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1901-07-24

House of Representatives.

Mr. Speaker took the chair at 2.30 p.m., and read prayers.

PETITION

Mr. PIESSE presented a petition from the Women's Christian Temperance Union of Australasia, praying that a clause be inserted in the Defence Bill prohibiting the sale of intoxicating drinks at all canteens throughout Australia.

Petition received, and read.

ATTENDANCE BELLS

Mr POYNTON

- I wish to direct your attention, Mr. Speaker, to the fact that some of the bells in the building did not ring as usual five minutes before the hour of meeting.

Mr SPEAKER

- I shall have the matter looked into.

TROOPS FOR SOUTH AFRICA

Mr CROUCH

- As a matter of urgency, I wish to ask the Prime Minister, without notice, if his attention has been drawn to a statement in the press that the Government of Queensland has been in communication with the English War Office upon the question of sending troops to South Africa. Telegrams appear in the newspapers to-day to the effect that Lord Kitchener has accepted certain men for South Africa. What action does the right honorable gentleman propose to take in the matter ?

Minister for External Affairs

Mr BARTON

- I have not seen the article to which the honorable and learned member refers, but, although I have not done so, I take it that no official engagement has been entered into between the Government of Queensland and the Imperial authorities on this subject. Noticing the statement that an offer had been made, I caused a communication to be sent to the Imperial authorities, reminding them that the Defence departments of the several States were transferred to the Commonwealth on the 1st of last March.

THE TITLE "M.P."

Mr POYNTON

- I wish to direct the attention of the Prime Minister to the fact that the members of the South Australian Legislature have decided to retain the title " M.P.," and I wish to know whether, in view of that fact, it would not be well for the Cabinet to reconsider the decision which it arrived at some time ago that members of this House should be designated "M.P.," and not " M.H.R."

Mr BARTON

- With all deference to the Ministers and Parliaments of the States, I may say that I do not think there is any need for the Government of the Commonwealth to reconsider the matter. Under the Constitution of the Commonwealth of Australia, which deals in part with the States, the Parliament in which we sit is designated "The Parliament," and its members are Members of Parliament in a distinctive sense which I think entitles us, before all other members of all other Parliaments in Australia, to call ourselves by the appellation " Member of Parliament." This is not an arrogation of superiority; it is simply a carrying out of the intention of the Constitution. If there is to be any reconsideration, I think it should be in other quarters.

REPORT ON THE SUGAR INDUSTRY

Mr BAMFORD

- I desire to ask the Prime Minister, without notice, if he will kindly inform the House when the report on the Sugar Industry, by Dr. Maxwell, will be available to honorable members.

Mr BARTON

- I am glad that the question has been asked, because it was my intention to make inquiry about the matter at once. I am expecting the report within two or three weeks at furthest, and I hope that I may receive it even sooner.

Mr Fisher

- What is the cause of the delay ?

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Mr BARTON

- I suppose there has been delay in obtaining the information which is sought for.

TRANSCONTINENTAL RAILWAY

Mr MAHON

asked the Prime Minister, upon notice -

Whether he is aware that, prior to the submission of the Commonwealth Constitution Act for the approval of the people of Western Australia, the Government of South Australia by its then Prime Minister gave an undertaking to pass (or endeavour to pass) a law empowering the Commonwealth, under sub-section 34 of section 51 of the Constitution Act, to construct a railway through the territory of that State to the border of Western Australia.

Whether this undertaking has been fulfilled.

If not, whether he will communicate to the Government of South Australia a suggestion that the Parliament of that State should be requested, during its present session, to give approval to a Bill empowering the Commonwealth to construct if railway in accordance with the undertaking referred to.

Mr BARTON

- 1 and 2. I am in communication with the Premier of South Australia, to whom I have addressed an inquiry on the subject. 3. It will be better, I think, to defer answering this question until I have heard from the Government of South Australia in reply to my communication.

THE SOLOMON ISLANDS

Sir LANGDON BONYTHON

asked the Prime Minister, upon notice -

Whether he has anything new to communicate to this House with regard to the South Sea Islands, seeing that, according to a telegram from New Zealand published in the Melbourne Age, Mr. Seddon, in a despatch to the Imperial authorities, has suggested that " perhaps the federal Government would take charge of affairs in the Solomon group, and other British islands near the Australian colonies " ?

Mr BARTON

- The Government is now considering the position of matters relating to New Guinea, and if the result is that steps are taken to acquire New Guinea as a territory of the Commonwealth, the Government will favour the placing of the Solomon Islands under Commonwealth control at the same time.

CUSTOMS DEPARTMENT INCREMENTS

Mr JOSEPH COOK

asked the Minister of Trade and Customs, upon notice -

Whether he is aware that the general division of the Customs department of New South Wales received no increments last year ?

Whether he will see that these increments are granted as in other departments ?

Mr KING O'MALLEY

- 1 . Last financial year no increments were granted by the Commonwealth, but the salaries were paid at the rates then fixed by the States. 2. The matter is under consideration in connexion with the Estimates.

SPECIAL AUSTRALIAN MEDAL

Mr CROUCH

asked the Prime Minister, upon notice -

Whether the Government proposes to carry out the promises made by the various States to award a special Colonial medal to the Australians who served in South' Africa, as has been done by Canada and Cape Colony?

Mr BARTON

- All military medals or decorations must be conferred by the Crown, and the Imperial Government, whilst sympathizing with the motives which actuated the suggestion, and whilst fully appreciating the services rendered by the Colonial volunteers, pointed out that the multiplication of decorations for military services is on general grounds deprecated as tending to diminish their value. Therefore, in view of this, it is not proposed that a distinctive Australian medal should be conferred in addition to the medal which has already been granted to all the troops engaged in the war, whether Imperial or Colonial.

THE POST AND TELEGRAPH BILL AND "TATTERSALL'S"

Mr JOSEPH COOK

asked the Minister representing the Postmaster-General, upon notice -

Whether the proposals of the Post and Telegraph Bill relating to gambling, and what is known as "Tattersall's," differ in substance from the provisions of the State Postal Acts?

Minister (without portfolio)

Sir PHILIP FYSH

- The proposals of the Post and Telegraph Bill relating to gambling, and what is known as "Tattersall's," do not differ in substance from the provisions of the State Postal Acts of Victoria, Queensland, and Western Australia. The only difference from the New South Wales Act is that transmission is not prohibited under that Act. There is no provision on the subject in the postal laws of South Australia and Tasmania.

IMPORTATION OF SPIRITS

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Sir MALCOLM McEACHARN

asked the Treasurer, upon notice -

Whether he will provide, when making his Budget proposals, that shipments of spirits on the way, which cannot be stopped by cablegram, shall pay the new duty proposed, but shall be permitted to come into the various States under the conditions now existing in those States as regards allowance for under-proof strength on spirits in cases.

Treasurer

Sir GEORGE TURNER

- My colleague, the Minister for Trade and Customs, and myself have considered this matter, and I regret that I cannot promise to make the provision which my honorable friend desires.

SERVICE AND EXECUTION OF PROCESS BILL

Bill received from the Senate, and (on motion by Mr. Barton) read a first time.

CUSTOMS BILL

Minister for Trade and Customs

Mr KINGSTON

- I wish to lay on the table a message from His Excellency the Governor-General recommending to the House of Representatives an appropriation of revenue to be made for the purposes of a Bill relating to the Customs. I move -

That the message be referred to the committee on the Bill.

Mr Watson

- Is this in reference to the Customs Bill that we have already had under consideration?

Mr Barton

- Yes.

Mr Watson

- It seems a strange time to bring it down.

Mr BARTON

- May I explain. There was a message brought down before the second reading of the Bill, but that message did not quite cover all the ground we wish to cover in the Bill. Under the Constitution it is perfectly competent for such a message to be brought down at this stage, and I will read the section referring to it. Section 56 of the Constitution says -

A vote, resolution, or proposed law, for the appropriation of revenue or moneys, should not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

There is no necessity under the Constitution for the message to be received upon the introduction of the Bill-

Mr Fisher

- It is a question of practice though.

Mr BARTON

-There is no practice binding upon this House except a practice conformable to the Constitution. Any

liberty given by the Constitution is a liberty of this House, and it is perfectly within the rights of this House to go on with a Bill, providing that the pleasure of the Crown regarding it is signified by way of message before it passes from this Chamber.

Mr FISHER

- Does the right honorable gentleman approve of this course?

Mr BARTON

- I quite approve of this course under the circumstances.

Mr SPEAKER

- There is no doubt that the message is in proper form. We have no practice to guide us, but are making our practice as we proceed. As the Prime Minister has said, the Bill not having passed from this House, it is within our power to receive a message relating to it.

Mr FISHER

- I quite agree that we are acting strictly within our Constitutional rights, but I would point out that we are laying down a practice that will be followed hereafter, and I wish to express my opinion that the practice now being adopted is not a good one. Both in the House of Commons, and in other Parliaments with which I am acquainted, the whole Bill, in similar circumstances, would have to be withdrawn and reintroduced. Of course I recognise that the Constitution covers the action of the Ministry in this instance. But it is exceedingly desirable that a message from the Governor-General covering the whole of the ground intended to be covered by a Bill should precede that Bill, so that honorable members may know exactly the ground which it is intended to cover. While admitting that this course is necessary, I hope that the Government will not say that the practice which we are now adopting is a good practice to follow in the future.

Question resolved in the affirmative.

STATE LAWS AND RECORDS RECOGNITION BILL

In Committee(consideration resumed from 4th July, vide page 2090) :

Clause 2 (Definitions) -

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Minister of External Affairs

Mr BARTON

. - Some objection was taken to this clause as printed with reference to the use of the terms "justices" and "arbitrators." Lest some consequence might follow the use of the word "arbitrators" as extending it beyond the intention of the Bill, I propose to move an amendment, which will, I think, remove the objection taken. I move -

That the words " justices and arbitrators " be omitted, with a view to insert in lieu thereof the words "and justices and all arbitrators under any Act or State Act."

That comprehends the legislative authorization which the honorable gentleman who made the objection wished to be made clear, and I think it removes the objection.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5 (Certain signatures,&c., to be judicially noticed).

Amendment (by Mr. Barton) proposed -

That the word "holding" be omitted with a view to insert in lieu thereof the words "who holds or has held."

This also removes an objection which was raised to the effect that if the person had left the office which he had held, then the document containing the signature or seal would not, under this clause, be admissible. I think that the clause is sufficient for the purpose, but it is better to avoid any difficulty, and therefore I have met the objection by the amendment which I now propose.

Amendment agreed to.

Mr PIESSE

- I should like the Prime Minister to consider whether this clause will provide for the recognition of the curator of intestate estates, where it is necessary that his signature should be recognised.

Mr BARTON

- Generally speaking it would, because in most cases the curator of intestate estates is an officer of the

Supreme Court, and the prothonotary's signature or seal is the authentic evidence; but if the honorable and learned member for Tasmania would like to make the point absolutely clear, I shall not resist the amendment.

Mr Piesse

- I think it might be as well to insert the words "curator of intestate estates."

Mr BARTON

- After the word "insolvency."

Mr PIESSE

- Yes, it will do very well there. I move -

That after the word " insolvency" the words "curator of intestate estates" be inserted.

Amendment agreed to.

Mr CROUCH

- I have another suggestion which I would like to make. We have in Victoria an acting commissioner of titles, a statutory office to take effect in the absence of the commissioner. I would like to know if that point has been considered by the Government in connexion with this Bill.

Mr Barton

- "A person holding or who has held," would, I think, include the person acting in that capacity.

Mr CROUCH

- I know there is a decision according to which the deputy Registrar-General is not accepted as sufficient for the Registrar-Generalhimself.

Mr Barton

- I think that that difficulty is got over by the concluding words of the passage -

Or any office to which the Governor-General may by order published in the Gazette declare this section to apply.

Mr CROUCH

- I see that.

Clause, as amended, agreed to.

Clauses 5 and 7 agreed to.

Clause 8 -

Whenever by any State Act at any time in force in any State -

any certificate or official or public document , or

any document or proceeding of any corporation or company ; or

any certified copy of any document or bylaw or of any entry in any register or other book or of any other proceeding, is admissible in evidence for any purpose in that State, it shall be admitted in evidence to the same extent and for the same purposes in all courts within the Commonwealth if it purports to be sealed or impressed with a stamp, or sealed and signed, or signed alone, or impressed with a stamp and signed, as directed by such State Act, without any proof of such seal stamp or signature or of the official character of the person appearing to have signed the same, and without any further proof thereof.

Amendments (by Mr. Barton) agreed to -

That the words "certificate or official or," line 3, be omitted ; that before the word "document," line 5, the words "record required by law to be kept of any public " be inserted ; that the words " of any corporation or company," lines 5 and 6, be omitted ; and also that the word " public " be inserted before the word "document," line 7.

Amendment (by Mr. Barton) agreed to -

That the words " register or other book, or of any other proceeding," lines 9 and 10, be omitted, with a view to insert in lieu thereof the words " public register or book."

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Mr BARTON

- I move-

That the following words be added to the clause : - ' ' In every case in which the original document could have been received in evidence."

This amendment is proposed to meet an objection raised by the honorable and learned member for Indi, who pointed out that it might possibly occur that secondary evidence would be admitted in cases in which

primary evidence was not admissible. To clear away any doubt, I propose that these words be added.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 9, verbally amended and agreed to.

Clause 10 agreed to.

Clause 11 (Proof of Votes and Proceedings of State Parliaments).

In this section "Votes and Proceedings" shall be deemed to include any papers purporting to be printed by the authority of, and to be laid before either House of, the Parliament of a State.

Mr BARTON

- I move-

That after the word " include," line 2, the words "journals and minutes and" be inserted. This will provide for the authentication of journals and minutes of Legislative Councils and other bodies who do not apply to their records the term " votes and proceedings." Amendment agreed to. Clause, as amended, agreed to. Clauses 12 to 15 agreed to. Clause 16 and 17 verbally amended and agreed to. Clause 18 and 19 agreed to. Preamble verbally amended and agreed to. Title agreed to. Bill reported with amendments.

CUSTOMS BILL

In Committee(consideration resumed from 23rd July, vide page 2881) :

Mr KINGSTON

- I move -

That the following new clause be inserted, to stand as clause 213aa - "The preceding section shall apply to proceedings as well against officers as otherwise."

This new clause is moved in order to meet a difficulty pointed out by the honorable and learned member for Indi. There might be some doubt as to whether clause 213a, which was adopted yesterday, being amongst the clauses dealing with officers, would apply to other cases.

Mr PIESSE

- I think the objection of the honorable and learned member for Indi was also as to the place where it was proposed to put this clause in the Bill, having regard to the sub-heading governing to a certain extent the interpretation of the clause. I do not know whether the Minister remembers that point.

Mr Kingston

- Yes, I remember the point, and therefore I make the clause expressly apply.

New clause agreed to.

Mr V L SOLOMON

- Honorable members will, no doubt, recall to their minds that when clause 213a was under consideration, I raised a question as to the large powers to be given to courts of summary jurisdiction. I pointed out to the committee that in most of the States the limit of courts of summary jurisdiction - courts not presided over by a special magistrate, or by a stipendiary magistrate, but perhaps consisting only of justices - was less than £100. I think in no case on the civil side in any of the States is jurisdiction given over £100. In New South Wales I think the amount is £30, but as to Victoria I do not know whether they have any corresponding court or not.

Sir Malcolm McEacharn

- In Victoria the limit is £100.

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Mr V L SOLOMON

- In South Australia the limit is the same. In that State the court is one of absolutely summary jurisdiction, in which a man may even elect to be tried for an indictable offence, provided that the penalty is not greater than six months' imprisonment. It seems to me that under this Customs Bill it is rather hard that the planting the Customs department, should have the right to elect to have a case, which may involve a fine up to £500, tried in a limited court of this description - a court which even the Minister in charge of the Bill admits is frequently faulty, or at least occasionally faulty, and a court which he does not profess to have much faith in. I have already tested the opinion of the committee on some points in regard to this matter, but not on the one point which I now desire to bring forward, and I think most honorable members will agree with me. What I propose is that while giving the Customs power to institute their prosecutions when the penalty does not exceed £500 in a court of summary jurisdiction, we should, at the same time,

give to the defendant - who may, like the Minister, only viewing the matter 'from a different aspect, not having implicit confidence in a small court of summary jurisdiction, consisting of two justices, not presided over by a skilled lawyer or by a magistrate - the right to remove his case to the Supreme Court of the State. I am not attempting to provide in this clause for any question as to the costs. Doubtless, it may mean that the expense will be greater as far as the defendant is concerned than if the case were tried in the lower court ; but, at the same time, surely, when a case involves, or may involve, a fine of £500, or imprisonment up to twelve months, the right should, in common justice, be given to the defendant to have his case tried in - I will not say a superior court, but a court somewhat differently constituted from an ordinary court of summary jurisdiction in any State. With that end in 'view, the new clause which has been placed before members, provides that in any prosecution instituted by the Customs authorities, where the penalty exceeds £100, the defendant shall have the right to elect to have the case tried by the Supreme Court of the State in which the prosecution has been instituted. I would ask the assistance of honorable members of this committee who are learned in the law in making the clause perfect. I do not think that I am asking for anything unreasonable in proposing to give the defendant in such important cases the option of having his case tried in a higher court. Doubtless it will be a consideration with the defendant whether the expense of having the case tried in the Supreme Court would not be higher, but I presume the costs themselves will be regulated by the rules of the court.

Mr Kingston

- When does the. honorable member propose that the defendant should elect to have his case tried by the higher court ?

Mr V L SOLOMON

- I am ready to accept suggestions from the Minister regarding that point, or any other matters of detail which will contribute to making the clause answer the purpose.

Mr Higgins

- Will it answer the purpose of the honorable member, if the case may be transferred to the higher court at the election of the defendant after he has been summoned ?

Mr V L SOLOMON

- I. do not care how the case is transferred, and as far as the wording of the clause is concerned, I am not wedded to it. The clause is an amateur effort at drafting," and I only pretend to put before the committee what my idea is, namely, that the defendant should have the option of going to the higher and better court - the more skilled court.

Mr W H GROOM

- At greater expense.

Mr V L SOLOMON

- That is entirely for the defendant to consider.

Mr Page

- The honorable member does not believe in cheap law ?

Mr V L SOLOMON

- My experience is that cheap law is bad law. My sole point is that where a man is prosecuted by the Customs he should have the right to elect to be tried by a court, which in the ordinary way would try cases involving similar issues and similar penalties in the States. A man may. be brought before a court of summary jurisdiction, which may be constituted in such a way as not to have his confidence, and it should be open to him to elect, if he chooses, to' take his case to a higher court ; perhaps the costs may be on a higher scale, but that is a point for him to decide. In South Australia two justices of the peace form a court of summary jurisdiction which has the power to try even indictable offences involving a penalty of not more than six months' imprisonment, and a person brought before this court may elect to be tried summarily. Surely the committee will agree with me that it is a fair thing to give the defendant - provided he is willing to stand the costs of the trial in the higher court - the right to have his case tried there. I am sure that the Minister will see that there is a certain amount of justice in this proposal, and I shall be only too happy and thankful to honorable members who have legal training if they will assist me to draft the clause in a form better calculated to meet my wishes. I move -

That the following new clause be inserted to follow clause 231: - "In any prosecution instituted by the Customs authorities where the penalty exceeds One hundred pounds, the defendant shall have the right

to elect to have the case tried by the Supreme Court of the State in which such prosecution has been instituted."

Mr HENRY WILLIS

- It seems to me that the proposal made by the honorable member for South Australia, Mr. Solomon, is a very reasonable one. It will not have the effect of curtailing the powers of any one, but will rather increase the opportunities for obtaining the opinion of a Judge, if either party is dissatisfied with the court of summary jurisdiction, before which the case would come in the ordinary way. It will rest with the defendant himself whether he will go to the higher court or not. I am anticipating the objection raised by one honorable member who interjected, when I say that the transfer of the case to the higher court will not necessarily make the procedure more expensive, whilst at the same time the clause will give the defendant an opportunity to avail himself of the higher court if he should so desire. I shall support the new clause.

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Mr KINGSTON

- The idea of the honorable member for South Australia, Mr. Solomon, does not appear to the Government to be very unreasonable, and they are disposed to give effect to it if we can hedge it round with conditions which will prevent the clause from being abused. If we pass the clause in its present shape, we shall not know when the right to transfer the case will be exercised. Further, we feel that it ought not to be in the absolute right of the defendant to select the Supreme Court if the prosecution are willing to give him a court of equal authority. I mean to say that in the event of the defendant desiring to go to the Supreme Court of the State, and the prosecution preferring to go to the High Court of Australia, I do not see why they should not exercise their privilege in that direction.

Mr G B EDWARDS

- It might be more costly to go to the High Court of Australia.

Mr KINGSTON

- I hope not. I hope that court will be singular for many splendid attributes, some of which will be the expedition and cheapness of its procedure.

Mr G B EDWARDS

- But I mean that it may be at a distance.

Mr Page

- It will be always with us.

Mr KINGSTON

- No doubt, like the poor, it will be always with us. Then it ought to be provided as far as it clearly can, that on the notice for any discontinuance of proceedings, the transfer shall be effected, and that there shall be some simple mode of providing for that transfer, so that there shall be no unnecessary delay or cost. Another thing is, that the defendant should not have the right to go to the higher court simply because the law provides for a high penalty, if the prosecuting authorities are content to abandon the excess over the £100, or the amount that it is considered desirable to fix. I was thinking of making the clause read as follows : -

In any Customs prosecution where the penalty exceeds one hundred pounds and the excess is not abandoned the defendant before the hearing and within seven days after the commencement of the proceedings shall have the right to elect to have the case tried by the High Court of Australia, or the Supreme Court of the State in which the prosecution has been instituted, in the option of the prosecution, and thereupon such proceedings shall stand removed accordingly, and may be continued in the manner prescribed in the court in which they were originally instituted.

think if we were to make the clause run somewhat in that way it would meet the necessities of the case.

Mr Higgins

- The Minister assumes that there would be seven days between the summons and the hearing.

Sometimes our summonses are heard before seven days elapse.

Mr KINGSTON

- My object is to make some provision which would prevent the defendant from lying by until the prosecution is all ready and then springing an application for a transfer, so as to temporarily defeat the prosecution. I will move the first portion of the amendment I proposed, and we can consider the rest of the

wording as we go on. I move -

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

Amendment agreed to.

Amendments (by Mr. Kingston) agreed to -

That the words " instituted by the Customs authorities" be omitted.

That after the word "pounds," the words " and the excess is not abandoned " be inserted.

That after the word " defendant," the words "within seven days after service of process " be inserted.

That after the word "right," the words "in manner prescribed " be inserted.

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Mr KINGSTON

- I move-

That after the word "tried," the words "in the option of the prosecution, either in the High Court of Australia or in " be inserted.

I think that if we offer defendants the right to go to the High Court, they should not have the right to drag us to the Supreme Court of the State.

Mr. V.L. SOLOMON (South Australia). - It seemed to me that the Minister was acting too sweetly for his mood to last long, and I have therefore watched carefully to see how he desired to defeat the object of my clause ; now I have discovered it. The object of the clause is to provide that a case involving a penalty of £500 shall not be tried before a court consisting of two unskilled justices, but that the defendant, to whom the committee want to give the largest measure of justice, shall have the option of going - at his own expense, and it must be remembered that the scale of costs will be much greater in a Supreme Court than in a lower court - to the Supreme Court of the State in which the proceedings were instituted. That provision does not allow the prosecuting authority to be dragged to the Supreme Court of another State. But the Minister, by his amendment, seeks to be able to drag the defendant, at the option of the prosecuting authority - the Customs department - either to the Supreme Court of the State in which the prosecution was initiated or to the High Court of the Commonwealth. We do not know what the expense of conducting a case in the High Court of the Commonwealth may be. It may be so great as to debar a defendant from ever choosing to go before the court. But it is blowing hot and cold for the Minister first to introduce a provision allowing a case involving a penalty of £500 to be tried before any court of summary jurisdiction, and then to give way to the extent of saying to the defendant - " We will allow your case to ' go either before the Supreme Court of the State in which the prosecution was initiated or before the High Court, but only at our option, even though the costs involved may be so heavy as to ruin you." The Minister has perhaps omitted one safeguard - the option of sending the case to the Privy Council.

Mr Higgins

- The amendment may enable a case to be tried at an earlier date than might be chosen if the option were given to the defendant, It would not do to give the option to the defendant, because he might have the case postponed indefinitely, by electing to wait until the sitting of the High Court.

Mr V L SOLOMON

- Should the prosecuting authority be afraid of a defendant exercising the option to have a case tried before the superior court ?

Mr Higgins

- No ; but a defendant always tries to stave off an action. If we give the defendant the option, he will put the trial off until the latest period possible.

Mr V L SOLOMON

- I do not' admit "that the object of the defendant will be to stave off the trial. At any rate, that is not the object of my clause.

Mr Higgins

- I am sure that it is not.

Mr V L SOLOMON

- The Minister has confessed that courts of summary jurisdiction, which in some of the States may consist of justices of the peace, are - I shall not say unreliable, but a little bit doubtful, when questions arising out of Customs prosecutions come to be dealt with.

Mr Isaacs

- The Minister said that such courts are too favorable to the defendant.

Mr V L SOLOMON

- Precisely. But I do not think a defendant would have much of a show if the prosecuting counsel were a gentleman of the determination and zeal of the Minister, and he was defended by a somewhat inferior legal adviser. In spite of what the Minister has said about the leaning of courts composed of only half instructed justices of the peace, without legal training, towards the defendant when cases against the revenue come before them, a defendant would undoubtedly be at a disadvantage under such circumstances. We do not know what the expense of going to the High Court may be. It may be more than a defendant could afford. But surely the Supreme Court of any State ought to be a sufficient tribunal in a case involving a penalty of £500, and there could be no delay in bringing cases before the Supreme Courts of the States, because they sit pretty regularly. I am sure that honorable members must admit that in a case of this sort, if the defendant is prepared to pay the cost, of going to the Supreme Court, he should be allowed to have his case tried there instead of in the lower court.

Mr ISAACS

- I think that the honorable member for South Australia is overlooking a very, important fact. Under clause 231 the Government has the option, at the initiation of the proceedings, of going either to the High Court or to the Supreme Court of a State, if it chooses. But if it thinks that the matter could be more expeditiously and cheaply dealt with in cases where pecuniary penalties not exceeding £500 are involved, it may go to a court of summary jurisdiction. Suppose that the Government determines, for the sake of expedition and economy, to go to a court of summary jurisdiction instead of to the High Court or to the Supreme Court, of the State, and the defendant says, " This is a case in which more than, the mere question of money is concerned. It is not cheapness I want, it is a judgment upon which I can rely'. I do not want to be tried in this summary fashion by judicial officers who are not highly skilled. I want to be tried by skilled officers." The Minister proposes that in such a case the prosecuting authority shall have the option,, which he originally possessed, of going either to the High Court, if the case is of such importance as to require it, or-

Mr V L SOLOMON

- Why should he not have done that in the first instance ? Why,, when the defendant proposes, the Supreme Court, should the Minister say - "Oh, no, T. will take it to the High Court " ?

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Mr ISAACS

- The defendant merely says - "I object to the court of summary jurisdiction." " Very well," says the Minister, " the Legislature says that you may object provided that you do. so within a certain time." Then the

Crown says - "We want the option which we had originally." Surely there is nothing unreasonable in that. There may be cases arise in Queensland, or remote parts of the Commonwealth, where the Supreme Court does not sit, and where time would be an object. Surely no defendant can fairly object to submitting his case to the High Court of the Commonwealth.

Mr V L SOLOMON

- It depends upon what it is going to cost.

Mr ISAACS

- If the honorable member were to carry his clause in the way in which he desires to carry it, the Ministry would not give the defendant an opportunity of objecting, but would go to the High Court at once. His proposal would prevent the matter from being placed in an economic and expeditious way before summary courts of jurisdiction where the Government had the smallest suspicion that the defendant would insist upon going elsewhere. While giving the defendant the option of objecting to be tried by a comparatively unskilled tribunal, we ought not to take away from the Customs the option of, in the first instance, going before the High Court.

Mr. HENRYWILLIS (Robertson).I hope that the honorable member for South Australia, Mr. Solomon, will accept the proposal of the Minister. That proposal really gives to the prosecutor the same privilege that we are extending to the defendant. So long as justice is done all round I do not see why the honorable member for South Australia should object.

Mr. V.L. SOLOMON (South Australia). - The honorable and learned member for Indi has put this matter in

a somewhat different light from that in which I viewed it in the first instance. I can see that there is some considerable amount of reason and fairness in his argument, therefore I shall not press the matter further. Amendment agreed to.

Amendment (by Mr. Kingston) agreed to-

That the word " in", line 5, be omitted, with a view to insert in lieu thereof the word " by."

Mr KINGSTON

- I move-

That the following words be added to the clause: - "And thereupon the proceedings shall stand removed accordingly, and may be continued as if originally instituted in the court to which they are so removed."

Mr Isaacs

- What does the word "thereupon" relate to? How is the defendant to know where the case is to be tried ?

Mr KINGSTON

- The election has to be made. First, he has to declare his desire for the higher court, and then we have to elect.

Mr Isaacs

- He has to elect, and the Customs are to exercise their option.

Mr KINGSTON

- The two things are brought about, otherwise there can be no removal. I think it will work.

Amendment agreed to.

Mr KINGSTON

- I move-

That the following new clause 'be inserted to follow clause 51 : - " The power of prohibiting importation of goods shall extend to authorized prohibition, subject to any specified condition or restriction, and goods imported contrary to any such condition or restriction shall be prohibited imports."

This point was raised by the honorable and learned member for Tasmania, Mr. Piesse, that we could not prohibit goods subject to restriction.

Mr Crouch

- Why not omit the words "extend to"?

Mr Isaacs

- Ought not the word " except " to be placed before the word " subject"? We prohibit except subject to.

Mr Higgins

- Will the Minister give us a concrete case?

Mr KINGSTON

- There is the case of kerosene unless it complies with certain conditions.

Mr Isaacs

- Does not the Minister want to insert the word "except" there?

Mr KINGSTON

- No, I prohibit the importation of kerosene unless it complies with a certain test.

Mr Isaacs

-But the Minister has put the words " subject to " in the clause.

Mr KINGSTON

- I prohibit the importation of kerosene, subject to its compliance with certain conditions. If imported contrary to those conditions it comes within the category of prohibited goods.

Mr Isaacs

- The Minister permits of its importation subject to that condition.

Mr KINGSTON

- We can do it either way. We can say that the goods which comply with the conditions imposed shall be admitted, or that goods which do not comply with those conditions shall not be admitted.

Mr Isaacs

- What is prohibition subject to restriction?

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Mr KINGSTON

- We propose to prohibit the importation of kerosene, subject to the condition that if it complies with a

certain test it is admitted. If it is imported without compliance with the test that reverse is the case. Of course there are two ways of putting the matter, but I am equally sure that either is right, and I have a preference which is natural for a simple little thing of this sort which meets the case.

Mr Isaacs

- The Minister is saying the very reverse of what he means.

Amendment (by Mr. Kingston) agreed to -

That the words " extend to " be omitted.

Mr. PIESSE(Tasmania). - I am very much obliged to the Minister for considering this point, but I am not quite sure that he has dealt with it in a way that will meet all the difficulties of the case. This matter of the importation of kerosene oil is regulated in four of the States at least by being included in the prohibitory clause of the Customs Act - that is the clause which is equivalent to clause 49 before the committee.

An Honorable Member. - Crude oil ?

Mr PIESSE

- No ; in Tasmania, and in Queensland, and in Western Australia, kerosene is allowed to be imported if it comes in standing a test prescribed. If the oil will pass a flashing test of 100 degrees in Tasmania, and 110 degrees in one or two of the other States, it is allowed to be imported after paying duty, and, of course, it then goes into consumption. In New South Wales the practice is to allow the oil to go through without passing the Customs test, but before it is sold it has to be inspected and the test passed to the satisfaction of the inspector. In South Australia they do not appear to provide for tests of this character, but simply say that kerosene oil shall be stored in a particular way so as to avoid any danger to the neighbourhood. With all due deference to the Minister, I do not think that taking a power to interfere by proclamation with express statutory provisions is altogether a satisfactory way, or may not prove to be a satisfactory way of dealing with the position. It would be better to include in clause 49 a power to bring this article in under prohibited imports, if the oil does not come in to comply with some prescribed test. I do not wish to state in the Bill the test, because that can be left to the regulations. It would be very desirable that the test should be of universal application, seeing that, as I have already pointed out, we have a test in one State of 100 degrees, which is deemed sufficient, whereas in other States the test is 110 degrees. As we hope to have trade carried on without any difficulty, once any oil is received into a port and passes a test, that test ought to be one applicable all through the Commonwealth, so that the oil may be dealt with without any further interference by inspecting officers.

Mr.Higgins.-This proposal carries out the view of the honorable member.

Mr PIESSE

- I think the proposal would carry out my view if it be strong enough to overcome express statutory provisions. It has been pointed out very rightly that we need in the Bill, if possible, a list of enactments which are to be considered as no longer operative when this Bill comes into force. It would be very desirable to, as far as we can, expressly notify by enactment the existing laws we desire shall not operate, so that it shall not be left a question whether the regulations are of sufficient force to cause them to cease to operate. No doubt the Minister has well considered this point, and the responsibility is on him. I have now said all I desire to say, and I will leave it with honorable members to consider the matter.

Mr Kingston

- It can be done by proclamation, which we have the undoubted power to make.

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Mr THOMSON

- I think it is rather unfair to spring important clauses of this character upon honorable members. It is difficult to see the bearing of the clauses at first sight, and the committee ought at least to have the same opportunity they had in connexion with other proposed amendments of seeing the proposals in print. It seems to me we are asked to give over to the Minister not merely the prohibition of certain injurious articles, but the prohibition of goods that do not comply with certain restrictions or conditions imposed at the will of the Minister, or at the will of Customs officers through the Minister. That is a very wide power, and I quite agree with the honorable member for Tasmania, Mr. Piesse, that it would be infinitely better if the Minister applied to Parliament for certain powers under clause 49. The powers given in that clause were desired by the Minister, and he has received them. And if an additional power is required in connexion with kerosene, it would be much better, as suggested, to have it provided in the Bill. Otherwise

we go far beyond the necessity that was brought before the committee by the honorable member for Tasmania, Mr. Piesse - namely, the necessity of dealing with the flash-point of kerosene.

Mr Higgins

- Does the honorable member say that we should put in the Bill the exact quality of kerosene to be prohibited ?

Mr THOMSON

-The flash-point can be provided in the Bill. In the other States there is a limitation, and I believe that is done by Act of Parliament.

Mr Piesse

- Yes ; there is a schedule containing directions for testing the oil.

Mr THOMSON

- It is very awkward for shippers of goods in the Commonwealth not to know what regulations may suddenly be sprung on them by a Minister or Collector of Customs, who imposes restrictions or conditions which are not attached to the importation of certain goods in other parts of the world.

Mr Higgins

- There may lie other goods than kerosene which ought to be prohibited under certain conditions.

Mr THOMSON

- There is a provision already allowing by proclamation the prohibition of goods, and that gives the Minister a very wide power. We have already given the Minister that wide power to prohibit by proclamation certain goods which may be considered so objectionable that importation should not be allowed. The only reason for giving that wide power is that there may be certain goods which are not produced at the present time, but which might lie produced and the importation of which would be found highly undesirable. But it is a much wider power when we say that certain conditions shall be complied with, or otherwise certain goods that may be coming into the markets under different conditions, and which may be freely admitted to certain of the other States, shall be prohibited. We give the Minister power to say, " I will fix my own conditions ; and if those goods do not fulfil the conditions, then, although there may be no restrictions in some of the States, we will exclude those goods from the Commonwealth."

Mr Higgins

- If the Minister be given the wider power in clause 49, surely he may be intrusted with this smaller power.

Mr Kingston

- Surely this proposal is a corollary to clause 49 ?

Mr THOMSON

-It is a larger power that is proposed now. It has been shown that there is a difference of opinion in the States as to the flash-point of kerosene. Should we not know, when dealing with the question of the prohibition of kerosene, what flash-point the Minister is going ' to adopt 1 If we knew the flash-point there might be good reasons brought forward to show that the point was unnecessarily high or too low, and that in the interests of the people of the States or of the trade of the States, a different flashpoint should be fixed. Now we are asked to. leave this matter entirely in the hands of the Minister.

Sir Malcolm McEacharn

- Does not sub-clause (</) of clause 49 give a wider power to the Minister already t

Mr THOMSON

- Not a wider power. The present proposal widens the power, because the Minister is bringing it in now for the reason that, although he has power to prohibit certain goods by proclamation--

Mr Kingston

- I think the Minister has the power already, but the objection has been taken that that is not clear.

Sir Malcolm McEacharn

- I think the Minister can prohibit all goods by proclamation.

Mr THOMSON

- That is not my opinion or the opinion of the honorable member for Tasmania, Mr. Piesse, and apparently it is not the opinion of the Minister.

Mr Kingston

- The point is raised, and I think it fair to make it clear. My judgment -is that the point is covered by clause 49, but the objection has been raised with sufficient strength to make me think that it ought to be made

clear.

Mr Isaacs

- Surely the power in clause 4.9 covers this.

Mr Kingston

- I was impressed by the argument of the honorable member for Tasmania, Mr. Piesse, and I think it well to make the point clear.

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Mr THOMSON

- The honorable and learned member for Indi may be correct, and possibly the point is covered by clause 49. I only wish to point out that we are asked to consider this matter without having had an opportunity of looking into any of these clauses, which are not on the list of the Minister's amendments, but have been brought down suddenly. The Minister ought to give the committee an opportunity to consider an important clause like this before they are called upon to deal with it. In connexion with what the honorable member for Tasmania has said as to kerosene, provision for inspection in New South Wales is rendered necessary by the fact that kerosene is produced in that State. Another matter which will have to be considered is the desire of the States in regard to this clause. A State may accept a certain flashpoint as perfectly safe, and allow such kerosene produced in that State to pass. As there is an intention to import cruder oil in bulk, there will probably be refineries in the States to which a particular flash-point would not apply, and there again the States will have to be taken into consideration as to their opinion of what is necessary, because they can fix a flash-point of what is sold in the States, though the Customs authorities fix a flash-point for what is imported.

Mr. HIGGINS(Northern Melbourne).There is, as there always is, considerable force in what is said by the honorable member for North Sydney ; but at the same time I think this is locking the stable after the steed has been stolen. The fact is that the Minister has a much wider power in clause 49, which, I think, was passed without any dissent.

Mr Piesse

- No.

Mr Kingston

- There was no dissent as to sub-clause (g).

Mr HIGGINS

- That is so. I objected myself to other parts of that clause, but with regard to sub-clause (g) I do not think there was any dissent. The committee, without having their mind fixed specifically on this difficulty in regard to kerosene, have given the Minister power to prohibit all kerosene or any article he thinks fit, subject, of course, to his responsibility to Parliament if he exercises his power foolishly. In giving illustrations of what is proposed by this amendment, the Minister referred to kerosene, and that at once awoke the susceptibilities of the honorable member for Tasmania, Mr. Piesse.

Mr Piesse

- No.

Mr HIGGINS

- If the Minister had not mentioned kerosene, which, apparently, has-

Mr Kingston

- It was mentioned by the honorable member for Tasmania before that.

Mr HIGGINS

- But still, if the Minister had not mentioned kerosene, there would not have been this discussion now.

Mr Thomson

- Kerosene is the concrete instance.

Mr HIGGINS

- If the clause were left as it stands the Minister would, I think, have the power he is seeking now, because he could by proclamation prohibit all kerosene of a certain character. At the same time, as the Minister feels there might be some dispute as to his power, he asks the committee to make it perfectly clear that he is able to prohibit kerosene, or any other article, under certain conditions. Unless the committee are prepared to go back on their decision on sub-clause (g) of clause 49, they ought to make the provision clear for the Minister, for that is all the Minister asks. I think the power has already been

given to the Minister, and I fancy the Minister thinks the same.

Mr Kingston

- I do.

Mr HIGGINS

- But at the same time, out of deference to the doubts of the honorable member for Tasmania, Mr. Piesse, the Minister is trying to make the clause clear.

Mr. HENRYWILLIS (Robertson). - I am of opinion that the Minister has done quite right to bring down this clause. When clause 49 was under discussion, there was a great deal said about the Minister specifying certain articles which should be prohibited, and then in sub-clause (g) taking power to prohibit "all goods the importation of which may be prohibited by proclamation." I think it was the honorable member for North Sydney who at that time asked what necessity there was to specify articles if sub-clause (g) covered all articles the Minister might wish to prohibit. I think it was stated further on in the discussion that tea, margarine, and other articles were mentioned merely as instances of the class of articles which would be prohibited. However, we are not giving the Minister any more power, but we are only making clear what was set out in clause 49. We are merely saying that certain imports that are specified by proclamation shall be prohibited, and I certainly think that the clause should be passed.

Mr REID

- The language of this proposed new clause rather attracts observation. The words, " shall authorize prohibition subject to any specified condition " would read more correctly if the word " admission " were substituted for the word "prohibition."

Mr Kingston

- The condition may be negative or positive.

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Mr REID

- With great respect to the honorable member, I would suggest that if the word " prohibition " is to be adhered to, the other words should be altered so as to make the prohibition subject to any relaxing condition. I do not think the language is as happy as that to which we have been generally accustomed under the new policy of short cuts.

Mr Isaacs

- The word " except " ought to be placed before the word " subject."

Mr REID

- Something of that kind is needed, but " admission " would be a more harmonious word than " prohibition."

Mr Kingston

- But I do not want to put that word in.

Mr REID

- I know that, but I am suggesting that the word "prohibition" does not carry out in a felicitous way what the Minister has in view. As far as the clause itself is concerned, since the Minister has already abundant power to prohibit goods without attaching any condition or restriction whatever, this clause, I suppose, is intended to relieve the Minister from the difficulty of having to prohibit goods as a general class which, if imported under certain conditions, are harmless, but which if imported under certain other conditions are dangerous, and indeed are dangerous to have even on board ship. There are certain goods of an inflammable character which may pass as ordinary cargo, and which might rightly pass as ordinary cargo if they were of a certain quality, but which if of a certain other quality might be dangerous, and I think, therefore, that the object of this clause is a good one. Of course the question as to how it will work out is a matter of administration. We have given so many powers to the Minister now that I thought he had been clothed with every conceivable authority, and I am delighted to find that there is a power that has not been accorded to him.

Mr CROUCH

- I think the Minister should consider this clause, and I am especially fortified in that view by the remarks of the leader of the Opposition. The word " subject " is distinctly an adjective, and there should be some adverb there in its place, because, as the clause now stands, we are practically limiting the prohibition to a prohibition subject to any specified condition. There is no prohibition subject to specified condition

provided for in the other parts of the Bill, and this clause refers to a condition of things that is not contemplated by any other provision. This clause limits the prohibition to a class of goods that are subject to a certain specified condition, but if the word "their" were placed before "prohibition" the application of the clause would be clear, and it might have some effect. As it is now, I think the clause is useless.

Mr. ISAACS(Indi). - I agree that the clause itself is a very proper one to insert ; but I think that the power already given to the Minister under paragraph (g) of clause 49 includes this.

Mr Kingston

- I am inclined to think it does.

Mr ISAACS

- When the Minister has power to prohibit all goods under all circumstances, surely he will have the power to prohibit goods under some of those circumstances. Under the other provisions of the Bill goods can be prohibited without giving any reason ; and surely, if the Minister can prohibit goods without giving any reason at all, he can prohibit them for any specified reason. But I think, as I expressed myself before, by means of an interjection - and I am very glad to find that the leader of the Opposition has adverted to the very same point - that the wording of the clause reverses the intention the Minister has in view. I do not understand prohibition subject to a restriction ; but I can understand prohibition except subject to a condition.

Mr Kingston

- No ; we do not want those words, because we should then have two negatives.

Mr ISAACS

- We want first < to make the goods *primd facie* prohibited, and then we shall require to put in the word "except," so as to throw the onus of showing that they are excepted upon ' the person who desires to admit the goods. What the Minister wants is to provide that except these goods satisfy certain conditions, which he is to specify, they shall be prohibited - that is prohibition except under certain circumstances. I think that as the clause now stands it puts the onus on the Minister instead of on the importer.

Mr. THOMSON(North Sydney).Having now the advantage of seeing the clause in writing, I am sorry to say that I do not agree with the opinion, legal though it is, of the honorable member for Indi that this provision does not extend the powers that are granted by paragraph (g) of clause 49. There power is given for the prohibition of certain goods.

Mr Isaacs

- No ; all goods.

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Mr THOMSON

- But certain goods that have to be proclaimed. Power is given to prohibit the introduction of all goods, but such as may be specified by proclamation are prohibited. This proposed new clause goes further, and says that any goods can be prohibited which do not fulfil certain specified conditions or come within certain restrictions.

Mr Isaacs

- They are surely included in " all goods."

Mr THOMSON

- Now, it seems to me that this clause will give the Customs-house power to do as they do now with tobacco and spirits - to specify that goods not in certain packages shall be prohibited goods. That power is not given under paragraph (</) of section 49.

Mr Higgins

- The honorable member says that the Customs can prohibit all horses, but that they can not prohibit all grey horses.

Mr THOMSON

- I say that if the goods do not comply with certain conditions that the Customs-house officers or the Minister have fixed by proclamation, not merely with reference to the goods themselves, but with reference to the packages in which the goods are imported - if the packages are not in accordance with the specifications or conditions or restrictions - then the goods can be excluded. That is a power that I do not desire, at any rate, to give to the Customshouse officers. They exercise it now quite unnecessarily in some directions in connexion with tobacco.

Mr Isaacs

- What goods could they possibly prohibit under the new clause that they could not prohibit under clause 49 ?

Mr THOMSON

- Supposing the Customs-house officers for some reason said that candles would have to be imported in casks, and that candles not in casks would be prohibited. . Candles not packed as specified could be excluded under this clause, whereas the Minister could not prohibit the goods under such conditions under paragraph (f) of clause 29.

Mr Isaacs

- Could not the Minister say that all candles should be prohibited ?

Mr THOMSON

- Yes; he could say that all candles should be prohibited, but that is not what he wants to do. Under this clause he can say that candles shall be admitted, but candles in casks only - that candles in cases shall not be admitted. I put my opinion against that of the honorable member for Indi with a great deal of diffidence, but that seems to me to be clearly the extension of power that we are giving the Minister and the Customs-house officers. And as we know that the Customs-house officers often without very good reasons attach conditions which are very inconvenient for traders, I am not favourable to the passing of the clause as it stands. I would be perfectly willing that it should be made manifest that the clause applies only to goods that should be prohibited as coming below a certain standard, but I am not prepared to give the Customs-house officers the power to go into the question of the packages in which goods are introduced, and prohibit goods because they are not packed in a certain way - as they now do in connexion with tobacco, and I think very often unnecessarily. If the Minister admits that it does give that power I cannot support the clause.

Mr Kingston

- I said I did not think the clause did give the power, but that I thought we had the power already.

Mr THOMSON

- This extension of authority will give the Minister power to enforce any conditions he chooses to apply, not to the goods only, but to the way in which they are imported, and to prohibit the goods not merely on account of their objectionable qualities but because the regulations of the Customs have not been complied with as to packages or other minor matters.

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Sir MALCOLM MCEACHARN

- I think the clause as originally brought down by the Minister reads quite clearly, and that he would do wrong to take out even the words that it has been suggested, should be taken out. The design is to apply certain tests to certain goods, and to provide that if the regulations relating to that particular test are not complied with the goods shall be prohibited. I think the clause meets the case entirely.

Mr. REID(East Sydney).- With regard, to prohibited imports, clause 49 mentions, eight distinct classes, and seven of these are prohibited not by proclamation, but by the operation of law, and I think that in this particular case we should give the power to prohibit the importation of goods by proclamation. This clause is intended to remove a doubt as to the operation of paragraph (g) as to the operation of other clauses, and, unless these words are put in, it might be argued that the Minister might under this clause exercise the power of prohibition in a way other than by proclamation. There is a general power to prohibit importation* given in clause 49, but in seven out of the eight cases dealt with in the clause the prohibition will be by operation of law. I think that it would be better, therefore, to indicate that this provision is really an amplification of paragraph (g) of clause 49.

Mr Harper

- It might be added to paragraph (g).

Mr REID

- That is a matter for the Minister's consideration.

Mr KINGSTON

- I think that the effect of the wording of the proposed new clause is that it shall be read in conjunction with clause 49. That clause prohibits, in seven out of its eight paragraphs the importation Of certain specified things, and in paragraph (g) it gives a general power of prohibition.

Mr REID

- By a proclamation.

Mr KINGSTON

- Yes. That is the only general power of prohibition which is contained in the Bill, and therefore it is in conjunction with that provision that this clause must be read. None of the other paragraphs in clause 49 give the power to prohibit, though they contain absolute prohibitions.

Mr Reid

- In one sense they give the power to prohibit, because they give the officers of the department power to enforce prohibitions.

Mr KINGSTON

- No.. Those paragraphs say, "The importation of these things is prohibited." Power to prohibit importation is given only under paragraph (<-). However, I will look into the matter further, though at the present moment I am strongly of opinion that there is no necessity for an alteration.

Proposed new clause agreed to.

Mr. REID(East Sydney). - I would suggest that, inasmuch as there may be some power which we have omitted to give the Minister, a short clause should be added to the Bill, providing that in every case not heretofore provided for the decision of the Minister shall be final.

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Mr KINGSTON

- I have no doubt that that would be a very useful clause, but I would suggest that the qualification "after consultation with the leader of the Opposition " should be added.

Mr. V.L. SOLOMON (South Australia). - I move -

That the following new clause be inserted after clause 24!) : - "No permanent officer of the Customs shall participate in the distribution of penalties or forfeitures recovered under any Customs Act."

Clause 249, as we have amended it, reads - '

All penalties and forfeitures recovered under ' any Customs Act shall be applied to such purposes and in such proportions as the Minister may direct.

In that clause we give the Minister a discretion in regard to the division of what I may perhaps be permitted to term the spoil - the penalties and forfeitures - recovered under the provisions of the measure. . But, in a debate which took place on the clause,, several honorable members agreed with the contention of the leader of the Opposition and myself that it was inadvisable that Customs officers should have a further inducement to vigilance and honesty than the salaries paid to them for the performance of their duties. I pointed out that in cases which had come under my own cognisance, provisions such as those in the clause had operated to induce officers to exaggerate trivial offences into offences which would permit them to make seizures and to have fines inflicted, so that they might participate in the penalties and forfeitures. Honorable members must re-' member that, in a measure like this, there is a trap at almost every turn, not only for' the man who wilfully attempts- to defraud the Customs revenue, but even for the innocent man who makes the slightest mistake in the reading of a provision, or who makes a wrong entry, or a slip of any kind ; and, in order to test the opinion of the committee as to whether Customs officers in permanent employment should be allowed to share in fines and penalties, I have moved the proposed new clause, which is. simple and direct to the point. The clause makes no reference to casual employes - men casually employed 'to lay traps or to detect attempts to defraud the revenue, because informers must undoubtedly receive a share of the spoil. But is there any more reason why permanent officials should receive this special inducement to do their duty than there is that members of the police, or officers of the taxation department, or any other department who are equally interested in preventing frauds upon the revenue, should be specially rewarded ? I know that the Minister will tell me that in many, and, perhaps, in all of the States, this rule has been in force.; but those of us who have had experience of its. operation must have come to the conclusion that it has not been conducive to the doing of justice. On the contrary, it has conduced rather to the bolstering up of serious charges against men who have been guilty merely of a misconception of the Customs regulations, in order that heavy fines and penalties may be inflicted in which the prosecuting officers will' share. However much we may desire to protect our revenue, 1 do not think it is the wish of the committee to turn innocent men into criminals. I think that most honorable members will say that there is no reason why officers of the Customs department should participate in

what in a previous speech I termed - not offensively, but with a view to emphasis - blood money. A Customs collector or sub-collector in receipt of £400, £500, or £600 a year, a landing waiter in receipt of a perfectly adequate salary, and other officers in the department who are sufficiently paid, should be expected to do their duty without the added inducement provided for in clause 249. In passing that clause the committee gave the Minister no indication as to its view upon the point upon which I am now speaking. Although the clause does not now contain a direction to the Minister as to the proportions in which the penalties and forfeitures are to be distributed, it gives him the absolute power to continue the present system, which I make bold to say is a bad system, which has produced a great deal of harm, and should be abolished. It is all -very well to say that the States have adopted that system in the past, but that is an argument which the Minister uses only when it suits his purpose. He has not followed the customs laws of the States so closely in other particulars. At any rate, it is now within the power of the committee to say that this system shall cease. It is a system which cannot be productive of good.

Although it may occasionally lead to a conviction, there are many instances in which it has led to wrongful and unwarranted convictions, and I ask the committee to put

Anend to it.

Mr KINGSTON

- I think it is a pity that we should rip open the agreement that -was come to.

Mr V L SOLOMON

- There was no agreement.

Mr KINGSTON

- Undoubtedly an agreement was come to last week to alter the clause in such a way that all direct reference to informers should be removed, and that large powers should be left to the Minister in this connexion.

Mr V L SOLOMON

- The question as to officers was never touched.

Mr KINGSTON

- I am really surprised at the audacity of the honorable member's suggestion. Why, the question was put time and again. It was raised by the very form of the clause in which we had it before us, and there was no such strong objection to doing what was necessary under the circumstances. But what was objected to by some honorable members - and the Government met them on the distinct declaration that the awards should be distributed in a certain way, and that, in default of direction by the Minister, there should be an apportionment between the informer, the seizing officer, and-

Mr Higgins

- Must the Minister sanction every prosecution 1

Mr KINGSTON

- Of course: either impliedly or the other way.

Mr V L SOLOMON

- There is nothing definite in the Bill upon it.

Mr KINGSTON

- Officers are subject to control. Their duties, if not fixed within the four corners of the Bill, are fixed by practice and - usage. They cannot exceed them, and no doubt the ordinary thing would be that no prosecution could be instituted by a subordinate officer on his own option.

Mr V L SOLOMON

- That is definitely laid down in the South Australian Act.

Mr KINGSTON

- The honorable member says that the position for which he is now contending is opposed to the practice of some of the States.

Mr V L SOLOMON

- I did not say so. Mr. KINGSTON. - It is opposed to the practice of every one of the States, and is, indeed, opposed to Customs law in any part of the world.

Mr V L SOLOMON

- A lot of this Bill is opposed to-the laws of the States.

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Mr KINGSTON

- Since this matter was under consideration, I had the duty of considering a huge flaming placard which was posted up all over New South Wales, I understand, and which was signed by the leader of the Opposition, offering rewards to a variety of persons in connexion with information of this character. The trouble of it was that he fixed specified awards, and the information having been given, although it was given by a relation of the person who happened to be convicted, the money had to be paid. Here we have nothing of that sort. We simply give power to the Minister to do what he thinks is right under the circumstances. As regards permanent officers, it is not a question of police or anything of that sort. "Vigilance, and proper vigilance, which results in the conviction of offenders, is very often exercised by officers out of hours to the great advantage of the revenue and of the public, to the advantage of the honest traders, and for the good of the community.

Mr V L SOLOMON

- Make an exception of special circumstances.

Mr KINGSTON

- How are we going to do that ? Why, they would be all special. Not only has this been the South Australian practice, but it is the English practice. Here it is -

The Commissioners of Customs may order such reward as they see fit about of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered.

I am sorry to hear the honorable member for South Australia, Mr. Solomon, say that the existence of these laws has led to abuse. He has practically suggested that the Customs officers have given false evidence for the purpose of securing convictions.

Mr V L SOLOMON

- I did not say so.

Mr KINGSTON

- If they have only told the truth, and secured convictions for breaches of the law, so much the better for the honest trader. Are these men to be marked out for special disqualification as regards rewards which are given to similar officers all over the world ? We have had the system tried here, and it has not been abused. We cannot calculate by fixed hours and a regular wage what reward a man should receive. We have struck out the direct reference to informers, but we have given to the Minister the same power that has always been conferred hitherto, that is conferred in England, and may be continued without the slightest risk.

Mr Higgins

- Under clause 249, if the Minister thinks an officer has abused his position, he will not give him more than a fraction of a penalty. It is for the Minister to say what he will give.

Mr KINGSTON

- The Minister need not give a halfpenny.

Mr. V.L. SOLOMON (South Australia). - It is all very well for the Minister to quote existing laws in the States and Great Britain when it suits him. But I can point to half-a-dozen instances in which this Bill is opposed to the laws of the States. It is only when it happens to suit the Minister's argument that he exclaims - "Oh, this is the existing law of the State." I do not think we are to be bound down by the laws which have existed for some time in one or all of the States, if we are convinced, as I hope many honorable members will be, that those laws have been a mistake. There are many honorable members who must recognise that without casting any slur such as is suggested by the Minister-

Mr Kingston

- The honorable member did cast a slur in his speech.

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Mr V L SOLOMON

- Without casting any slur on the Customs officers, I do say that this advantage of a participation in fines and penalties, in addition to their regular specified salaries, is an inducement to Customs officers not only to be vigilant, but to be too vigilant. It is an inducement to make them too anxious to secure a conviction, too anxious to exaggerate a small flaw or mistake against the Customs Act into such a crime as would lead to the exaction of heavy fines and penalties, to forfeiture, or to something in which they will have a pecuniary interest. We have no more right to place Customs officers in that position than we have the

officers of any other taxation department. What right have we to assume - even though it has been done in the States - that the Customs official in the receipt of a salary commensurate with his services requires in addition that which is required by the informer, namely, a participation in the plunder that is to be got by working up a case and by increasing its importance. When we consider other clauses in the Bill and see how drastic are its regulations, we can understand how mere slips may be exaggerated into big offences, into big crimes almost. When we give the Customs officers in addition to their salaries the right to participate in certain fines and penalties, I say that we do wrong. Let the Commonwealth commence by treating its public servants from the very lowest to the highest in a proper way, by paying them good salaries commensurate with their abilities, and equal to the responsibilities placed upon their shoulders. But let us be satisfied that those salaries will be sufficient to keep them honest and vigilant in the service of the Commonwealth, altogether irrespective of what the States have done in the past. I brought this matter forward because I have known of cases where under similar conditions the Customs Act has been strained most unjustly, and extraordinary penalties have attached - penalties in which those who strained the Act and who exaggerated the breaches of its provisions participated. Had it not been for that desire to participate in the heavy penalties, fines, and forfeitures, those cases might not perhaps have been relinquished, but they would certainly have been brought forward in a very much modified form. I trust that the committee will see that in this Commonwealth we do not want to offer inducements such as those to well-paid permanent officers I do not want to give power even to the head of the Customs department to divide penalties amongst Customs officers. By all means, let the Customs officers be paid a fair salary, but let us do away once and for all with this additional incentive to them to be extra vigilant, and to bring cases forward as frequently as possible.

Mr KIRWAN

- I should like to say a few words in support of the proposed new clause. When clause 249, relating to the application of penalties was before the committee, the Minister was very good to several honorable members who protested against it. The clause was amended with his concurrence, and all reference to informers was eliminated. Although I know that some honorable members who opposed that clause thought it was not much improved, still I am of opinion that it was materially improved by the amendments which were made. I scarcely think that this clause goes far enough. It would be much better if a reference were made to informers, as well as to seizing officers. I should prefer that the clause should provide that the fines should not be awarded either to the informer or to the seizing officer. I ask the Minister to see if he cannot accept it in a modified form, because it seems to me that if we are going to allow the seizing officer to be recompensed by getting a portion of a fine, it may happen that an unscrupulous officer will be induced to manufacture a case. I do not wish to cast any reflection upon the majority of Customs officers. I regard the majority as very estimable men. But there are exceptions to every rule, and it may be that some unscrupulous officer or officers may arrange to manufacture a case between them. I know that that has happened very often, particularly in connexion with the administration of the licensing law, and that for the sake of sharing in the plunder, officers have been instrumental in an innocent person suffering. To prevent such a possibility as that I strongly favour this clause. It seems to me, as has been already pointed out, that when Customs officers are paid a salary in the same way as are other members of the public service, that salary in itself should be quite sufficient recompense to them, without their being paid a portion of the fine. Such a practice is not followed in the case of the police or other officers of the public service. It is all very well to say that if this is not done the officers will not be so zealous as they ought to be, and that the revenue must suffer. But I would much rather see the revenue suffer than see innocent individuals suffer by reason of unscrupulous officers manufacturing cases in order to get a share of the plunder. I sincerely trust the Minister will reconsider his views regarding this clause.

Mr KINGSTON

- The proposal here is, what ? To practically declare that we do not believe in the honesty of our permanent Customs officials.

Mr V L SOLOMON

- Or that they require further incentives to keep them honest ?

Mr Kirwan

- There are exceptions to every rule.

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Mr KINGSTON

- This applies only to permanent Customs officials, and we are told that the possibility of a reward leads them to lie, exaggerate, and practically to conspire. I do not believe they do anything of the sort. I believe our permanent Customs officials are as well worthy our trust as are the permanent Customs officials in any country in the world. In regard to the question of right it is suggested a certain right is given to a certain reward. Nothing of the sort. What is the power given to the Minister? It is to do as he pleases in regard to the distribution of the penalty. Neither officer nor informer is mentioned, but it is left to the Minister to say what he considers should be paid. We are told that because a man is giving such satisfaction that he is permanently employed, he is not to have the reward, and these criticisms are made in respect of him. Something was said about the police not getting rewards, but the police do get rewards, and properly so, time and again. When we have hedged the provision round, as we have hedged it round, no right is given, but simply a power similar to the power given to the collector in England. We are doing what we ought to do, and we ought not to do anything else.

Proposed new clause negatived.

Preamble agreed to.

Bill reported with amendments.

Mr KINGSTON

- I ask the concurrence of the House to assist me in passing the Bill through its remaining stages.

Mr V L SOLOMON

- I have a number of alterations suggested by the Adelaide Chamber of Commerce in the clauses already passed in committee.

Mr KINGSTON

- It did happen that last Thursday or Thursday week the leader of the Opposition said he would help the Government through with the remaining stages of the Bill.

Mr V L SOLOMON

- So we will, in a reasonable way.

Mr KINGSTON

- What I propose to do now is to reconsider certain clauses, and I imagine there will be no objection to that course.

Mr V L SOLOMON

-Recommit the Bill in the ordinary way when we have a clean reprint. The Bill has been knocked about terribly. Let us follow the standing order.

Mr KINGSTON

- The promise given was of the character referred to. But as there seems to be some doubt about it, and the members of the Opposition decline to give facilities which I think are not unusual - -

Mr Thomson

- If the Minister wishes us to be obstructive, we can be obstructive. The Minister should not reflect on us, seeing that we have not been obstructive.

Mr KINGSTON

- The honorable member has not been obstructive, but, if a little criticism offends the susceptibilities of the Opposition, I shall be glad to withdraw.

Mr SYDNEY SMITH

- It was not a fair remark to make.

Mr KINGSTON

- I desire the assistance of the House for the purpose of reconsidering certain clauses. If I understand from honorable members that they are not prepared to assist-

Mr V L SOLOMON

- Will the Minister permit honorable members at the same time to reconsider clauses ?

Mr KINGSTON

- I cannot promise that.

Mr V L SOLOMON

- That is exactly the point.

Mr KINGSTON

- We could not undertake the reconsideration of all the clauses, but if the honorable member can indicate clauses he desires to be reconsidered some arrangement might be come to.

Mr V L SOLOMON

- The proper way is to wait until we have a reprint of the Bill.

Mr KINGSTON

- How many clauses does the honorable member desire should be reconsidered ?

Mr.V. L. Solomon. - There are six or seven from the Chamber of Commerce in Adelaide.

Mr G B EDWARDS

- I rise to a point of order. What motion is before the House?

Mr SPEAKER

- I understand that the Minister for Trade and Customs proposes to move that the standing orders be suspended in order to proceed with certain stages of the Bill without delay. The Minister has not resumed his seat, and he is perfectly in order in making such remarks as he desires before he submits his motion.

Mr KINGSTON

- I move-

That the standing orders be suspended in order that the committee may proceed to the consideration of certain clauses.

Mr JOSEPH COOK

- Such a motion can only be put by concurrence, and there is no concurrence on this side of the House.

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Mr SPEAKER

- A motion for the suspension of . the standing orders can be moved at any time, and it is for the majority of the House to say whether they will grant the suspension. As the motion is moved without notice, it will be necessary for at least half of the House to vote for it in order to carry it, but with that qualification the motion is perfectly in order.

Mr. V.L. SOLOMON (South Australia). - Without the slightest desire to in any way hamper the Minister in passing the Bill, I ask him not to persist in such a course as he has proposed. We have had this Bill before us for a long time, and a large number of alterations have been made in the provisions. We have not, however, had any opportunity of seeing the Bill reprinted with the amendments. If the Minister succeeds in passing the motion for the suspension of the standing orders to enable him to consider just those clauses he wishes, we can expect the same sort of treatment we have had on more than one occasion. When we wish to recommit the Bill in the ordinary way, on a future day to reconsider clauses, we shall probably be blocked.

Mr Wilks

- As we were on the Public Service Bill.

Mr JOSEPH COOK

- I rise to order, Mr. Speaker. Do I understand that you rule this matter is one of urgent necessity ? The standing order distinctly provides that unless it be a case of urgent necessity, the standing orders cannot be suspended. The standing order says : -

In cases of urgent necessity, any standing or sessional order or orders of the House may be suspended for the day's sitting, on motion, duly made and seconded, without notice : Provided that such motion is carried by an absolute majority of the whole number of the members of the House.

Clearly there can be no urgent necessity in a case of ordinary legislation, such as this is. Nothing has suddenly arisen to make this Bill urgent in the sense that the standing orders contemplate. It seems to me there should be some extraordinary reasons of urgency to lead the House to adopt the course suggested by the Minister. I submit the motion is entirely out of order, this not being a question of urgent necessity.

Mr SPEAKER

- On the point of order, I have no hesitation in ruling that it is entirely for the Minister to say whether there is ' urgent necessity -or not. Already this session, on several occasions under precisely similar conditions, the standing orders' have been suspended, and, therefore, so far as the practice can be created, we have created the practice of permitting, on the motion of the Minister, the standing orders to be suspended for specified purposes. But as I pointed out just now, and as declared in the standing order quoted by the honorable member for Parramatta, to suspend the standing orders without notice, a majority of the whole

of the members must vote in favour of the motion. If that is done, the standing orders can be suspended under such circumstances.

Mr V L SOLOMON

- I desire to assure the Minister that I am not making these remarks because of any idea I may have that I have not had my own way in regard to one or two clauses. I have, from the Chamber of Commerce of South Australia, a letter asking me to move that certain clauses be reconsidered and amended. The clauses mentioned are 63, 66, 134, and 147. Then the agents and importers of Port Adelaide ask that clauses 134 and 147, and a whole host of other clauses which were passed before I received these communications, should be reconsidered. The commercial people in South Australia, who have the biggest interests in this matter, had not the Bill before them until it had practically gone through committee. Under the circumstances, I ask the Minister, assuring him of my desire to deal with a few clauses later on, not to move the suspension of the standing orders, but to let the Bill be reprinted and circulated. That is a perfectly reasonable request.

Mr KINGSTON

- The position is that the promise was given some time ago to recommit the Bill, but under the circumstances, if there is any objection, I withdraw the motion.

Motion, by leave, withdrawn.

DEFENCE. BILL

Second Reading

Debate resumed (from 9th July, vide page 2173), on motion by Sir John Forrest -

That the Bill be now read a second time.

Mr Reid

- I must express my great surprise at the sudden resumption of this debate.

Mr SPEAKER

- The honorable member cannot proceed unless he proposes to speak on the Bill.

Mr Reid

- I cannot speak on the Bill at this moment. I simply decline to continue the debate.

Mr CROUCH

- I did not know that the debate on this Bill would be resumed to-day.

Sir George Turner

- It is in the orders of the day.

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Mr CROUCH

- I thought that the Government would have waited for the return of the Minister for Defence before this Bill was further discussed. But I feel so much interested in the question that I prepared myself some little time ago to discuss it, although I regret that in resuming the debate I have not the advantage of the criticism, and the good criticism, which I have no doubt the leader of the Opposition would have been able to give us, and the great light he would have been able to throw on the measure. I feel that in approaching this Bill we raise for the first time a large matter of national importance. We really breathe national air and take on ourselves, more than ever, the feeling of Australian nationality, viewing the question from the position of an Australian people. Other Bills have been largely machinery Bills in which no party issue has been involved, but both sides of the House have done their best to assist the Government to perfect the measures submitted. In this Bill, however, distinct issues are raised, and a question of national policy is brought before us which must eventually be decided, and I have no doubt that the whole matter will be very carefully considered, and that many questions will be divided upon before the Bill leaves the House. I feel that in connexion with this Bill we shall have to consider two other very large national measures which have been referred to in connexion with the motion relating to the taking over of the Northern Territory, brought before the House by the honorable member for South Australia, Mr. Solomon. At the very opening of the debate, I may say that I recognise the necessity of constructing both the transcontinental line and the line to Western Australia as national undertakings for purely defence purposes, if for no other reason. I think we should have the railway- constructed to the West so that we may connect the great ports of Albany and Fremantle with the eastern States. At the same time I think it is equally necessary for us to look at the western railway, not from the view of its

monopolizing the railway expenditure and railway effort of the Commonwealth, but that we should be ready also to complete for South Australia the railway that they have commenced to construct to Port Darwin. These lines are equally necessary, judged from the defence stand-point. Taking first the Western Australian railway, I find that British policy", so far as it has been directed at all during the last few years has been more and more directed into converting the Indian Ocean into a British lake. If honorable members will look at the map of the countries that surround the Indian Ocean, starting from Cape Town, and going then to British East Africa along to Egypt, then along the southern shores of Asia right away round to the Malay peninsula, and down to Australia, they will see that the whole of the lands contiguous to the Indian Ocean are becoming more and more painted red, and this shows that when we 'are considering our defence problem we shall be able far more economically to meet the position if we view that side of .our responsibility as really an extension of British policy in the Southern hemisphere, leaving outside the Pacific problem, which will have to be dealt with independently. Honorable members will see the advantage of concentrating our efforts to a very large extent upon the completing our defences on the Indian Ocean side, because that will mean that we shall make ourselves secure from attack on that side. If honorable members look at Port Darwin, they will see that it is. probably from that direction that we shall, have to expect our greatest difficulty and. our most determined opponents. 'It is not from the European nations that I think we Australians have to expect any great national difficulties, but from those great nations of the East, China and Japan, which we have unfortunately stirred up, and which we are unfortunately teaching European methods of utilizing their military resources. It is to these nations that we have to look, and we have already seen in connexion with the recent Chinese campaign how very complete - far too complete - the Japanese arrangements already are in connexion with .their military organization. I fear the dangers that may come from that direction, for the conquering of a white race by the Oriental races would' be so disastrous to the whole world that it is almost impossible for us to calculate the consequences. The late Professor Pearson tried to do so in his book on National Characteristics, and he showed us with fair clearness what would happen in such an event. We have seen, some of the results of stirring a nation of 40,000,000 people into activity with regard to this question of defence, and I want honorable members to contemplate what will be the danger to us if the three hundred or four hundred millions of people in the Chinese Empire became equally impregnated with the warlike spirit, and capable of carrying it into execution. With us; it will not be so much a question- of repelling attack from the Oriental races as a question of driving away a nation that has already gained a footing on our shore. My fear is not that we will not be able to defend Australia from the Oriental nations if they make an attack upon us ; but that our chief danger will arise if we allow these people to settle down in the north-western part of our continent, or round about Port Darwin in the northern part of Australia. In that case it would not be a matter of repelling attack, but a matter of dispossessing them of land that they had occupied, and we at present are absolutely in no position to meet any Contingency of this sort. Might I point out to* honorable members that almost within a day and a half's sail from Port Darwin, we have the largely civilized nation of Netherlands India with 43,663 trained troops, of which at least 16,000 are Europeans. AH these troops are trained under European officers, and are in a high state of efficiency, and they are within a day and a half's sail of Port Darwin.

Mr V L SOLOMON

- If the honorable and learned member said four days' steaming it would be nearer the mark.

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Mr CROUCH

- The fact that we have such a large number of well-disciplined troops so close to our shores ought to be thoroughly well known to the whole of the people of Australia, so that they may realize that it would be unwise for us to neglect any reasonable defensive precautions.. There are 24 ships with 3,300 men stationed in Netherlands India, in addition to the troops I have mentioned. When we come to look for what the Minister . for Defence proposes to do in order to meet any possible aggression, we find that he has divided the defence forces into five different classes. He has provided, first of all, for permanent men, who, I understand, are to be employed for artillery purposes only, as it is necessary to have only the more intricate parts of our defence, requiring the exercise of special skill, placed in the hands of permanent men. Then we have the militia and the volunteers, followed by the rifle clubs and cadets. I approve of that division. I think it is necessary to have militia- and volunteers, and I need hardly point out, in regard to this

militia question, that in Melbourne there has been a constant demand for the increase of the militia forces. One of our late commandants, General Tulloch, said he would not take the responsibility of the defence of Victoria because the Minister for the time being - i.e., the Treasurer - refused absolutely to increase the metropolitan militia as he had promised ; and when I say that there are two militia battalions in Melbourne as against eight in Sydney, it will be seen how very badly this portion of the defence forces has been provided for so far as Melbourne is concerned. I hope that when honorable members are discussing this BDI they will try to remember what arguments have been put forward in other countries in favour of conscription. I see that the Prime Minister, in answering a deputation from the Peace and Humanity Society, said he would not favour a conscription system, but I think there are very strong arguments to be used in connexion with conscription and compulsory drill. When we look to the origin of States, we find that individuals became aggregated together absolutely for the purposes of self-defence, and that self defence was the real basis of the State - first of the tribe, and then of the race. As that principle became established, it was every man's right, hand for the community, and against those outside of it. It was that that gave the individual the right to speak in a community, and it is that that gives us the right to rule in the community. In a democratic community it is the persons who vote who rule, and the right to rule should always be accompanied by the ability to take a share in the defence of the nation. I think, therefore, that the proposal that has been made that every man should be compelled to make himself perfect in the use of the rifle, as a sort of preliminary to his right to vote, is a very good one. A man who cannot defend himself is not a good citizen, and a man has only completed his citizenship when he shows his ability to defend himself and to take his share in the defence of the laws that he has made. There is one matter that should be provided for in the Bill, and that is that the cadet system should be compulsory. I would make it compulsory for every boy between the ages of thirteen and eighteen to join a cadet corps. At the present time it is purely optional with these lads whether they undergo military training or not ; but no boy's education should be regarded as complete without discipline and physical exercise such as should be obtainable in a well organized corps of cadets. Although we cannot adopt the principle of conscription, because of labour and sentimental difficulties, in regard to able-bodied men, every boy should be in a position, on reaching the age of eighteen, to join some militia or volunteer Ullster corps, and take a part, if necessary, in the defence of his country. This ' cadet system is one of the cheapest forms of military training that has yet been designed. At the present time the metropolitan corps of senior cadets, consisting of 500 youths, costs only £400 a year; and when we remember the extravagance that military organization usually involves, I think that that is a very creditable result. The cadet movement should be very largely extended and encouraged, and I would suggest to the Minister that the system should be made compulsory to the extent I have indicated.

Mr Page

- The honorable member admits that militarism is an extravagance?

Mr CROUCH

- I think it is ; but it is an extravagance that cannot always be avoided. I would go with the honorable member for Maranoa to the extent of saying that I would be very pleased, if the conditions would permit, of militarism being absolutely abolished ; but I do not think that is likely to be brought about at present. I think that our designation of the Minister in charge of the Military department as the Minister for Defence, instead of the Minister for War, is a proper designation, and that our military operations should be directed to defence only. That is the furthest extent to which I am ready to go in the direction of militarism.

Mr Higgins

- It may mean something more than defence under some Ministers.

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Mr CROUCH

- Defence sometimes begins with defiance ; and the best way of defending one's self may be to adopt aggressive tactics in the first instance, in order to secure the position. In reference to the question of armaments and ammunition, I think that Australia should be self-contained. I am very glad that an opportunity was given to a large number of honorable members the other day to inspect the ammunition factory at Deer Park. I do not think that we should depend upon outside supplies in the matter of ammunition, and the Boers, apparently, hold that opinion too, judging by the large plants of ammunition which have been discovered in various parts of their territory. I have been told by the manager of the

Deer Park factory that, with the exception of some nitrates, Australia can supply all the raw material required for the manufacture of cordite and nitro-glycerine, so that the chief thing we want is a proper plant to enable us to meet the exigencies of war time. In my opinion, the Parliament will not feel that it is fulfilling its duty towards the citizens of Australia unless it provides, not only for the establishment of a cordite factory, but also for the establishment of a small-arms factory. I think that honorable members should give that project very hearty support. I have been told that our manufacturers would be able to make steel guns as well as such weapons are made in other parts of the world if they had encouragement from the Government. At any rate they could make small arms, and I think that a start should be made in the direction of establishing a small-arms factory. If we must buy guns, let us buy them from Australian manufacturers, not only because of the commercial advantage of doing so, but because of the advantage that would be gained from the stand-point of defence. I am sorry that the defences of Victoria are in a chaotic state at the present time. I do not intend to put the blame upon any one, because I think that it must be shared by all. The present condition of affairs has been brought about largely by the necessity for retrenchment. But as I have pointed out, an artillery corps at Geelong - and I referred to the case before because I am cognizant of the facts - and other artillery corps at Drysdale, Warrnambool, and Port Fairy, are being drilled with muzzle-loading guns ; an absurd condition of things at this stage of the world's history. To drill men with muzzle loading guns, when in war time they will be expected to fight with breech loading guns, is an absurdity which should only be mentioned to be remedied. I trust that the first step the Minister takes in this matter will be to see that the men are drilled with proper guns. It is of no use to have artillerymen unless they are properly trained. Better not go to the expense of an artillery corps if we cannot give them proper arms to drill with. Dealing now with the details of the Bill, it seems to me that the Governor-General is given powers which are far too large. The term "Governor-General" really means the Minister for Defence, and the decision of the Minister for Defence will be very largely the decision of the permanent head of the department. The Minister, with the approval of the Governor-General, has power to appoint, promote, and transfer officers in every direction. That provision really gives the whole of the control of the forces to the permanent head of the department. I do not know what has been the practice in the other States, but under the Defences and Discipline Act of Victoria a Council of Defence, consisting of certain permanent heads, was appointed, and that body had to make recommendations in regard to promotions, transfers, and appointments. That arrangement took from the Minister a very large amount of power in regard to matters which

I do not think should be left in his hands alone. In my opinion we should adopt in this Bill a provision similar to that contained in the Public Service Bill, where the Governor-General acts upon the advice of the Commissioner. I would like to see it provided here that the Governor-General shall act upon the advice of a board of experts. I do not think that the permanent head should have such absolute control as it is proposed to give him. In clause 10 it is provided that a district commandant may be an officer of the King's army; but I feel that the opportunities for promotion which we can offer to the permanent officers in our forces will be so few that we should certainly give the position of district commandant to Australian trained soldiers. No doubt it is advisable for the first few years to appoint, as the Minister suggests, an English soldier to the position of general officer commanding.

Mr PAGE

- He may be an Irishman.

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Mr CROUCH

- Perhaps I had better use the term "Britisher." "While I think that the general officer commanding should be a Britisher, the district commandants should, if possible, be local men. We do not want our officers to feel that, however well they perform their duties, the higher commands will be kept from them. The ability as fighters which Australians have shown in South Africa' should make us only too glad to give Australians the right to rise at any rate to the district commands, leaving it to the Minister to decide whether the general officer commanding shall or shall not be an officer of the King's army. Clause 25 provides that officers must retire at the ages set forth in the second schedule. If honorable members will turn to that schedule they will find that certain officers must retire between the ages of 45 and 55. Inasmuch as the pension scheme provided for in the Bill does not apply to men already in the forces, I think that it will be unfair to apply this provision to such men, unless we also provide that upon retirement

a fair amount of compensation shall be given to them, or that they shall be given a pension The House will see the injustice of asking an officer now in the service, whose age is perhaps 42 years, to retire at the age of 45, unless some such arrangement is "made. I think that the clause should be made to apply only to men joining the service after the measure comes into operation, because such men will know that their career must come to an end under the conditions provided for. The Commandants' report, which, is now on the table of the House, points out that if we adopt, the Imperial retiring ages, we should also adopt the Imperial pension arrangements. I trust that honorable members will bear the matter in mind when we come to consider the Bill in committee. Clause 38 provides that men in the militia and volunteer forces may retire within three months after the measure comes into operation, on giving 14 days' notice ; but men belonging to the permanent forces cannot do so. I do not know why members of the permanent forces should be excluded from that provision. As they are being required to serve under new conditions, they should have a right to reconsider their contract with the Government. The permanent forces of the various States have been serving the King under certain conditions and at certain rates- of pay which will not continue when they are brought under the Commonwealth Government. New rates of pay are to be determined under regulations made in compliance with the provisions of this measure, and it is provided, not only that men may be transferred from one part of Australia to another - an arrangement which will prove most expensive to some men and most distasteful to others - but also that they may be required to serve outside Australia. In those respects the conditions of their service are materially altered, and I trust that honorable members, will see that the members of the permanent, as well as of the militia and volunteer forces are given the right to say whether they will or will not enter into a new contract with the Commonwealth Government. They may very well cav - " When I- joined the forces for five years, I expected that certain conditions of service would continue, and now that these conditions are being altered, I wish to retire from the service," because they do not feel bound to serve under the new condition." which are being imposed by a harsh and arbitrary law of the Commonwealth. Clause 49 is another provision which should be seriously considered. I do not think that any man, whether he belongs to the permanent or to the volunteer forces, should be compelled to serve outside Australia, and I am very glad that the honorable and learned member for Northern Melbourne has given notice of a motion for the striking out of the provision which allows permanent men to serve outside the Commonwealth.

Mr G B EDWARDS

- He will carry it, too.

Mr. CROUCH. - I am glad to think that he will. I wish to point out the very illogical position assumed by the Government in regard to this proposal. They say that we do not want too many permanent men; that we only require enough to look after the complicated machinery of certain guns, and to attend to the scientific work of artillery defence ; that we want the permanent men only for artillery. That is the only justification that we have for keeping up a standing army in Australia. But it is proposed that in time of war, when the services of these men will be required for the management of garrison artillery with which they are thoroughly familiar, they may be sent to serve outside Australia. When a call was made for volunteers to serve in South Africa, more than were required came forward in Victoria, at any rate, and I have no doubt that if the provision to which I refer is struck out, and an emergency arises when the Commonwealth Government may consider it necessary for the purpose of its own defence that men should serve outside Australia, enough volunteers will present themselves to meet the occasion. Clause 111 provides that any member of the Defence force may, with the consent of the Minister, volunteer for service outside the Commonwealth, in connexion with any force that may be raised by the Commonwealth. That I think should be done only with parliamentary sanction. I do not want it to be done as an Executive act. I need hardly refer the House to the reply which was given by the Prime Minister a few days ago to a question put by the honorable member for Bland. The honorable member for Bland asked if we were to participate in some alleged execution of rebels in South Africa. The Prime Minister answered that he did not know anything as to the truthfulness or otherwise of the statement, and that even if he did it was a matter of Imperial responsibility, in which he could take no part. I venture to say that this House regards the question in a different light.

Mr Barton

- I said that we could not institute an inquiry into the matter at the present stage, because that would be constituting ourselves a court of inquiry over the doings of an authority which we could not control.

Mr CROUCH

- Amending my statement of what happened in accordance with what the Prime Minister says, I repeat that we should not send our men into any position in which we have not absolute control over them. Australian soldiers may be used in South Africa in connexion with these executions. The executions may be necessary, but, according to the cabled reports, they do not appear to be necessary. I believe in Australia having the right to say whether it is a proper course for our soldiers to participate in such doings, and, if it is not right, I believe in some national protest being made here.

Mr Higgins

- These men were never sent to Africa to be hangmen.

Mr CROUCH

- No; and therefore I should like to see an amendment made in this Bill in the direction which I have suggested. If men are to be allowed to volunteer for purposes outside of the Commonwealth, they should be allowed to do so only with parliamentary sanction. If Parliament is not in session at the time, I think the fact of our troops being required for service outside of the Commonwealth would constitute a national emergency of sufficient importance to warrant Parliament being immediately called together. No act of any Government while Parliament is not in session should be allowed to decide an important matter of this sort. We should, therefore, insist that no Australian troops should be used outside of the Commonwealth without the sanction of Parliament being first obtained to that course. I do not propose to take up the time of the House further with regard to the question of commissions. I intend to circulate some amendments shortly, but the Bill came on so unexpectedly that I have so far been prevented from doing so. Every man in the defence force should have the right to rise from the position of a gunner to the highest office within the gift of the Commonwealth. I feel it is one of the scandals of the past that regulations have been made in professedly democratic States, which have prohibited many men from rising beyond a certain rank.

Mr Kingston

- I never got higher than a sergeant.

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Mr CROUCH

- I am only asking for equal opportunity for equal ability. I do not say that the Minister for Trade and Customs has not risen to the height to which it is desirable he should rise, but still there are some men who could rise higher than sergeants, and it is on behalf of those men that I am appealing to the House. I know of some good men who are only half way up the tree, although they are fit to be at the top of it. But because they were not born in a certain social rank, or because they have not enough money, they have been unable to get there. The result is that by a system of caste, which has been introduced into the military forces of Australia, and which follows upon the lines of the caste system which exists in Great Britain, but not in Republican France, there has been a violent chasm opened up between officers, non-commissioned officers, and men. I do not think that that state of affairs should exist. It is against all the principles that are moving democratic communities at the present time. Although I can see the advantage of an officer being distinctly a leader and a man of education, I think that the House can be put into possession of examples in which men have found it impossible to bridge this chasm, although they have undoubtedly possessed the ability which entitled them to rise. The Victorian regulations, after a tremendous agitation, were amended about six months ago by men who certainly had not the interests of the non-commissioned officers, whom they were professing to serve, at heart. Consequently they brought forward regulations under which no man could become an officer in the permanent force after he had reached the age of 22 years. That blocked the way just as effectually as if the power to rise from the ranks had never been given. It was one way of pretending to give an opportunity of rising, and at the same time of actually withdrawing it. Therefore, I want the provision which I have suggested inserted in the Bill. I do not wish to leave it to regulations which are often administered by persons who have no desire that a man should rise from the ranks. Upon the question of the navy, I find that there is no reference to the Australian squadron. This Bill does not repeal the Australian Naval Defences Act, under which we contribute £126,000 a year towards the maintenance of an auxiliary squadron. I wish to read to the House a statement which, coming from the source it does, will, I think, appeal to honorable members. It has reference to the principle which I think we ought to adopt in this connexion.

The land force and the naval force which is created and called into existence by our own means and maintained at our own cost should be kept under our own control. I do not think there is any one who can raise a rational objection to that limitation. It is prescribed by self-respect and prudence, for I do not know what advantage this or any of the neighbouring colonies can gain by paying in time of peace for either a naval or military force which may be withdrawn in time of war. If it is outside our control, it may be withdrawn, and probably will be withdrawn.

That statement was made in this very chamber by the late Chief Justice Higinbotham, on 2nd March, 1869. He said, in effect, that if we create a force we should have a final control over it in every direction. I want that principle to be applied to the Australian naval squadron, which is at present in Sydney. There was a time when one of our colonies appealed to Great Britain for aid, and it was refused. I refer to the year 1869, when the New Zealand war was in progress. The late Chief Justice Higinbotham referring to that occasion said -

It was stated that the application for help by the New Zealand colonists in 1869 was refused, and the general who temporarily granted them help was censured because they possessed in full measure self-government ; and that having self-government, it was a duty to defend their own country against aggression from native tribes or any foreign source.

The Imperial Government, upon being appealed, to, refused to help New Zealand in its time of need. I think it is just as well to remember that. There may be a time when it will be necessary for the naval squadron to be withdrawn from Sydney, if we leave its control - as it is at the present time - in the hands of British officers, and entirely directed by the British Admiralty. If we are going to pay for men, or for the maintenance of men, we must see that we have that final control over them which will prevent us from finding ourselves deserted in time of emergency.

Mr Poynton

- Does the honorable and learned member want to pay the whole of the expenses in connexion with the squadron ?

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Mr CROUCH

- I should like to point out that for the present time and for a good many years to come, we shall have to depend upon England for our naval defence, but England defends us largely on account of her own commercial interests. She defends us because the ships that plough these southern seas are largely English - about 80 per cent, of those which come here are, I suppose, English ships - and although we have done our best in the past to support England by assisting to maintain the Australian squadron, on the other hand if we defend ourselves thoroughly by land and put the ports at which her ships will have to coal in a proper state to resist attack, that is all we can be expected to do.

Mr JOSEPH COOK

- Does the honorable and learned* member suggest that England should find the ships and that Ave should control their movements here 1

Mr CROUCH

- I think that England should find the ships and almost all the necessary expenditure. I venture to say that that point was in the mind of the Minister for Defence when he moved the second reading of this Bill, judging by the very scanty reference which he made to the navy. There is no provision in this Bill for any naval men. There is a general officer commanding the navy who is referred to in the explanatory clauses, but beyond that the navy is entirely ignored. I want honorable members also to recognise that although we are passing, a Commonwealth Defence Bill, we still leave in the hands of the Governor-General the whole of the executive power. The Governor-General will still have concurrent power with the Commonwealth in this matter. In this connexion we are carrying out the provision which was inserted in the Canadian Act through the influence of the late Prince Consort, who was strongly against the Royal family being at all - ignored when the question of the commander-in-chief of the British forces was under consideration. He thought that the King or some member of the Royal family should always be the head of the naval and military forces of every part of the Empire. We have copied that provision into section 68 of the Constitution Act by which the Executive still have absolute power in regard to the whole of the military and naval forces of the Commonwealth, so that whatever legislation we pass in this Bill, it will still be the Governor-General who has final power in this matter. He would be able to exercise that power in

the way that Mr. Gladstone exercised it when the House of Lords threw out the Abolition of Commissions Purchase Bill. On that occasion, Mr. Gladstone, by using the Queen's prerogative, was able to abolish the purchase of commissions by Executive Act. Whatever we do under this Bill, we have given under the Constitution absolute and final power to the Governor-General.

Mr Barton

- The Constitution does not empower the Governor-General any more than it does the Sovereign of England to do any act without the advice of his Executive Ministers, even though it be a prerogative act.

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Mr CROUCH

- That does not in the slightest degree affect the argument which I used. I do not mean to say that the Governor-General will do anything away from the advice of his Ministers. Section 68 of the Constitution says -

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

That means the Governor-General in Council, but I do not suppose he is going to exercise the power, except under Imperial instructions, though they are constantly coming out, and we know nothing about them. That means that as far as Imperial instructions will allow, the Governor-General will act on the advice of his Executive, and will only exercise his power as Governor-General in Council. But I should like honorable members to see that under this Constitution, altogether regardless of whatever power is given in the Defence Act to certain persons, the Governor-General in Council could also give large and equal powers to those and to other persons. If that is so, it is just as well for honorable members to face the position, and feel that although the legislation they pass must, to a certain extent, affect the Ministry in their dealings with these matters, the Ministry or the Governor-General will really do what they like in regard to them. If that be so, I am not afraid to trust an Australian Ministry, but my regret is that an Australian Ministry should allow the Governor-General in Council to receive advice other than from responsible Ministers. This question will have to be discussed on another occasion, and, undoubtedly, some day it must be discussed. Taking the Bill as a whole, it is a reasonable measure, which has been well drawn, and one which, I am very glad, has been brought in so early in the session. The Bill is important enough to come before the Tariff or even a 'white Australia.' Unless the State can defend itself, it is really not a State at all. If self preservation is the first law of nature, certainly this Defence Bill for the Commonwealth of Australia is very properly in the forefront of the legislation of this House.

Mr FULLER

- I desire to say a few words on the important subject of defence as submitted in this Bill. I look on the question of the defence of the Australian States as one of the most important influences in connexion with the bringing about of federation. We all well remember that it was the famous speech of Sir Henry Parkes, delivered at Tenterfield in 1889, when, with the report of Major-General French in his hand, he urged the necessity of the defence of Australia, that really galvanized the federal movement into life, with the result that the Convention of 1891 met. It having been the prime agent in bringing about federation, I think that, under the circumstances, one of the most important matters we can consider is the defence of the Australian States. I listened with great interest to the speech of the Minister for Defence when he introduced this Bill the other night ; but I must say that to a large extent I am disappointed with its provisions. I am altogether opposed to the establishment of a large standing army in Australia. I am entirely in favour of the volunteer or militia system, carried out somewhat on the principle of the volunteer movement in the various Australian States. There is also another matter which has been passed over in the Bill, and which I look on as most important, namely, the establishment of the nucleus, at any rate, of an Australian navy. The time has come in the history of the Australian States, when we should not rely altogether on the old country, which has done so much for us in the past in connexion with the defence of our shores and the protection of our commerce throughout the world. Now that we have emerged from being States, and have started as what I trust will be a great nation in the future we ought to do something more in connexion with the establishment of a naval system of defence than in the past. It is true that for some time we have been contributing a certain amount towards keeping in southern waters an Australian squadron from Great Britain for the protection of these shores. But I am one who believes the time has come when we should establish, at any rate, the nucleus of an Australian navy, and when all

the men of that navy should be

Australian-born citizens. If an attack were to be made on Australia it must of necessity come from without, and it is the duty of the Minister in charge, in connexion with the first line of defence, to see that some movement is made in the direction of the establishment of a navy. There is another very important matter in connexion with the first line of defence of Australia, namely, the matter of coast fortifications. I understand that so far as the great cities of Melbourne and Sydney are concerned they are pretty well fortified against sea attack ; but speaking of the coastline, with which I am familiarly acquainted, there are many places within the near neighbourhood of Sydney where an invading fleet might land without difficulty, and march on the city. One of the things an invading fleet would immediately look for after arriving from a considerable sail, would be a coal supply; and we have in the immediate vicinity of Sydney, on the south coast, the extensive coal seams of Bulli, Wollongong, and Port Kembla. We have at Port Kembla a harbor which almost any ship in the world could enter. We are continually loading there ships of 4,000 or 5,000 tons, and the State Government of New South Wales have passed a Bill authorizing the expenditure of a very large amount in order to make Port Kembla a magnificent harbor. To prevent an invading fleet from getting coal supplies, immediate steps ought to be taken to have an important place like Port Kembla, in the south coast district of New South Wales, put into such a condition that it would not be possible for an invading fleet to enter there and obtain coal supplies. These are one or two points on which I touch in connexion with the establishment of the nucleus of a navy, and in connexion with the necessity, so far as that part of the coast line with which I am personally acquainted is concerned, of having it fortified against an invading force.

Sir Malcolm McEacharn

- Surely a fleet could not get into Port Kembla ?

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Mr FULLER

- At the present time we are reloading ships of 4, 000 and 5, 000 tons, and I take it that when we are able to load ships of those dimensions a great many men of war would be able to come into the port. In the future -I am not speaking of immediate action - when the expenditure which the Government of New South Wales proposes takes place, almost any ship in the world will be able to enter Port Kembla and obtain coal supplies. As to the manning of our forts, although I am opposed to the establishment of a large standing array, it appears to me that it will be absolutely necessary in order that the forts may be properly manned to have skilled men in service of a permanent character. But beyond those men and skilled officers in connexion with the training of the volunteers and the militia, there is no necessity to establish a large permanent force in Australia. The principle has been adopted in the Bill by the Minister for Defence that every male person between the ages of eighteen and 60 years shall be called on if necessary to shoulder arms, but it appears to me that no provision of a satisfactory character has been made that those men, when they are called on to shoulder arms, shall have had a sufficient training to make them effective in the field. The question of the establishment of rifle clubs is one of the most important in connexion with the defence of Australia. We saw from a cable message the other day that Lord Roberts, who has had the recent experience of the South African war, has called the attention of the English authorities to this matter, and, so far as I can judge the effect of the cable, he proposes putting a system of rifle shooting in the very first place in connexion with military training in England. Recognising, as we all must, the necessity of having good rifle shots for the defence of our States, I think that more notice should have been taken of the establishment of rifle clubs under the Bill than has been taken by the Minister for Defence. If we had rifle clubs properly established, and a proper system of training in connexion with them, then, according to the statement of the Minister for Defence, we should have a good many hundred thousand men ready to go into the field for effective service in case of an invasion of Australia. Of course, in connexion with rifle clubs, a great deal will depend on the regulations laid down, and in clause 119 the proposition is made that an Australian Rifle Association should be established. Such an association would be a very important body, and an effective one, if properly organized. There was a proposition brought forward by General Richardson, a good many years ago, in connexion with the rifle clubs of New South Wales which, in my opinion at any rate, was a very good one. He proposed that every man who qualified himself up to a certain standard should earn what is known as a capitation fee. That fee was given not to the man personally, but, as an encouragement to the men. of the rifle clubs to

qualify themselves up to the required standard, it was paid towards the funds of his club. It appears to me that that would be a very good plan of encouraging men in these clubs, which I hope will be extensively established under this Bill from one end of Australia to the other. None of the State organizations which have been carrying on rifle clubs have, so far as I can see, attained that amount of success they might have attained. One reason for this has been that there always is a certain amount of antagonistic feeling between the military and the civilians who belong to these institutions. A great many civilians, though I do not say this applies to all, are very apt to show a sort of contempt for military authority, while, on the other hand, a great many of the military men suffer to a large extent from, if I may be permitted to use the term, "swelled heads," and so fail to carry out their duties. We have in New South Wales what is known as the Defence Force Association, and it appears to me that an Australian Defence Association might be established very much on the same lines. A number of men on the council of the New South Wales Defence Association were nominated by the general officer commanding, and in the press the other day I saw a suggestion made that in connexion with the proposed Australian Defence Association, a number of members of the council should be similarly nominated. The experience in New South Wales of having members nominated by the general officer commanding was that they could never be got to attend the meetings. Even at the annual prize meeting at Randwick, when it was necessary and important that they should be there, out of a number appointed, only one took the trouble to attend. In order to avoid that difficulty in connexion with the Australian Defence Association, I would suggest to the Minister for Defence that none of the members should be nominated to the council by the general officer, but that 'every one should be elected by the members of the association,' and that no one should be entitled to be elected to such an important body unless an active member of the defence forces. There are two clauses of this Bill which appear to be of a most important character, and those are clauses 108 and 109, in connexion with the penalties which are proposed to be inflicted on persons who approach or enter any fort, battery, field work,, fortification, or any work of defence, with sketching, drawing, photographing, or painting materials or apparatus in their possession. Now, the penalty under these clauses is - first, in connexion with clause 108, £50, and in connexion with trespassing, which is provided for under clause 109, £20. Now, speaking of my own State, we have from time to time had matters brought before us which point clearly to the fact that we are in very great jeopardy in that State, in connexion with our fortifications, by reason of the apathy or carelessness of the officers in charge of them in allowing people to trespass upon the forts, and to take sketches or photographs, and get other information regarding them. In order to stop that sort of thing, I would suggest that not only should there be penalties such as are provided under these clauses, but that a term of imprisonment should be provided for offences which are really a menace to our fortifications and therefore to the safety of the State. There is also clause 15, in connexion with appointments, which appears to me to be of rather an objectionable nature. The clause says -

No combatant officer of the defence force above the substantive rank of major in the military forces, or above the rank of commander in the naval forces, and no adjutant, shall hold the same appointment or command for a longer period than five consecutive years from the date of his appointment, whether such date occurred before or after the commencement of this Act : Provided that in special cases the Governor-General may extend the term of the appointment or command for any period not exceeding two years.

Now it appears to me that under that clause, no matter how excellent an officer may be, at the end of seven years, at the outside, he will have to retire from the service.

Mr Barton

- No, he does not retire ; he is eligible for appointment whenever a vacancy occurs.

Mr FULLER

- Well, I read the clause in the way I have indicated.

Mr Barton

- The clause is calculated to convey- that impression, and I do not wonder at the honorable and learned member thinking as he did; but it is not the fact.

Mr FULLER

- It appears to me from my reading of the clause that any officer, no matter how good he might be, would, after serving seven years, have to retire from the service. So long as the position is as explained by the

Prime Minister, I am satisfied, and I shall not make the remarks I had intended to make. Of course it gives, an opportunity of getting rid of undesirable officers, and so far as that goes it is a very good provision. As I did not expect the Bill to be discussed quite so soon, I am not prepared now to deal with it as I should have liked, but I briefly put forward a few suggestions, and I shall be prepared to move some amendments in connexion with the various clauses when we go into committee. I sincerely trust that we shall be able to amend it in such a way as to make it an effective basis for the establishment of a proper defence system for Australia.

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Sir JOHN QUICK

- I cannot profess to be able to speak in reference to this defence question with the same experience or authority as do those honorable members who have had the honour and privilege of being connected with the various Australian defence forces, in positions of authority and influence; but at the same time I recognise that this question of Australian defence is one of such immense moment, magnitude, and importance that it demands the careful consideration, not only of military men, but of civilians generally and of every member of this House. Certainly no Bill of equal importance has up to the present been brought under the attention of this House, and I know of no measure that is likely to be submitted to us that could exceed it in importance or interest. The considerations involved in this Bill will probably affect the destinies of the Commonwealth in ages to come. They may certainly affect the relations of the Commonwealth with the Empire. Consequently it is desirable that this Bill should be very carefully considered, even in the earliest stages of its progress through the House, and probably a thoroughly good discussion of some of its leading principles and features may facilitate the clear consideration of the proposals when we reach the committee stage. For my own part I desire to say that I have no sympathy with any unnecessary movement in the direction of militarism, and I should certainly be no party to any movement that savours of extravagance or unnecessary expense in that direction. At the same time I think we are, as a practical people, bound to recognise the signs of the times; that we are bound to recognise the fact that the time of universal peace has not yet arrived, and that it probably will not arrive in our time. The nations of the world are massing their forces and increasing their fleets, and we hear of bloated armaments in various parts of Europe. Consequently we in this young Commonwealth cannot afford to ignore the great military forces that are at work - forces which may not directly menace this young Commonwealth, but which may menace the Empire of which we are a part. Further, I think we cannot ignore, and ought not to ignore the fact that we have sprung from a militant race, a race which has always been able to assert its supremacy on the ocean as well as on the field, and I do not think that the Australian race has lost any of that militant instinct by which the great dominions of the Crown have been built up. I trust the day is far distant when the Australian race will lose those instincts. At any rate, the instinct of self-preservation and defence against external aggression and attack is one that ought never to be allowed to slumber. This Parliament, therefore, in the exercise of the power conferred upon it by the Constitution, however unpleasant considerations of expenditure may be, must approach this great problem in a statesmanlike attitude, not being carried away by any alarmist feeling that may lead us into extravagance, but, on the other hand, not being afraid of doing our duty as far as considerations of policy and statescraft may justify us. Now, according to the Minister for Defence, the fundamental principle of the Bill is that the supreme power is to be vested in the Federal Executive - that is the supreme power to administer the provisions of the law. That, however, is hardly a strict explanation of the Bill, because we find that a considerable amount of military power, as well as of naval power, is to be vested in the general officers commanding the naval and military forces - Although in this Bill the general officer in command is described in these terms and is not mentioned or referred to as a Commander-in-Chief, still it does not seem that, as far as the command and discipline of the forces is concerned, the Bill recognises the principle of a Commander-in-Chief, and that raises the first important problem to be considered in connexion with the provisions of the measure. Ought the Australian Commonwealth, in organizing its military forces, to place the command and discipline of those forces absolutely under one officer, to be known as the Commander-in-Chief? There will be a considerable amount of argument to be advanced both for and against that proposition, but having read most of the literature available on this branch of the question, I think that the status and great lustre that for many ages have attached to the office of the Commander-in-Chief in England are gradually diminishing, and that the general tendency of modern

military thought is that the office of the Commander-in-Chief should be modified if not swept away. We all know, as a matter of history, that the time was when the navy was administered solely by the authority and under the supreme command of the Lord High Admiral, whose position corresponded with that of the Commander-in-Chief of the army. We know, also, that the Lord High Admiral's office was placed in commission, and -that its high functions were vested in a Board of Admiralty, and the drift of modern thought seems to be in the direction of placing the office of Commander-in-Chief in commission also. Therefore, I think it is well worthy of consideration whether the commander of the Australian military forces ought not to be associated with a Council of Defence, and that is the first proposal I desire to submit for the consideration of the Minister. The question is whether it would not be desirable to associate with the general officer commanding a board or council of military advice. Unless that be done, it seems to me that the commanding officer will not be in a position to exercise the high functions of his office satisfactorily. He will be probably, for a considerable amount of his time, engaged in the work of inspecting fortifications or other defence works, and branches of the service in various parts of Australia, and his usefulness will certainly not be so great as if he were associated with a Council of Defence. I understand that the Minister has had the idea of appointing a Council of Defence submitted to him, and that he has rejected it for reasons which do not appear. This, however, I do know - that in the report of the military officers who met in 1895-6, and who formulated a scheme of military organization, it was recommended that a council of advice or a Council of Defence should be one of the features of the federal organization of the forces. It is not necessary at this stage to pause to consider what should be the exact composition of that Council of Defence, or what should be its function except that it should be partly to aid the general officer commanding and partly to advise him.

Mr Watson

- And partly to hamper him.

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Sir JOHN QUICK

- I do not know about hampering him. A similar council is associated with the officer in command of the army of Switzerland, and there is also a similar council associated with the officer in command of the French army. There has been a council of advice in Victoria for many years past, and these councils of advice have been found useful as a means of communication between the superior officer and the various branches of the service. Some members of the council have represented various arms of the service, and have been able to place those brandies in official communication with the commander of the forces, and to bring matters demanding attention before him as well as before the Executive Government. I suggest that a council of defence might be composed of the various district commandants referred to in the Bill, and presided over by* the general officer commanding. Its function should be to recommend to the Governor-General in Council regulations for the control of the forces, and it should also make recommendations as to who are fit and proper persons for appointment as officers, as to what officers should be promoted to fill vacancies, as to the fixed establishment of officers, and the number of officers, non-commissioned officers, and men, as to the gradation of officers taken over from the services of the various States, and as to transfers from one corps to another. Such a council might also be called upon to advise the Governor-General from time to time on matters of policy referred to them for their opinion and advice. As -to the weight of military authority in favour of the establishment of such a council, I would refer honorable members to the report of an intercolonial military committee which sat in Sydney. It is dated the 29th November, 1896. That committee was composed of Major-General Hutton, Sir Charles Halled Smith, Colonel C. P. Roberts, Colonel J. M. Gordon, and Colonel Howell Gunter - a strong and representative military body. They agreed to recommend to the various State Governments that there should be a Council of Australian Federal Defence, to be nominated during peace, and to assemble at such intervals as might appear to be desirable, but at least once a year. It was to have the control of the defence forces of Australia, and was to perform other duties which I need not pause to enumerate. I mention the recommendation of that committee to show that the suggestion which I have made is not without military authority, and I hope that it is not too late to take the matter into consideration. I do not submit the proposal because of any strong preconceived notions of my own ; I submit it merely to give effect to the representation of our proposed citizen forces in the military councils of the Commonwealth. The scheme of defence which we are now considering has been

launched partly for the creation of a citizen force - that is, a force composed of citizens who give their services, some gratuitously and some for very trifling remuneration. But the officers and men of such a force are entitled to more than the ordinary consideration which is given to persons whose time is exclusively devoted to military or naval duties. I contend that in regard to a citizen force, special provision should be made for their representation upon a military council, charged with advisory functions in matters relating to their interests. I shall not, however, take up further time with that branch of the subject now, because there are other and even more important matters which demand attention. That is a preliminary and subordinate matter in comparison with some of the other provisions of the Bill. Next to the commander-in-chief comes the federal army which it is proposed to create. The Bill divides the active federal forces into permanent forces, militia forces, and volunteer forces. In that division or classification a very important principle is to be found. The Minister of Defence stated that he has not adopted the recommendation of the military officers that the permanent forces should be given precedence over the volunteer and citizen forces, and he is to be congratulated upon having assumed that attitude. But I would point out that although he has not in so many words given precedence to the permanent forces, he has, by the classification to which I have drawn attention, by placing the permanent forces at the top of the list, laid the foundation of a claim which will no doubt be made hereafter that the permanent forces, although numerically the smallest, should be considered in point of status, position, and influence the superior element. I contend that in forming an Australian federal defence force such as we contemplate no such principle of classification should be allowed. If the proposed classification remains in the Bill, the permanent element will gain indirectly what it has failed to secure directly. I think we should take every care and precaution to secure that the proposed federal force shall be an integrated united force, a force in which artificial distinctions and differentiations shall not be allowed to creep in, especially when they are to the advantage of the permanent element and to the disadvantage of the volunteer and citizen elements. If there is to be any priority or preference in the mode of classification it should be given rather to the citizen and volunteer element than to the permanent element. I suggest that instead of the classification adopted in the Bill, we should provide that the active forces shall consist of officers and men, sailors and soldiers, serving during a portion of their time either for pay or gratuitously ; and that for the purpose of keeping ships, forts, armaments, and warlike materials in proper condition, officers and men may be engaged to give the whole of their time to serve in the active forces.

Mr Crouch

- I think that that is practically the effect of the provision in the Bill.

Sir JOHN QUICK

- I do not think that it is. The general officer commanding will be a permanent officer, and master of the situation. In administering this measure, he will find the permanent element placed at the top of the list, and there is every probability that that element will in time acquire a status and a dominating influence in the forces which may to some extent interfere with the position of responsibility, influence, and status which we desire to impart to the citizen element. I agree with the honorable members who have preceded me in the debate that we should not do anything in the direction of establishing a military hierarchy or a standing army. I would oppose anything of the kind as strongly as any member in the Chamber. But I fear that unless some provision be made to prevent the growth of military feeling, it is bound to grow. It has been seen in Australia already under our existing systems, and it will grow more intensely under the Bill as it stands. What have been the consequences of allowing the permanent element to dominate our forces ? One of the consequences is that in the permanent forces there is an undue proportion of officers to men, as compared with the proportion in the volunteer forces. I have not had access to the Victorian information, but I have before me some figures relating to the composition of the military forces of New South Wales which I will use to illustrate how the permanent element has acquired strength and absorbed expenditure in the past. The permanent forces of New South Wales amount to 747 men ; 659 permanent officers and men cost on the average £131 17s. 3d. per man per annum, while 5,549 partially-paid officers and men cost on the average £17 5s. 10d. per man per annum, and 3,347 volunteers cost on the average £8 10s. 5d. per man per annum. So that three permanent men cost as much as 22 partially-paid men, or 43 volunteers ; and in a report which appears in to-day's newspapers, Colonel Templeton is said to have stated last night that three permanent men cost as much as 84 members of rifle clubs. In the permanent forces of New South Wales, there are 54 officers, 227 warrant officers and non-commissioned

officers, 40 clerks, and 426 men, or 747 altogether. In the partially-paid forces, there are 297 officers, 719 warrant officers and noncommissioned officers, 8 surgeons, and 4,346 men, or 5,370 altogether. So that in the permanent forces one man in ten is an officer, and one man in two a non-commissioned officer, while in the partially-paid forces one man in 15 is an officer, and one man in six a non-commissioned officer. Honorable members will observe from these figures, which are taken from official sources, how the proportion of officers to men has increased in the permanent forces. I have no doubt that a similar proportion will be found to exist in the forces of the other States.

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Mr Crouch

- Has the honorable and learned member considered that the permanent forces represent only the skeleton of a complete force ?

Sir JOHN QUICK

- What I suggest is the desirability of hedging about the proposed military authorities with every precaution, in order to prevent the undue growth of power in their hands. The citizen element and the volunteer element, which we desire to encourage and give prominence to under this Bill, should not be overshadowed by any professional element. It would be disastrous to our proposed citizen force if we permitted any provision to get into this Bill which might tend to foster or create anything like a difference of rank or status, such as would lead to one branch of the force being regarded as professional officers or soldiers, and another branch being looked upon as amateurs. We ought to resist that at the very outset. My desire in supporting this proposed federal force is that the citizen and the volunteer element should predominate, and that every effort shall be made to provide that a volunteer in the service of the Commonwealth who may not be in receipt of any pay, or a militiaman who may not be in receipt of much pay, shall, in the general eye of the law at any rate, be considered as good as the permanent man. Unless that be done, the tendency will be for the permanent element to look down upon the militia and the volunteer element, so that those in B and C divisions will, in time, come to be regarded as inferior men.

Mr Higgins

- How can we prevent the professional man from looking down on the amateur ?

Sir JOHN QUICK

- In this Bill the professional element is given the primary position. Of course I know that we cannot keep a professional man from looking down upon an amateur. I am merely pointing out that under this Bill, in the order of classification, the permanent element have received the pride of place, and that there is, on account of that classification, a danger that there will not be that unity in the force - that equality of status which it is most desirable should receive expression in this Bill.

Mr Mahon

- In a matter of law, would the honorable and learned member not give the lawyer precedence over the amateur ?

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Sir JOHN QUICK

- I am not discussing anything of the kind at the present stage. I am merely discussing what may possibly be the effects following from this Bill, and I do not think that the honorable member for Coolgardie is anxious to allow any class distinctions to grow up in the force. At any rate, nothing should be done to facilitate that if it can be avoided. With reference to the officers also, I concur in the remark made by a previous speaker, that if we possibly can in this proposed Australian defence force we should make every provision for, and give every encouragement to, the promotion of officers from the ranks. I entertain the view that in this democratic country men should be encouraged to work their way up from the ranks to the highest position, not only in civil life but also in connexion with our military and naval forces. I was very much impressed a couple of months ago, upon reading a letter in the Times by Donald Macdonald, the celebrated war correspondent, in 'which the following passage occurred : -

It has been said, and said truly, that the noncommissioned officer is the backbone of the British army. Many of them are of good education, who would be invaluable as commissioned officers if it were not so expensive to be an officer and a little less attention were paid to social differences. This is the whole crux of army reform. They want more of the wear and tear and common sense amongst the commissioned officers. At present, admission to the ranks is only by some brilliant action in the field ; but the best and

biggest things done in action are never heard of, and it is only the isolated cases that are seen by the proper people,, and are reported to head quarters and win distinction.

That is most remarkable testimony by a distinguished authority, and I hope that the Commonwealth Parliament will, so far as regulation and opinion can operate, endeavour to give effect to the idea- that men should be encouraged to work their way up from the ranks to the position of noncommissioned officers, and from that position to the rank of commissioned officers. I hope that we shall recognise that they should not be debarred from so doing by any artificial distinction, and that they shall not be required - as it is said is required in some army regulations - to be either possessed of private means or within a certain limit as regards age, a limit which undoubtedly has the effect of excluding worthy men. If, in launching this scheme of military defence on our Commonwealth, we insist upon it being understood that every member of our militia force or volunteer's may like the soldier of the French republic dream that he has a marshal's baton in his knapsack, that principle would have the effect of giving strength, power, and popularity to our Australian defence force. I wish next to invite attention to the provision that is made in this Bill with reference to the reserves. Honorable members will see that in clause 29 the provision as to reserves is a very meagre and unsatisfactory one indeed. It is upon the same lines as have been followed in Victoria for seventeen years past, where the system adopted may be considered a total failure - a mere reserve in name. What we want to provide for, in addition to the active military force, is a reserve in reality. As the result of my reading of the available literature on this subject, I think that the best reserve at our command for our proposed scheme of citizen defence is to be found in the rifle clubs. Provision ought to be made, not merely to formally recognise the rifle clubs as an entity, but to recognise them as an entity forming a possible component part of our army should it ever unfortunately be called upon to take the field. The rifle clubs should be organized to be a real part of the reserve. For that purpose arrangements should be made for giving instruction and training to their various members. I have the assurance of officers, from the commanding officer of the rifle clubs down to the subordinate officers and men, that they are only too anxious to be recognised in this Bill as part of the reserve force of the Commonwealth. They are an unpaid force, they give their time and attention to practising with the rifle, and in many cases - as in my own district - they have by their own labour cleared the scrub in order to establish their rifle ranges. These are the kind of citizen soldiers that we want to encourage. It is quite possible that arrangements of a very satisfactory character could be made for the drilling and training of the members of rifle clubs.

Mr Wilkinson

- They are doing it in Queensland now.

Sir JOHN QUICK

- I am glad to hear it. Our citizen soldiers should not be dependent for their training and instruction merely upon the regimental drill instructor. Some means of a more effective character than that ought to be adopted, and the company officers themselves ought to take an interest in the training and drilling of their men. If that were done, we should be able to turn out a better class of soldier. A very great deal depends upon the training. We want men who are not mere machines, but who are so trained that they can be capable of initiative, and capable of exhibiting an individuality, which is one of the primary requisites of military duty in these times. Whilst speaking of the reserve force, perhaps I may be allowed to suggest another addition to it, which could be secured by enrolling the members of the fire brigades throughout Australia. Some honorable members may consider that a startling suggestion, but I think that it is worthy of consideration. I hold in my hand a copy of a resolution passed at a meeting of delegates of the Victorian Country Fire Brigades, which was held at Bendigo on 7th March last. About 50 members were present, and a certain resolution was carried. It was moved by Captain Andrew, of Bendigo, and seconded by Captain Suffern, of Charlton -

That the Country Fire Board be written to asking them to take into consideration the advisability of getting the members of the Victorian country fire brigades affiliated with the defence forces of the State, and that the Defence department be asked to supply us with rifles, and to undertake to teach us in shooting.

There are about 1,900 men connected with the Victorian country fire brigades, and I have the assurance of the leading officers that the men are quite willing to place their services at the disposal of the Commonwealth as a reserve force. I am told that they are perfectly prepared to submit to arrangements being made for drilling and training them provided that they are properly recognised. I have also taken the

trouble to consult with a few leading military men with whom I have the honour of being acquainted, and they say that the plan of incorporating the fire brigades is a practicable one, and that the military authorities would be only too glad to utilize this volunteer element.

Mr Wilks

- Are these men permanent?

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Sir JOHN QUICK

- They are volunteers. I simply throw out this suggestion. We are organizing a citizen force. Let us see that we have a citizen force not only in name, but in reality. Here we have a fine class of men who are to some extent prepared for discipline, and who are only too eager to place themselves at the disposal of the Commonwealth in the direction which I have suggested. I am glad to see that the cadet force has been properly recognised in this Bill, and I rejoice that the Minister for Defence had the courage and strength to resist the recommendation of the military officers that the cadets should not be incorporated in this scheme. I think we all view with pride the existence of such large bodies of youngsters - native born Australians - who are being prepared from their school age upwards to render service to the State. It is a beginning in the right direction, and at the right time to train the young idea-

Mr Kingston

- How to shoot ?

Sir JOHN QUICK

- I do not attribute so much importance to the shooting part of the business as to the habits of discipline and self-control which this system inculcates. I wish to invite the attention of honorable members to another provision in this Bill, which has been described 'as being in the direction of conscription - refer to clause 36. There are other clauses which provide that the Executive Government 'of the Commonwealth shall, in case of emergency, have power to call out the adult population of Australia, subject to certain exemptions. However anxious I may be to see a citizen force established, I do not think that the time has arrived when it is necessary to insert in a Bill of this kind the coercive powers which are here contemplated. I do not think it is necessary to put such a power into force. It has never been necessary in Australia, and I hope it never will be necessary. Should the occasion ever arise for our forces to be called out to defend our hearths and homes against the encroachment of the invader, I am sure that every honorable member feels certain it will not be necessary for the Government of the Commonwealth to put into operation the coercive power contained in this clause. On the contrary, the free people of this country would be only too glad and too anxious to rush to arms in defence of their country. It would not be necessary to resort to any exercise of coercive power, and if this provision be allowed to remain, it seems to me it will be a blot on the Bill.

Mr G B EDWARDS

- We cannot prevent them going abroad now.

Sir JOHN QUICK

- We can trust the people of Australia to defend their country without any statutory mandate or statutory command. As regards service abroad, either for Australia or for the Empire, I do not think it is necessary to put a compulsory provision in the Bill, either for the permanent forces or the volunteer forces. It is an invidious discrimination to say that the permanent force shall, on command being given, be compelled to go across the seas and leave their Australian homes, and the provision ought to be struck out.

Mr Higgins

- It should be left voluntary.

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Sir JOHN QUICK

- I am sure the permanent force would be quite as willing to volunteer as would be the citizen element, should occasion arise. It is not necessary either for the defence of the Commonwealth or of the Empire, to take power to send Australian soldiers abroad. If the moment of danger or the moment of emergency contemplated by this Bill, either of war or invasion, should arise, there are thousands of men in Australia who would be found ready and willing to respond to the call of duty without a statutory mandate. The idea that the permanent element should be liable to be called out and sent abroad, and that the citizen element should remain quietly at home, seems to me almost an insult to the citizen element. Just as if

they would require a statutory command or authority, and would not do what duty and patriotism alike demanded ! I trust that this provision, and all provisions of a coercive character in this direction, will be eliminated. We have reason to believe that, when the proper moment arrives, the Executive Government will find plenty of men in Australia ready to fall to arms without any law bearing even the fragment of suspicion of coercion such as is to be found in this Defence Bill. I would like also to draw attention to the omission from this Bill of any provision for the establishment of a small arms manufactory. This is not a mere sentimental matter, but one of great practical importance and urgency. It was referred by the conference of military officers, to which I have already alluded, held in Sydney. They took the question into consideration, and they arrived at the conclusion, unanimously, that provision should be made without further delay for the manufacture, within Australia, of ammunition for small arms, which might be required in an emergency ; and not only then, but also in time of peace. What would be the use of our citizen force, however organized, if they were not in a position to be armed with up-to-date weapons, and also provided with the necessary ammunition? Therefore, I think it is hardly necessary to pile up any arguments to support the view that the Federal Government should make arrangements for the establishment of a small arms ammunition factory as a federal institution conducted at Government expense, or that arrangements should be made with some private company to establish a manufactory of the kind capable of turning out the ammunition required in time of peace as well as in time of war. There is no doubt such a company or such an enterprise could be made to pay the Commonwealth. Upwards of £30,000 or £40,000 worth of ammunition is used per year, I believe, at the present time, so that there would be plenty of work either for a federal establishment or for a private company engaged in such an enterprise as that which I have mentioned. So much with regard to the military branch of this Bill. I would invite honorable members' attention to the fact that nearly the whole of the Bill deals with military defence. There is hardly a provision relating to naval defence. So far as reference is made to naval defence, it accepts the status quo. There is no indication of any policy, or even of the consideration of any policy, in the direction of naval defence. I, for one, am disposed to think that naval defence is of supreme importance - of even greater importance than military defence. With all respect to the military officers who are interested in promoting this Bill, and with all respect to the soldiers and volunteers who are interested in it, I say that the great fundamental mistake in it is that while provision is made for military defence of an elaborate character, no provision is made for the improvement of our naval defence. Honorable members have had placed before them the figures relating to the cost of defence as a whole. I believe the Minister for Defence stated that the cost per year amounts to about £700,000.

An Honorable Member. - Nearly £800,000.

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Sir JOHN QUICK

- How much of this £700,000 is applied to the purposes of naval defence? We have it in official documents that the average amount of money expended by the whole of Australia on local naval forces, partly paid and partly permanent, consists of about £65,000 per year. But the bulk of our naval defence expenditure, or our contribution to naval defences, is made up of the sum of £126,000, which we pay as a subsidy to the Imperial Government. This amounts altogether to a little over £190,000 - not £200,000 - per year towards the naval defences of Australia, leaving the balance of the £700,000 to be applied towards military defence. I would invite the attention of honorable members to this question, and especially the attention of those who are peculiarly interested in military matters. Whence and in what direction might Australia expect danger? Is it not from across the sea ? We are an island continent - we have no military frontiers to guard. Our frontiers are the high seas which surround our island continent. Like those isles from which we come, our first and most important line of defence undoubtedly is on the sea. I would like to invite the attention of honorable members to a passage from the London Spectator of the 26th May, 1900, in illustration of what I am now submitting. Referring to Australia as an island continent, and the necessity for naval defence, the Spectator says -

To hold intercourse with mankind, to share in their fortunes, to enrich themselves by commerce, above all to be great in the world's affairs, the Australians must take to the sea. By the sea they will sell everything, through the sea they will buy everything ; and that fact, which they cannot alter, will in the end - which may not be as distant as we now imagine - force upon them ships, fleets to protect the ships, and, if we may look a few decades further ahead, political ambitions. A great commerce implies fleets to protect

it, fleets require maritime stations, and both commerce and ambition point out to the Australians the same path.

Of course, the language in that passage may be a little high-flown and coloured ; but at the same time there is a great amount of truth in it. We cannot expect to maintain our position as an island continent, altogether isolated and removed from the influence of the great forces of the world. I hope that in time Australia, through its commercial enterprises and agencies, will stretch its hand across the sea and plant trading and commercial stations in most of the great countries of the world. Our commerce is vast - -vast in commercial value, and vast in its possibilities. It is all A'ery well to say that Ave must rely on the British fleet. We have been relying on the British fleet, and so long as Britain rules the waves we have no reason to apprehend that Australia will be in danger of invasion. But, I ask honorable members, is that a wise feeling to allow to grow up - a feeling of absolute dependency on the British fleet ? Ought Ave not, as a self-relying, self-governing people to take stock of our situation, and to recognise our own obligation not to be merely dependent on the British fleet of the present, but, to some extent, try to establish an Australian navy of our own ? I do not suggest for one moment a rival fleet to the British fleet. I do not suggest that we should start a navy that would be in antagonism or in conflict with the British fleet in times of action ; but I do say that we might make arrangements in the direction suggested by the committee of naval officers which assembled in Melbourne in August, 1899. The conference was attended by Captain Francis Hixson, commander, New South Wales ; Captain William Cresswell, South Australia ; Captain Collins, Secretary for Defence, Victoria ; Commander Drake, of Queensland ; and Commander Tickell, of Victoria. I do not wish to elaborate their report too much, because I am afraid I am trespassing at too great a length on honorable members' attention ; but I would certainly invite consideration to the recommendations of the committee, which was not an Imperial committee, or a committee of Imperial officers, but a committee of officers who are in the employment of the Australian Governments. Among the suggestions contained in the report appear the following : -] . That whilst a- Royal Naval Reserve cannot, in our opinion, be raised in Australia on conditions required by the Admiralty, yet we consider that a naval force that would be efficient and available for service in vessels of war can be raised on rates of pay and conditions of service suitable to the colonies.

That such force should be formed by the amalgamation of the existing naval permanent establishments, who would be the instructional staff and required nucleus for maintenance of the vessels in reserve, the complement of the vessel being made up by the officers and men not permanently employed, but maintained in efficiency hy courses of annual training. This force would be maintained and controlled by the Federal Government, and would be governed by a Federal Discipline Act, and regulations which would provide for their employment in general naval service.

The Admiralty to provide ships of a type effectively for service in time of war, which, in peace time,, would be stationed at the principal ports for the drilling and training of the local naval force. These ships to be maintained by the Federal Government, and be subject to periodical inspection by the Naval Commander-in-Chief.

Now, in this proposal I think we can find the germ of a scheme which may very properly be considered and elaborated, and which would be suitable to the requirements of our young Commonwealth. I do not suggest anything, very extravagant or very expensive, but I say that, as an alternative to the present system of paying an annual subsidy towards the British Govern- ' ment in, return for our auxiliary squadron, v.*e might organize a scheme of naval reserves in each of the principal seaports of Australia, on the lines recommended in this report. These naval reserves would form centres at which the seafaring population of Australia could be recruited and drilled in naval manoeuvres and practice, and they would form a body of trained men, who could, in time, either be drafted off for service in British men-of-war or placed on the reserve list here. Lord Brassey, in one of his valuable pamphlets, has drawn attention to the fact that there are upwards of 30,000 seafaring people in Australia engaged in the coastal maritime trade, and in fishing and similar occupations, from whom recruits could be drawn for the building up of these naval reserves. I think that some system of that sort would be far preferable to the payment of subsidies to the British Government. Whilst I, for one, admire the principle of the Naval Defences Act which was at the time regarded as u splendid recognition by the Australian people of their obligations- An Honorable Member. - It was very inadequate.

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Sir JOHN QUICK

- It was very inadequate, we all admit. The sum of £126,000 a year given by Australia towards the cost of maintaining the auxiliary squadron is a very small contribution indeed in comparison with the risks to which our commerce is exposed, or with the contribution to the defence of the Empire which we might reasonably be called upon to make. As I mentioned on a previous occasion the naval defences of the Empire cost £30,000,000 a year, and yet towards that vast sum Australia contributes only £126,000. I say that that is a small and insignificant amount, but still it might be better spent in the establishment of Australian branches of the naval reserves, as recommended by the conference of naval experts. I hope it will not be considered premature or out of place to press upon the consideration of the House at the present time the vast importance of this question of naval defence - in fact its supreme importance, its vastly greater importance than the question of military defence. 'We are proposing to spend at least two-thirds of the total amount to be devoted to defence upon our military forces, whereas the most important of our defences, as I think we will all agree - the naval defences - is comparatively neglected. I ask this House, therefore, to pause before it commits itself to any increase in our expenditure upon military defences, and to regard generously and favorably any proposal for the improvement of our present system of naval defence. If the House does this we shall not only be doing our duty, 'out what is reasonable and what is absolutely necessary in order to preserve the naval and maritime instincts of our people. I hope the result of this discussion will be that such alterations will be made, and improvements effected, as will make this measure a good and workable Bill - a Bill which will not be unpopular, but which will command the respect of the democracy, and also the .admiration of our fellow countrymen throughout the Empire.

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Mr G B EDWARDS

- I approach this subject with a deep sense of responsibility. I agree with previous speakers that it is certainly one of the most important that this Commonwealth Parliament can have to deal with, and I feel that my responsibility is very much greater by reason of the fact that I am totally ignorant in every way of anything of a military character. All the preceding speakers, including the Minister for Defence, have had at least some experience of military matters, but I have had none whatever, for I have taken no part in any volunteer movement for the defence of my native land. At the same time, if this nation were in danger, I would not be one to sh ield myself under the clause of this Bill that exempts Members of Parliament from military service, but I would throw up my seat and shoulder a musket, and I believe that is the spirit that would actuate every one throughout the Commonwealth - the spirit of ready response when called upon for the defence of the country . Consequently I think that the great responsibility that rests upon the House is to frame such a measure as will maintain that spirit of patriotism and to take care to avoid legislation that would have the effect of killing, or withering, it away to such a point that we might have to take the final course of introducing a system of conscription. I do not think anything could surpass the importance of this question, and although it has been held that we who are mere civilians, should be very cautious about offering criticism in a matter of this sort, I think our responsibility is such that we cannot get out of it by pleading ignorance of the subject. I hold that in a matter of this character, it is not so necessary to have a military training as to have some common sense and some knowledge, of the history of nations, and of what has been done in other lands ; and with this belief to support me, I will venture to criticise this measure in the hope that has been previously expressed that we, the representatives of the people of this new nation, will be able to give them a measure under which the land - if ever that fateful moment comes when we shall have to defend it - can be defended well and thoroughly, .and the enemy whipped away from our shores. I was exceedingly disappointed at the way in which the Minister introduced this Bill. His speech in moving the second reading was disappointing, to me in every respect. I had looked forward to the time when this Bill would be introduced to hear some declaration, from a statesman's point of view, of the opinions of the Ministry on this great subject of defence. I had looked forward to a statement of the policy of the Government, and of the reasons which underlay the considerations that induced Ministers to adopt that policy, but I heard not one word that would give us the faintest inkling that a policy of any sort had been adopted. If honorable members will cast their recollections back to the speech of the Minister for ' Defence, perhaps they will agree with me when I say that the measure took somewhat the form of something baited and thrown into the Chamber,

in order to ascertain what were the opinions of the members of the Legislature, and what were the feelings of the people, so that a measure might eventually be drafted to meet the circumstances. The second readings of Bills, in accordance with the traditions of the mother of Parliaments, and according to the practice of every other Parliament of the world, are occasions to be utilized, not for the reading out of the clauses of a Bill, or of the titles of such clauses, but for announcing and defining the great principles underlying the measure. But I defy any honorable member to say that in any shape whatever the Minister declared any policy, or gave the House any statement of principles upon which they could judge of the policy adopted by the Government. The speech of the Minister for Defence was totally devoid of anything .beyond the mere reading over of the clauses of the Bill, in short ; and he left it to the House to gather, as best they could, the underlying principles followed by the Government, which I have not yet been able to discover. My contention is borne out by the fact that nearly every honorable member who has addressed himself to this subject has been in the dark on all points, and there has been a unanimity of opinion that the measure has disclosed no policy whatever, and that we have nothing whatever to debate except the abstract question as to what is to be the defence system .of this Commonwealth. There were two courses open to Ministers. The time was short, things had been hurried forward very much, and there was a great deal to do. It was competent for Ministers to have taken over the defence forces of the various States, and to have made some temporary arrangement for the amalgamation of the forces, contenting themselves with the bare amalgamation for a few. brief years until they could evolve a system, and in the evolution of this system they might have had 'the assistance of the high and competent authority who we are assured will be engaged to help us in carrying out the defences of Australia. They could have continued the system such as it was until they could give us a scheme of defence which would be perfect in all its branches, and which would be satisfactory to the people. ' They have seemingly attempted to give us a complete system of defence, but they have given us only a skeleton, upon which may be woven 'any policy that it may be thought well to adopt. I look upon the Bill as neither fish, flesh, fowl, nor good red herring, and it reminds me of Johnson's leg of mutton, which was ill-bred, ill-fed, ill-dressed, ill-served, ill-carved, ill-everything. We may engraft on . to this measure any policy we like. There is no good in it, but there is a great deal that is perniciously wrong and bad in principle. The Minister for Defence led us to believe that this Bill had been the product of great thought, and that it was a measure that was based on mature consideration ; that he had had the reports of military experts, but had thrown them aside and had adopted something that was vastly better, and we were promised that the provisions of the Bill would meet all the circumstances that might arise in regard to any dangers that might menace Australia, He pointed out that he had included within the provisions of the measure the cadet forces. I think that any national system of defence must contemplate the training of our citizens at the youngest age, and that we must teach the young idea how to shoot before we can commence to make an army. Then the Minister touched upon the question of rifle clubs, but he entirely failed to gauge the pulse of the nation upon this very important matter. There is a deep-seated feeling in the community that we have to look to these rifle clubs as one of the most foremost features of our defences. There is no doubt that the popularity of the rifle clubs is very much greater than the Minister thought or seems likely to believe. We have a description of citizen forces divided - why, I cannot say - into militia and volunteer. I could never see the reason of adopting these two classifications in forming citizen forces when a combination of the two would be quite adequate for anything we could expect having regard to the medium region of our finances. The Minister hardly referred to the question of naval defence, which was so ably advocated by the honorable member for Bendigo this evening. In- that respect he was asked, some questions as his speech proceeded, and he was able to give us no more information than that there was to be an officer in charge of the naval, defences as in the case of military defences, but as for any details as to whether he would retain and amplify the present relations under which the mother country defends us, in return for a subsidy, or whether he would create an Australian navy and develop what I believe is the real thorough naval spirit of this community, we were left entirely in the dark, as to anything he or Ministers thought desirable in the naval defence of this Commonwealth. AVe were told, however, that we were going to face an ultimate conscription. I do hope that whatever system we adopt, we shall eliminate that word from the measure.' I am certain that not only here but in every English-speaking community I know of, the word conscription carries with it a disagreeable sound, while as a principle it is not likely to be willingly adopted in any British community.

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Mr Higgins

- He has taken the word out, but he has left the thing in.

Mr G B EDWARDS

- Whether the word or the tiring is contemplated, we have to deal with the Bill as it is drawn, and it is there. As the honorable member for Bendigo said - and I was pleased to hear him say so - if we had to depend on the power of the conscription, we should have a very bad defence indeed. But we shall never have any need to fall back upon conscription, because we shall always have a sufficiency of volunteers to defend the country. How any body of men can be so ignorant of the great spirit of this community as to think it necessary to insert the principle of conscription in a measure for the defence of this Commonwealth I do not understand. It indicates an ignorance of the spirit of the people almost past belief. The honorable the Minister told us this provision would give us the very acme of success because we could, as a last resource, get a million of men. I do not wonder that the countries of Europe have been startled at the intimation that at this end of the world we are to have a million of men in the field to receive any enemy who comes.

Mr Barton

- No one said so.

Mr G B EDWARDS

- We do not want any million of men, we do not want conscription, but a simple system of defence, economic and efficient, in accord with the democratic spirit and political development of the people. Against those clauses in the Bill which deal with the employment of the defence forces of this community outside of it, when first I read them in the measure I marked "No," and I am happy to see that speakers on both sides of the House are of the same mind. I am sure this question will not be a party one, but will be settled on non-party lines, and that we shall endeavour to get the best system of defence we can. I am proud to think that on both sides of the House honorable members, both young and old, hold the view that we should not go outside Australia and fight battles in the interest of we do not know what, as we should be doing once we gave power to take the infant armies of this nation and use them elsewhere, where our men might be required to do we would not know what. Clauses 48 and 111, which give power to send the men abroad and place them under the command of British officers, are thoroughly wrong in spirit, and they are not in accordance with the traditions of this country. I shall be glad to see them eliminated.

Mr Barton

- Would it not be unfair to take clause 48 without clause 50 ? They must be read together.

Mr G B EDWARDS

- The employment of our national defence bodies outside the community which they are created to defend I strongly disapprove of. If, sir, the time arises when the old country has any real necessity or any genuine demand for support this young community will give it. We need not fear but that that support will be given as in the past. I am approaching a subject now I cannot help alluding to, although my remarks may be unpopular. I have made them before, and they have not been received with popularity. I think it is a fatal mistake that Australia ever interfered in the South African war. I do not regret that our men showed their willingness to go and fight for the mother country; I do not regret that some died for principle ; I do not regret that we lost some good men - I am loyal to the backbone, and if I had been in such circumstances that I could have gone I should probably have done so. What I regret is that the question was dealt with as a Government measure, and that before the people could express their opinion our men were induced to go and fight in South Africa.

Mr Piesse

- We could not keep them back.

Mr G B EDWARDS

- I say it was a mistake to make it a Government matter. If volunteers had been called for outside of Government action I should have been glad to see it done.

An Honorable Member. - What would the honorable member have done ? Would he have made Australia a recruiting ground ?

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Mr G B EDWARDS

- If the home country wants volunteers let her have them, but do not put it in the power of the Government of the Commonwealth to call upon our forces to go abroad upon the pretext of defending Australia in distant lands, or upon the pretext of helping the mother country. It would be all very well if we had some sort of check over these imbroglios which we might get mixed up in. In England the Ministers are responsible for the positions they put their forces in and can be called to account, but we should be placed in a false position. If, as was said to-day, our men are told off to hang people on account of some breach of military duty, we cannot call our Ministers to account for such a thing; and at the same time we have no power over those who are at war and who carry on the fighting. We should not, as a Government and a nation, encourage the entering into these disputes, but should keep out of them as much as possible, although we can safely rely on the British patriotism of the community to take a hand if necessary when there is any fighting going on. What we require is civil control. I am sorry I disagree with my friend, the honorable member for Bendigo, when he advocates that there should be a council of advice to control the forces. I think there is a tendency in later days too much in the direction of the Government abnegating one function after another and placing them in the hands of commissions. We placed the civil service in commission, we placed our railways in commission, and now we are asked to place our defences in commission. Soon we will be asked to place the making of the laws for the country in commission - all those matters involving a large expenditure of money. But so long as we are governed by a system of responsible Ministers we must hold those Ministers responsible for what is done, and we can do that in a defence system only by allowing Ministers to select for the command the ablest man who can be obtained. I hope they will get a well tried man, and that they will work in conjunction with him. If things go wrong the Ministers have their remedy in discharging him, and if they do not take that remedy they are responsible to the Legislature, and the Legislature can deal with them. Whatever system we have it should be from its initiation and right through completely under civil control. It must be an economic system, and it must be an efficient system. We are told sometimes that we cannot have an efficient system with an economic system, but that I take to be a common error. I am not going to say whether a system of defence should cost £500,000 or £1,000,000, but whatever it costs I call it economical if we get value for our money. Whatever we can afford let us get it, and see that we get value for our money. In the past these States have never had value for their money in the defence forces. Another condition is that any defence system must be in thorough accord with the spirit and political development of the Commonwealth. No system of defence will be efficient or efficacious unless it is popular, and no system can be popular that is not in accord with the spirit of the community and the political development of the nation. This measure submitted to us, this wretched skeleton into which we could put anything, is thoroughly out of accord with the spirit of political development of this community. In these respects it is evident that Ministers will have to retire the clauses and give us something else. In this matter we should not be guided and governed so much by the history and experience of great military nations like France and Germany, nor should we look to old England for an example. We should look first of all to the peculiar circumstances of the country. We should get more beneficial advice and instruction from a contemplation of the system which has been in force in Switzerland for some years, at any rate with respect to the style of defence and the way in which the men are enrolled and the periods for which they serve. We could get other experience from the newer countries in the Western world, and I hold that we could also get a great deal of useful experience from the late South African republic. My idea of a successful defence force is to create reserves. Let us keep that in our mind from start to finish. Of course we can create reserves only by some system that will really give us reserves. If we are to have a citizen defence force, neither militia nor volunteer, but something between the two, which is called a Commonwealth force, we should put them through some system of drill and instruction under which in three years' time they will become tolerably efficient soldiers, and then we can pass them into the reserves. Then with regard to the rifle clubs, why not place them under regulations which will make them more popular than they have been in the past? If we bear in mind with regard to the rifle clubs that they are not to be merely social clubs or a means of amusement for people in distant parts, but rigorously governed bodies for the development of soldiers, and if we supply them with ammunition and instructors who will teach them the rudiments of drill and how to shoot, we can create further reserves from that material. With regard to the permanent forces I am glad to note a tone throughout the House against going further in this matter than creating a force to man the forts and batteries which protect our ports, and to establish a reserve for naval defence. Coming

again to what is called, both in the old country and here, the first line of defence for maritime communities, the Prime Minister uttered some winged words the other day, which I am pleased to see have gone round the community. He said that we have "a nation for a continent, and a continent for a nation." We must never forget in dealing with defence matters that we have an island for a home. As has been pointed out by the press, and by the honorable and learned member for Bendigo, how must we expect an enemy to approach our shores? There is no possibility of him coming except by water, and the first way of meeting him - cost what it may - is with a naval defence. I am sorry that in connexion with this question of naval defence I am not in accord with the honorable and learned member for Bendigo. I do not think that we can do much better than we are doing. We have not the means to create a navy or to train up a body of men in ships commissioned for fighting. All that we can do is to carry on the present system. We may amplify it if we choose, or we may make some arrangement by which the old country shall be represented by a fleet which shall be confined to the shores of Australia and to protecting the shipping of the Commonwealth. For the present, however, our means will not allow us to go much further. But we can go further in the direction, suggested by Lord Brassey and others, of creating a naval reserve. From whatever stand-point we view this question, we must come to the conclusion that we have continually to look to the creation of reserves. Any system that will give us a large body of reserves must be a very good system for us. We might go further in this respect by increasing the naval brigade, and by imparting to them more efficient practical instruction. We might train them not only to figure - as they do so well - in gun practice on shore, but in occasional practice on the ocean. By doing this, we shall be doing all we can afford at the present time towards the naval defence of this community. If we do as I have suggested, and if we resolutely bring the rifle clubs to the front, and make them popular, we shall be acting wisely. But we ought not to allow old men who are really past service to take part in them. Let us keep the rifle clubs open only to young men, who, after passing through them, will enter the reserves, and prove valuable to the Commonwealth in time of need.

Mr Crouch

- What is the age limit which the honorable member would impose?

Mr G B EDWARDS

- I do not think that we ought to have men in the rifle clubs over 40 years of age.

Mr Wilkinson

- Nearly all the best shots are over 40.

Mr G B EDWARDS

- Then the best shots should be in the reserves. We want in the rifle clubs to get hold of the bad shots, make good shots of them, and pass them on to the reserves. I recollect many years ago reading of Crecy, Agincourt, and other places, where the shooting of the English archers and crossbows won battle after battle. Right throughout history we see the success which has attended accurate shooting. But I do not think it meets the case sufficiently for a man to be able to hit a bull's-eye in a scientific posture at 800 yards. What we want is men who can run an unknown distance, and halting at any time between 200 and 500 yards, judge their distance, and fire - such marksmen as we have met with in the South African war.

Mr McCay

- How long would it take to train the forces to be able to do that?

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Mr G B EDWARDS

- I admitted my ignorance of military matters in the first place. I cannot tell how long it will take, but I feel certain that my view is an accurate one, and that the creation of large reserves is the only sound system of defence which can be adopted by this community. The system must be popular. It is of no use giving us a system which the people of this community will regard as practically one of conscription. It must be a system which the people will readily join. No system can be popular which preserves a distinction between the rank and file and the officers. There may be some reason why such a distinction should be kept up in England, though it has been gradually losing ground in the English army; but there is no reason why it should be maintained in this quarter of the globe in connexion with a citizens' defence force. One of the reasons that has conducted to that distinction is the cost of the uniform which it is necessary for the officer to purchase. Not only is one uniform required, but in many cases the number of uniforms and gewgaws makes the expense of the outfit nearly £100. While this is so, if we pass

regulations which permit of men without means qualifying, we shall be only offering them a stone. The present system is not one whit better than the old purchase system which was abolished by Gladstone. Under that system men paid for their commissions. Under our system they pay for their uniforms, and they cost pretty nearly the price of a commission in some cases. The only way to get rid of this difficulty is to prohibit the use of uniforms above a certain value, or to determine that the Commonwealth shall provide the whole of the uniforms for the officers, and take care that they do not cost too much. This would open the way to ambitious young men to obtain commissions. The Minister for Defence said that the poor man loved gold lace as much as the rich. Why should he not? But what we ask is that the gold lace that makes the uniform so expensive shall be abolished for both the poor man and the rich, and that where men are making equal sacrifices they shall stand on the same terms of equality as we stand on in the political arena. If we do that, we shall carry out the principle to which the honorable and learned member for Bendigo alluded, and each soldier will know that if he has not a marshal's baton in his knapsack, he at least has the chance of obtaining a captain's commission. That fact will stimulate him to qualify for any position that his ambition and merit can command. If we do this, and base our claim upon the patriotism and goodwill of the Australian people, we shall make the system popular, and, if we make it just to everybody alike, there will be no need for conscription, but the people will come forward in numbers, and provide us with a defence system which will be quite adequate for the circumstances of the Commonwealth.

Mr WILKS

- The honorable member for South Sydney apologized for his want of military knowledge. After listening to him, we can at least say that he has a knowledge of military principles. The honorable member spoke as if he had been reading Cress, 15 Decisive Battles and Hamley's Operations of War: He gave us a lot of useful information. Whenever military matters have been discussed before, I have been accustomed to see them treated in rather a humorous manner. I have heard the Australians spoken of as though in the case of an outbreak of hostilities there would not be an available hollow log between Port Phillip and Cape York. But the experience of the past twelve months has been that the Australians have done yeoman service in warfare, and they have received such a measure of instruction as will prove useful to us in laying the foundation of our military system. I think that the Minister for Defence made an egregious miscalculation when, in moving the second reading of the Bill, he stated that Australia could put about 1,000,000 men into the field. We all know that no country can place the whole of its population in the fighting hue. To say that 1,000,000 men could be put into the field by Australia is an over-statement which would bring upon this Chamber, if not contradicted, a certain amount of ridicule by foreign powers. If we were fighting for our national existence, we might possibly put 500,000 men in the field, but not 500,000 men who were trained to military discipline. I trust that the Prime Minister in his official capacity will contradict the statement made by the Minister for Defence, as otherwise it will probably be looked upon as a bombastic advertisement. I think that the paramount duty of the Commonwealth is to study the financial aspect of the military question. If the system of which we have experience in the States be allowed to continue and grow, the whole of the Commonwealth revenue will soon be exhausted. It is the duty of this House to keep a tight hand and a watchful eye upon the expenditure, otherwise there may be a tendency to extravagance. The cost of our defence forces throughout the whole of the States last year was over £800,000. That sum included, I admit, the £126,000, which forms our annual contribution to the Australian auxiliary squadron.

Mr V L SOLOMON

- Does not it also include extraordinary expenditure on account of contingents ?

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Mr WILKS

- No ; I have purposely left that out. Last year, our defences cost £700,000, and for that amount we had less than 70,000 men in all branches of the force. Out of that number there were a little less than 2,000 permanent men. I trust that this Parliament will expect a better return in the future for such an expenditure than has been received in the past. The Swiss military system has been cited as a model for a young Commonwealth like ours to follow. There, for an expenditure of £1,000,000, they have a military force of 120,000 men. They have the Landwehr of 70,000 men, and the Landsturm, which corresponds exactly to our reserves, of 300,000 men, and out of that number 60,000 men are well equipped and trained for war.

In Canada, which compares even more closely with Australia, we find that with an expenditure not exceeding £500,000, there is a force of something like 360,000 men. I hope that in the Commonwealth administration of the defences the civil control will be powerful, as against military dictation or direction. We find that when the permanent officers have great control, their recommendations are always on the side of gross expenditure. In view of the illustration of Canada, where the conditions are very similar to those of Australia, we should hope to have a better return for the Commonwealth expenditure than has been obtained for the States' expenditure.

Mr McCay

- Is the honorable member sure that these are the Canadian figures? They are marvellously startling.

Mr WILKS

- I was very careful in the collection of the figures I give.

Mr McCay

- That expenditure only amounts to 30s. per man per annum.

Mr WILKS

- The expenditure includes the reserves and everything else. The honorable and learned member for Bendigo has shown that the cost of the rifle clubs and volunteer corps is very little per head, but the cost of the partially paid and permanent forces is very much higher.

Mr Reid

- 'The first line of defence in Canada is somewhere about 35,000- or 40,000 men.

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Mr WILKS

- The leader of the Opposition suggests that the first line of defence in Canada is 35,000 or 40,000 men. In the United States we find that a department is never introduced until experience has shown that it is necessary; and Canada has done likewise, and there is the result. I would like to say one word in regard to the Council of Defence suggested by the honorable and learned member for Bendigo. On the face of it the proposal has much to recommend it, but, unfortunately for his illustration, the Council of Defence, to which he alluded, had an unfortunate ending so far as efficiency is concerned. I remember that the commandants of the various States met in Melbourne two or three years ago for the purpose of making general recommendations to the various States Governments. Amongst other recommendations was one that the forces of Australia should be armed with a small arm of a certain class," and the Council broke up with that determination. But three or four months afterwards, instead of the commandants carrying out the recommendations of the conference, the commandant in Victoria absolutely armed his men with a different rifle altogether. I simply state this because the honorable and learned member referred to this conference as one reason for recommending a Council of Defence. Personally, I do not agree with that honorable and learned member. I rather agree with the honorable member for South Sydney in the suggestion that the Minister for Defence, who is responsible, should be advised by the most expert commandants he can get. The experience of Great Britain in her war in South Africa, where the tactics of the enemy were directed to preventing invasion, should provide object lessons for Australia. As we are so far removed from the theatre of European war, an officer of high attainments would be desirable for the Commonwealth. We should have an up-to-date commandant, some one like Major-General Hutton, whose introduction into New South Wales was marked with good effect. Major-General Hutton simply revolutionized what had been a rotten system of defence, and in no direction did he do greater work than in improving the knowledge and the capacity of the officers under him. With no disrespect to the present commandant, it may be regretted that we have not another man of the same strong discipline, and strong character of Major-General Hutton. I hope the Commonwealth will obtain the services of a gentleman of like attainments. On the matter of conscription I think there is some little difference of opinion, or misunderstanding. As I read the Bill there is no conscription in the sense understood in European countries. On the continent of Europe the conscription takes men away from their occupations and duties as citizens for long periods, for the purpose of military training.

That is not provided for in this Bill. What is provided under clause 48 is that in case of emergency, such as invasion, the Commonwealth shall have power to call out certain men for active service.

Mr Higgins

- Look at clause 41.

Mr WILKS

- I will consider that clause directly. I would like to say that five out of the States of the Commonwealth already possess the power sought in clause 48 - namely, the power in case of emergency to do what the honorable and learned member for Bendigo objects to, and calls conscription.

Mr G B EDWARDS

- All nations have that power.

Mr. WILKS.- New South Wales is the one State that does not possess that power at present, and the power, if given in the Bill, will only be exercised, as interjected by the Prime Minister, in case of necessity. If the volunteering spirit of the people is strong enough - and we believe from experience it will be - there will be no reason to exercise any such power and authority. I take it that it will be only in cases of extreme urgency that the Commonwealth will exercise the power already possessed by five States of the union. If this conscription compelled men to go into military training I would oppose it. But even on the matter of conscription there has been a remarkable change of opinion during the last 70 years amongst the great powers of the world. It was only in 1814 that Prussia, under the pressure of the hero of Corsica, was compelled to resort to conscription, and between that time and the present the whole of the powers have been compelled to take a similar course. Even Switzerland has done so, and that is the country which the honorable and learned member for Bendigo so much admires, as a community of democratic ideas trained on radical lines. Great Britain is the only power that has kept free from the doctrine of conscription, but even in Great Britain the point is very often raised by leading public men whether that great country may not be compelled, for the purposes of defence and for the preservation of the Empire, to adopt some quasi system of conscription. I will not deal with that question now, but simply remark that the present Premier of Great Britain, . some eighteen months ago, in an address in London, regretted very much the difficulty of obtaining suitable men for defence purposes.

He appealed to the people of England to keep the example of Switzerland before them, and also to keep before them the example of the English at the time of Edward III. in the battle of Crecy. If they kept such examples before them, the Prime Minister of England was sure that the spirit of the people would be such that they would offer their services to the State, and then the danger and difficulty of conscription would be overcome. He pointed out that the army of Switzerland, with its powers of conscription, was admired by all military experts as the best system of military training in existence.

Mr G B EDWARDS

- Switzerland has 5,000,000 armed men around her.

Mr. WILKS. - I do not know how many millions of armed men are around Great Britain. We know that in the early period of the Boer war, there was likely to be a concert of all the European powers against England, and I do not know whether the clanger of so many million armed people around Switzerland is greater than that created by the millions of armed men in the world who do not look with the best favour on Great Britain.

Mr Tudor

-The Swiss are guaranteed against invasion.

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Mr WILKS

- There is an international agreement to that effect, and I am glad that the honorable member has reminded me of it. But when we are asked to copy the military system of Switzerland, we must not only copy it in certain details to please ourselves. If we find that this system is supposed to be a perfect one, we must copy it in the whole of its details, so as to get the full result. We are told that the officers in Switzerland are not promoted by seniority, but simply by merit. That is an admirable idea, and I can understand, seeing that the Swiss officer remains a citizen, that the citizens and the army work well together. If we copy only one part of the scheme, and neglect another, the result will probably not be the success met with in Switzerland. There the people do not look on the system as conscription, but regard it as a means of protection. In Australia, the fact that so many men join the ranks of the volunteers, and in their desire for military training occasionally suffer disabilities without fair reward, inclines me to the belief that in case of emergency the people of this continent would not object to clause 48. The volunteer system in New

South Wales is, if anything, the nursery of the partly-paid or militia forces. The volunteers, free to the

State, supply a compensation not easy to measure in pounds shillings and pence. In New South Wales they are the raw material of the partially paid forces ; and I presume it is the same in other States. Volunteers without fee or reward undergo all this training, and often pass into the ranks & the militia. It has been said by volunteer officers that they lose the best of their men by the inducements held out by the militia. As to exemptions from service, we find that members of the the States and Commonwealth Parliaments are exempt. I would like to see a self-denying ordinance carried, and Members of Parliament debarred from accepting commissions in military forces. If Members of Parliament are exempted from serving, they should be prevented from holding commissions. There have been occasions when Members of Parliament holding military commissions have run into conflict with the staff authorities, and it would be inimical to the interests of the Commonwealth to allow the two positions to be held at the same time, because Members of Parliament have power and influence which in this connexion would not be right. I trust the volunteer system will be accompanied by proper organization and proper equipment. Reference has been made to the want of an arsenal or small - arms factory in the Commonwealth. The suggestion that there should be some such establishment comes with greater force when we find the superintendent at Woolwich, Sir Henry Brackenbury, informing us that in the last Boer war the amount of ammunition expended was greater than in any previous campaign. He computed that the amount of ammunition expended in small arms was five times greater than that expended in the Franco-German war. He also computed that the amount of ammunition expended by the big guns in the South African campaign was three times greater than during the Franco-Prussian war. So that even with all our advances in the matter of machine guns, improved ordinance, and mechanical appliances, we find that the cost of war, as far as ammunition is concerned, is becoming greater and greater. Not only that, but the merest neophyte must know that the present method of conducting war, the fighting in extended order, and the absence of close formation, has a very strong tendency to cause the expenditure of greater quantities of ammunition. If Australia is to keep a thoroughly equipped body of men, such as is recommended by the Minister for Defence, we must have a national arsenal to provide us with all the necessary ammunition and other war requisites. We know what the cost of the ammunition will be, and also what amount of ammunition will be necessary; and to rely upon the stores of the old country when our mercantile marine might, as has been pointed out, be captured, would be to place ourselves in a very weak position indeed. I would like to see the Government establish an arsenal. The tendency of the British authorities, conservative as we all know them to be, has been to proceed more and more upon the lines of conducting Government establishments for the supply, not only of ammunition and munitions of war, but also of clothing for their troops. At Pimlico a clothing establishment is run under Government supervision and control, and the principle of providing for Government necessities through Government establishments is being more and more extended. I would not urge the extension of any of the "private" concerns for manufacture of ammunition in existence at the present time. If we take Captain Whitney's factory, we find that although it is spoken of as a cartridge factory, it is really 'only a packing factory, because the materials of which the cartridges are made are imported, and are simply packed here.

Mr Watson

- And we are just as subject to an interruption of supplies as if we were to import the cartridges direct.

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Mr WILKS

- As the honorable member for Bland has said, the supply of the materials of which the cartridges are made is just as much dependent upon the maintenance of sea traffic, as the supply of cartridges sent direct from England. We do not wish to live in a fool's paradise and think that we have an ammunition factory, when it is only a packing factory, which will not secure us against the risk of having our supplies cut off. As a matter of fact, there is no establishment carrying on business here such as we require in order to provide proper supplies of ammunition which will render us independent of outside sources, and I hope the Minister for Trade and Customs, who is temporarily in charge of the Bill, and who I understand has had some experience of military matters' himself, will see the necessity of establishing a Government arsenal. In regard to the question of training men for military purposes, the honorable member for South Sydney, and also the honorable and learned member for Bendigo, suggested that our fire brigades might be brought into requisition in connexion with- our defence system; but it seems to me that fire brigades

are organized for the purpose of suppressing fire, whilst military duties consist chiefly of opening fire. I do not see very much advantage to be gained by any attempt to work in our fire brigades with the defence forces. If the members of the fire brigades have any desire to become associated with our defence forces, they can easily join the volunteer or militia corps, and thus get the necessary military training ; but I do not see any point in establishing a direct connexion between the fire brigades and our defence system. I quite agree with the honorable member for South Sydney that the experience gained' in South Africa has brought home to is the fact that the days of precise drill on the parade ground, and spectacular displays have gone by, and that there is no longer any necessity for us to offer any facilities for that sort of thing in connexion with our defence system. The residents of tie Transvaal showed that they could fight as well as any one, without any knowledge of parade ground movements or manoeuvres. What we require for our forces is what is called battle training, such as the honorable member for South Sydney called attention to. We want not only proficiency in rifle-firing, such as may be obtained through our volunteer and militia forces, and also through our rifle clubs, but we also want our men to be trained in tie practical work of the battle-field, and to be subjected to what is "called fire discipline. Our volunteer forces have many defects as they stand at present, and we find officers in the force who are absolutely ignorant of the topographical features of the immediate vicinity of the localities in which they live, and who, if they were put to the test, would be something like the English infantry regiments were in the early stages of the Boer war, the men of which, if they were away from camp after dark, would have to ask a policeman the way back. The men who were Sent out there from the thickly settled districts of England, found themselves totally at sea when they were required to make their way about the country, and were frequently unable to reach their camps.

Mr Page

- Some Australians were just as bad.

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Mr WILKS

- We should endeavour to impart, to our troops a knowledge of the conditions of warfare that would be likely to arise in the case of an invasion of Australia. We are not here to build up military forces for offensive" purposes, but simply for defensive purposes, and I think we should take thoroughly to heart the lessons that were learned in South Africa, and set our house in order accordingly. During the early part of the campaign in South Africa, the highest military authorities entirely failed to appreciate the necessities of the situation . When the Australians offered assistance in the form of mounted troops, the Imperial authorities cabled out to the Premiers stating that infantry would be preferred. The Imperial officers, who were supposed to be well acquainted with the conditions in the Transvaal, told us that infantry would be preferred to the mounted men which the history of that war has told us were absolutely the forces that were most required. And from that time until the last contingents were sent from Australia, mounted men have played the most important part in the campaign. We have,, in Australia, a very fine recruiting ground for this class of soldier, and at the present time, partly as a result of tie South African campaign, we' have tie finest body of horse soldiers of their kind in any part of the world. Australia has gained to this extent, that her capabilities for defence, and the resources of her people, have been exhibited by the way in which she has been able to respond to the necessities of the old country in connexion with South Africa. There is no necessity for us to have any fancy cavalry regiments, but we require active mounted infantry men, such as have been found capable of acting on their own initiative and using their own intelligence when occasion arises, and who have compared to advantage with soldiers who have had a very much wider knowledge of barrack-square military accomplishments. Rifle clubs have been referred to during the course of the debate, and as they are inexpensive in comparison with tie amount of good work that is accomplished through them, I hope that the members of the Government will not indorse the idea of the Minister for Defence, who looked rather askance at rifle clubs on account of the expense involved in keeping them going. Man for man, and considering the degree of efficiency that the members of such clubs attain, offer the cheapest and best form of instruction in one of the most important requisites of defence equipment which could be devised . by the Government. There is no reason w'hy the members of our- rifle clubs, in addition to obtaining the necessary training to qualify them as first-class rifle shots, should not also be put through a simple course of fire discipline, such as would be of great benefit to them on active service. The honorable and learned member for Bendigo objected to the introduction of a

military caste, and I am quite with him in his objection to the defence of the country being conducted on strictly democratic lines. We have before us the example of the Swiss nation, which has a splendid system of citizen soldiery. There the officer goes from the command of his company back to his work, and there is no assumption of any caste distinctions such as would probably exist under a purely military system ; and the more we can have our citizen forces controlled by citizen officers, so much the better will it be for the people of the Commonwealth. Doubtless the professional soldier will be required to assist us in our organization ; but not as "the head of our citizen army. I believe that if we give facilities for men to pass from the ranks to the highest positions in our military service, we shall offer the greatest incentive to a high degree of efficiency, and add to our security as a nation. We do not want any purely military system carried on by professional soldiers, and under conditions of professional caste, with the risk that war. may be provoked for war's sake. All we require is that our citizens should live up to the requirements of their citizenship, and fit themselves for the defence of the nation, so that we may have the means of resisting invasion when necessity arises for placing ourselves on the defensive. It will be necessary to have a body of permanent men to man our fortifications. We do not require in these men soldiers so much as mechanics, because the work in connexion with the manning, of. the forts and the artillery is becoming more and more such as requires men with mechanical experience and with training in certain lines of life. Men from the volunteer ranks, however willing they might be, would prove most unsuitable if they were placed in charge of machine guns and other implements of war in our fortifications. I trust that what are known as sergeant artificers will not be paid at ordinary military rates. The artificer, nowadays, is an expert and experienced engineer, who can command the highest rates of pay in various industrial establishments in which men of his class are employed, and if such men are required to accept a rate of payment similar' to that given to staff sergeants, who simply have military duties to perform, they will be placed in a wrong position, and the Government will lose the services of valuable officers. I think we should be careful to see that the Commonwealth does not lose the services of efficient, and. well-paid men of that type. Under the cadet system, -which the Bill provides for, it is intended that school children shall remain under the control of the Minister of Education, while the senior cadets are brought under the military system. I think it is rather a bad thing to allow the school children, who are junior cadets, and really volunteers in their relation to the senior cadets, to remain under the Education department, and I think that they should receive the advantage of the control of the military administration in the same way as the senior cadets. I cannot understand why there should be any distinction made, and hope the Minister for Defence will consider the expediency of taking the control of all the cadets out of the hands of the Education department, because the whole matter is foreign to that department. Now, there is another matter. If we are to have a citizen army, I think that one of the natural adjuncts will be a military college, and I do not think that those honorable members who have addressed themselves to this subject will prove to be unfavorable to the establishment of such an institution. In Canada they have the Kingston Military Academy, which has been a success, and perhaps we might establish a similar institution in the Commonwealth, and call it the Forrest College, out pf compliment to the Minister for Defence. I think it is quite within tire function of the Commonwealth to establish a military college, so that our officers may receive the necessary instruction to fit them for exercising efficient control over our defence forces. With regard to the naval forces, I think the honorable and learned member for Bendigo made very strong and justifiable remarks. This Bill does rot make any great provision for the establishment of a naval, brigade or a naval reserve. The tendency is to estimate that our first and our only line of defence would be that of naval defence. We have relied for years on the assistance of the Imperial authorities, and we have contributed something like £100,000 to £120,000 per annum, in return for which 'we have received sui auxiliary squadron, and' the continuous services of other ships of His Majesty's navy. I do not agree with the honorable member for Bendigo that the Commonwealth can establish a navy. The cost of a first-class battleship would be £1,000,000, and that in itself would be a serious drain upon the resources of the Com mon weal ti i. Even Ministers who are noted to be the reverse of economical, would hesitate to contemplate the building of a navy for Australia. ' No one battleship, could answer the purposes of a continent like Australia, with her enormous sea-board. While naval defence is a matter for serious consideration, the Government have not given sufficient consideration to it. I do consider it impracticable, and, so far as it is concerned, my vote will be in the direction of extending and enlarging the arrangement with the Imperial Government to provide an auxiliary squadron. We have a naval brigade and naval

volunteer artillery, but, with due respect to them, they are a land force wearing a naval dress, but having no experience with naval armaments and guns. They are land soldiers dressed as sailors. We see them marching through the streets of a city, and we are under the impression that we have a naval force, but it is very weak. I suppose Sydney has the strongest naval brigade in the whole of Australia, but they have the most obsolete arms. If the honorable member for Bendigo had read far enough, he would have found the sad admission that they had not advanced in regard to training and up-to-date machine guns. I think that the people of Australia, with its large sea-board, would willingly join naval reserves as they have joined the land forces in the past. The expenditure as far as the military forces are concerned will have to be cut down, and the navy expenditure will have to be increased. We have the material, and the cry has been that you should have naval forces, but you have no training. I would suggest that the auxiliary squadron, which is lying in Sydney Harbor practically for years, with an occasional trip to the south seas, could be used as training ships for the naval reserves. The naval brigades have had land training only. They have not had experience in the use of arms at sea. I think it is not going beyond the province of a layman when I say it is not so much seamen we want as well-skilled mechanics. The man who is called a sailor in the navy is a trained mechanic, who has intricate machinery to deal with - naval manoeuvring is not dependent on seamanship, but on skilled mechanics. On the matter of military districts this Bill makes a provision which is a wise one. I hope no commanding officer will be allowed to remain in his district more than three or four years. Throughout Australia the staff officers have remained so long that they have brought around them 'a sort of caste arising from social distinction, and they recommend men for promotion according to their caste. Not only have the 'members of the staff themselves become careless, but they are not acquainted with the details of modern warfare. We have had years and years of one system of control, and that has brought about the evil. Consequently I hope that in the administration of this Act Ministers will see that district commandants do not remain longer than three or four years in their districts. I would like to" say something with regard to the salaries of officers. This is a matter over which we can exercise great control. How the Estimates have been prepared in Victoria I cannot say, but in New South Wales the officers have their salaries and allowances. The amount of these allowances has been a serious burden on the public funds, and the difficulty for public men has been to trace" with accuracy and certainty the amount of the allowances the officers have received. I trust the Ministry, therefore, will supply this House, when submitting their Estimates, with the total salary and allowances of each officer, so that we can get at how the public money is used in the payment of these officers. We have found that in the past the Easter encampments, as they are called, have- exhausted a large amount of public funds without good effect.

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Mr A Chapman

- Sham fights !

Mr WILKS

- Yes. They are the worst of the lot ! They are very humorous and very laughable, and very costly. I know that from personal experience.

Mr Thomas

- Will the honorable member tell us some of his personal experiences.

Mr A Chapman

- He is under arrest yet.

Mr WILKS

- One of the most foolish moments of my life, I think, was when I accepted a commission in Her Majesty's service. I do not wish to revert to that, except to say that there is a danger in politicians playing at soldiers. My short experience with the military forces in New South Wales taught me as a public man much that is useful to me in my public capacity. I will not, however, acquaint this House with the amusing incident that occurred in New South Wales, and to which the honorable member for Barrier refers. The, leader of the Opposition tried in that seductive way he has to get me to repeat it, so that he, as Minister of War, might form a judicial opinion regarding it. He thought a Saturday afternoon would be a good time to have the manoeuvre carried out again. But I thought there was something behind it, and I said I would not like to carry it out -at the expense of the people of New South Wales.

Mr SPEAKER

- Has this reference to the matter before the House ?

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Mr WILKS

- It shows the danger of politicians holding commissions. When I suggested that the leader of the Opposition should himself appeal in uniform as Minister of War at the repetition, he let the matter drop. From that I think the right honorable gentleman will favour any suggestion to cut down the cost of uniforms in a service like ours, where the majority of the people are not people of leisure, but people of trade, or artisans. However desirous they may be of going from the ranks through "noncommissioned officerships to the position of officers, they are always prevented by the enormous expense that confronts them. It requires from £60 to £70 to properly equip an infantry officer in the New South Wales forces, and that is a bar to a motion which I trust the Commonwealth will remove. -We want citizen forces and citizen officers at the head of them, and I hope no expensive uniform will prevent that. I think the Commonwealth should provide the uniforms. The volunteer officers have in the past received a capitation grant. There is no doubt that the flippant manner in which these matters have been taken in the past has passed away. Australia has shown that if there is necessity she is able to give her help, and can show the best record. She has shown to the world that the Australian soldier is not a mere machine, but an intelligent unit that can direct his actions and do all that is required in modern warfare. I hope, however, that the Bill has not been introduced with the idea of posing before the world as a military power. If we want to hold our liberty we can do so. It will be in danger only when we think that we are impregnable. I do not think we should be always trailing our coat around and asking for trouble. I agree with the honorable member for South Sydney when he says that it is the Eastern nations that we have to fear because of their proximity - and it was urged as one of the reasons why Tasmania should be accepted as a State of equal powers, that it is a strategic base, and if not properly protected might be used to inflict incalculable injury to this island continent. We know that their permanent force has a strength of only 30 men, and has been a subject of ridicule. But if we are to establish defence forces, it will be our bounden duty to provide that State with proper defences so that it may not be a vulnerable part of our territory. But of course I am not carried away with this Chinese bogey scare. I have a very distinct recollection that some seven or eight years back the cry was raised "We had better federate and get a strong military system, or we shall have the Chinese clown upon us." Yet in the first conflict which China had with a third-class power, namely, Japan, the former with its boasted millions of people went under. My view is that our isolation is our greatest defence. With the Imperial navy at our command we have nothing to fear. The transport of an army alone would be so difficult that no one can conceive of Australia being conquered. If Great Britain herself, with a command of 300,000 men, and with a Treasury that is boundless, has taken such a long time to subdue the Transvaal, how can we expect any single nation to capture Australia? If the people of this country were determined to defend it, they could easily do so. The only danger which we have to fear is from an Eastern nation making invasions at remote points. But before they can make those invasions they have to get the necessary transport for an army. The only danger, therefore, which we have to fear is that which arises from filibustering expeditions. I do not think that Australia ever need fear that she will be conquered. She may be temporarily invaded at points, but to conquer 5,000,000 of people, with our extent of territory, is altogether out of the question. To subjugate us would be a task that no nation would ever seriously entertain. But, notwithstanding the large sums of money which are annually expended upon our military forces, we find that the moment there is an order to mobilize, the difficulty of transport asserts itself. We find that the transport requirements are very weak indeed. In New South Wales if the local butcher's cart were captured, the army would be captured. The experience of the Transvaal has taught us the absolute necessity of being well equipped in regard to the Army Service Corps, and I trust that the Minister will not neglect this despised branch of the service. It is a most useful one. The old axiom that an army travels on its belly is equally applicable to our citizen defence force. If we have not a proper army service corps, all our great preparations will fall to the ground. I know that there is no glitter about this department of the military service, but, at the same time, it is a most useful body. I trust that the Minister for Defence will direct attention to these matters. Of course I recognise that the Commonwealth Parliament does not wish to enter upon a system of reckless expenditure. A tight hand and a watchful eye are required. I hope that none of the excesses connected with the standing armies of European countries will ever be carried out in Australia. We wish to appear before the world as

a nation that has never known internal warfare. We merely desire to sufficiently organize our men that when the call is given they shall have some knowledge of the use of arms and the necessary ammunition, in order that they may be able to prevent any possible invasion, and to drive a hostile force from our shores.

Mr. HIGGINS (Northern Melbourne). There is a great deal of force in what some honorable members have said as to the Minister for Defence having failed to give the House a lead upon the question of what is a proper policy for the Commonwealth. There is "an inevitable tendency in dealing with a Bill of this sort to go into details, but I do not feel myself in a position to do so, as I have never been in any military force. I am not like the honorable member for Dalley, who has had experience not only of drills, but of manoeuvres, and who could give this House very valuable hints upon army discipline and equipment - how to lead a force through a swamp, for instance. It is fortunate that the honorable member, though under arrest, is out upon bail, so that he is in a position to give the House the benefit of his knowledge. I understand that discipline was enforced in his case at the instance of a member of another place, a member who distinguished himself at the opening of this Commonwealth Parliament by appearing in uniform. I feel that we ought to consider the question "What do we want" before we go into the long details of this measure? It seems to me that this Bill is a scissors and paste Bill, its provisions having been cut from the existing Acts of the States, with a certain dash of the commandants' wishes thrown in. It will be recognised that we do not want to fight. The ideal of Australia is peace; the peaceful development of our great resources and the peaceful employment of our people. If our idea is peace, we shall properly provide only for defence. I am very glad that in our Constitution we have safely embedded that principle, and I think that constitutionally we have no power to go beyond defence purposes even to the extent provided for in this Bill. For many years there is no need to make much of the military system of Australia. I agree thoroughly that it would be advisable not only for the purpose of defence, but for the purposes of physical training, to let our boys know how to shoot, and to shoot straight, and to give them the advantage of rifle training, so that if there were need they could use the rifle. But the first, the second, and the third line of our defence is the navy. As long as Great Britain holds the power of the seas, we have no need to fear any great encroachment upon our shores, nor have we any need for great permanent militia and volunteer forces. It is to be recollected also that it is inadvisable and impracticable for us to have any military system like that of a sovereign European State. So long as we are not a sovereign State, in the sense of being able to dictate peace or war, we shall not be consulted as to peace or war. Our fathers came to Australia largely with a view to getting rid of the burdens and dangers of war which have oppressed the people of Europe for so many years, and we should be giving up the best part of our heritage in Australia if, remote from the centres of excitement, we were to start a military system in grotesque imitation of the military system on the continent of Europe. We ought to thank God for our freedom from these complications. I quite admit that the storm centre of the world has shifted to the east of Asia, and that we are very near to that centre, but it is the navy to which we should direct all our energies, instead of building up a swaggering, gold-laced military system.

Mr Crouch

- Nobody proposes that.

Mr HIGGINS

- No one deliberately does that. In this Bill we speak of a Minister of Defence. In it we have not once mentioned the word "conscription." On the contrary we have carefully avoided any appearance of conscription. But if we look at the clauses carefully we shall see that the commandants - if they have coloured this Bill - have certainly done their best to provide for conscription as nearly as is possible. I have read of a very wise man who believed that "if a man were permitted to make all the laws, he need not care who should make the laws of a nation." So, if I were allowed to make the interpretation clause of a Bill, I would allow the Bill to be made by any one else. Looking at the interpretation clause of this Bill it will be seen that the definitions of such words as "emergency" are such as to cover the widest scheme of any military man, and that is saying a good deal. The ideal of a force only for defence is embodied deeply in our Constitution. If honorable members look at sub-section (6) of section 51, and also at section 119, they will see what I am referring to. Section 51 says that - the Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to (K) the naval and military defence of the Commonwealth and of the

several States, and of the control of the forces, to execute and maintain the laws of the Commonwealth. Section 119 says -

The Commonwealth shall protect every State against invasion, and on the application of the Executive Government of the State, against domestic violence.

What does the word "invasion" mean? It does not mean the invasion of some other country. It is clearly provided, therefore, that the Commonwealth is to protect every State against invasion, and on the application of the Executive Government of the State, against domestic violence. Supposing there was a strike in New South Wales, it would be impossible under the Constitution to bring the military out to suppress that strike, unless the Government of New South Wales asked that that should be done.

Mr Watson

- That is similar to the American law.

Mr HIGGINS

- If we look at the Constitution carefully, it will be seen there is no power to provide against the invasion of any country except Australia, and I think it is well that there is not. I am sorry this Bill has come to be discussed at a time at which I think there is a sort of ebb in progressive principles in regard to war and warfare. But, at the same time, I think there are sufficient members in this Parliament to see that we should not allow our people to be led, hoodwinked, into a scheme of militarism, except in the direction of defence. I might just indicate, with regard to this Bill, what it seems to me we ought to do. First of all, we ought to alter the radical word "emergency," which is used in dozens of clauses throughout the Bill. It sounds all very well to say "this or that power will be used only in case of emergency." But if we look at the interpretation of the word "emergency," we see that it means "war." War - where? It means "invasion" - of what? It means "national emergency" - what kind of national emergency? It also means "the declaration by proclamation of any danger" of "war, invasion, or national emergency." Supposing the Government chose to declare by proclamation that there is danger of war in British Guiana, they would have power to compel every man in our permanent forces to go to India and fight the Afghans in the north-west. The words in the interpretation clause are so wide that if there is war, or apprehension of war, in which Britain can be engaged, in any part of the world there will be power to compel all our permanent men, and even, as I will show presently, even our non-permanent men to go and fight there or elsewhere.

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Sir Edward Braddon

- Only for the defence of the Commonwealth.

Mr HIGGINS

- I am sure the right honorable gentleman will, in a few minutes, recognise that I have considered the point. There is a theory of defence, which is true within certain limits, that one may best defend a place by attacking another place. We might defend Hobart, for example, by attacking Vladivostock, and we might best defend Bathurst, in the interior of New South Wales, by sending a fleet to Kronstadt or the West Indian Islands. That is a theory of defence which has been adopted by military and naval authorities, and very properly so. The best way oftentimes to prevent an attack is to attack, just as President Kruger ordered the advance on Natal in place of waiting for the British to attack him. And this, I say, has been thought of, and embodied in the Bill. If we look at clause 48, sub-clause (b), it will be seen that the draftsman contemplates the defence of the Commonwealth being carried on by the service of our forces in places outside the Commonwealth. The clause provides that the Governor-General may-

Call out the defence force or any part thereof for active service anywhere within the Commonwealth -

That is all right. But it goes on to say - and also without the Commonwealth for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

That blessed word "emergency" again! That provision means that if the Government choose to declare that there is war, or danger of war, on the north-west frontier of India, there will be a legal obligation on our soldiers to serve in India if they are ordered to do so.

Mr Watson

- Even citizen soldiers?

Mr HIGGINS

- Even citizen soldiers. There are phrases in the Bill which have to be watched very closely - phrases which at first appearance seem to protect the citizen soldier from that obligation. I am quite sure that if a

man enlists as a volunteer in Victoria he has no idea that he may be called on to go to India and serve there, or to go to Ireland and, perhaps, fight against the people from whom he has descended. Clause 49 provides that -

The permanent forces shall be liable to serve beyond the limits of the Commonwealth in time of emergency.

Let us go back to the interpretation clause, which says that " emergency " means "war, or "invasion of any part of the British dominions, " national emergency " - that is, any emergency which the British Government think to be a national emergency - and the declaration by proclamation . of the danger of war or invasion anywhere. On the flimsiest pretext there might be a legal obligation put on the citizen soldiers of Australia to go and serve in India against the Afghans or Sikhs. I think that that is not what we mean.

Mr Barton

- It is not what the Bill means either.

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Mr HIGGINS

- I will ask honorable members now to read clause 50, which provides that -

No member of the citizen forces - "Citizen forces "mean the volunteers and the militia. shall be required, unless he voluntarily agrees to do so, to serve beyond the limits of the Commonwealth, except for the defence thereof, or in the case of the naval forces, while training on board ship.

Just look at the words, " except for the defence thereof." Having regard to the meaning given to " defence " by clause 48, we see what the force of those words is. Their force is that if it seemed to the Government that they were justified in saying that Australia might be defended by an attack on India, they would be entitled to order even the citizen soldier to serve there. I know that this process of dovetailing clauses is very difficult. It has taken me some time, and given me a good deal of trouble, although it is my business to read Acts and understand what they are about. Any one who starts to work out the meaning of the Bill by dovetailing the clauses will find it a very difficult task indeed. I did not begin to realize the effect of the Bill until I had gone through some of the clauses several times. We have rifle clubs. Is it realized that a man who joins a rifle club may be put nolens volens right into the active forces, and, being in the active forces, he may, if there be a proclamation that there is danger of war in the West Indies, be ordered off to Afghanistan? I do not think that that is understood; but there is that extreme power. It will be seen by sub-clause (c) of clause 48 that there is power by the Governor in Council to direct in cases of emergency - I remember the blessed word "Mesopotamia," but the most blessed word in the Bill is " emergency " - that members of rifle clubs shall be enrolled as members of the active forces. There is no qualification here, the clause providing -

And so long as the emergency exists all members of rifle clubs shall be deemed to be members . of the active forces, and subject to drill, training, and discipline to the same extent as members of the militia and volunteer forces.

Supposing a man who is a member of a rifle club says, "I cannot go away and leave my family and business ; I never meant to go and serve in England or Ireland," he will be guilty of disobedience of orders and of breaking his oath. Not only that, but he will be guilty of mutiny. What is the effect of mutiny ? The court-martial may hang him for it. There is no mistake about that, as may be seen by reference to clause 86. "The court martial is to have absolute power, with one qualification. Clause 86 provides that- No member of the defence force shall be sentenced to death by any court-martial except for mutiny, desertion to the enemy, or traitorously" delivering up to the enemy any garrison. . . .

What is mutiny? I have looked into the Imperial Dictionary, and I find that although there is no definition of the word " mutiny " in the Bill, the word in the English Mutiny Act includes any disobedience of commands in the army or navy. That Act says that mutiny is -

Any attempt to excite opposition to lawful authority, or any act of contempt towards officers or disobedience of commands.

I suppose we shall have the same definition in this country. I think it is hardly contemplated by us -to give power to a court-martial to condemn a man to death because he refuses to serve out of Australia. The word " mutiny " ought to be defined, but if it is defined as in the English 'Act, we ought to be careful not to subject men to an oath which they do not quite understand. The oath is set forth in the schedule to the Bill, and is far too wide. Having carefully framed our Act we ought to limit the oath to the obligations

created by it. In the 4th schedule the form of oath is as follows : -

... swear that I will well and truly serve our sovereign Lord the King in the ... for tie term of ...

There is not one word limiting the service to Australia, or to defence purposes - and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained ...

Where? I think the service ought to be limited to the Commonwealth. It is not unreasonable for us to ask that the volunteers of Australia shall be confined to the same oath and duty similar to those in force in England. What is the case in England? According to the Volunteer Act of 1863, section 17, power to call out the volunteers to fight is given only in the case of the actual or apprehended invasion of Great Britain, which, of course, includes Ireland. The words of the section are -

In case of actual or apprehended invasion of any part of the United Kingdom (the occasion being first communicated to both Houses of Parliament if Parliament is sitting, or declared in Council and notified by proclamation if Parliament is not sitting), Her Majesty may direct the lieutenants of counties throughout Great Britain, or such of them as Her Majesty may judge necessary, "to call out the volunteer corps of their respective counties, or any of them, for active military service. Every officer and volunteer and every non-commissioned officer of the permanent staff belonging to every corps so called out shall be bound to assemble as the lieutenant of the county directs, and to march according to orders within Great Britain.

There is no such limitation in the Bill, and I should like to know why the Minister did not explain to the House the serious and far-reaching effect of its provisions. Whether the effect is right or wrong, the Minister ought to have told the House that they would have this consequence. The Minister for Defence is not here, and I do not wish to say too much in his absence, but I must say that either he did not know what the Bill involves or he ought to have told the House what it involves. It will be seen by reference to the Bill that the defence forces are divided into the active forces, the reserve forces, and tie rifle clubs. I would ask honorable members not to forget that the rifle clubs are included in tie defence forces, as defined in the Bill. Among the active forces we have the permanent forces, the militia, and the volunteers. So far as permanent forces are concerned we want some permanent soldiers, because I feel convinced that we shall require thoroughly .well-trained men, especially for artillery work. I saw a good deal of barrack life when I was a boy, and I know something about military matters, although I was never actually in the service. We shall certainly want a permanent force, consisting of men who are thoroughly up-to-date in the most recent developments of military science, for the purposes of training and example, and we shall want such men especially in connexion with artillery. With regard to the militia and the volunteer forces, I should prefer - although I would not make it an essential point - that instead of two classes there should be only one. I do not think there is any need for a militia force. The nearer we can approach to the purely voluntary system of service, under which men are ready and willing, to serve the country without fee or reward, the better it will be. Then we have provision made for transferring men from the reserves to the active forces, and we have power also to transfer a man from the active to the reserve forces within three years. If we look at clause 31, and piece that with certain other provisions, we shall realise the full force of what the Bill provides for. Clause 31 provides that-

The following persons shall be liable to serve in the defence force when called upon by virtue of this Act to do so, namely : -

All male inhabitants of Australia (excepting those who are exempt from service in the defence forced who have resided therein for six months, and are British subjects, and are between the ages of eighteen and sixty years.

Happily Members of Parliament are exempted, although I do not know why the exemption should begin with Members of Parliament, who ought to have been kept lower down on the list.

Mr V L SOLOMON

- They ought to form a most effective line of defence. They could fire off some old speeches at the enemy.

Mr HIGGINS

- If honorable members will look at clauses 35 and 36 they will see that it is provided that, except in times of emergency, the defence force shall be raised and kept up by voluntary enlistment only; but it is also provided that -

In case of emergency the Governor-General may by proclamation call upon persons liable to serve in the defence force in the order before provided to enlist as members of the defence force, and thereupon such

persons shall in the manner prescribed enlist as members of the defence force accordingly.

Under this clause the persons who are subject to be called upon will not only be required to enlist in the defence forces, but will also have to take an absolutely unqualified oath. If they enlist, even compulsorily, in the defence forces, what will be the result? They will be required under clause 41 to serve for a period of three years. Does not that look very much like conscription?

An Honorable Member. - Awfully near it.

Mr HIGGINS

- Take the case of a man who comes to Melbourne. After six months residence in the Commonwealth he, being a British subject, and say between 30 and 40 years of age, is liable to be called upon to serve in the defence force. He does not want to fight or enter the defence force, but a proclamation may be made that there is danger of war in British Guiana, or in Africa, and the Governor-General may call upon him to enter the defence forces, and when he is once in the defence forces he must stay there for three years. Not only that, but he may be called upon to stay for a further term in the event of an emergency, because if honorable members will look at clause 42 they will find that it is provided that -

Any person who has enlisted as a member of the defence force shall be entitled to be discharged therefrom at the expiration of the period of service for which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more than twelve months.

The guardian angel of this Bill is the word "emergency." Right through, its wings are over the Bill, and whenever there is anything that would restrain the military power the word "emergency" comes in to set things right again.

Mr. Barton. If there were no emergencies, we should not want any defences.

Mr HIGGINS

- But I object to the word "emergency" being used in the way it is used. There is no doubt that every one of us would be willing to do what we could for our own country and for the old country, if there were any real emergency; but I object to the word "emergency" being used in the sense in which it is used here.

Mr Barton

- Surely the honorable and learned member knows that this provision must be read with the Constitution Act, and that the terms "war" and "invasion" must be read as defined by the Constitution Act?

Mr HIGGINS

- That was not the intention of the framer of this Bill.

Mr Barton

- It certainly was.

Mr HIGGINS

- Whoever framed this Bill did not recognise the limit fixed by the Constitution Act.

Mr Barton

- The honorable and learned member recognises it, and so do I. These are phantoms that the honorable and learned member is raising.

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Mr HIGGINS

- No; because there is absolutely no meaning in some of the clauses, unless the word "emergency" means war outside of the Commonwealth. I am very glad that the Constitution does restrain the power of the military authorities; but this Bill was drawn on the assumption that more power could be given than would be quite apparent. I do not accuse the Prime Minister in this matter, but the Bill has been very discreetly drawn with a view to the wedging in of powers which do not appear to be given at first sight. For instance, it is provided in clause 48 that the Governor-General may -

Call out the defence forces or any part thereof, for active service anywhere within the Commonwealth, and also without the Commonwealth, for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

Now what is the meaning of that clause, unless the draftsman meant that if there were an emergency in the sense of war or invasion of some other part of the world there could be a calling out of the defence forces to serve without the Commonwealth? Honorable members will bear in mind that a theory of defence - which is very largely theory - is that oftentimes the best mode of defence is attack, and I would

suggest that it should be provided that when a man, whether he be a permanent soldier or a volunteer, is required to go beyond the Commonwealth for the purposes of fighting, he should do so of his own consent. I do not say that men should be prohibited from going, but I think that it would be fair before they go, even voluntarily, that they should have to obtain the consent Of the Government.

Mr A Paterson

- The consent of Parliament

Mr HIGGINS

- I would not make any bones about that. I think that in a real emergency the Governor-General might do all that is required, as he is responsible to Parliament. Recognising as we do that we are all willing to aid the mother country if she should be in any stress or danger, I think that only so long as the service is really voluntary will the aid of our people be substantial, and therefore it is better to limit the provisions relating to service outside the Commonwealth to cases where the individual says - "I consent." Some weeks ago I tabled amendments to this Bill, with the object of carrying out that view, and I only hope that as many honorable members as feel that they can support me will do so. I have several matters to refer to, but I particularly want honorable members to see how very wide clause 48 is.

The Governor-General may (a) call out the active forces, or any part thereof, for any military purpose, whenever he deems it expedient, and also at such times' and in such manner as may be prescribed.

I think the Prime Minister will at least recognise that there ought to be words which will show that we recognise the limitation of the Constitution. I think the provisions of the Bill might be misleading if there are not some words to show that. If we turn to clause 52, we find that it is provided that -

Whenever the defence force, or any part thereof is called out for active service by reason of emergency, the Governor-General may place them under the orders of the Commander of the King's regular forces or Royal navy, as the case may be, in the Commonwealth, or any other place where the force is required to serve.

Is that consistent with the idea that our forces are to be called out only to meet an invasion of the Commonwealth?

Mr Barton

- Surely that means: "lawfully required." They cannot be lawfully required to serve for any purposes the Constitution does not prescribe.

Mr HIGGINS

- Then why have the provision here ? Either the draftsman did not recognise the limitations of the Constitution or he did. If he did, he ought to have put in words consistent with the Constitution ; but this goes beyond the Constitution.

Mr Barton

- I think not I think it must be read with the Constitution, as every provision must.

Mr HIGGINS

- Then these last words have no meaning at all.

Mr Barton

- They mean that the forces shall be required to serve subject to the Act, and the Act is subject to the Constitution.

Mr HIGGINS

- We all know that; but at the same time the draftsman did not have the Constitution in mind.

Mr Page

- He had something else perhaps.

Mr HIGGINS

- Now let us look at clause 58, which provides that as soon as any members of the militia or reserve forces are called out for active service, and as long as they are wearing uniforms, they shall be subject to the Army Act and the King's regulations for the army. I would like the Army Act and the King's Regulations to be placed on the table.

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Mr Crouch

- That provision is in the Victorian Act at the present time.

Mr HIGGINS

- The Victorian Act does not oblige men to serve outside Victoria.

Mr Crouch

- We will amend that part of the provision.

Mr HIGGINS

-I want particular attention paid to that part of the Bill which deals with courts martial. I know a little about courts martial. Though I have not been through the experience of the honorable member for Dalley, I know something of the hideousness of this system. Any disobedience of duty is mutiny, and for mutiny there is power to condemn to death. However, I feel that that is a matter of detail to be dealt with. I do not think these second-reading speeches are lost. There have been very valuable suggestions of detail from the honorable member for Dalley, the honorable and learned member for Bendigo, the honorable member for South Sydney, and others whose names I cannot recall. We have had very valuable suggestions from men who have approached this matter from independent points of view, I only want to say that to my mind the vital questions which will divide this House, if it is divided on the Bill, will be the question of conscription, and the question of service outside the Commonwealth. For my part I am anxious that full power should be given to make such forces as we have effective. I do not object to a small permanent force, and I do not object to having the roost skilled men that we can get hold of. I do not object to our people being given the utmost liberty to serve not only in, but outside the Commonwealth if they wish it, but so far as our duties under the Constitution to the future people of Australia are concerned, we must keep this country from the ghastly bane of militarism.

Debate (on motion by Sir Edward Braddon) adjourned.

EXCISE ON BEER BILL

Bill presented, and (on motion by Mr.

Kingston) read a first time.

APPOINTMENT OF OFFICERS TO THE COMMONWEALTH SERVICE

Ordered (on motion by Mr. Fuller) -

That there be laid before this House a return showing the names of all persons appointed by the Federal Government to positions in the Commonwealth service, who were not transferred from any State service, and the salaries paid to each respectively.

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22:35:00

House adjourned at 10.35 p.m.