assurance of the Prime Minister during the debate on the Address in Reply, and again to-day, that these officers were only temporarily appointed. I desire to know what the effect of our vote on these Estimates will be. If we vote for these salaries for various offices, will that action make the holders of them permanent officers of the Commonwealth 1 If so it would be a most injudicious step, and I would be prepared to vote against it. In view of the fact that we have a Public Service Act coming into operation almost immediately, I think the gentlemen in these various positions should only hold office temporarily. "When the Public Service Act is in operation, permanent appointments can be made, and if the gentlemen to whom reference has been made, possess the great ability attributed to them, no doubt they will have the best chance of selection. I agree with the honorable member for Echuca, that in making a selection we should not be confined to the public services of the States. Applications should be invited generally. The persons best fitted for the vacancies would thus be able to obtain them ; a man would secure appointment because of his qualifications, and not because he happened to be the friend of a gentleman occupying a very high position, or because he happened to be in the public service before the passing of the Act. I observe that, while some Ministers have one, two, or three private secretaries or clerks, others have none.

Mr. Kingston. - The others have departmental officers.

Mr TUDOR

- I should like to see all these persons departmental officers, and not merely private secretaries. I desire to see them appointed by the Public Service Commissioner, and that is why I enter my protest against permanent appointments at this particular stage. I think that before we vote, we should know the position in which we stand. The salaries proposed to be paid to some of these officers are in marked contrast to the wages given in some parts of the Commonwealth service. Cases have been brought under my notice where men holding temporary positions in the Commonwealth service are working for 5s. per day, but such instances as these can be referred to when we come to the Estimates of the departments with which they are connected.

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Mr SALMON

- I think the inquiry made by the honorable member for Yarra is a very pertinent one. It is a matter which suggested itself to my mind some time ago. Although we recognise that these votes are impersonal, that they are votes for the positions and not for the individuals, we ought to know at this stage what will be the effect of them. We should not be prejudicing to a certain extent those who have not yet had an opportunity of offering themselves for the positions provided for. This is a matter which the Prime Minister might well explain, in order that we may have the assurance, to which we are entitled, that when the Public Service Bill becomes law, those who are in the public service already will be required to bring themselves under its provisions, and that we shall not have extra public service officials appointed before we have defined the provisions that we consider necessary to place in that measure. I think that such an assurance from the Prime Minister would remove some unrest on the part of those outside the service at the present time, and obviate serious trouble in the future. I quite agree with the view that private secretaries should be departmental officers. In the Victorian State service we have been accustomed in some departments to have private secretaries for Ministers, but in every case these officers are members of the public service. They have been taken from their ordinary work, which is generally in the same department, at the choice of Ministers. A Victorian State Minister is not debarred from making a selection, and an officer of his department is placed at his disposal as private secretary. In most cases these are fifth-class clerks; gentlemen who have made themselves qualified shorthand writers, while most of them are expert typists. They are able to materially assist Ministers in disposing of their correspondence, and their work really does not go beyond that. I cannot see why it is necessary in the Commonwealth service to have a number of private secretaries, with salaries ranging from £400 to £450 a year, who will be extra departmental officers, and who, for all we know, may be appointed by Ministers and subject to dismissal by succeeding Ministers - officers who will have no rights, and not be in the public service. Such a course would only result in the growth of a system similar to that in force in the United States of America. The Prime Minister mentioned that he was not in the position to offer salaries sufficiently high to attract the heads of the public service in the various States occupying positions similar to those he desired to fill in the Commonwealth. Surely it is not necessary that he should restrict his choice to the heads of State departments. I believe that in these departments there are numbers of men under the heads who are thoroughly qualified to do the work which is required to be done - men who are not held-bound by the red-tapeism of which we have heard and seen so much, but men of initiative, who have shown that they have capacity and ability, and who would be not only an ornament to the federal service; but would also do solid work for the Commonwealth. I think that a mistake has been made in confining the choice of heads of departments under the federal authority to the heads of departments under the State authorities.

Sir George Turner

- We have not done that. The head of my department was not the head of a State department.

Mr SALMON

- I feel sure that the right honorable member is not paying that gentleman less than he was receiving from the State.

Sir George Turner

- He is getting very little more than he got from the State.

Mr SALMON

- Well, that is an exception to the rule which the Prime Minister has said must operate. I should like to see men taken from the State departments, if they are capable; but I do not think that the-

Commonwealth Government are bound to choose their officers from among the public servants of the States. We desire to have the best men we can get, and, to get the best men, we must offer proper inducements. I wish to see a fair salary paid to every officer in the Commonwealth service, and I hope that when the Public Service Bill is passed, it will contain such provisions as will insure the best work being done by the servants of the Commonwealth. Although it may be strictly legal for Ministers to draw their parliamentary allowance of £.400 per annum in addition to the salaries provided for them by the Constitution Act, I feel sure that it was not the intention of the Convention, in setting aside £.12,000 for the salaries of Ministers, that they should also draw their parliamentary allowances.

Sir George Turner

- Yes, it was. The subject was discussed in Adelaide; and the Convention refused to restrict Ministers in that way.

Mr SALMON

- I am accustomed to the "Victorian practice, where the salaries paid to members and to the high officers of Parliament are taken to include their parliamentary allowances, as the greater includes the less; and I feel that it would be better if we adopted the principle in regard to the Commonwealth.

Mr Mauger

- A Minister, or any one in the position of Mr. Speaker, has the work of an ordinary Member of Parliament to do in addition to the performance of the duties attaching to his office.

Mr SALMON

- A similar remark has already been made by an honorable member on the other side of the Chamber, but I should like to point out that the Minister has a private secretary to do for him the work which an ordinary Member of Parliament has to do for himself. It is my experience that the private secretary does the work quite as well as a man can do it himself, because it is mostly a matter of correspondence. I believe that the system of employing private secretaries came into vogue in Victoria on that account. I am strongly convinced that the House could not pursue a more fatal course than, at the inception of federation, to adopt any proposal that savoured of extravagance: I do not say that the proposals which have been put before us are extravagant, but they will probably be taken by the public as evidence that this Parliament desires to tread a path which many of us have assured the people would not be trodden by it. There are honorable members who have told the people that if they accepted federation they would find out to their cost that there would be extravagant expenditure by the Federal Government, and others of us have gone through the length and breadth of the country and, despite those assertions, have assured the people that there would not be extravagant expenditure. It was largely due to our protestations, which we believed to be true, that we could not conceive of a Parliament elected under the franchise which was provided sanctioning extravagant expenditure, that the people accepted federation, and I shall be very sorry if we depart from the lines which have been laid down for us in this matter. For this reason, and this reason alone, I shall vote against the proposal that Mr. Speaker and the President shall receive in addition to their salaries their ordinary parliamentary allowances as a member of the House of Representatives and a member of the Senate respectively.

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Sir LANGDON BONYTHON

- I feel that I cannot give a silent vote upon this very important matter. I indorse the sentiments which have been expressed by the honorable member for Gippsland, and other honorable gentlemen who have agreed with him. I regret, however, that the first line on these Estimates should be the salary of the President of the Senate, because I have known the occupant of that office during the whole of his political career, and considerations of friendship might have induced me to support the proposal of the Government in regard to his salary. But I feel that the salaries attached to these high offices ought to include, and should not be in addition to, the ordinary parliamentary allowance. As the House has already been informed, that is the rule which has been adopted in South Australia, and I do not think any honorable member will say that it has proved a failure, inasmuch as the Ministerial benches of that State have furnished this Parliament with the President of its Senate, the Speaker of its House of Representatives, and its Minister for Trade and Customs - appointments which are a mere suggestion of the possibilities. At the meetings which I attended in South Australia a very favorite question was, would I agree to the parliamentary allowances being included in the salaries paid to Ministers? To that question I

always replied in the affirmative, and in every instance my reply -was received with applause. I intend to-night to give effect, so 'far as. I can, to the promise which I made to the electors on this subject.

Mr CRUICKSHANK

- As there was a .good deal of comment in New South Wales, and I believe in Victoria, in regard to the proposed appointment of Mr. Fegan, and as there will be a great deal of comment with regard to the appointment of Mr. Atlee Hunt, I do not wish to let pass a remark which was made by the honorable member for Bland to-night, and which he several times repeated, to the effect that the action of the Premier in making this appointment was not in keeping with the statements made in his Maitland speech. But this is exactly what he said on the subject in that speech-

As soon as opportunity arises we shall regulate the public service. At present appointments are merely temporary, and are few, pending the meeting of Parliament. We shall not enter upon large expenditure till we have the confidence of Parliament. The whole of the appointments being temporary will enable us, in the case of hardship, to provide for men worth providing for. As time goes on we shall have to obtain accommodation for our officers, and shall need the best servants, capable and experienced men, to carry on the affairs of the Commonwealth.

I take it that what the Prime Minister said at Maitland was that all the appointments to be made would be temporary until such time as the Government met with a vote of censure or took a vote on the Address in Reply - until such time as he felt that his Government had the confidence of this House. I think there is a great deal in what has been said ; it might have been well if -these had remained temporary appointments until .the nominees were submitted to the Public Service Board I rose more to justify the . action of the Prime Minister, because <1 feel that he has kept faith with -his speech at Maitland so far as his action goes in making these appointments. Another matter which has been discussed very fully, and which I would like to refer to, is the increase of our salaries I 'notice that there is very great interest taken in all matters of finance, especially when it touches the pockets of members themselves. Until the last day or two, I must confess that I had heard nothing about this proposal to increase the payment of members of the House. I would like to see- settled now, once and for all, this question as to whether the -sum fixed 'for a Minister and the sum fixed for the Speaker is in addition to his -salary or otherwise. When payment of members was first enacted in New -South -Wales I knew honorable members who refused to take their pay. Some of 'them came and took their pay afterwards.

An "Honorable Member. - All with the exception of one.

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Mr CRUICKSHANK

- I believe that when times had altered they accepted it. The same-thing might happen with members of this House. -When we talk se much about raising our pay, and that we are not sufficiently paid for the work we do, I take it that payment of members is intended merely to enable those to enter Parliament who otherwise have not sufficient means to do so. I feel that Ave have not come here altogether for the sake of the pay. We have come here for the sake of the honour of the position, and a small emolument should fully reward us for what we would term cash out of pocket or necessary expenses.

An Honorable Member. - Does that apply to the Speaker, too ?

Mr CRUICKSHANK

- No ;. I think the position of Speaker of this House is very well paid in all at £1,500 a year. I feel very much inclined to vote for a reduction of the item, with the hope that he will accept his allowance of £400 a year as a member of the House. I would not like the impression to get abroad that we have come here to raise our screws, and obtain' money from the Government. We have come here with our eyes open, and if we do anything to increase the parliamentary remuneration, it should only apply to members of future Parliaments, in order that it may be fully discussed in the States, and the public may have an opportunity of expressing an opinion regarding it.

Sir WILLIAM

MCMILLAN (Wentworth). - I wish to say a few words before the general debate closes. It seems to me that we have now a much clearer view of the actual position than we had at the beginning of the debate. It is very clear to me that this committee cannot at the present time interfere with the remuneration of a member as a private member of the House. Therefore, if we consider that a salary of £1,500 is sufficient for the President of the Senate and the Speaker of this House - and I think the country will think that that

is sufficient - we must carry out the idea by reducing, as one honorable member has proposed, the item of £1,500 by £400. There is no other mode of procedure. Therefore, we must lay down the principle that the allowance of every honorable member is to be taken in all circumstances. Take the position of Chairman of Committees. There is only a sum of £500 on the Estimates for his office. In this case it is understood that he also takes his parliamentary allowance, because it would be absurd to suppose that he gave the whole of his time for the extra remuneration of £100. As regards the members of the Ministry, it is not competent for us to do anything. The sum of £6,000 on these Estimates, as one-half the allowance to Ministers, is in a special schedule, and is not covered by the message. I think that the position of Ministers stands on a different footing from that of the President of the Senate and of the Speaker of this House. Those officers have only, to attend to their duties for a comparatively short time in the year ; whereas the Ministers of the Commonwealth are very different indeed from the Ministers in the States, in that they have to travel all over Australia. It would be far better that we should give them adequate salaries than that we should be eternally wrangling over allowances and over appropriations which might be of a suspicious character.

An Honorable Member. - Are there no travelling allowances 1

Sir WILLIAM McMILLAN

- Taking it for granted that the committee cannot interfere, as I believe it cannot, with the allowance of each of the 75 members as by statute enacted, if any honorable members think that a Minister of the Crown should not, in addition to their salary, obtain that particular allowance, let him give notice of a motion in the House to that effect, and I am sure that the Government will give every opportunity to have it debated. I think that this matter ought to be settled and ought not to be left in abeyance. I consider that if that motion is not moved, or, if moved, is not carried, then the Ministry will within a certain time be perfectly justified in taking that which the statute law has given them.

Mr Cruickshank

- Could we not decide it now 1

Sir WILLIAM McMILLAN

- It is not competent to decide anything to-night in committee. An honorable member cannot move a motion, and how are the Ministry to take the opinion of the House unless every honorable member rises and says "yes" or "no"? So far as I can see - and I am ready to be corrected - there is no modus operandi by which we can instruct the Ministry on the business before the committee.

Mr Higgins

- We will find a means. We have often done it in Victoria.

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Sir WILLIAM McMILLAN

- I do not see how we can to-night in any substantial way, except by motion which cannot be moved at the present time, give any instruction to the Ministry, and I do not see how the Ministry, after this debate, can come to any clear apprehension as to what the opinion of the committee is. I think the proper way now for us is to consider as a body - if I might suggest it - that the statutory right belongs to every honorable member to draw his parliamentary salary, and if it is considered that the Ministers should not have that allowance in addition to their salary let a motion be moved, and I have no doubt, if the motion were carried, that the Ministry would bow to the opinion of the House. At the same time, I do not want my remarks to imply that I am in favour of such a motion, because I feel that the position of the Ministers of the Commonwealth is different from that of the Ministers of any State of Australia.

Mr WILKINSON

- I do not care to give a silent vote. I was one of those who, in advocating the cause of federation, told the people that I did not believe that federation would materially increase the burdens of the taxpayers. And I made that statement to the electors during my campaign. But it seems to me that we may practice too much economy, that we may spoil the ship for the want of a pennyworth of tar. I certainly am not in favour of the reduction that is proposed to be moved on this item in the Estimates. The Ministers have to travel all over Australia; they come from all over Australia. There are few men engaged in political work in the State Parliament or the Commonwealth Parliament, who have not some business of their own. In coming here they have either to leave that business to the management of a subordinate, or to sacrifice a good deal of their interests. It is all very well to say that we knew the conditions under which we came here.

That is so. At the same time all the members are not here under anything like similar conditions. The honorable member for Tasmania, Mr. Piesse, spoke against any attempt which might be made to increase the remuneration of honorable members. I am not going to say a word either for or against an increase of the payment given to those members who come from remote States. But it is possible that those who are living quite handy to the place of meeting of this Parliament may alter their opinion somewhat on this question by-and-by, when it meets in the federal capital. The honorable member to whom I referred lives about as far from Melbourne as one end of some of the electorates in Queensland is from the other end. After having travelled from 1,300 to 1,600 miles to reach one boundary of the electorate, we have to travel before reaching the other boundary almost as far as it is to the other side of Tasmania. There is another aspect of this question to which I would like to draw attention, and that is, that it is not the expense of attending this Parliament to which an honorable member is subjected. If he does his duty to his constituents he will go and see them during the recess. That practice is becoming pretty common now. At any rate in Queensland it has become the practice during the recess for the members of the State Parliament to go and address their constituents and give an account of their stewardship. I presume that this course will be followed by members of the Federal Parliament. Honorable members can imagine what it will mean to travel over the vast electorates of Queensland and Western Australia especially, and how small a way the £400 will go towards paying the expenses of the member, without considering the inconvenience to which he is put. It may be asked - "Why not establish your home in Melbourne during the session of Parliament?" But if a man does that, his constituents will immediately say - "You have lost your interest in the State, and become a citizen of Victoria; you have got out of touch with your constituents." I hope that when this vote is decided there will be no attempt made to reduce the salaries of Ministers, at any rate. They have very important duties to discharge, and their work is arduous. They have enormous interests depending on them, and we want to make their positions such as will induce the very best men Australia has, to desire Ministerial office. I do not suppose they will aspire to it for its monetary value; but I trust they will be induced to aspire to it, or otherwise the loss to Australia will be more than it will be if we make the salaries such as will amount to a fair payment for ability and administrative capacity.

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Mr GLYNN

- May I offer a suggestion to the Government in regard to Ministers' salaries? I recognise that the first Ministers of the Commonwealth, at all events, are not over paid even if they draw, in addition to their Ministerial salaries, the allowance for expenses for £400 per year, because there is no doubt they will have far more work than their successors. I therefore shall not complain - I shall have no right to do so, because the law allows it - if the amount of £400 be drawn in addition to the Ministerial salaries. Honorable gentlemen opposite have a right to draw this money under the Constitution. I think there is a special appropriation amounting to £12,000 a year to be divided among the Ministry. That was a general estimate of what would be allowed to Ministers. It can be diminished, but not increased, by Act of Parliament.

Mr Higgins

- There is no special appropriation of any money

Mr GLYNN

- The honorable member for Northern Melbourne does not think that Ministers were to enter upon their duties and trust to an appropriation of what the House would give them six months or so afterwards?

Mr Higgins

- Under section 66 of the Commonwealth Constitution Act there is no special appropriation of £12,000, nor anything like that.

Mr GLYNN

- I think there is an appropriation of £12,000 until some action is taken by Parliament to the contrary. The necessities of the position justify that opinion. Otherwise the Ministry would not have known how they stood on the 1st January, seeing that there could be no appropriation by Parliament for six months afterwards or thereabouts. I suggest that the Government should bring in a Bill to declare once and for all what the salaries, within the limit of £12,000, are to be for the respective Ministers. That is the course adopted in Canada. I find that the Canadian Ministerial salaries and the regular permanent salaries, are

less than the amounts being paid to Ministers of the Crown in this country. We should, I believe, make a difference during the first year, but afterwards I would not object to a reduction by the amount of the £400 a year. During the first year there is an unusual amount of work falling on the Ministry, but afterwards the amount could be cut down, and the parliamentary salary could be drawn with the Ministerial salary. In Canada, the Prime Minister has an allowance of 1,000 dollars in addition to the salary attached to the Department of State of which he takes charge. The Secretary of State in Canada gets 7,000 dollars; so that the total salary of the Prime Minister of Canada, who is also Secretary of State, is £1,600 a year. The salary of the Minister of the Interior is £1,400 a year, and there are other Ministers receiving only £1,000 a year each.

Mr Thomas

- Lord Salisbury, the present Prime Minister of Great Britain, is only getting £2,000 a year.

Mr GLYNN

- The Ministers of the United States of America, who have far more work to do than Ministers in Australia, are paid far less. The Speaker of the American House of Representatives only gets £1,600 per year. The Speaker of the Senate in Canada and the Speaker of the Canadian House of Commons only get £800 a year each. I really think it is ridiculous to pay £1,900 each to the President of the Senate and the Speaker of the House of Representatives of our Commonwealth, considering the disproportion between their salaries and those paid in Canada.

Mr O'Malley

- M - Mr. McKinley's Cabinet in America is a government of millionaires

Mr GLYNN

- The sum of £1,600 a year is all that is paid to the Speaker of the American House of Representatives, and he is Speaker in a Parliament which rules 70,000,000 of people. He has, as Speaker, far more functions to discharge than the Speaker of our House of Representatives has.

Mr O'malley

- P - Private members in America get £1,000 a year each.

Mr GLYNN

- But the Speaker only gets £1,600 a year, and he practically "bosses" the House. There are, moreover, about half a hundred committees connected with the House of Representatives, and the Speaker has to look after Bills which number from 12,000 to 15,000 in one session. If the United States, with its enormous revenue, only pays its Speaker £1,600 a year, surely £1,900 a year in Australia is a salary ridiculously more than the position justifies. I intend to move that something be struck off from the salaries of the Speaker and President; and though the law does not permit a reduction to be made on these Estimates of the salaries of Ministers, I consider they should be permanently diminished by £400 a year after the first year. Considering, however, that Ministers have the right to draw the £400, and that the work of the Government will be far more burdensome this year than in the future, I do not see why they should not draw the full amount for one year.

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Mr O'MALLEY

- - I confess that I deeply sympathize with the modern, heroic, economic martyrs of this House. Doubtless the battle here to-night will stand in future history as does the battle of Miltiades at Marathon in defence of Athens. I told my constituents in the State of Tasmania, straight from the shoulder, that the pay was not enough, and I stand, here with the sanction of the sovereign electors of the sovereign State of Tasmania to tell honorable members the same. I speak for the whole State, and not for a constituency. I had the honour of being second to the member for Tasmania (Sir Edward Braddon), and 2,000 ahead of the third man, and I say to-night, what I said from the platform, that the pay is not enough. What has been the experience of Newfoundland? There the railways have been handed over to a private citizen, and the whole State has gone down. Not in the history of this world has any Commonwealth or State been "burst up" by paying a legitimate salary to its Ministers. Every State, that has failed to pay a decent salary has gone into bankruptcy, because if there be cheap men at cheap pay, they do cheap work. I do not want to see a few members, because they belong to other States, paid more than local members. In the Federal Constitution of 1891 the salary of members was put at £500. That would be a decent salary - well, not a very good salary, but it would be reasonable. The sum of £400 is only 2,000 dols. Why, it is not sufficient

for a decent night's "spree"; and the comical part of it is that some men will stand up in an honorable House like this and preach political economy - they will climb a greasy pole for sixpence, and spend thousands of pounds otherwise, and think nothing of it. I quite agree with the honorable and learned member for Werriwa; and if the question comes up I shall, even if I stand alone, vote for raising the salary of honorable members, if it be only by £25, to show my contempt for all this spurious political economy. What is political economy? Simply national housekeeping - the 'housekeeping of Mrs. Williams, Mrs. Murphy, Mrs. Costigan, multiplied by the whole Commonwealth. Take the Speaker; what does his salary of £400 amount to? If honorable members take that £400 away and demean the position of the Speaker, - what is gained by it? If a little banquet were given here, honorable members would come, and after a regular barbesque and "fair" blow out, £400 would all be gone. I want to put this question absolutely fairly. I live on the West Coast of Tasmania in Queenstown. I have to travel over the Emu Bay line of private railway, and pay my fare, although I have a member's pass, because the owners of private railways in Tasmania say they are not bound to carry federal members free. Honorable members who live in some parts of Tasmania can well afford to come over here, and preach this glorious gospel of political economy. I am in favour of paying the Speaker or President £1,900, or £2,000 if necessary. No person will say that this is in consequence of any love I have for the President, because I can assure honorable members that we are as wide apart as the poles, politically. But still, Sir Richard Baker has made a grand President of the South Australian Legislative Council, and he ought to have a decent salary, because he will have to entertain over here.

Honorable Members. - No, no.

Mr O'MALLEY

- H - He will have to entertain a little. The social conditions of this country are so arranged that if men are not given a feed and "blow out" occasionally they are not satisfied. Let us be honest in this matter. I want to see political economy practised legitimately. I want to see economic justice; and the very basis of democracy is economic justice. Extravagance in paying decent salaries is the very height of economy. Let me ask honorable members to look at the various Upper Houses of the world to-day. What are they but absolute dead houses? These Houses have been "run on the cheap," and when men are blown out of everything else they rush in there as a last resort. When a man has worn his life out making money he wants to sleep, and is not fit for political business; and when a man is poor and gets in there he has to get help. On the other hand if decent salaries are paid, and if men get a legitimate and honest wage for an honest day's work, they will not have to get overdrafts from the banks. They will not have to borrow from or be under the thumb of their neighbours, and will not have to clear out of the House when votes are to be taken on various measures in which gentlemen of wealth are interested. In my travels I have often seen honorable members "get the wink," and clear out when an important Bill comes up, because they were under the thumb of the bank.

Mr. Higgins. - In Tasmania?

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Mr O'MALLEY

- Not Not in Tasmania, but in different parts of the world. I have known gentlemen meet at a certain house, and, putting their thumbs down, say - "So and - so, and so - and - so, are under the thumb, and if we could get two more we - could defeat the measure." I have been in places where that has been done. Let us start honest in the Commonwealth. We do not want to be recognised as an incorporate lot of beggars. A great country cannot be made on beggary. Let us vote straight to-night. I will vote straight not to reduce the pay of the honorable gentlemen who occupy those important positions which are the very embodiment of the intelligence, honour, and respectability of this institution.

Mr McDONALD

- I beg to move -

That in the item "The President, at £1,500 per annum, from 9th May, 1901, £218," the figure "5" be omitted with a view to the insertion in lieu thereof of the figure "1."

That will necessitate a further amendment.

The CHAIRMAN

- I may point out to the honorable member that he cannot submit the amendment. If the honorable member looks he will see that the sum of £1,500 is not before the committee, but that the sum under

consideration is the £218, which is a partial vote from 9th May to 30th June, 1901.

Mr McDONALD

- I quite understand that. I want to submit this amendment and then follow it with another to reduce the £218 by £79 15s. 2d.

The CHAIRMAN

- The honorable member can attain his object by moving the reduction of the item by the sum of £58, that being the proportionate amount distributed over the whole twelve months.

Mr WATSON

- May I point out in support of the course suggested by the honorable member for Kennedy that if we allow the figure 5 to remain, the authority seems to go forth that we are paying at the rate of £1,500 per annum, although we are only giving so much towards it in the final column.

Mr Barton

- Cannot that be taken as a consequential alteration for the Chairman to make ?

Mr WATSON

- Perhaps it can. But does £58 represent the proper proportion?

Mr Barton

- I think it is about £59.

Sir George Turner

- It is between £58 and £59.

Mr. McDONALD

(Kennedy). - The course I suggest is, I think, the proper one for us to follow. Now that we are assembled in the first Federal Parliament, and are laying down the procedure of this Chamber, I hope honorable members will endeavour to get some sort of uniformity in regard to the conduct of our proceedings. I prefer to move my motion in the way I have done. Until we get the amount altered from £1,500 to £1,100, I do not see how we can make the subsequent amendment of a reduction of £58. I intend to vote for the reduction of £400 in the salaries of the Speaker and President of the two Houses, but I consider that the position occupied by Ministers is totally dissimilar. I do not by this vote commit myself to supporting a reduction of Ministers' salaries.

Amendment agreed to.

Amendment (by Mr. McDonald) agreed to-

That the item the President, £218, be reduced by £58.

Sir JOHN QUICK

- I think it is understood that the Chairman of Committees is not to be limited to £500 ?

Mr Barton

- It was understood that the £400 goes with the salary.

Mr McDONALD

- On the item " Clerk of Parliaments " I wish to say a few words. I certainly think that under the circumstances, and taking into consideration the amount of work to be performed, that £900 is too much for the position.

Mr Deakin

- During a Tariff session ?

Mr McDONALD

- We are not fixing the salary for one session.

Mr Barton

- We are only fixing it for the year.

Mr McDONALD

- I quite understand that we vote these salaries every year.

Mr Barton

- I am afraid that I have not made myself clear to the honorable member. We are only virtually fixing the salary for the session, because if the session lasts till the end of the year this vote will have to be brought forward again next session, and will be subject to any decision which Parliament likes to come to upon it.

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Mr McDONALD

- These Estimates only cover for the period terminating at the end of June. Then the Treasurer brings in his financial statement. If we allow this salary to pass now, it seems to me that the amount set down in these Estimates will be the salary which the Clerk of Parliaments is going to receive during the remainder of his tenure of office. It is a permanent appointment, and while, of course, the House of Representatives reserves to itself the right on all occasions in reviewing the Estimates to either increase or reduce them as it thinks proper, I certainly am of opinion that at the present time £900 a year is too much. I feel inclined to move that the amount be reduced at the very least by £100. I do not think that the work required to be performed is worth more than £800, and I believe the Clerk of Parliaments will be well paid at that. I move -

That in the item Clerk of the Parliaments at £900 per annum from 1st April, 1901, the figure " 9 " be omitted with a view to inserting " 8 " in lieu thereof.

Mr MAUGER

- I hope that the proposal of the honorable member will not be entertained. A great deal has been said about State Parliaments and State appointments. We were paying £1,200 a year to the Clerk of the Victorian Legislative Council, and we are paying £1,000 a year to the Clerk of the Legislative Assembly of this State. Here is the position of the Clerk of the Federal Parliament of Australia, and it is proposed to reduce it to a less lucrative position than that in one of our State Houses.

Mr McDonald

- That does not matter.

Mr MAUGER

- I think it matters a very great deal. It matters to the dignity of the House, and we ought to be just in regard to this position. I hope that, however honorable members may fight - and fight rightly - to pay adequate salaries all round, they will not do an injustice to those who fill the highest and most important positions in this Parliament.

Minister for External Affairs

Mr BARTON

. - I take it that the House will vote on this matter in the light of such information as it can gather. The position is very clear. In Victoria this position is paid at the rate of £1, 200, but that is a special vote. An Honorable Member. - That is in the Council.

Mr BARTON

- That arises under exceptional circumstances. In the Legislative Assembly chamber the salary paid is £1,000, and we may take it that if the exceptional circumstances had not arisen the salaries for the Council and the Assembly would have been at the same limit.

Mr Watson

- They are not in New South Wales.

Mr BARTON

- I am going to deal with that. The salary of the Clerk of the House of Assembly in New South Wales was about £1,000 a year, but there was a 10 per cent, deduction made at the time of the panic in 1893. It would have been something over £1,000, and it would have been £800 in the Legislative Council, which is not a popularly elected, but a nominee House, and which has very short hours, but for the fact that this retrenchment prevailed, when the salary was brought down to £740 a year. So we have four salaries at the nominal rate of £800, £1,000, £1,000, and £1,000. You therefore have £3,800 for four officers, which gives about £950 a year on the average. Put it the other way. Here is one office being paid at the rate of £800 and another at £1,000, and assuming that both are worth £1,000, the State will pay £1,000 and the Commonwealth proposes to pay £900. That is 10 per cent, less than the State pays, and the committee will agree with me that that is a sufficient reduction on what is paid in the State of Victoria. I do not want to overload the Commonwealth with extravagance, because I have realized, and it has been one of those matters which has dictated the policy of the Government throughout the campaign, that a fair economy is necessary in order that the Commonwealth may pay back to the States month by month a fair proportion of the surplus. But that does not absolve us from providing a fair remuneration for the officers concerned. I take it that the dignity and honour of the ' offices of the House must be rated as high as those of any other Assembly, and if we make a difference of 10 per cent. I think perhaps we have gone 10 per cent, further than we need have gone. But, after all, is the matter worth fighting about 1

Mr. WATSON

(Bland).- Some of the arguments used by the honorable gentleman are beside the question. The amount paid in New South Wales to the Clerk of Parliaments is £740. The amount paid to the Clerk of the Assembly is £820. The amount of work and the hours of sitting in the State Parliaments in all probability will be much greater than in this Parliament after the first session.

Mr Deakin

- Mr. Webb

has £960.

Mr WATSON

- It was increased some little time ago.

Mr Barton

- It would have been more than £1,000 but for that 10 per cent, reduction.

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Mr WATSON

- As far as the work that gentleman has to perform is concerned, I think he is worth the money he is paid, and I speak after some years, of experience. I would point out, too, that - apart from any comparison between the amount of work done in this Parliament and that done in the various State Parliaments - there is a distinction between the work likely to be done in the other branch of the Legislature and in this House. Already the senators are sitting one day a week less than we are, and with their smaller number of members - they have roughly half the number - the probability is that there will not be quite such long sittings. The fact that they are restricted to some extent with respect to Money Bills will again tend to shorten discussion, so that on the whole it does not seem to me that there is nearly the same amount of work for the officers of the other Chamber as for the officers of this Chamber. It is no argument for the Prime Minister after the House has unanimously voted against the principle to say that we must consider the honour and dignity of the officers.

Mr Barton

- I said consider the honour and dignity of the offices. I did not say a word about the dignity of the gentlemen themselves.

Mr WATSON

- I understood the right honorable and learned gentleman to refer to the officers. We laid that sentiment aside in the case of the Speaker, and I do not see that there is any more dignity to be kept up in the case of the gentleman who acts as Clerk for the other branch of the Legislature. I think that £800 for the Clerk of the Senate - because although he is dignified by the name of Clerk of Parliaments he is really Clerk of the Senate - is quite a sufficient salary.

Question - that the figure " 9 " proposed to be omitted stand part of the item - put. The committee divided.

0

AYES

0

NOES

AYES

NOES

Question so resolved in the affirmative.

Amendment negatived.

Mr J C WATSON

- I would like to have your decision, Mr. Chairman, in reference to the vote cast by the honorable member for South Australia, Mr. V. L. Solomon. Not that I object personally to the honorable member's action, but because I want to know the rule. Is an honorable member entitled to cross the floor of the House after tellers have been appointed?

The CHAIRMAN

- The committee are being guided by provisional rules. I find nothing in those rules to prevent honorable members from crossing after tellers have been appointed, although that was the practice in New South Wales, and I believe also in Victoria.

Mr TUDOR

- I move-

That the item "Clerk Assistant £750," be reduced by £150.

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Mr BATCHELOR

Before this amendment is put, I desire to know from the Treasurer, what are the salaries paid in other States for corresponding positions?

Mr. BARTON

(Hunter- Minister for External Affairs). - So far as the Upper House is concerned, the salary of the Clerk Assistant in Victoria is £600 per annum, while in New South Wales it is £560 per annum. As to the House of Representatives, the salary attaching to the corresponding position in New South Wales is £730 per annum. I have not the figures for Victoria by me, but the salary is somewhere about the same. The case of

Mr. Gavan

Duffy is one of those in which, as I intimated, there was a difficulty in obtaining the services of gentlemen of great experience and ability.

Mr. Duffy

was in the position of Clerk Assistant in the Victorian Legislative Assembly, and he was receiving £850 per annum. In his present position he submits, for the sake of serving under the Commonwealth, to a reduction of £100 per annum.

Mr. MAUGER

(Melbourne Ports). - I should like to know whether the Government in, making these appointments, have not had an understanding which is practically, an honorable agreement with the gentlemen who accepted these offices, that the salaries provided for in these Estimates would be the salaries paid. These appointments had to be made. The best officers procurable had to be appointed, and it seems to me, that whatever we may do as to future items, we certainly ought not to repudiate an honorable agreement made by the Government.

Mr BARTON

- The honorable member is perfectly right. These gentlemen, as pointed out, had salaries allotted to them, but of course, notwithstanding that fact, it is the right of Parliament to reduce those salaries. No doubt, the gentlemen who have been appointed have believed, in accepting these positions, that Parliament will confirm the salaries which the Government - especially in the circumstances, as a first Government for a first Parliament - have allotted to them. Nevertheless, that does not destroy the right of Parliament, however much it may, in the opinion of honorable members, as it does in my opinion, render the case on unusual one. In the peculiar circumstances I think Parliament might well confirm the decision of the Government.

Mr. BATCHELOR

(South Australia). I am glad to have this explanation from the Prime Minister. Had I not heard it, I should have voted with the honorable member who proposed to reduce the amount, but as there has been an understanding of that kind, and as the gentleman is receiving less than he received before I should not now like to vote against the item.

Mr. MCDONALD

(Kennedy). - It is an extraordinary thing - and it occurs not only in this Parliament but in every Parliament of which I have any knowledge - that whenever a question is raised in regard to the salaries of any of these officers they are always spoken of as the best men that ever existed.

Mr Barton

- I never said that of any of them.

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Mr MCDONALD

- I suppose it is necessary and right for Ministers to defend those who are under them, but I refuse to believe that the men who occupy these positions are the only men in existence who could fulfil the duties allotted to them.

We are asked to pay £2,560 to four officers to conduct the business of a Senate whose members number only 36, whereas in Queensland the business of a House whose members number 72 can be conducted

for an expenditure of £1,500, and conducted as well as and with more despatch than the business of this Chamber has been conducted. In saying that I am expressing an opinion which I have heard uttered by a very large number of honorable members who have the advantage of being able to compare our proceedings with those of the various State assemblies. In Queensland we are likely to have an enormous deficit, and the State has for a long time past suffered from the devastation wrought by drought and ticks, and I think that some consideration should be given to questions of economy. I therefore feel justified in supporting any amendment which tends in that direction. I do not think that it is fair for us to sanction lavish expenditure such as has been proposed. A lot of these billets are purely ornamental, and should not exist. No one can convince me that it requires so many officers to do the work, and I have ascertained that in addition to these officers there are a number of clerks who attend upon them. I shall vote for the reduction.

Question - That the figures proposed to be - omitted stand part ' of the proposed vote - put.

The Committee divided.

36

AYES

8

NOES

Majority 28

AYES

NOES

Question so resolved in the affirmative.

Amendment negatived.

Vote agreed to.

Progress reported.

SPECIAL ADJOURNMENT

Presentation of Address in Reply.

Minister for External Affairs

Mr BARTON

. - With concurrence, I wish to move -

That the House at its rising adjourn until tomorrow at twenty minutes past 2 o'clock p.m.

His Excellency

the Governor General will to-morrow receive you, sir, with the members' of the House, to present the Address in Reply, and, as he has appointed half -past two o'clock for that purpose, it is as well that we should meet a few minutes before that time.

Question resolved in the affirmative.

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23:23:00

House adjourned at 11.23 p.m.