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1901-08-28

House of Representatives.

Mr. Speaker took the chair at 2 p.m., and read prayers.

PETITIONS

Mr. CHANTER presented a petition from residents of the town of Wentworth and district protesting against any interference with existing rights in connexion with river traffic on the Murray, Darling, Murrumbidgee, and Edwards rivers, and praying the House to make such amendments in the Inter-State Commission Bill as would conserve their interests.

Received and read.

Mr. SALMON presented a petition from members of the Presbyterian Church at Miners' Rest praying the House to pass clauses 54 and 55 of the Post and Telegraph Bill.

Mr. CROUCH presented similar petitions from adherents of the Presbyterian Church, Werribee, and from adherents of the Newtown Wesleyan Church.

Mr. KENNEDY presented a similar petition from residents of Euroa attending the Wesleyan Church.

Mr. RONALD presented a similar petition from members of the Presbyterian Church at Colac.

Sir PHILIP FYSH presented a similar petition from residents of Dundas and Mount Read.

Mr. PHILLIPS presented similar petitions from residents of Goschen, Kunat, Diapur, Kaniva, Fish Point, Bulga, Swan Hill, Beulah, Lah, Rosebery, Hopetoun, Brim, and from the members and adherents of the Mystic Park Wesleyan Church.

Mr. KNOX presented similar petitions from residents of Malvern, members and adherents of the Wesleyan Church, Camberwell, and adherents of the Wesleyan Church at Oakleigh.

Mr. R. EDWARDS presented a similar petition, from residents of the State of Queensland.

Mr. McCOLL presented a similar petition from members and adherents of Mooroopna Presbyterian Church.

Mr. PIESSE presented a similar petition from residents of Beaconsfield and district.

Mr. PAGE presented a similar petition, from members of the Young Women's Christian Association of Queensland.

Petitions received.

PAPER

Mr. POYNTON (South Australia) laid upon the table the Second Report from the Printing Committee as follows : -

The Printing Committee have the honour to submit a Schedule, showing their recommendations on the Papers and Petitions referred to them.

Alex. Poynton,

Chairman

House of Representatives,

Committee Room, 28th August, 1901.

PERSONAL EXPLANATION

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Sir LANGDON BONYTHON

- In the second division on the Post and Telegraph Bill on Friday last, I voted with the ayes. I mention the fact, because my name does not appear in the weekly report of the divisions in committee.

QUESTIONS

DELAY OF ENGLISH MAIL DELIVERIES

Sir MALCOLM McEACHARN

- I desire to ask the Prime Minister - (1) "Whether, in view of the serious complaints of business people in the eastern States as to the delay caused in the delivery of English letters owing to the mail-boats calling at Fremantle in place of Albany, he will have a return made up and laid before this House showing the average time occupied in transmission of mails from London to Sydney during the last six months, as compared with the time occupied during the last six months that the mail steamers were calling at Albany ? (2) If the complaints are well founded, will he make representations to the Imperial Postmaster-General with a view to having the matter remedied ?

Minister for External Affairs

Mr BARTON

- If the honorable member moves for a return giving the particulars he desires, I see no reason why the information should not be obtained. As to the second part of the question, I may say that I will take the matter into consideration when an opportunity occurs.

GOVERNMENT ELECTRICIANS' CONFERENCE

Sir LANGDON BONYTHON

- I mentioned last week that a conference of Government electricians had been held in Adelaide, and that they had furnished a report. I would now like to ask the Prime Minister whether there is any objection to the report being laid on the table ?

Mr BARTON

- It was stated the other evening, I think, that this report was in print, and as soon as it is ready I do not think there will be any objection to laying it on the table.

RUSSIAN IMMIGRANTS FOR AUSTRALIA

Mr PAGE

- I desire to ask the Prime Minister - (1) "Whether his attention has been drawn to the statement published in the London Times of 5th July, to the effect that a large number of Russian artisans are expected to shortly arrive in Australia under contract; (2) if so, does he intend to take any steps to prevent the landing of such immigrants ?

Mr BARTON

- To the first part of the honorable member's question, I would reply that my attention has been drawn to the matter by the honorable member. I think the persons mentioned were described as woodcutters.

Mr Page

- No, carpenters.

Mr BARTON

- With regard to the second part of the question, I would point out that care must always be exercised in dealing with matters which may in any sense involve international relations, but the Government will maintain a watchful attitude with respect to any threatened serious influx of undesirable immigrants.

IRRIGATION WORKS

Mr McColl

in asking the Minister for Home Affairs, upon notice -

Whether the attention of the Government has been directed to the disastrous conditions existing in Northern Victoria, Riverina, and part of South Australia, owing to the want of rain, in consequence of which, it is alleged, stock in enormous numbers have perished, ground is untilled, crops are failing, and many settlers are being driven from the land ?

Whether it is a fact that these disastrous conditions can be to a very great extent modified and remedied by a system of works for the utilization of the Murray and other northern rivers ?

Whether the Government will open up communication with the Governments of the States of New South Wales, South Australia, and Victoria, with a view to joint action being taken by the Federal and State Governments to appoint a board of professional men who shall - (a) Inquire as to what information bearing on such a system of works is in possession of the States named.

Obtain such further information as may be required.

Formulate a scheme or schemes for the storage, diversion, and utilization of the waters of the Murray and other rivers, which will remedy, so far as it is possible to be done, the existing disastrous conditions

Whether, upon such scheme or schemes being furnished, the Government will endeavour to bring about united action by the Commonwealth and the States named to have the schemes brought before the several Parliaments, approved and carried out ? said : - I trust the Government will be fully seized of the importance of this matter. During the last six years and seven months we have only had 71 inches of rain in the central northern districts referred to, whilst during the present year up to the first of the current month only 4'42 inches of rain has fallen.

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Minister for Home Affairs

Sir WILLIAM LYNE

- The answer to the honorable member's questions are as follow : -

Only from reports in the daily press, but since the honorable gentleman gave notice of the question, goods rains have fallen over some of the parts referred to.

To some extent these disastrous conditions may be modified by the utilization of the waters of the Murray and other northern rivers.

(a) This can be done by the Home Secretary's department without appointing such a board as the honorable member refers to, and I intend to collect all the information from the States without delay. (b) The information desired under paragraph (a) should, first be obtained, (c) In New South Wales such schemes, as affecting that State, have already been formulated, and I believe, also, to some extent in Victoria. Before promising such a board, it is advisable to obtain all existing information upon the subject. This suggestion will be considered by the Cabinet when all information is obtained. My desire is to do what is possible to extend water conservation and distribution. Still, I desire to point out that this subject can scarcely be definitely dealt with under the present pressure of public business.

COMMERCIAL INTELLIGENCE BUREAUS

Mr KNOX

asked the Prime Minister, upon notice -

. Whether he is aware that the Board of Trade of Great Britain have issued a circular in which they intimate that "an Intelligence Branch of their Commercial Department has been established with a view to meeting the constantly increasing demand for prompt and accurate information on commercial matters"? Whether he is aware that communications have already been received from the Board of Trade seeking certain information ?

Whether he will consider the expediency of appointing a qualified officer to collect such information on behalf of the Government of the Commonwealth, in order that it may be uniform and authoritative ?

Whether, in view of the fact that Commercial Intelligence Bureaus are 'now also established in the United States and in European countries, he will, when the present pressure of parliamentary business is ended, consider the expediency of permanently establishing such a department in the interests of the trade and commerce and the various industries of the Commonwealth ?

Mr BARTON

- The answer to questions 1 and 2 is "Yes." In answer to questions 3 and 4, I wish to say that these matters will receive the consideration for which my honorable friend asks.

UNDESIRABLE IMMIGRANTS IN WESTERN AUSTRALIA

Mr KIRWAN

asked the Prime Minister, upon notice -

Whether his attention has been drawn to statements in the Western Australian press that it is a common practice to import labourers from Italy into that State under contract; also, whether he will see that, pending the passage of the Immigration Restriction Bill, such immigrants shall have applied to them the provisions of that measure?

Mr BARTON

- The answer to the first part of the question is "No." In reply to the second part of the question, I cannot undertake to apply the provisions of a measure not yet passed. If this could be done, it would be unnecessary to pass the Bill. Inquiry will, however, be made.

TELEGRAPHIC AND TELEPHONIC EXTENSION WORK

Mr THOMSON

asked the Prime Minister, upon notice -

Whether he is aware that for want of funds the ordinary extension work of the telegraphic and telephonic branches of the Postal department is suspended ?

Whether he is aware that complaints to this effect are being made in the State Parliaments ?

Whether the Government will take prompt steps to make available the requisite funds, so that the ordinary work of the department may proceed ?

Mr BARTON

- The answers to the honorable member's questions are as follow : -

The work of telegraphic and telephonic construction has been suspended, in some cases, where no loan funds have been available.

I am not aware.

Provision is being made in the Estimates for the current year.

POST AND TELEGRAPH BILL

In Committee(consideration resumed from August 23rd, vide page 4162).

Clause 93-

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

Prescribing the mode of dealing with Postal articles supposed to contain dutiable articles.

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Sir PHILIP FYSH

- I propose to move for a reconsideration of this clause, in order to insert a regulation conferring certain powers, and providing for an extension of the powers contained in clause 25. The purpose of the amendment will be, as far as practicable, to preserve, to individual societies or others, whatever rights they may have in their own States for the transmission of postal matter free. I allude especially to such postal matter as is authorized by some of the States in connexion with elections. The regulation, however, is not yet ready, and therefore, if honorable members have any opinions to express in respect of that matter, I ask them to reserve them for another occasion. The purpose of the regulation will be to embrace all such matters as the separate States - one or many of them - may include in their own legislation. If, therefore, any State has taken upon itself the responsibility of a regulation empowering the transmission through the Postal department of any matter free, the Commonwealth will undertake to deliver such matter, but not to deliver it free because our Inter-State keeping of accounts for five years will prevent that. The Commonwealth will undertake to deliver all such matter to the officer authorized to receive it upon such officer paying, for it. This provision will thus extend the purpose of clause 2-5, as I promised it should be extended when it was before the committee.

Mr PIESSE

- I desire to direct attention to sub-clause (*), which prescribes the mode of dealing with parcels which are supposed to contain dutiable articles. I wish to make it plain that the department - when it examines such parcels, and arrives at what is the customs duty payable upon them - shall undertake the task of delivering those articles to the person to whom they are addressed. I understand that the customs examination may take place at a port, whereas the article may be addressed to some person in the interior of the Commonwealth, who thus might have to employ an agent in the port where the customs duty is assessed to take charge of the article and insure its safe delivery. I think that the Postal department ought to be prepared to facilitate the transmission of all such goods, and ought not to put the addressee to any expense or trouble in securing his-goods after he has paid all proper dues. I therefore move -

That the following words be added to sub-clause (»): - "But so that after the customs-duty payable thereon is assessed, the postal article shall be transmitted and delivered upon payment of the time of delivery of such 'duty, together with any other duties, rates, and fees which may be lawfully payable in respect of such postal article.-"

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Minister (without portfolio)

Sir PHILIP FYSH

- Though I sympathize with the general-, purpose which the honorable member has in view, namely, that the greatest facilities shall be given for the transmission of goods -even though they may be dutiable- - through the Post-office, yet, after consulting with those who are more immediately in charge of this department, I am not able to concur in the view that this is- practicable. It might be practicable under specially disadvantageous circumstances to the department. The present practice is for the article liable to duty to be deposited at an office where there is an officer of the department who is sworn to perform certain duties- under the Customs Act. That officer is therefore directly responsible to the Audit department for the revenue he ' may collect. Every article liable to customs duty when received at the department should have affixed on the outside its value in such a form that it may be fairly assessed. But frequently articles contain no notice of their value on the outside, and it is- necessary for the Customs official to send for the ordinary valuator to assess their value. It is the duty of this Custom-house officer is to account the Audit department for the receipt of this money. But if we are to undertake the delivery of

these articles, the Custom-house officer at the Post-office must collect from the postman the money which he is to receive before he allows him to take charge of the parcel, or else he must make him responsible for bringing back the money. That will apply so far as the city and suburbs are concerned. But let us suppose that we have a parcel addressed to Melbourne which may require to be delivered at Auburn, five or six miles away. Then the parcel must go out of the hands of the Custom-house officer at Melbourne into the possession of a man who is not a Custom-house officer at Auburn, and, as I am informed, the duties of the auditor would be very largely extended if he had to follow it up in various directions. May I point out to my honorable friend that he does not say where this postal article is to be delivered. If it is to be delivered to the addressee, we may have a Customhouse officer, in Melbourne whilst the addressee may be at Sunbury. In such an instance we should have to follow the parcel through various post-offices, and make a record of it at each post-office through, which it passed. The proposed amendment would duplicate the work, which a registered package involves. Altogether the department say that it is a novelty, that they do not know, where such a system is carried out, and that- they hesitate to adopt it. In Tasmania we do not adopt such a system. There a postal article is received at Launceston or Hobart'. At each, of such places there is-a Customs officer. At either of those places a package containing dutiable articles must pay the duty imposed. Is it necessary to involve the department in the heavy additional work which the proposed amendment would throw upon it?

Mr. SALMON (Laanecoorie). - I think that the Minister has entirely failed to catch the true meaning of the proposed amendment. The object which the honorable member for Tasmania., Mr. Piesse, wishes to attain is one which has been very much desired by the public in Victoria. The present condition, and the condition which the Minister apparently desires to perpetuate, is that a man living, in the country who has a parcel which is liable to duty sent to him from outside of the Commonwealth cannot receive that parcel at the address to which it is sent. He must depute a Customs agent, and pay him to see his parcel opened, to effect a settlement with regard to the amount of duty to be paid, and to pay the duty. The honorable member for Tasmania is quite prepared to see that system continued, inconvenient though it has been found to be in the past. He requires, however, that the Post-office should also 'forward a parcel to the address which it bears after duty has been paid. That is a very reasonable amendment to make.

Sir Philip Fysh

- If the honorable member will pardon me, the amendment requires duty to be paid at the time of delivery to the addressee, not prior to delivery.

Mr SALMON

- In any case, the present system is a faulty one, and any amendment of it must be in the direction of facilitating public business. The Minister in charge of the Bill has told us that the great difficulty in regard to this proposal would be the question of audit. If one of the departments concerned remained under-State control, then there might be some objection : but, as both the Customs and Postal departments have been transferred to the Commonwealth, there should be no difficulty in giving this advantage to the public. The Customs department in Melbourne has found it practicable to utilize the services of railway officials in collecting revenue, and why should not postmasters be allowed to do the same ? I fail to see that this would occasion any grave necessity for keeping a mass of records, and I think that the Minister might very well consent to the amendment.

Mr. PIESSE(Tasmania). - I rather regret to find that the Postal department of the Commonwealth is not going to make a move forward. This, is not one of an original character either, for a movement on similar lines, but of far larger extent than that which I propose, has been made by the Postal department in India, which practically undertakes the purchase of certain articles to order. The department presents the order, receives and delivers the goods, collects the purchase money, and forwards it to the retailer of the article. If the Postal department in India can make such extended use of its services, I fail to see why the Commonwealth Post-office should not be able to do as much for the convenience of the public. The amendment will, I am sure, commend itself to those who are desirous of preventing unnecessary inconvenience to those who have parcels sent to them through the post. Fees have to be continually collected by the Postal department, so that the objection that a check on the officers would be necessary, if the amendment were adopted, is one to which we need pay little attention. In using the terms "transmitted and delivered," I have adopted the phraseology used in the Bill to cover all that is necessary in the delivery of a letter to its proper destination. The principle of the amendment is, I think, sufficiently

plain to enable honorable members to vote upon it, leaving the wording to be altered after wards if necessary.

Sir EDWARD BRADDON

- Is it necessary to alter this paragraph? We are here providing that regulations may be made for the discharge of the duties of the Post and Telegraph office within the compass of. the Bill. It is all a matter of regulation, and I think one might very well trust- the Postmaster-General to frame such regulations as will best secure public convenience in: this as in every other matter. It is going, a little too far to declare, under this clause, precisely what regulations are to be made. If we followed that line of conduct to its logical sequence, we should have to frame to its fullest possible extent every possible direction that is proposed to be left to regulation.

Attorney-General

Mr DEAKIN

- As I understand him, the honorable member for Tasmania, Mr. Piesse, does not question the sufficiency of the paragraph, as it stands, . to cover a case of the kind. he has referred to, but he wishes to attach to it a peremptory requirement.

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Mr Piesse

- I wish to secure the accomplishment of that which ought to be done.

Mr. DEAKIN. - The Post-office is loth to undertake this duty. I do not think, however, that this would be regarded as a sufficient objection to the adoption of this proposal, provided that honorable members had. an opportunity of hearing the department's objections, and of considering whether they were of merely temporary cogency or such as should have permanent effect. I was very much struck while in India with the facilities afforded by the Post-office in this very regard, and the immense convenience it had proved in that country. I know of no other country where a similar convenience would be more appreciated than in this, and so far as to the object of the amendment, I am quite in sympathy. But we are providing here for a general regulation which would enable the Post-office to undertake this very duty, or to adopt some other scheme more in accordance with our requirements and gradually to develop. Those are courses which are open to us without this amendment, but which would be shut out under it. If we adopt the amendment we shall be tied down to attain one excellent object, and to attain it directly under a direction of this committee in a matter which is really after all a question of administration. The honorable member will be quite right in taking the Post-office to task if, in its administration, it does not come up to what is required. We should have better reasons before we bind the Post-office to carry out this proposal only. As it stands, the paragraph prescribes a mode of dealing with postal articles supposed to contain dutiable goods. That covers this and a great variety of other circumstances. If the honorable member's words are added, however, then every other method will be shut out. This general power, which is very elastic, will be narrowed and restricted

Mr Piesse

- It is only one condition or qualification.

Mr DEAKIN

- But it goes to the whole paragraph. Might I suggest to the honorable member that this is a matter of administration on which the Postmaster-General can be asked to either make some analogous proposition or submit reasons why he should not do so. If the honorable member will withdraw his amendment, the Minister in charge of the Bill will undertake to lay such a statement before the House. The House, on the Estimates or on any other occasion, has a matter of this kind under its control, and can give instructions which the Post-office must and ought to obey. Thus, if the Postmaster-General's statement is not satisfactory, the House can direct the work to be done. We shall have the advantage of being able to adopt any system that may appear best if we leave the clause as it stands.

Mr Piesse

-Will the Minister promise that this matter will be considered immediately.

Mr DEAKIN

- Yes, certainly.

Mr Piesse

- And that we shall have this statement before the Bill is finally dealt with ?

Mr DEAKIN

- I should think so, but I will not promise an exact date. I do not myself see any reason why we should not have it before them.

Mr Piesse

- On that assurance I will withdraw the amendment, hoping that the Postmaster-General will very seriously consider it. He may want the spur of this House to help him to . undertake such a scheme.

Amendment, by leave, withdrawn.

Mr. THOMSON(North Sydney).Whilst I quite agree 'with the proposal made by the honorable member for Tasmania, I think the course adopted is the better one. We should leave proper up-to-date regulations to be made under this clause by the Postmaster-General, but I feel convinced there is no difficulty whatever in carrying out the proposal. The official objection to it is that it might give a little trouble, and that therefore the Postal department prefers to leave it undone, but there is no practical difficulty in the way.

Mr Deakin

- In India a man can order goods of any kind - clothing, weapons, ammunition, cutlery, lamp glasses, and all sorts of things - through the post and pay for them on delivery.

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Mr THOMSON

- That is a much more difficult matter. There is a very good provision in New South Wales, and I dare say it obtains in other States, under which telegrams are delivered beyond a given radius upon payment of a certain mileage fee. If a rate is fixed for the conveyance of telegrams under a separate Bill from this, that provision may not be taken into account. I would suggest that it might very well be adopted, and also extended to letters, the same mileage rate being paid for the immediate delivery of letters. It would be a great convenience in the case of an urgent letter sent to a postal address at a time when there was no delivery.

Mr Salmon

- It is done in Victoria now.

Mr THOMSON

- The last postal convention arranged that it should be done.

Mr Deakin

- It is a very reasonable thing.

Mr THOMSON

- I wish to ask the Attorney-General whether the clause will cover the making of such a regulation 1

Mr Deakin

- Delivery is quite unrestricted ; there is ample power.

Mr WATSON

- During the discussion on the question of the delivery of taxation notices, returns, and similar documents, called for under either State or Commonwealth law, the Government promised to draft a regulation which would have the effect of providing that any State or Government official might, under certain circumstances, pay postage on delivery without any fine being inflicted.

Mr DEAKIN

- As a matter of fact a clause was drafted, but that would have been an addition, and would have had to come on amongst the other new clauses. On reconsideration, it seemed as well to introduce the provision now. In the first place, I move -

That the following be inserted to stand as subclause (o1) - "For voting by post at elections under the law of the Commonwealth, or that of a State, but in the latter case only at the request of the Governor of the State, and on such terms as the Governor-General prescribes."

This sub-clause applies to voting by post, which is one of the most important of recent developments ; but there will be another sub-clause submitted dealing with the other documents which have been referred to.

Mr Page

- Where does the Minister propose to insert a clause dealing with Government returns relating to friendly societies in the different States ? Will the Minister give an assurance that such documents will be carried ?

Sir PHILIP FYSH

- Those other matters are to be included in a new sub-clause which the Attorney-General is now drafting, and which, it is hoped, will meet all cases now and in the future, making returns called for by law free to the sender but paid for by the receiver. The Commonwealth will get value for the service rendered, and each State will undertake the responsibility with full knowledge.

Amendment agreed to.

Mr DEAKIN

- I move-

That the following be inserted to stand as subclause (o2) : - " Providing for the payment by the receiver or by the Governor of any State, instead of the sender, of the rate payable on any postal article. "

That, I think, is wide enough to cover the whole of the cases which have been referred to. The provision enables a State to make an arrangement with the Postmaster-General to carry without pre-payment any documents specified, and leaves it open to anybody to have the same advantage.

Mr Page

- Will that provision apply after the bookkeeping period ?

Mr DEAKIN

- It will apply both before and after that period.

Mr KNOX

- The State Governments at present require municipalities to send in a great many returns. Do I understand that municipalities will be placed in the same position as the States if the Commonwealth requires the information?

Mr Deakin

- That matter can be dealt with under this sub-clause.

Mr Page

- Will the Attorney-General give an illustration of how the sub-clause will act?

Mr DEAKIN

- In Victoria, for instance, the Government, for the purposes of the Income Tax, require returns from all persons who are in receipt of over £200 a year, and these returns are carried at present without any stamp. That practice will continue, only the State will have to pay the Postmaster-General for the carriage of these returns, the number of which can be easily ascertained. The State will be told that the postage is so much, and a cheque will be sent ; and so in regard to other documents and returns which the States require.

Mr Piesse

- There need not be the same rate of postage charged to State departments as to other persons ?

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Mr DEAKIN

- There is perfect freedom in that matter.

Amendment agreed to.

Such regulations shall, when published in the Gazette, have the force of law.

The production of the Gazette containing a regulation shall be sufficient evidence of the due making of the regulation and that it is still in force.

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

Amendment (lay Sir Malcolm McEaohajin) proposed -

That, after the words "force of law," the words "from a date to be specified in such regulations, but not less than fourteen days from such publication " be inserted.

Sir EDWARD BRADDON (Tasmania). - Would it not be well to substitute the word "obtaining" or "prevailing" for "recognised" in paragraph (q) relating to rates of wages and fair working conditions ?

111-. Deakin. - " Recognised " was inserted by the members of another place, where the point was lengthily debated.

Sir EDWARD BRADDON

- " Prevailing " is a technical term in relation to wages and conditions of labour. The term " recognised " is not sufficiently clear, as the question arises as to how and by whom such rates are to be recognised. The

word " prevailing " would be better.

Mr Deakin. - Perhaps " prevailing " would be a better word, but as the term "recognised " was passed after a long debate, I hesitate to alter it.

Mr CONROY

- This clause gives power to make regulations for the purposes set forth in the various paragraphs, and there is a question as to whether the specified purposes are sufficiently wide to cover all possible contingencies.

Mr DEAKIN

- The two general paragraphs (a) and (p) are sufficiently wide to cover everything that seems necessary.

Mr CONROY

- I would be only too glad to see a large number of postal matters dealt with by regulation, instead of by fixed provision under the Bill. It seems to me that in dealing with a large service such as the Post and Telegraph department, with ramifications extending over the whole of the Commonwealth, we can only lay down the general principles upon which the work shall be carried out. If occasion arises for making a change it is not an easy thing to get an Act altered, whereas regulations can be dealt with in a ready and simple manner, and as they have to be laid before Parliament for approval, an ample safeguard is provided against any improper use being made of the power of regulation reposed in the Executive Government.

Mr. V.L. SOLOMON (South Australia). I quite agree with the honorable member for Werriwa, that the most this House can expect to do with regard to the Post and Telegraph department is to exercise some degree of final control. It is provided in the last paragraph of this clause, that all regulations and alterations shall be laid before both Houses of Parliament within fourteen days after the making thereof. In most of our legislation a certain amount of control is given to Parliament, which is entitled to express its disapproval of some of the regulations, but under this clause it is simply provided that the regulations shall be laid before Parliament, and no provision is made for Parliament dealing with them at all.

Mr Deakin

- Surely Parliament does not need to insert in its own Act provision for its own power to challenge regulations, which are laid before it.

Mr V L SOLOMON

- Some of the machinery Bills which have passed this House contain provisions giving Parliament the power to challenge regulations, and something similar should be inserted in this measure.

Sir Edward Braddon

- Parliament can challenge any regulations and could even turn a Government out on them.

Mr V L SOLOMON

- The right honorable gentleman knows that it would be absolutely impossible for an Opposition, with such a result impending, to deal with regulations to which they might take objection. The fate of a Government should not rest upon a regulation which might be regarded as stupid, but Parliament should have the right to challenge any regulations and to disagree with them irrespective of any party considerations. The House should have the same right given to it under this Bill as is given under the other machinery Bills, and I would ask the Attorney-General to give his attention to the concluding paragraph of the clause, which seems to me to stop short of what is required.

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Mr BRUCE SMITH

- I would direct the attention of the Attorney-General to the apparent contradictions in the last three paragraphs of this clause. The first part of the first paragraph says -

Such regulations shall, when published in the Gazette, have the force of law.

That gives them force from the moment they appear in the Gazette ; but it is now proposed to add some words which will qualify the effect of the first words. Then, in the next paragraph, we are told that the production of a Gazette containing a regulation shall be sufficient evidence of the making of the regulation and of its still being in force. Following that, there is a provision requiring the regulations to be laid on the table of the House. But there is nothing to show that the laying on the table of the House is a necessary preliminary to the regulations having the force of law.

Mr Deakin

- It is not.

Mr. BRUCE SMITH. - Then I would direct attention to the contradictory character of the first part of the paragraph to which the amendment is now to be attached.

Mr ISAACS

- I would ask the Attorney-General to insert the words "if not inconsistent with this Act" after the word "regulations," so as to make the paragraph read -

Such regulations, if not inconsistent with this Act, shall, when published in the Gazette, have the force of law.

Mr Deakin

- Surely that is not necessary?

Mr ISAACS

- I think it is. In a very recent case which was decided by the Privy Council, it was held, if I remember rightly, where similar power was given in somewhat similar words to those now in the clause, that even though the regulations were inconsistent with part of the Act, if it were provided by the Act that they should have the force of law, they would have to be treated as part of the Act, and an effort would have to be made to reconcile the inconsistency, just as if it were an inconsistency between two substantive sections in an Act. I think it is wise to add these words, because we do not wish to give power to make regulations which are inconsistent with the Act.

Mr DEAKIN

- I would direct the honorable and learned member's attention to the opening and closing words of the clause, which provide that the Governor-General may make regulations for the "following purposes." These purposes are set forth, and then we have in one of the concluding paragraphs of the clause "such regulations," meaning the regulations which have been passed for the purposes specified.

Mr Isaacs

- But they may go beyond the expressed purposes of the Act.

Mr DEAKIN

- I should be glad to see the case that the honorable and learned member for Indi has referred to, but see nothing in the clause which would authorize the passing of regulations inconsistent with the 'purposes specifically prescribed in the clause. As one honorable member . has pointed out, the drag-net provisions are more restricted than is customary, but still I think that they will give sufficient authority to make all the regulations necessary to carry out the purposes of the Act. Now we have an opposite criticism to the effect that the power given is not too narrow, but too large.

Mr. CONROY(Werriwa). - I think there is considerable force in the objection raised by the honorable and learned member for Indi, especially in view of such a decision as he has mentioned.

Amendment agreed to. Mr. BATCHELOR (South Australia) It is my impression that when an Act stipulates that regulations are to be laid before Parliament, power is directly given to Parliament to take exception to them.

Mr Deakin

- Not in matters of administration like this.

Clause, as amended, agreed to. Clause 95 - Any person who -

1 Forges, counterfeits, or imitates ; or 2 Causes or procures to be forged, counterfeited, or imitated the stamp, mark, or impression, or any part of the stamp, mark, or impression, of any such die, plate, or other instrument upon any paper, or other substance or material whatever, (c) Knowingly and without lawful excuse (the proof whereof shall be on the person accused).....

Mr. THOMSON(North Sydney). - I would direct the attention of the committee to the wording of sub-clause (c). It says any person who -

Knowingly and without lawful excuse (the proof whereof shall be on the person accused).

That seems to me rather an extraordinary way of putting it. Proof of what? I think it should read " the disproof whereof." To a lay mind this seems an extraordinary way of expressing the matter. .

Mr Deakin

- The insertion of the words "burden of proof" would accomplish all that the honorable member desires.

Amendment (by Mr. Bruce Smith) agreed to -

That, after the word "the," line's, of subclause (c), the words "burden of proof" be inserted.

Mr.-BATCHELOR (South Australia).-

I merely desire to point out that there are two pages of matter here which seem to contain nothing but repetition.

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Mr Deakin

- I agree that there is-a deal of repetition, but we should have to recast the whole of the clause if we attempted to alter it.

Mr. THOMSON(North Sydney). - I would point out that there are some very difficult things which the accused will have to disprove under these regulations. For instance, the clause says " with evil intent, privately or fraudulently., stamps or marks," &c. How 'can an accused person prove that he did not stamp or mark?

Mr DEAKIN

- Honorable members may have much less reluctance in accepting this clause than they would have in ordinary circumstances, because it relates to the postage stamps which are used by the public. If any person to use an Americanism is found " monkeying " with stamps it may be said - unless he is a stamp collector - that he is seeking deliberately to defraud the public for his own gain by committing a forgery which it is very difficult to detect. Consequently, it has been found necessary everywhere in this regard, as in the case of bank notes, to adopt very severe precautions against public robbery. There can be no object in a man having these dies in his possession unless it be to defraud the public, except he be a philatelist. He is either a philatelist or a forger, and the chances are that he is the latter.

Mr. BRUCESMITH (Parkes). - I think that honorable members ought to take notice of the fact that the whole of these provisions involve a complete reversal of the basic principle of our criminal law, which is that a man should be presumed to be innocent until he is found guilty. These sub-clauses, however, are all drawn from the opposite stand-point. I can quite understand that the principle which is here laid down should apply when a man is found using a State seal. In that case, it seems to be perfectly reasonable that the burden of proving a negative should be thrown upon the accused. But there is a strange phrase used, in this clause, namely, " privatelyorfraudulently." What does that mean? " Privately or fraudulently " are not alternative terms.

Mr Deakin

- They are in this case. If people are dabbling in philately and are using these stamps, privately or fraudulently, either will be sufficient. Therefore if a man privately causes to be used any die, plate, or other instrument he must be convicted. It is all covered by the words "with evil intent."

Mr BRUCE SMITH

- It seems to me a tremendous innovation. I have come to place no reliance in marginal notes as to Acts of Parliament from which clauses are said to have been taken, and I therefore must accept the Attorney-General's assurance that he has looked carefully into the matter.

Mr CROUCH

- I would point out that the words " clandestinely and fraudulently " often appear in Acts of Parliament. In the case which the honorable member for Parkes has been referring to the onus of proof is on the prosecution. Only in three of these sub-clauses is the onus of proof thrown upon the accused.

Mr. BRUCESMITH (Parkes).- It has just been pointed out to me that if we are to use the words " burden of proof " the next word " whereof " should be altered to " in relation thereto."

Mr Deakin

- Does the honorable and learned member think that that makes any difference?

Mr BRUCE SMITH

- I do. " Where of" suggests the burden of proof of the affirmative.

Clause, as amended, agreed to.

Clause 99-

Any person who with fraudulent intent - (a) Removes from a postal article sent by post or from a telegram any stamp affixed thereon shall be liable to a penalty not less than One pound nor exceeding Fifty pounds.

Mr BRUCE SMITH

- It seems to me that fraudulent tampering with a postal package should be visited with a penalty more,

severe than a fine of £50, which is all that is imposed under this clause. It amounts to a theft.

Mr Deakin

- Yes, but it does not refer to the opening of a postal package.

Mr BRUCE SMITH

- A man of straw would not be liable to any penalty, under this clause, and I would ask the Minister in charge of the Bill to consider the propriety of an alternative punishment. If it is an offence, a man of no means should be liable to some punishment, just as a man of means would be as the clause stands.

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Mr Piesse

- I would point out that in the Queensland Act there is an alternative penalty of imprisonment, with or without hard labour, for any term not exceeding twelve months.

Mr DEAKIN

- I think that the honorable and learned member for Parkes has called attention to a distinct omission. The clause, as the marginal note shows, purports to be taken from the Queensland Act of 1891 and the Victorian Act of 1897; but whilst the draftsmen have adopted the language of the Queensland Act in regard to the offence, they have omitted an important part of the penalty. I therefore move - That the words "or to imprisonment with or without hard labour for any period not exceeding twelve months" be inserted after the words "Fifty pounds."

That is the provision in the Queensland statute, which has been omitted from the Bill. A reference to the Victorian Act does not explain the omission.

Amendment agreed to.

Clause, as amended, agreed to

Clause 100 (Penalty for falsely sending letters, &c, as exempted).

Mr CROUCH

- Will it not be necessary to make a similar amendment in this clause, and also in clause 98?

Mr DEAKIN

- The Queensland Act is followed out exactly in clause 98, except that the penalty is increased. No imprisonment is provided for in the Queensland Act, nor is there in the Victorian Act any term of imprisonment provided for in regard to the provisions of clause 100.

Mr Crouch

- It would be well to provide that in the event of non-payment of a fine there should be imprisonment.

Mr DEAKIN

- That should be done generally; not in each clause.

Mr. BRUCE SMITH (Parkes). - I do not see why an offence which involves an element of fraud should be accompanied by the penalty of a mere fine. Many people may commit this offence and maybe perhaps more tempted to commit it because they have no means. The clause as drawn simply indicates that such persons would go scot free. The mere fact that no imprisonment is provided for in the Queensland Act is not sufficient for us. We have to consider these matters for ourselves on first principles. I do not know that the Queensland legislation has acquired such an extraordinary reputation that we should consider their Acts conclusive as models when we are dealing with a similar matter.

Mr DEAKIN

- This, like other administrative measures, has been suggested by the department from the various Acts of the

States with which they are familiar. The clause we have now before us appears to be taken verbatim from the Victorian Act, which attaches no other penalty than a fine. The only variation is that the minimum fine is increased from £1 to £2. In neither case is there any other penalty, and there is no general clause which attaches any other penalty. It seems to me that a money penalty is sufficient.

Clause agreed to.

Clause 103 -

Any person who knowingly sends or attempts to send by post any postal article which - encloses an explosive or a dangerous filthy noxious or deleterious substance, or a sharp instrument not properly protected, or a living noxious creature, or any other thing likely to injure other postal articles in course of conveyance, or to injure an officer of the-, department or other person; or

encloses an indecent or obscene print, painting, photograph, lithograph, engraving, book, card, or article ; or (c) has thereon or therein, or on the envelope or cover thereof, any words, marks, or designs of an indecent, obscene, blasphemous, libellous, or grossly offensive character, shall be liable to a penalty not exceeding £100, or to imprisonment, with or without hard labour, for a term not exceeding two years.

Mr CROUCH

- The word " blasphemous," about which we have had so many fights, again occurs in this clause.

Mr Deakin

- But the penalty is only for posting an article which bears something; blasphemous on the outside. We are all agreed that in such cases there should be a penalty.

Mr CROUCH

- The clause provides a . penalty for the posting of a postal article which has thereon or " therein " any words of a blasphemous character. That is really inconsistent with the previous decisions of the committee. We have already decided that . newspapers believed to contain blasphemous matter shall not be stopped on that account. Now we propose to inflict a fine on the sender of any postal article in or upon which blasphemous matter appears.

Sir Philip Fysh

- The clause is quite consistent with what we have done under clause 192 in regard to telegrams.

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Mr CROUCH

- The clause provides: that if a person posts a newspaper in which anything of a blasphemous character appears, that person shall be liable to a penalty not exceeding £ 1 00 or to two years' imprisonment, although we have decided that the newspaper itself shall not be stopped. The committee cannot stultify itself in this way. I move -

That the word "blasphemous" in paragraph
be omitted.

We were told by the Prime Minister the other day that, according to Coleridge's definition, no blasphemy is blasphemy unless it is offensive, and therefore the word "offensive" in this clause covers such matters.

Sir EDWARD BRADDON

- I am glad to say that I succeeded in having the word " blasphemous " struck out of two or three previous clauses of the Bill. My object then, however, was to take away from the Postmaster-General, Deputy Postmaster-General, or any subordinate in the Postal department, the impossible function of determining what is blasphemy. Under this clause the question will not be left to anybody of that sort, but will, I presume, be decided by a Supreme Court Judge, who will, be able to determine in the fairest possible way what is blasphemy in its legal sense, and punishable, as such. I merely wish to say that my action is consistent, if I do not object to the word " blasphemous " here.

Mr. Conroy. - How does the Attorney-General propose to enable the Postmaster-General to discover when anything is blasphemous, indecent, or obscene ? Will it not be necessary for the Postmaster-General to open letters in order to ascertain that?

Mr DEAKIN

- Under this clause the matter is left entirely to judicial decision. Any man who may see anything in a postal article which he deems to be blasphemous, indecent, or obscene may give information, and have the question decided by a Judge. There is no authority given to open anything under this clause, which only provides that a person who does a certain thing shall, as a matter of judicial decision, be punished.

Mr BRUCE SMITH

- Under this clause, the offence will depend on the interpretation of a magistrate.

Mr Crouch

- Two justices of the peace in Victoria.

Mr BRUCE SMITH

- There need not be a paid or experienced magistrate on the bench. Under the clause, two particularly narrow-minded justices might consider that an artistic photograph brought, say, from the Paris Exhibition, came under the provision, and could imprison a person for two years. There is being introduced into the Bill an offence which, after -all, is a matter of interpretation. What one may deem an indecent picture, may be a perfectly harmless and artistic production in the opinion of another ; and yet such a question is to be

left to two justices of 'the peace. There are many highly respectable justices, but there are also some very narrow-minded men amongst them, -with no judicial experience whatever. A highly respectable citizen might be put into a false position by the operation of such a clause as this.

Mr V L SOLOMON

- Sub-clause (c) contains the words " thereon or therein." Do those words mean that the Postmaster-General, or any other officer, is to have the right to seek by opening letters or packets, for anything that may be grossly offensive to somebody else?

Sir Philip Fysh

- If the receiver of a sealed letter discovered therein anything which came within this provision, he could proceed against the sender.

Mr.V. L. SOLOMON.- This clause goes a great deal further than is necessary under any Postal Act. As I read it, any person who receives a letter which he regards as grossly offensive, can proceed under the clause, whereas all that should be considered by the Post-office, should be that which can be seen by the official who handles the postal matter or the postman who delivers it. The words " therein " and " grossly offensive " should be struck out.

Mr DEAKIN

- The honorable member has somewhat misapprehended one or two of my remarks ; but perhaps he will be satisfied when I say that provision will be made later on, that an offence of any nature under this Act Short of an indictable offence, shall be dealt with by a stipendiary magistrate instead of by an ordinary bench of magistrates. That will give a wholesome guarantee to the individual charged that he will not be subject to the caprice and want of knowledge of a casual bench.

Mr V L SOLOMON

- That proposal will not be consistent with what we have already done. We should, I think, strike out the words "blasphemous, libellous, or grossly offensive."

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Mr THOMSON

- The amendment of the honorable and learned member for Corio would be inconsistent with the decision the committee have already arrived at after a division. We decided in clause '92 that any postmaster should have power to refuse to receive or transmit a telegram containing blasphemous matter; and, therefore, we cannot consistently omit "blasphemous" now. There is something in what the honorable member for South Australia, Mr. V. L. Solomon, says as to the word " therein," but that is another matter.

Mr TUDOR

- I would suggest that the amendment be withdrawn temporarily, and that the honorable member for South Australia move that the word " therein " be omitted. If the clause be left as it is it will not carry out the -intent of the committee, who have already decided to omit the words " blasphemous indecent or libellous " from other clauses.

Mr Deakin

- The words were struck out from those other clauses, because the matter was therein left to the decision of the Postmaster-General. In this clause the decision is left to the Supreme Court.

Amendment, by leave, withdrawn.

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

That the words "or therein " in paragraph (c) be omitted.

These words seem to give power, by inference at any rate, to open any letters, packets, or newspapers. Supposing that a letter contained anything that was objectionable, the letter would have to be opened to enable the postal authorities to ascertain whether it would come within the provisions of this clause. It is perfectly reasonable that we should stop from passing through the post any packet containing on the outer cover anything offensive, but the same objection does not apply to a letter, the contents of which are closed up and concealed from observation.

Mr PIESSE

- The honorable member for South Australia, in order to be consistent, should have moved to strike out the words in paragraph (b), making it an offence to enclose an indecent or obscene print or other document. If there is anything in the argument of the honorable member, it would apply to these words. The clause, however, is intended for the protection of those who may be offended by the means

indicated, and the provision made is a proper one.

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Mr DEAKIN

- I would like to point out that the question at issue now is entirely different from that which we have already settled. The question previously submitted to us was whether the Postmaster-General or his officers should be entitled to stop newspapers if, in their opinion, they contained anything that was blasphemous or seditious, and as the right honorable member, Sir Edward Braddon, pointed out, the committee rejected this proposal, because they doubted the ability or the impartiality of the Postmaster-General or his officers, who would have to determine such delicate questions. This provision has nothing whatever to do with the sending of newspapers through the post, as far as the Postmaster-General or his officers are concerned, but it provides a penalty for offences for the carrying out of which the Post-office may be made the vehicle. It is provided that those who send filthy or noxious compounds, or filthy or offensive statements, through the post- whether, in the case of the statements, they are on the inside or the outside of the packets - shall be liable to be punished. If the committee are going to adopt the proposal now made by the honorable member for South Australia, it will amount to this : that, provided a person puts anything objectionable into an envelope so as to cover it up from view of the Post-office officials, he can make the Post-office the vehicle for conveying any filthy or obnoxious matter or statement, and will not be held liable to any punishment. Under the Queensland Act, the offences mentioned in this clause are marked down as misdemeanours, and are punishable as such, and I trust that, although the committee have decided to restrict the power of the postal officials with regard to newspapers, they will not prevent the just punishment by a judicial tribunal of those who may try to make the Post-office the vehicle of their malice or vindictiveness.

Amendment negatived.

Mr. CROUCH(Corio).- I move-

That the word " blasphemous " in paragraph (c) be omitted.

I am quite in accord with the Attorney-General in what he has just said as to not allowing the Post-office being made a vehicle for carrying obnoxious or filthy documents, but I think it is absurd for us to allow newspapers to go through without any restriction as to blasphemy, and yet to pass- a clause of this kind which would enable any person who might receive a letter or newspaper containing what he considered to be a blasphemous expression to call upon the Post-office officials to prosecute the sender. I hope we shall never hear of a charge of blasphemy being brought against any person again. If we provide that the use of a blasphemous, or so-called blasphemous, expression shall be regarded as a crime, we shall revive the charge under which thousands of good men have suffered death for their convictions.

Question - That the words proposed to be omitted stand part of the clause - put.

The committee divided -

Ayes 30

Noes 22

Majority 8

Question so resolved in the affirmative.

Amendment negatived.

Clause agreed to.

Clause 104-

Any postmaster or other person not being an officer employed in the department, or any master of a vessel or other person employed or authorized by or under any postmaster to receive, sort, carry, or deliver any mail or any postal article sent by post or otherwise who shall offend against or wilfully neglect or omit to comply with any of the regulations to be made as in this Act mentioned, or with any of the provisions of this Act (for breach or neglect of which no other punishment is hereby provided), shall be liable to a penalty not exceeding Twenty-five -pounds.

Mr THOMSON

- I would point out that the words "not being an officer employed in the department " are unnecessary.

Mr Deakin

- This clause is intended to show that officers are not to be hit under this clause as well as under other clauses.

Mr THOMSON

- I ask the Attorney-General to make the matter quite clear.

Mr BRUCE SMITH

- When I first read this clause, it seemed to me that it was intended to cover everybody, irrespective of whether they were inside the department or outside of it.

Mr Deakin

- It is taken from the New South Wales Act.

Mr BRUCE SMITH

- Surely this Bill is not merely one of paste and scissors?

Mr Deakin

- It is very much paste and scissors. As the honorable and learned member knows, even a bad clause the working of which has been tested is preferable to a new clause which has not been tested.

Mr BRUCE SMITH

- I invite honorable members to read the clause, and to say whether it is not susceptible of two or three meanings. It is sufficiently comprehensive to include everybody in the department and everybody outside of it. If that is intended, the shortest way in which to express it would be to say "any person."

Mr. THOMSON(North Sydney).- This clause does not exclude officers from penalties, although if it is intended to do so, the reason advanced by the Attorney-General that it is necessary to specially exclude officers is not a valid one, because the words "for breach or neglect of which no other punishment is hereby provided " are specifically used.

Mr CONROY

- I would suggest the striking out of the words "or other person not being an officer employed in the department, or any master of a vessel." The omission of these words would, I think, make the clause very much clearer.

Mr ISAACS

- I do not understand the clause in its present form. First of all any postmaster is made liable, then any other person not being employed. in the department is made liable, but no person other than the postmaster in the department is made liable. It occurs to me that the word " not " in line 1 should ' be omitted. We should then have sense and consistency.

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Mr DEAKIN

- The attraction of this clause seems to have been that it had operated in New South Wales for 30 years. I think that we might safely follow the language of the Victorian Act, and I therefore move -
That the words " person not being an," line 1, be omitted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 106 -

Any driver of a vehicle used for the conveyance of mails, and any guard or other person in charge of a mail, whether conveyed by a vehicle or on horseback or on foot, who -

loiters on the road ; or

wilfully mis-spends or loses time ; or

is under the influence of intoxicating liquor ; or

does not in all possible cases convey the mail at the speed fixed by the Postmaster-General for the conveyance thereof, unless prevented by the weather or the bad state of the roads or an accident, the proof whereof shall be on the person charged, shall be liable to a penalty not exceeding Ten pounds.

Mr SALMON

- I really fail to see the necessity for this clause at all. The postal authorities enter into contracts with certain persons for the carriage of mails. Apparently they are not satisfied with the penalties provided in those contracts for loss of time, because they want to go past the. contractor and to impose penalties upon his employes. That is an improper thing for us to attempt. I feel certain that the Minister in charge of this Bill could not have given consideration to this clause, otherwise it would have been eliminated. For instance, if the mail driver loiters upon the road he is to be subject to a penalty of £10. "What right have we to interfere with the driver when the contractor is liable? Then, again, provision is made that any

person in charge of a mail who is under the influence of intoxicating liquor's shall be liable to a penalty of £10. Surely that is the business of the contractor?

Mr Deakin

- It is in the Victorian statute and in nearly every other Postal Act.

Mr SALMON

- I was not responsible for its appearance in the Victorian Act, and I think it is not only absolutely unnecessary, but improper. If the State employed its own vehicles for the performance of this work it would perhaps be worth while to provide a penalty in the case of a man losing time on the road ; but to think of bringing pressure to bear in this way upon employes under a contract is unworthy of the committee. The railway services of the different States have not yet been handed over to the Commonwealth, and it should be borne in mind that under this clause the driver of a railway engine would be liable to a penalty of £10 for losing time on the road. I hope the Minister in charge of the Bill will agree to the deletion of the clause.

Mr CONROY

- This is another instance of Parliament unfortunately trying to deal with subjects which should be matter for regulation. Fancy a Parliament like this solemnly passing a measure by which a driver of a vehicle is to be liable to a penalty of £10 for loitering with mails on the road. Out of the 150 clauses in the Bill at least 90 deal with matters for regulations only. Acts emanating from this House, at all events, should lay down great principles. They should do nothing more. Parliament is not here to manage affairs; it is here to control their management, and by putting provisions like this into a Bill we are simply wasting time and making a farce of the Legislature. No doubt there will be a discussion whether, under this clause, the driver of a vehicle for the conveyance of mails can be fined £10 for drunkenness, when under ordinary circumstances a man can only be fined £2. Surely it would be far better to withdraw the clause. We have already had a discussion on another Bill upon the question of whether a boy should retire from the service at sixteen or eighteen years of age, and we have had a long discussion upon the question whether one or two officials should be in the room at the time that certain articles are being opened. One wonders what sort of people they are who suggest such provisions. I think they should be embalmed, for they must be men who believe that all legislative wisdom is in themselves. Much as I blame the Ministry, I believe that if they had had time to go through the Bill carefully they would have struck out one-half of the clauses.

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Mr DEAKIN

- This clause is here, like many others, because the department insists that in remote country districts they have found the provision extremely useful. They have to deal with cases in which the contractor is scores or hundreds of miles away, necessarily, from the scene of his operations, and where he is able to use this provision as a little incitement to his men to push on with

the work, pointing out that they must not indulge in any of the vagaries which are forbidden. It is therefore of use in the remote parts of, Queensland and New South Wales, and was pressed for, apparently, because every State has a similar requirement. The honorable member for Werriwa, like another Daniel come to judgment, disdains the idea that the time of Parliament should be taken up with the consideration of matters of this kind, when the Parliament of his own State has passed a similar provision. The Parliament of Queensland, and that body never to be alluded to except with bated breath, the Parliament of Victoria, have also passed a similar clause. "When half-a-dozen Parliaments of the States have thought it not only necessary to pass, but to retain such a provision, there is something to support the argument that although the clause may seem useless so far as the conveyance of mails in cities and large towns is concerned it is of some advantage in remote districts. If the committee strike out the clause they will strike it out with the knowledge that the officials of the Post-office, by whom we have to be guided in such matters, think it is necessary, and that the State Parliaments have enacted a like provision.

Mr WATSON

- I trust that the Minister in charge of the Bill will drop this clause. I know, that it has been made the means of petty persecution. The State is already guarded, under its contracts, against any lapses on the part of contractors or their employes. In cases of petty spite the provision has been used by people going to the Post-office and making complaints when there was really no occasion for them. It frequently

happens that a driver has to delay a little in some parts of the road, but on the whole he completes his journey within the specified time. I feel certain that the service can go on without this clause, and that, by its absence, a number of men who have a lot of difficulties to put up with will be relieved.

Mr HENRY WILLIS

- I am certainly in favour, of the retention of this clause, and I am somewhat surprised that the honorable and learned member for Werriwa who is acquainted, with the system of carrying mails in the country, should oppose it. I have seen a great deal of the country, and I know that boys who carry mails over very long distances do loiter along the road.

Mr Watson

- Boys? Only men carry mails now..

Mr HENRY WILLIS

- The honorable member does not know the country as well as I do. I am speaking of the Burragorang district, where the mails have to be carried over long distances. In other cases, I have known drivers of vehicles for the conveyance of mails to be intoxicated. There is always a danger of postal parcels being lost while the men are in that condition, because it is the custom in the country to deliver letters along the road. As to the point raised by the honorable member for Laanecoorie, he will find that under the railway regulations the driver of an engine has to give an account for loss of time on the road.

Mr Salmon

- But not to the Postal department. He gives it to the Railway department, which is the contractor.

Mr HENRY WILLIS

- The reasons I have given should carry some weight. I have lost letters containing money, and I have found letters on the road. It is drunkenness and loitering on the part of drivers of mail carts that lead to the loss of postal articles in this way.

Mr. CONROY(Werriwa). - I do not understand why the Minister in charge of the Bill has submitted such a clause as this. The whole clause should be negatived, but if the Government chose to do so, they might insert a provision that persons employed in the conveyance of mails shall use all due diligence and care. A number of these provisions which were taken from State Acts were passed many years ago, but I contend that we only want to lay down general principles.

Clause agreed to.

Clause 109 (Delivering to wrong persons).

Sir MALCOLM McEACHARN

- I think this is rather a sweeping provision. If a telegraph boy delivers a telegram to any one but the person to whom it is addressed or to his authorized agent, he may be liable to a penalty not exceeding £50. How is he to know that the authorized agent may be a clerk in the office? The telegraph boy may have to deliver the message to the principal every time.

Mr Deakin

- This only covers a case, of wilful delivery to the wrong person.

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Sir MALCOLM McEACHARN

- I cannot find anything like it in the Victorian Act. It should be struck out.

Mr BRUCE SMITH

- I quite agree with the honorable member for Melbourne. The word " wilfully " only means knowingly, and a letter-carrier who delivers a postal article to any person other than the person to whom it is addressed is liable to six months imprisonment - a greater punishment than that given to the drunken man carrying mails on the road.

Mr Deakin

- The offence is a misdemeanour in Queensland, under a precisely similar provision.

Mr BRUCE SMITH

- We ought to consider these clauses on their merits. The drunken man, with the mails can be fined only £10, with no alternative, whereas an unfortunate telegraph boy who offends under this clause has to pay £50, or go to gaol for six months.

Clause agreed to.

Clause 116 (Injuring or destroying letterboxes) -

Mr THOMSON

- I move -

That between the words " wilfully " and "injures" the words "tampers with" be inserted.

A letter-box may not be injured or destroyed, but there have been cases when, it has been impossible to insert letters owing to boxes having been tampered with.

Amendment agreed to.

Clause, as amended, agreed to.

Clause . 120 (Forging or uttering telegrams).

Mr. CONROY(Werriwa).- This is a matter for a Criminal Act, and not for a Postal Bill.

Mr Deakin

- It is in all other Postal Acts.

Mr CONROY

- I enter my protest here, and in three or four years' time everybody will see that my contention is right - even the Ministry will see it.

Clause agreed to.

Clause 123 (Penalty for violation of secrecy).

Mr.' CONROY (Werriwa).- In addition to liability to a penalty of £100, an. offender may be imprisoned for two years with hard labour. While this, is an offence, I doubt whether it is so serious an offence as to merit such punishment.

Mr Deakin

- It might be a telegram involving most important commercial or other considerations.

Clause agreed to.

Clause 124-

Except as provided in section 78 any person who without the authority of the Postmaster-General (the proof of which authority shall be on the person charged) sets up maintains or uses in or on any Crown lands or in or on any public road street or highway any telegraph line or wilfully uses any telegraph line set up before or after the commencement of this Act and neglects to comply with any notice from the Postmaster-General or a Deputy Postmaster-General to pay such charges (if any) in respect of the line as may from, time to time be fixed by the Governor-General shall be liable to a penalty not exceeding £5 for every day during which any such line is or continues to be so set up maintained or used contrary to the provisions of this Act.

Mr CONROY

- This ought to be a matter of regulation, because then the territory could be split up into districts, and each district dealt with in accordance with its wants and requirements. At present it is no use applying to the Postmaster-General for anything, his answer being that he has no authority to carry out any of the work suggested. We have taken away all authority from the various State Postmasters-General, and yet we are not in a position to do anything ourselves, merely because of the inability of the Ministry to grasp the position.

Mr PIESSE

- I move-

That after the word "Governor-General," line 13, the following words be inserted: - "such charges not being in excess of what the person sought to be charged may be liable to pay under any existing contract with the department."

There might be power to increase any rent by regulation, although that rent had been fixed by contract ; and if there be that possibility, it should be guarded against.

Mr. CONROY(Werriwa).- This clause is altogether too severe. I presume that if a person in erecting lines on his own land crossed Crown lands, he would be liable? In one case I know of, the people would have constructed everything- themselves, but the department would give them no satisfaction. I suppose that under this clause such- people will be punishable.

Mr Deakin

- We have protected these cases already. This clause deals with unauthorized lines.

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Mr WATSON

- The amendment ought not to be passed without consideration. I take it that, under the amendment, a man who had a contract allowing him to use 20 miles of line, and who wanted an additional 10 miles, might be able to get that extra mileage -without the Postmaster being able to make any extra charge. If the Eastern Extension Telegraph Company, who now have permission under contract to put up private lines in New South Wales, and, I believe, in one or two of the other States, wanted, a few years hence, to extend their lines, we might be bound, under the amendment, to let them have that extension under the same conditions, in the total, as laid down in their existing contracts. I think it will be as well to leave the clause so that every fresh contract may be the subject of an arrangement between the Postmaster-General and the person desiring to make it. Amendment negatived.

Clause agreed to.

Clause 126 (Injuries to Telegraphs).

Mr PIESSE

- I propose to verbally amend this clause, so as to apply the words "unlawfully or maliciously" at the commencement of the clause to the whole of the paragraphs, and strike out those words where they afterwards appear.

Mr PAGE

- I would point out that a man may quite unintentionally knock down a telegraph pole or something of that sort, and that if the words are retained in their present form, "unlawfully or maliciously," he would be liable to be prosecuted for an indictable offence. The word "and" should be substituted for "or." There have been cases in Queensland where a teamster has knocked down a telegraph pole by accident, and has been arrested by an officious policeman, and put to a great deal of inconvenience, owing to his waggon and team and load being left on the road without any protection, and I desire to prevent anything of that kind being repeated.

Mr WATSON

- There is a good deal of force in the honorable member's objection, because a man who unintentionally knocked down a telegraph pole would be liable to a prosecution, as his act would technically be an unlawful one, and I think the words should read "unlawfully and maliciously."

Mr ISAACS

- In addition to what has been said by the honorable member for Maranoa, I would point out the danger of making an indictable offence of a merely unlawful act. According to the way in which the clause is now worded, an act may be unlawful without being malicious, or malicious without being unlawful. If an act is unlawful, what does it matter whether it is malicious or not? I think that this furnishes an additional reason for adopting the suggestion of the honorable member for Maranoa.

Mr DEAKIN

- I do not think the two words are to be read in the exclusive sense suggested by the honorable and learned member for Indi, but that the object is to relieve the department of the necessity of proving malice, and simply to require them to prove intention. A thing may be done deliberately but not maliciously, and a negligent act would not be a malicious act, but the word "unlawfully" would very probably cover cases of that kind. The difficulty we are faced with in all these clauses is that they may be looked at from extreme points. "We may look at the accidental breaking of an instrument which would merit no punishment, but on the other hand the damage to an instrument might be the result of a deliberate wicked desire for gain. I confess that I do not like the antithesis suggested by the honorable and learned member for Indi, and I will endeavour to find a new phrase, which will give protection against the more serious offences, and omit the lighter ones.

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Mr THOMSON

- The latter part of this clause provides that any man found guilty of the offences set forth in the clause, which include the interruption or impeding the use of any line, or the transmission of any message, shall be liable to imprisonment with or without hard labour for any term not exceeding three years. No option of a fine is given, and I think the provision as it stands is very unreasonable. A messenger carrying a telegraphic message might be obstructed in some way only technically malicious, and yet the person obstructing him would be liable under this clause to imprisonment for three years. We have made provision in another part of the Bill that any person who obstructs an officer in the execution of his duty,

shall be liable to a fine not exceeding £10, and I think that a fine, especially if the limit is fixed at a high amount, would be quite sufficient to meet all the necessities under this clause. At any rate the option should be given to the courts to inflict a fine.

Mr. PIESSE(Tasmania).- In the Queensland Act power is given to the courts to consider whether it is expedient in the interests of justice that a man should be prosecuted for an indictable offence, or be allowed to plead summarily.

Mr Deakin

- That is the alternative I propose to provide for.

Clause verbally amended, and agreed to.

Clause 136 -

An electric authority shall not construct any electric line or do any other work for the generation use or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected.

Sir LANGDON BONYTHON

- I move -

That the words "of the Postmaster-General" be omitted.

It seems to me that the omission of these words will not in any way weaken the clause, and that the amendment will operate fairly to companies which construct lines with the authority of the Government.

Mr THOMSON

- I regard this as a very serious provision. Indeed the effect of its operation would be to stop the extension of the electric tramway service of Sydney and other cities. We cannot extend that system under the present conditions without affecting the telephone service, and the fault is largely the fault of the Post-office in that it has not the metallic circuit. Yet this clause provides for the imposition of penalties, although it is recognised that the postal department has not the metallic circuit and consequently cannot be properly protected.

Mr Deakin

- Are the public telegraph lines not to be protected?

Mr THOMSON

- But the telegraph service without the metallic circuit must be affected by the construction of the electric tramways, and to a lesser extent by the construction of electric lighting mains. Is the fact that this service has not and will not have for a good many years the metallic circuit to prevent the extension of the electric tramway system? If not, this clause becomes a dead letter, and we should not pass a dead letter which will give to some obstructive Postmaster-General the power if he chooses to enforce it. 'It is quite as important that the people should have electric trams- as that, they should have the electric telegraph.

Mr ISAACS

- There is a great deal in what has been said by the honorable member for North Sydney. I think that a line should be distinctly drawn between the cases of electric tramways which have been authorized in the past and those of similar bodies applying to Parliament for like powers in the future. Even sub-clause (3) of clause 142 will not meet the case. We ought to provide that electric tramways which are already authorized, and which have constructed works under an existing law, ought not to be made subject to the prohibition contained in this Bill so long as they are using all reasonable and known precautions to avoid injuring the telegraph lines.

Mr FOWLER

- I should like to add my protest to what the honorable member for North Sydney has already said in connexion with this matter. I have received a very strongly worded protest from the town council of Perth in regard to the operation of this clause, which I can conceive will, if allowed to stand, do a great deal of injury to the development of my electorate. We have a very up-to-date electric tramway system there. We are extending it into various suburbs, and it is proving of immense advantage to the whole electorate, and indirectly to the whole of the State. The Tramway Company use every reasonable precaution, and I cannot see why such electric companies should be penalized, simply because the postal authorities neglect to adopt necessary measures to prevent their service from being injured. The Postal department has the remedy in its own hands. This matter ought to receive very careful consideration at the hands of the Minister before he decides upon a course that will inflict very decided hardship upon electric lighting

and tramway companies.

Sir PHILIP FYSH

- Honorable members are fully aware of the large amount of attention which has been given elsewhere to this clause. The amendments which have been suggested and the letters which the Postmaster-General received from the various electrical authorities, both for lighting and traction purposes, whether from Brisbane, New South Wales, or Tasmania, have been, as far as practicable, dealt with in another place. Provision has been made for respecting the rights of existing companies.

Mr Isaacs

- No.

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Sir PHILIP FYSH

- That is the intention. It will be observed that where great power is expended by an electric lighting or tramway company in close contiguity with the telegraph lines the Postmaster-General may decide upon the removal either of the wires of the company or of his own wires. But if he insists upon the removal of the existing lines of companies, it must be done at the expense of the Postal department: We have not operating in this Commonwealth the powers conferred under the Electric Lighting and Power Act of London, which are exercised by a Board of Trade. We have not any general Board of Trade which can issue regulations under which a tramway or lighting company may erect and carry on its works. We want, therefore, some power in the State, and the Government think that the power to protect the rights of the people should rest with the Postmaster-General as the representative of the people. If it be necessary from time to time to extend the existing lines of tramway or of lighting, and if those lines have been first in the field, I do not think that there will be any great difficulties. But if the telegraph line has been established first, then, owing to the enormous power which must pass along electric tramway lines, the latter must keep out of the way.

Mr Watson

- Why not have an Arbitration Board to settle the dispute between them ?

Sir PHILIP FYSH

- Why not give to the Postmaster-General the power to deal with this matter on behalf of the people ? Seeing that for a very long time we cannot establish the metallic circuit except at enormous expense, why should the Government, after having been first in the field, have to incur a huge outlay in order that some tramway or lighting company shall be benefited ? If it be necessary to run the telegraph wires down a back street, then let it be done at the expense of the company which is going to monopolize a road that ought to belong to the public.

Mr WILKS

- In many places the municipalities control and own the tram lines, and the argument is that the municipalities have the first call upon and should have the first use of their roads. What I fear is, however, that electric lighting and tramway authorities will be very much restricted, not only in regard to the running of electric trams, but also in relation to electric lighting, if the provisions of this clause be carried out in their entirety. I would therefore ask the Minister in charge of the Bill to try and modify these powers. The tendency is for these electric lighting and tramway undertakings to be under the control either of the Government or of the municipalities, and the power of the latter is paramount to that of the Government. I should like to see the Postmaster-General modify the clause, and not make it restrictive against such authority.

Mr SPENCE

- I think this provision is wise so far as it relates to private companies. There is one matter, however, to which attention has not yet been drawn in the discussion on this clause. In Sydney the falling of telephone wires on the electric tramway lines is a source of great danger. Many of the wires used by the department break and fall upon the electric tram wires. Recently the department's cable house was set on fire owing to a telegraph wire falling on the overhead tram cable, and, in another case a cab-horse was killed in the same way. The telephone and telegraph wires must be carried through the main streets, and the telephone wires must cross the electric tram lines. In Sydney the tramway system is part of the Railway department. We cannot have a divided authority, and as some of the States do control the erection of electric tram wires, altogether separate from private companies this matter should receive attention.

Some provision should be made for determining the conflicting interests of the parties. It is manifestly unfair to confine the whole authority to the Postmaster-General and to enable him to say to a State or municipality - " You must erect your tramway system, or put up your wires, in a certain way." Some provision should be made in such a measure as. this to enable the matter to be dealt with either by arbitration or by other means.

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Mr E SOLOMON

- I quite agree with the last speaker so far as private companies are concerned. The absence of a provision dealing with matters such as this, and making private companies correct the mischief they do to the telephone system, recently cost the Western Australian Government between £7,000 and £8,000. At the same time I would be sorry to see the full powers proposed by the clause given to the Postmaster-General. I think it is highly necessary that the whole of the people of the Commonwealth should be protected against any expenditure for the benefit of a private company in connexion with the extension of the tramways system ; but that extension is very desirable, and I should not like to see it restricted.

Mr. THOMSON(North Sydney).- The remarks of the honorable Minister in charge of the Bill do not really touch the question. It was not in connexion with private companies that I raised this point, but rather in relation to Government and municipal electric works. If private companies have these powers under an existing Act, then they are protected by clause 142. But a company not yet in operation has no such power under any existing Act. In such cases it is quite competent to deal with them, and their interference with any telephone or telegraph line, when they are given the power. That, however, is not the question. The question affects' the municipal or governmental, service. Is it not an astonishing thing that the Minister in charge of the Bill should argue- - "Why should not the Government have power to go into these streets which are their own property ; do what they choose with their telegraph and telephone lines-, and compel others to submit to their decision"? These streets are not the property of the Federal Government. They are the property of the States, and under the States the property of the municipal bodies that have been given control of them. It is on the assumption that we should be all powerful in these matters that this clause has been framed. The Government of New South Wales owns all the trams in Sydney and in several other cities. They have adopted the electric system, which is the most advanced, and which will no doubt be universally adopted eventually. The telegraph, and telephone wires are extended along and across all the streets of Sydney and suburbs, so that there is no street along which a tram could be put without affecting them. The tramway system must come into close proximity with these wires, because they are running throughout the city and suburbs.

Mr Wilks

- They are now running the telephone wires underground. .

Mr THOMSON

- In some cases, but not in all. We say that an electrical authority shall not construct any electric line or do any other work for the generation, use, or supply of electricity whereby any telegraph line of the Postmaster-General is or may be injuriously affected*

Mr Salmon

- And the next clause gives a far worse definition.

Mr THOMSON

- Yes. That definition states that "injuriously affected" means affected in. any manner. If the people intended that the Federal Government should have such a power over all these services they would have provided under the Constitution Act for the transfer of them to the Commonwealth. They did not do so : they simply handed over the one service, and I venture to think there is not such a provision in any other Postal Act so stringent as this. Although the State authorities conduct telegraph and telephone departments, in the States, there is no such stringent and unworkable provision. This clause would affect the Government of New South Wales, and probably the Governments of some other States, so far as the running of electric trams are concerned. All extensions of electric tram lines would be absolutely blocked by it. It would also affect the municipal council of a city like Sydney, which is now undertaking the lighting of the city by electricity. They would be told - "They axe your roads, but we, the Federal Government, order you off, you shall not go on to any street in the city or suburbs on which our lines are extended."

Surely the committee would never pass such a clause. I would urge the Minister to hold back the clause for reconsideration. Failing that it should be rejected.

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Mr WATSON

- I hope the Government will see the wisdom of reconsidering this clause, and ascertaining whether it is not possible to erect some proper tribunal as between the Post-office and the State or other authorities which may desire to extend their electric systems. I am quite in sympathy with the idea with which this clause is put forward, namely, that the Post-office should not be put to enormous expense in regard to metallic returns, simply because some one comes along and erects an overhead or underground system of electric traction wires contiguous to the department's works. The principle underlying it, that no one acting in that way should do so without contributing something to repair any damage done to the already existing lines of the Postmaster-General, is a very proper one. The fact that we have not had anything of a like character in our various State Acts is due to the primary reason that the developments of electric traction are so recent that there has been little time to have special legislation on the subject. In the old land there exists the Board of Trade to act as arbitrator between the conflicting interests of the companies and municipalities who engage in these works, and in view of that fact I think that some body should be set up which will measure the disadvantages suffered by the Postmaster-General or the municipalities, as the case may be, and arrive at an equitable decision. I do not want to vote against this clause, although I do not like it in its present shape. If the Government can see their way clear either to postpone it or promise recommitment a little later on, so that they may consider whether the course I have suggested should not be adopted, I think that will meet the point fairly well. The Attorney-General shakes his head at the idea of any one outside the Commonwealth having any claims as against the Commonwealth.

Mr Deakin

-No; having equal powers. All the people, against a portion of the people.

Mr WATSON

- If the whole of the people are to prevent development on the part of a section of the people, then that section may have very large claims at equity. The city of Sydney, and towns which desire to adopt the electric lighting or tram system, may have good ground for complaint if their claims are not submitted to a third party. I really think the Postmaster-General and his officers are likely to be prejudiced in these matters. They look, very naturally, to their own department first of all, and very secondarily to the interests of other parties, whether represented by a municipality or a private company. I therefore think that there ought to be a court set up to which application might be made to draw a distinction in equity between the interests of the parties.

Mr G B EDWARDS

- In this and succeeding clauses, the Government has treated too cavalierly the claims of municipalities. It is a mistake to suppose that the main interests of the people are centred in the use of electricity as applied to telegraph and telephone lines, because the advantages the community obtain from electricity in the shape of traction and illuminating power are of greater value. The Government propose to assume control and prevent people having the great use of electricity they can have in municipal government. In clause after clause, the position is assumed that in every way the Commonwealth shall protect its own lines of telephone communication, and exclude the powers municipal authorities ought to have of using this force for municipal purposes. Day by day we see the extension of electrical power in cities and suburbs, and the municipalities of Redfern and other places will find their powers very largely interfered with by this Bill. The greatest good to the greatest number is to be achieved by using electricity for municipal purposes, and not only for Post-office purposes, and there ought to be some authority to settle between conflicting interests. Some of the clauses interfere with powers given to municipal corporations under existing State Acts; and municipalities are called on to comply, not only with State Acts, but also with this Bill. The suggestion of the honorable member for Bland is an extremely wise one, and the Government ought to postpone the clause, and take advice as to how far the two powers come into conflict, with a view of devising some means of settling the conflict not altogether in favour of the Post-office.

Mr WATKINS

- I trust the Government will accede to the wishes of the committee, and postpone the clause with a view

of having it more carefully considered. I doubt very much whether the Minister's interjection, that this is a question of the whole of the people against a section of the people, bears very much on the case. If we continue to insert clauses which so directly affect the interests not only of one State, but of the different States, we may be clashing with the interests of the majority of the people ; and I question whether it is advisable, even though we may possibly have the power, to practically nullify State Acts in the way some of the clauses propose. All the rights that corporations have under existing State Acts must be regarded and preserved by the Commonwealth Parliament, and some board ought to be appointed to settle differences between the two bodies.

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Mr PIESSE

- This is no doubt one of the most difficult questions in the Bill, but some of the objections are hardly rightly taken, because this law, almost in the very words, is in existence in some of the States. I suppose it has been found necessary to give to some authority the determination of what is best in the public interest, and the only authority discovered up to the present is the Postmaster-General in the several States. If some independent authority could be constituted which would deal with all interests fairly, it would be a good way out of the difficulty ; but unless we can do that we shall certainly have to repose in our own authority some control, if not all the control specified, trusting to its being justly exercised. This principle appears to have governed legislation in the past, both in Great Britain and the colony.

Sir Malcolm McEacharn

- The English legislation is under a different authority altogether.

Mr PIESSE

- There is a Board of Trade, no doubt ; but that is a Government department, and bears a political aspect to which honorable members object. Almost the same words as are used in the clause are to be found in the Tasmanian statute dealing with electric lighting in Launceston. The Hobart electric trams are under somewhat similar control, and though there has been some trouble there on the question, I believe a working arrangement has been arrived at which, to some extent, relieves the inconvenience always to be found where rival systems are worked in the same area.

Mr Watson

- There are not so many telephones in Hobart as in Sydney.

Mr PIESSE

- It is not so much a matter of number as of proximity ; and so long as telephone wires are close to the traction wires, they will be affected.

Mr. WILKS(Dalley).- It is the number of telephones which is the trouble in a large city like Sydney. The Postal department have telegraph and telephone wires, which are practically a net-work throughout the city and suburbs, extending day after day ; and because their system is defective it is now sought to make other systems suffer, amongst the latter being electric tramways and municipal lighting. The municipal council of Sydney are so alarmed at the provisions of this Bill that they have stopped operations in a projected expenditure of about £250,000. That council has complied with the conditions laid down by the Postal department in regard to possible danger to the wires of the latter, and the same may be said of other suburban and country municipal authorities. It is not desired to strike out the clauses altogether, but to reconsider them with a view of having reasonable precautions taken. I do not wish to labour the point as to the paramount use of the roadway by municipalities, but I would point out that if the Commonwealth exercise their full powers, we will find municipalities, large and small, when they find their powers affected, entering on reprisals by charging rates on telephone, water, and other Government-services. The honorable member for Darling has directed attention to the grave danger of telegraph wires being brought into contact with the cables used for the transmission of electric force. That danger exists in most of the large cities to-day, and whereas in the principal cities of England they have adopted special safeguards against any such contact, no effective means are used in Australia for preventing grave danger to life. I hope that this aspect of the matter will receive the fullest consideration at the hands of the Postmaster-General.

Mr HENRY WILLIS

- I hope the Attorney-General will withdraw this clause for further consideration, because there is no other similar clause in operation in any part of the Commonwealth at the present time. I think it is better that the

Commonwealth Government should be put to a little inconvenience than that the systems that are in operation in the various large cities throughout the States should be brought to a stand-still or to a very large extent injured. We know that in England the tendency is to place all such services as tramways, electric lighting systems, and telephone services under municipal control, and when we have comprehensive local government laws throughout the Commonwealth, it is very probable that municipal control will be very largely extended. It would be a mistake to pass this clause, and to bring several large and important works, such as those now contemplated in Sydney, to a stand-still, and I hope the Government will see the wisdom of reconsidering the clause so that justice may be done, not only to the people of Sydney, but also to those of Perth and Launceston and other places.

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Mr DEAKIN

- I desire, in the first place, to correct a misapprehension on the part of the honorable member for Newcastle with reference to an interjection of mine, which he accurately repeated, but which applied only to the statement of the honorable member for Bland, who was speaking of municipalities and private companies and others, and used a phrase which implied that they' had equal claims with the Commonwealth. In connexion with that, I stated that the Commonwealth represented the whole of the people, whilst the others referred to' by the honorable member for Bland represented only a section of the -people. . We must all admit that this House would be adopting a reactionary policy if in this measure it endeavoured in any way to set bounds to the development of electricity, from which Ave hope so much in a great variety of ways.

Sir Malcolm McEacharn

- That is just what this clause does.

Mr DEAKIN

- Not necessarily. This clause creates a predominant authority in the Post-office, which honorable members fear may be used to serve the selfish ends of the department, and be exercised with some indifference to the claims of other users of electricity. That may possibly be so, but the clause itself contains nothing injurious or improper, inasmuch as it only asserts the dominance of the Post-office in these matters. If this dominance is wisely used there can be no complaint. What honorable members want - if the absolute authority in this matter is not subject to control - is that there should be some guarantee afforded to others interested that they will be offered an opportunity of gaining a better hearing than the Bill now provides - that they may have an opportunity of putting their case before the public, and securing impartial consideration. I take it that we all desire the uses of electricity, both municipally and otherwise, to be multiplied on every hand, and all realize that the path of progress lies in the direction of electrical development. Therefore, the Commonwealth would be untrue to what should be its traditions if it acted in any dog-in-the-manger spirit. What we are confronted with, however, is this. At the present time the Post-office is able to have a telephone service working with fair efficiency at a moderate cost, until enormous quantities of electrical force are generated in close vicinity to them. Where that happens the telephonic service becomes very seriously impaired, if not absolutely destroyed. Even in Melbourne, where the City Council carry out the electric lighting of the city, not altogether in considerate fashion so far as the telegraphic department is concerned, but still without coming into' actual collision, if honorable members use the telephones at night they will notice a rumbling noise like that of a miniature Niagara. If the electric light had been distributed in a somewhat different, and perhaps more expensive fashion, all this might have been avoided. Now, in connexion with this matter, it simply becomes a question, in regard to existing works of any kind, " who is to pay," and the same question also arises in connexion with future works. ' No one disputes but that, at a certain cost, the telephonic service now in existence can be either renewed or fitted up with a metallic circuit, as it is called, in such a way as to get rid of existing disabilities, and the question is, who is to pay for this 1 In some cases the telephone system was in possession first, before either the tramways or the electric lighting systems came into vogue, and then it may fairly be asked whether the last-comers ought not to ,pay the cost of making the alterations. The method of priority is one way of settling the matter, and if the method of priority is not to be adopted, what plan is to be resorted to I I do not think honorable members will look forward with any satisfaction to the prospect of the Commonwealth always having to pay. Whether it be the State or the municipality or the private company which brings an electric lighting system or a tramway system along the streets, the

question is whether the expense of any alteration that may be necessitated by them is to come out of the pocket of the Commonwealth or of those who are responsible for such new services. In cases where the telephone is to be erected after the other electric services are installed, it seems to me to be reasonable that the proprietors of the telephone should pay all expenses. As far as I can follow honorable members they desire that we should modify our proposals in some way so that this vexed question as to who is to pay for the metallic circuit shall be capable of determination. But I do not think that any number of honorable members have agreed upon any common principle.

Mr Fowler

- They do not want the Postmaster-General to be the deciding authority.

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Mr DEAKIN

- But honorable members have not made it clear as to who should be substituted. It has been indicated that the issue should be decided by some impartial tribunal, but impartial tribunals are difficult to find, especially on a subject of this kind. It must be dealt with by experts who have expert evidence before them. We have to look at the experience gained in other parts of the world. I am told that in America., where the tramway and telephone services, which are mainly owned 'by private corpora ti oils, have come into conflict, the American courts have held that the roads are intended more for the use of vehicle traffic than for conveying intelligence by means of telephone, and that when the two clash, the tramway service is to take the first place. In the United States, owing to private corporations being chiefly concerned, the case presents many points of difference from our own, but the circumstances are more analogous in the United Kingdom, where a great conflict has been maintained between the Post-office authorities and the telephone companies and electric lighting companies. There, at last, the difficulty was settled by the Board of Trade rules. I have laid down conditions upon which electricity might be employed either for trams, electric lighting, or telephone services. As far as one can learn, these Board of Trade rules have worked well, and have given satisfaction in Great Britain, where they have, at all events, removed most of the causes of friction. Here our circumstances are somewhat different, but still it is possible that the Board of Trade rules, or some modification of them, may furnish us with the solution we are seeking. I am not competent to speak on this subject, but we might consult the Postmaster-General and his advisers. I understand that a conference of electrical experts was held recently, and their report, which is now being printed, may throw some light upon this question and upon the applicability of the Board of Trade rules to our circumstances. If the committee will pass this clause now, giving us the benefit of their practical suggestions, we will have the whole matter reconsidered with a view to making any necessary alterations. There is no desire on the part of the Government to discourage the use of electricity, but we have to be careful to protect the public interests, and to guard the Treasury against raids. Consistent with that qualification, any amendment that would have the effect of facilitating the use of electricity in every way would be welcome. We do not wish to postpone the clause now, because there are one or two amendments which we desire to make, which cannot be inserted at this stage if the clause is postponed. As the subject is not as clear as it might be, it is desirable to have the criticisms of honorable member upon these clauses to-night, now that the committee is fully seized of their meaning. We can pass them subject to recommittal. If we pass them, having the benefit of the practical criticisms and suggestions of honorable members, & now that we have grasped what are our points of difference, we shall be the better able to consider the Postmaster-General's future proposals when we lay before him the result of this debate.

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Mr SALMON

- I think that this clause involves a very grave responsibility. The first question which I ask myself is - Have we the power to pass such a clause % and the next is - If we have the power, is it desirable that we should exercise it*? I am convinced that it would not be wise for the Commonwealth Parliament to endeavour to exercise this power. Just as in other parts of the Bill we have strong evidence of the trend of the official mind, so we have it here in its very quintessence. We have here expressed the feeling which has been engendered by years of trouble on the part of the postal authorities, b)' reason of the conflict which has arisen between the varying interests mentioned in these clauses. For a considerable time the postal officials have been endeavouring to cope with the curse of induction, which has caused the

telephonic communication in one of the States at a certain period of the day to become almost useless. But the solution of this difficulty is not to be found in retarding the development of electrical science. It is to be found rather in the grounding of the wires used in the telephonic service. There are certain aesthetic reasons why we should do away with the overhead wires, but the purely commercial reason is that we should then get rid of the induction, which undoubtedly to a large extent limits the use of the telephonic system. Last year- the Victorian Government considered this question of grounding the telephone wires. Estimates were prepared, and had the McLean Government remained in power they would have started the work of grounding the wires in the metropolis. The adoption of that plan would obviate the trouble with, which Ave are confronted in this Bill. I am very loath to do anything which may be regarded as an interference Avith the rights of the various States. At the commencement of our federal existence it is very necessary that everything should work Avith the utmost smoothness. We were told only a few hours ago of the derangement of the finances of the State of Victoria owing to the federal expenditure exceeding the amount which it was thought would be incurred.

Mr Mauger

- How do they know that 1

Mr SALMON

- I do not say that it is true ; but that matter would be a small one compared with the outcry which would be raised if we passed such a clause as this. The adoption of this provision means that we shall stop electrical development within the Commonwealth. In Victoria, I am proud to think that we have made tremendous strides in the use of electricity. We find that the machinery for our mines is being driven by electricity. The passage of such a provision as this would _ mean almost the complete stoppage of that machinery. In one mine that I know of, there is electrical communication between the power house and various portions of a very large lease. The cables are laid along the public roads. It would have been impossible to have had those cables there if this clause had been in operation. Not only do I think that it is advisable to postpone the clause, but I believe that the committee should strike it out altogether. It is far better to leave matters as they are, than to commit what I think would be an undoubted interference with the rights of the States. The federal authority might in the future find itself barred by this clause if it were passed into law. It might be considered advisable some time hence for the federal authority to take over electric power in any part of the Commonwealth.

Mr Higgins

- The clause would not apply in that case.

Mr SALMON

- I am glad to hear that. What we surely desire is to encourage, by every means in our power, the introduction of the up-to-date methods which are being found so successful in other parts of the world. If we are anxious for the progress of the Commonwealth we need to be very careful to avoid the creation of friction between the federal authorities and the States. We should do everything that can possibly be devised to advance the Commonwealth, and not take what I consider would be a retrograde step, which would stamp us as reactionaries rather than as progressionists.

Mr HUGHES

- The purport of this clause apparently is to place the whole control of the use of electricity in the hands of the Postmaster-General. I should like to say that such a step is totally opposed to the tendency of the times, which is to place all electrical power, so far as cities are concerned, in the hands of the municipal authorities. In all the great cities of the world there is a tendency on the part of the State to divest itself of certain powers, and to vest them in the local authorities whenever that can be done with benefit to the whole people. That it can be done with benefit to the whole people is very apparent in these days of specialization, and I do not think it requires any argument to prove that the municipality is the proper authority to control the telegraph " wires, and, indeed, everything which runs through the streets. If I had my way I would give to the municipal authorities supreme control of the streets. In Sydney there are five or six authorities, each one apparently having concurrent powers, and no one having supreme control. We have witnessed most ridiculous episodes as the result of this divided responsibility. This Bill has evidently been constructed on the scissors and paste principle with unlimited elbow room, and this particular provision is inserted for no other reason than that it is contained in the Queensland Act.

Mr Deakin

- It is taken mainly from the English Act. It is an adaptation from the English Act.

Mr HUGHES

- It is a bad effort in any direction. There does not seem to be any reason why the control of this electric power, which, as my honorable friend has remarked, is just in its swaddling clothes, should be vested in every Postmaster-General.

Mr Deakin

-The only difference between us is as to who shall pay.

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Mr HUGHES

- The clause gives the Postmaster-General power to do certain things. Nothing can be done without his approval. Under this provision no authority can lay down a line of tramway without the Postmaster-General's consent. The subject bristles with difficulties. The Attorney-General is not in a position to say what is likely to be an injury to or what is likely to "prejudicially affect" the working of the telegraph lines. I should like to obtain some definite understanding as to the limitations of the clause. I do not wish to delay the committee, but I certainly think the powers it gives are excessive and unnecessary - excessive, because other interests equally as important as those of the Post and Telegraph department are concerned, and unnecessary because all that the clause aims at can be achieved in a very much less drastic provision.

Mr DEAKIN

- The honorable member was not present when I made the statement that the Minister in charge of the Bill and myself propose to ask the Postmaster-General to reconsider these clauses so far as they affect the relations between the Post-office and municipalities, States, and companies in regard to electric lighting or electric traction, and to obtain the report which, I understand, is now either in the Postmaster-General's hands, or about to be given to him from the electrical experts who recently considered these or very analogous questions. Their report may give us an opportunity of settling this question. I pointed out before that, so far from desiring to discourage or interfere with, it will be the desire of the Government to encourage, the utilization of electricity by municipalities or States, or even by companies, where these are not available. The only question for which we have to find a solution is as to who is to pay, under the various conditions, for the necessary outlay to enable the telephone system . to be continued without injury from either the electric lighting or tramway system. In one case it may be the business of the department, and in the other it may be the business of the person who owns the electric tramway or lighting works. It is for that purpose that I am asking that these clauses be passed with a few amendments, of which notice has been given, on the understanding that they will be recommitted.

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Mr KNOX

- - I am not one of those who pre-supposes, because some drastic powers are given to the Government, that necessarily they will be exercised. I think it is essential very frequently that we should give the fullest powers to the Government in order that they may deal with cases which do require very arbitrary measures. The Government must have realized the enormous interests which exist in connexion with electric lighting and power works, and also the great interests which have yet to grow up in relation to them. I think, therefore, we cannot be too guarded against giving the slightest suggestion to these various interests that they are going to be interfered with. The remarks which have fallen from honorable members must have convinced the Attorney-General and the Minister in charge of the Bill that there is a fear that the placing of these arbitrary powers in the hands of the Government may be prejudicial to these great interests. They are, of course, private interests, in some cases, while in others they are the semi-public interests of municipalities or the interests of the States, while the Commonwealth has also interests which must be considered. I am of opinion that it is hopeless to think of effectively dealing with the enormous interests which have to be safeguarded by means of a few clauses in a measure of this kind. My feeling is that the matter can only be properly dealt with by a comprehensive measure relating to electric light and power. Therefore, I would venture to suggest to the Attorney-General whether it would not be possible to so adjust the mandatory clauses which exist . in the Bill that for the present session, and during the recess, the powers which exist in the State laws may be exercised by the department; and that he should make a promise that in the coming session the Government will bring forward a

comprehensive measure dealing with all these matters. I am perfectly certain that if he does he will remove the objections which several honorable members entertain. He will also remove the fears which are held by representatives of a large number of vested interests that they are to be seriously affected if these clauses are put into operation. My own feeling is that the fears may be exaggerated, because I do not believe it is the intention of the Government to apply these provisions . in any way to the disadvantage of the interests involved. There is a large amount of outside capital now being introduced into the Commonwealth for the extension of electric lighting and power systems, and this great power of electricity has to be safeguarded with many conditions which do not . apply to almost any other great undertaking. The railways, and our streets and roads, and all other public concerns can be safeguarded on known lines, but electricity operates in so many ways, and is being so constantly improved upon, that what is a novelty to-day is ancient a few months hence. Electric power is increasing rapidly, and I feel that if we are to attract capital for these great enterprises we must not convey the impression to the public that the Government are taking 'into their hands a system of arbitrary control'. -

Mr Deakin

- We only want to control the Government works.

Mr KNOX

- That must be done, but capital' ready to be invested- in these directions will easily take fright. There is a great deal in the suggestion that the Postmaster-General should not be the sole arbiter in these matters ; that there ought to be a properly-constituted body to deal with this highly technical subject, to which the merits or demerits of, any supposed interference with' the- department's wires might be submitted and properly adjudicated upon. I venture to suggest that the matter might be. so adjusted, that until, the whole question is dealt with in a comprehensive manner by a separate. Bill, the Postal department shall deal with these interests under the State legislation as it exists up to the point at which new legislation is created.

Mr Deakin

- Our power in regard to electricity is very limited'.

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Mr KNOX

- I admit that it is; and that improvements can only be brought about by a conference with, and. a proper recognition of the rights of, the various States. This is only one of the many conferences which will have to be brought about before the machinery of the States and the Commonwealth will work well together. I hope- the Attorney-General will see his way clear to consider the suggestion I have made.

Mr. G.B. EDWARDS (South Sydney). - The suggestion made by the last speaker that the- present provisions of the- State Acts relating to electricity should continue to be administered, and that the Government should bring- forward a comprehensive measure- dealing with the- whole question next session might be a good one, but I"do not think the Commonwealth has the power to- bring- forward such- a Bill'. It might be possible to stretch a point and make- this one of the matters to be dealt with by the Inter-State Commission. There is a -sort of Subtle assumption on the part of the- Government that they, having control- of the Post-office; should in a somewhat oblique way; have control of 'the electric forces which play such an important part in municipal affairs. When the Attorney-General urges the committee to pass this clause- on his promise that it will' be recommitted, I think he is asking too much. This is an invasion of State rights to- a certain extent, and,- the committee would be wanting in' its duty if* it did not attempt to safeguard those- .rights. The assumption of- the Government is that all these powers which may interfere- with telephone wires-should be completely under their control. Despite the- argument of the Attorney-General, that the Commonwealth, as dealing with' the whole, should be of prime importance, I would point out that foi? every one- who is interested in the use of telephones, there- are- some 500 or 600 people interested in electric trams within the Commonwealth. In fact, in a city like Sydney, with the development of its electric tramway system; nearly every member-of the C0111,munity is interested in it, and if the City Council carries out its proposals to illuminate the city by electricity; just as is done in Redfern and' other places, then all the citizens will be interested in the exercise of that right and privilege. On the- other hand, there is only some- one in 500 or 600 interested in telephonic communication. We should look to. each side, and remember the recognised principle in all legislation that the right of the greater number should rule-. Most certainly the greater number is on the side of giving

free play to the municipality and other local government bodies in- taking advantage of electrical power. The committee would not act wisely in accepting the Attorney-General's suggestion that we should pass this clause and allow it to be reconsidered later on. The Attorney-General has already received suggestions from honorable members, and they are- likely to be the suggestions given in regard to every clause dealing with the same subject. Those suggestions mean that the- Government have arrogated too much power to themselves in regard to the control of electricity, which, as has been said, is as yet in its swaddling clothes. As time goes on, the- municipalities will largely extend! their use of electricity. Where we- have £1,000 invested in telephones, we will probably have a million invested in other channels of electricity, and, in view of these facts, we should press -the Ministry- to withhold these clauses -until they- have had time to consider the- ' -way in which they may amend them in order-to meet public opinion on the- subject. The Attorney-General says that electrical experts have considered this- matter in conference. That is all the more reason for postponing the clauses. If we do. so, we may have the report of these gentlemen, while the Government will have an opportunity of. consulting the municipalities and seeing whether some modus vivendi may not be arrived at. The suggestion made by the honorable member for Bland that we should erect some authority to settle these matters is a very excellent one. The Ministry should, consider, that proposal, and come to some decision by which they may be able to propose to the committee some provision, vesting an authority with, the right of dealing with these questions. I would, therefore, ask for the postponement of these clauses.

Mr. THOMSON(North Sydney). - I rise in response to the invitation of the Attorney-General to express some of, the objections to these clauses as they stand. As has been stated there are several great spheres of electrical energy. Only one of these will be under the control of the Commonwealth Government, whilst the others are at the present time almost equally important, and bid fair to become still more important in the future to the people of the whole of the Commonwealth. Under these circumstances it is only proper, especially when the command of these enterprises is for the most part in the hands of the State Governments or municipal bodies that, whilst every consideration is given to the Post and Telegraph department, the other services should not be interfered with by the Commonwealth any more than is absolutely necessary. One strong objection to the clause is that no cognisance is taken in these clauses, except in one limited respect, of the Acts under which the municipalities or other bodies already work in the various States. No recognition is given to the fact that these bodies have already fulfilled the terms and conditions of Acts of Parliament . which have been passed by the States, which were at the time controlling the electrical departments of the telegraphs and telephones. It is not recognised that these bodies have fulfilled the conditions already imposed, but it is sought to bring about fresh conditions which will hamper them, and upset the work already done. No consideration is given to the State or municipal electrical departments, as against the Commonwealth electrical department. If work has to be done by the State or municipal bodies, notice must be given to the Commonwealth Government ; but, on the other hand, the Commonwealth may pursue its own course- and; may injuriously . a%qt. certain works . of. the municipalities; or State. Often it requires . with the requirement to give any notice whatever of, its intentions, The Commonwealth Government may tear, up the streets which are not their property but are the property of the States, given in, to, the hands of the municipal authorities,, whereas the municipal authorities themselves cannot, until they give notice, tear up their own streets for their own electrical purposes if such work should approach the lines or works of the Commonwealth. Then again the conditions are in no wise, mutual, because under clause 139 the most drastic provisions are made that nothing shall be done by any electrical authority likely to involve any alteration in the lines of the Postmaster-General, and yet there is no provision that the Commonwealth authorities shall have to submit to any such condition if they are in their turn likely to interfere with the works of the other electrical authorities. Other Governments have had to provide for similar conditions, but they have not attempted to meet them in this way. Another peculiar point is that, in the event of any injury resulting to the lines or works of the Commonwealth electrical department, the other electrical authorities will have to pay the cost. It may be that the electrical works of the Commonwealth are entirely behind the times - as in fact they are - whilst the other electrical authorities may be absolutely up-to-date in every respect, and yet no consideration is paid to any circumstances of that kind- If the Commonwealth has not the metallic circuit which is now found necessary in all parts of the world, they make no allowance for any inefficiency on their own part, but claim that the, municipal or State authorities shall be liable for all the consequences of

their own system not being up to date. In America, where most of these electrical enterprises are carried on by private corporations, and where there is no preference, as between one body and another, such as it is now sought to secure for the Commonwealth, the courts have held, as the Attorney-General has told us, that traction is to take precedence of the means of conveying telegraphic or telephone messages. This decision was arrived at for the apparently good reason that it is much easier for the telephone, or telegraph lines to be removed from the influence of other electrical works than for those, other works, such as tram lines, to be removed. The Attorney-General also alluded to the fact that in Great Britain the circumstances and conditions are more similar to our own, and it was further indicated that the clauses dealing with this matter were to some extent a digest of the British Act. There is some similar provision in the British Act which, provides -

No alteration in any telegraph line of the Postmaster-General shall be made by the undertakers except subject to the provisions of the Telegraph Act 1878. The undertakers shall not in the exercise of the powers conferred by this Act or by any licence, order, or special Act, lay down any electric line or do any other work for the supply of electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected. . . .

This reads very much like the clause in the Bill now before us, but the words appearing in the Bill have been torn away from their context. The section in the English Act goes on, without even a full stop - and before any such electric line is laid down or work is done within ten yards of any part of a telegraph line of the Postmaster-General.

This describes the position the lines must be in before they are dealt with in the way provided for in the section, which goes on to make various other provisions. Then again towards the end of the section we find this provision -

Any difference which arises between the Postmaster-General and the undertakers or their agents with respect to any requirements so made shall be determined by arbitration.

Now there is an enormous difference between the English Act and the proposals in this Bill. It is true that there is a provision for arbitration in another part of this Bill, but there is no such provision as that contained in this clause standing by itself in the English Act. The clause as framed would absolutely prevent the construction of any work's, and no provision is made for any compromise or modification, but the Postmaster-General is left as the sole judge of the whole matter. I think that the Minister in charge of the Bill should consider the necessity of making alterations in this Bill, so that no undue interference may take place with the proper development and extension of electrical enterprise in those spheres of energy which are not under the control of Government. If we wish our communities to progress and advance as others are doing, we must not throw any obstacles, in the way of electrical development.

Mr Piesse

- There must be some control.

Mr THOMSON

-Yes. But there need not be an arbitrary control or an unreasonable control. I would suggest that the clause should be postponed with a view to giving the fullest consideration to all those factors which require to be taken into account, so that while we may safeguard the Post and Telegraph department from injury, we may also give satisfaction to those States and municipal bodies which, on their own lines, are trying to develop electrical facilities for the public good.

Mr CRUICKSHANK

- There are three interests involved in this matter. The interests of the Commonwealth in connexion with the Telegraph department, the interests of the Construction branch of the Public Works department and the interests of the various municipal bodies who are carrying on electric enterprise. In speaking to a gentlemen connected with the Railway department in New South Wales yesterday, he expressed the opinion that unless this clause were altered it would very materially affect the interests of his department. It becomes a question now as to whether we, as a Parliament, should endeavour to retain as many rights -to ourselves as we possibly can, or whether we should not give every reasonable right to municipal bodies and State Governments consistent with the conservation of our own immediate interests. Will the State Governments consider our interests where they think that they have any rights ? While we are passing our laws ought we not to embody in them every power which is conferred upon us by the Constitution? I am sure that the Commonwealth Government will not exercise any power to the injury of

State rights. I presume that the States have their rights. But under the Constitution Act we also have defined rights, and whilst we would naturally give every consideration to the rights which belong to the State Parliaments, I do not know that we should be acting wisely by doing anything to weaken our own position.

Mr A McLEAN

- Our rights are conserved by the Constitution itself.

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Mr CRUICKSHANK

- But the lands are within the jurisdiction of the States Governments, and I am not aware what power we have to enter upon them.

Mr A McLEAN

- An Act of this kind would not override the Constitution in any way.

Mr CRUICKSHANK

- We must not interfere with the rights of the municipal bodies, or of the Public Works department. That, I think, is the trend of the argument which has been urged this evening. I do not think that we need go so far out of our way to consider those interests. We should enact laws which will reserve to ourselves the fullest possible power. It would be advantageous if the Attorney-General could give the committee some intimation regarding the date to which the consideration of these clauses is to be postponed. There are many interested in them, and now that the matter has been discussed it will attract public attention, and be more fully thought of than it has been up to the present. It would be well if the Minister could discuss this matter with the railway constructing authorities' branches in the different States, and ascertain how far they are affected. We know that in Sydney a number of the telephones will not work because of the electric trams.

Mr BRUCE SMITH

- The honorable member forgets that the municipality of Sydney is about to spend a £250,000 in lighting that city.

Mr CRUICKSHANK

- They will have to be consulted.

Mr Deakin

- I think they have already sent in the amendments which they desire.

Mr CRUICKSHANK

- This is a very important matter, and I think the Minister should give some intimation as to the date to which the consideration of this clause is to be postponed, so that honorable members may have an opportunity of taking further action in the light of the discussion which has occurred this evening.

Sir EDWARD BRADDON

- I hope that, during the interval which will elapse before this matter is again discussed, the Minister will take into consideration the monstrous character of the clause in its present form. Here is an authority for interference by the Postmaster-General in matters of electric lighting and electric traction in which the federal authorities are armed with no power whatever.

Mr Deakin

- Only to protect our own wires.

Sir EDWARD BRADDON

- There is no absolute assurance that the telegraph lines will be interfered with, but this provision is inserted because they may be interfered with. The proposal is submitted because the Postmaster-General, being of an exceedingly timid nature, apprehends that there may possibly arise this interference, although no earthly grounds may exist for his belief. I hope that in the modification of the clause, the Attorney-General will see that the broader rights of the people, of municipalities, and of State Governments are not interfered with to anything like the degree that this clause proposes.

Mr. BATCHELOR(South Australia).It is somewhat unfortunate that the Postal authorities have not taken the opportunity of perusing the report of the officers who have inquired into this question.

Mr Deakin

- This Bill has been before the Senate for weeks and weeks.

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Mr BATCHELOR

- And it has been before this House for about a fortnight ! The committee of electrical experts to whom I refer sat in Adelaide and finished their work about a fortnight since. If their report is likely to throw any light upon this subject, it seems rather a pity that the Government have not read it. I admit that there is a great deal in the point urged by the Attorney-General, that the question at issue is as to who shall pay. Of course the telephones . can be protected. The induction in the telephone system can be prevented by putting the wires underground. Whilst I .am prepared to allow the municipal authorities or a board representing the municipal or State authorities to have some jurisdiction in this matter, I must admit that there is a good deal in the contention of the Attorney-General that the question of priority has some bearing upon it. Let .us take the case of Adelaide, where the experience has been quite the opposite to that of Sydney. For a number of years we have had telephonic communication in Adelaide, but it is only just now that the question of electric lighting is being brought forward. A company has come along which, for private gain, proposes to light the dwellings of the city and also some of the streets with electricity. Who should stand aside and pay the cost"! The Westinghouse Company also propose a private electric tramway scheme, and a Bill is now before the State Parliament, which proposes to give the company certain rights. I am afraid ' that the measure 'will be carried, and, if so, -we shall then have a private company rtatraing the 'tramway system "for private gain. Because this 'company comes along and upsets the whole 'of the telephone system,are the people of Australia to go to the expense of providing a metallic 'circuit?

Mr Watson

- These private companies have statutory privileges.

Mr BATCHELOR

- That does not affect the qtfestibn at 'all. I am talking about whose business it is to pay, because owing solely to the fact that these companies are using electricity for traction and lighting purposes, the 'whole telephone -business has been "upset. But for these companies laying down their lines there would be no induction at -all. I think, therefore, that there is something in the Attorney-General's argument that it is a question of whether the Government, in cases where the telephone wires were'laid down first, should -not have the power to say that those wires shall not be interfered with except under certain conditions.

Mr Thomson

- Of course the conditions should 'be put in the Act.

Mr BATCHELOR

- We cannot put them in the Acts under which the State Governments enable these companies to run their various enterprises. We can only protect the Commonwealth interests against them. I admit that where public bodies are running these- concerns through their own streets they ought to have priority. I think that the Attorney-General is wise in postponing -the1 consideration of these clauses in order to ascertain 'if some tribunal cannot be established to protect the interests of the Commonwealth .

Mr. WILKS(Dalley).- The importance of these clauses warrants an honorable member in addressing the 'Committee more than once. Those who have spoken consider that the -precautions which are here laid down are of too far-reaching a character. To* my mind they seem to be unreasonable. There is no allowance -made "for enactments by State Governments' prior to the action of>the Commonwealth 'Government. I should like the Attorney-General to explain the meaning of the words' -

When any wo'ck 'proposed to be done 'by an electric -authority' involves, or is likely to involve, an alteration, either temporarily or permanently, in a telegraph line of the Postmaster-General, and r provision -is not otherwise made by eriactmeh't, &c.

Do I understand' that they refer to an enactment made, 'Say,- in 'Nev South -Wales prior to the introduction of this Bill? No one objects~bo reasonable 'powers being given for the protection~bf the Commonwealth property. The State itself h'as a very defective plant and stock, which 'contribute to the dangers that' these clauses 'have in view. The Attorney-General has invited suggestions, and I desire to make one, which, I think, would be of advantage. 1 suggest that we add the 'following . proviso to clause 1:3'6 -

Provided that such telegraph line has been, and is, erected in aecflldance with' modern and latest practice.

The meaning of this is that the same precautions shall be taken. by the Commonwealth as we expect

from private individuals or companies.

Mr Deakin

- The honorable member's suggestion is that the last comer shall carry out his work in accordance with the latest practice so as to protect himself against the other.

Mr WILKS

- No, "Provided that such telegraph line" - that is the Government line - "has been and is erected in accordance with modern and latest practice." It is admitted that the Government electric stock throughout Australia is not modernized.

Mr Deakin

- It never will be; if it is up to date to-day it will be behind tomorrow.

Mr WILKS

- It is the duty of the Commonwealth to modernize their plant, just as it is the duty of private companies to do so.

Sir Philip Fysh

- Where electric trams have been constructed in compliance with modern requirements, there can be no mischief, but they have not always been so constructed.

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Mr WILKS

- The Commonwealth wish to take power to call on other electrical authorities to do everything. We ask now that too much should not be expected either from municipalities or private individual* in this respect. I should like to remind the Attorney-General of the ease with which reprisals may be made by the municipalities. The City of Sydney intends to spend £250,000 on electric lighting, and they are already working under an Act passed by the State Parliament, after evidence had been given by the Post and Telegraph department of New South Wales before a select committee appointed to inquire into the subject. Now it is proposed to bring the works of the city of Sydney into conflict with this measure. I trust that the Attorney-General will accept my suggestion. If we insert this proviso, the trouble and expense of making alterations will not be entirely on the municipalities or private companies, but the Government will pay their fair proportion.

Mr. HIGGINS(Northern Melbourne). This discussion, not the clause itself, has opened up a very wide question, which will face us repeatedly in working out the relations of this federal power to the State and local powers, and it is well for us to start with some definite principle.

Mr Wilks

- We are taking the whole of the clauses dealing with this question.

Mr HIGGINS

- I think we all agree that there must be some provision of this kind. If we have a Federal Government operating throughout Australia, a State Government operating in each State of Australia, and the municipal governments operating in the different municipalities of Australia, and concessions made or privileges given to companies, or private individuals in particular places, there is bound to be frequently a conflict of interests. Supposing we have a conflict of interests, I think a majority of the committee are perfectly prepared to accept the principle that individual interests must be subordinated to general interests, and that general interests must be subordinated to greater general interests.

Mr BRUCE SMITH

-- These general interests will not be determined by the number of people affected.

Mr HIGGINS

- This principle is that prima facie the national interests must be supreme. I perfectly agree with the very wise remarks that have been made with regard to the importance and increasing importance of electric traction and electric lighting. No one will at all deny that the possibilities of development in this direction are beyond anything which we could conceive a few years ago. But if there is a question arising as to the private interests of a private company or even the municipal interests of a municipality, and the interests of the State, everything must be subordinated to the interests of the nation. The clause prescribes that, if there is an existing telegraph or telephone line under the control of the federal power, a private company or a municipality or State Government must look before it leaps, and see that it does not interfere with the existing telegraph or telephone lines. Clause 136 means that if there is, an existing

telegraph or telephone line, and that if what is being done by a municipality -or other body either affects it or may affect it, then that work shall be stopped. It only applies to prevent a new enterprise from interfering with an existing telephone or telegraph line. It is a very reasonable thing to say that if there are new works to be constructed, the parties proposing to carry out those works ought to see that they do not interfere with anyone else. Surely that is a common-sense principle. I think we might give the Attorney-General this clause. In clause 137 the Attorney-General in this elaborate arrangement has given a definition of what I did not think was within the purview of this Bill, namely, "an injurious affection." The next clause provides that if an electric authority proposes to lay down anything new a certain course of procedure shall be followed. The Postmaster-General is not the final arbiter in the matter. Government departments are very arbitrary, and I quite agree that we ought not to leave this absolutely to the will of the Postmaster-General. There is a course of procedure here prescribed by which, if an electric authority proposes to lay down anything new, it must go to the Postmaster-General, and come to some agreement, failing which there may be recourse to arbitration.

Mr Watson

- We say that that provision might be applied to clause 136.

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Mr HIGGINS

- I do not think clause 136 is wider than clause 138. Clause 136 is merely meant to be a general statement, which is defined by clause 138. Then there is provision in regard to injury to lines in clause 142. That is the dangerous clause, and I admit there must be some modification of it. Clause 142 is to the effect that, when any lines are used in such manner as to injuriously affect any line of the Postmaster-General, the Postmaster-General may direct certain conditions to be fulfilled. There ought to be some provision for arbitration there, because we are giving an arbitrary power to the Postmaster-General to say to an electric authority - "You must fulfil the conditions which I prescribe." -I think, however, that we are jumping before we come to the stile. Let us wait until we come to clause 142. There has been some reference to the example of America; but there the federal power has not got the telegraph or telephone works at all. The Constitution in America does not give what our Constitution gives to us - the ownership of telegraphic and telephonic communication. But whatever the Constitution gives to the federal authority can be so regulated by the federal authority as to make the federal works, whatever they are, superior to the works of other parties. Just as in America any interference with a post can be punished under the federal law, just as in America everything has to give way to the United States mail upon the highways and railways of the States, so it is thought that there should be incorporated here a provision that everything must give way to the federal telephone and telegraphic communications. I hope it will be understood by the honorable member for North Sydney, whose remarks certainly impressed me, that I think there must be some modification of clause 142, and that there must be some provision by which the Postmaster-General shall not have the sole right to say what are the conditions to be carried out. We might, however, pass clause 136, especially when we see that it is limited and guarded by clause 138. If there is a division upon the matter I will vote with the Government.

Mr KENNEDY

- The honorable member for Northern Melbourne has practically touched the points to which I desired to refer. With respect to clause 136, however, I think it would be eminently desirable to insert a provision by which any electric authority desiring to proceed with new works may have power to take the Postmaster-General to arbitration, even where a line already exists. Whilst I realize that there should be some such provision as that contained in clause 136, I also realize that, where a matter of public convenience is to be carried out either by the State or other authority, the way should not be barred for all time by the Postmaster-General. It is only within the last few years that we have had a case in point, the Postmaster-General of Victoria exercising his powers against a private corporation proceeding with some electric lighting works that would have been a public convenience. I would remind the honorable member for South Australia, Mr. Batchelor, that we ought not to draw a line between a municipality undertaking works for public convenience and private individuals proposing to execute works of a similar character. A private individual or corporation frequently undertakes works because the municipalities fail to carry out their duties, and they should have their rights safeguarded. With a provision for arbitration attached to clause 136, we might fairly accept it. They are not debarred from undertaking new works, but in the event

of their not coming to an agreement they can resort to arbitration. It is a matter for consideration as to how this arbitration tribunal should be constituted, but it is certainly undesirable that we should come into conflict with the State interests in this matter, or hamper those who are undertaking the development of electricity in the best interests of the States. Under clause 13S ample provision is made for the carrying out of new works by the electrical authorities under clearly defined conditions, which, I think, we may safely accept. With respect to the further provision in clause 142, I do not think it is necessary for me to say anything in addition to the advice which has already been tendered to the Attorney-General.

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Mr BRUCE SMITH

- I am very glad that the Attorney-General has agreed to postpone these clauses, because, after considering the nine clauses which follow clause 136, it seems to me that there is a much larger question to be dealt with than could possibly be met by a number of small amendments. No doubt we have arrived at one of those stages at which we find the Commonwealth interests coming into conflict with those of the States. I cannot assent to the proposition that has been put forward during the debate that State interests must in all cases give way to those of the Commonwealth. I am quite prepared to admit that, if the whole Commonwealth were affected to just the same extent as the States in the aggregate, it might be a fair thing to ask the States to stand aside. But the extent of the interests is not to be measured by the number of people affected. The whole population of the Commonwealth might be affected to a slight degree, whereas a small section of the population might be affected to such a serious extent that really their interests would demand greater consideration than those of the larger number. The attitude which the Commonwealth is taking up in connexion with this measure is that of requiring all the other powers to stand aside, and bend to the necessities of the Commonwealth. That might be a very fair thing to do if the interests on both sides were to some extent equal, but I think it will be seen that the telegraph and telephone services of the Commonwealth are, to a certain extent, standing interests, and are not increasing in anything like the same ratio as those connected with the application of electricity to traction and illuminating purposes. The whole tramway system of New South Wales is now passing under the power of electricity after having gone through the steam-stage and the cable-stage, and the electric lighting system is also being very largely extended on all hands. I have very little doubt, moreover, that when the existing arrangement between the Melbourne Tramway Company and the Tramway Trust comes to an end, the whole of the tramways of Melbourne will be converted to the electrical system. As to electric lighting, the municipality of Sydney is about to embark on the investment of £250,000 in carrying out an electric lighting system under a special Act of Parliament, and various country towns throughout New South Wales are entering upon similar enterprises. The question is not necessarily whether the Commonwealth should give way to the States or the States should give way to the Commonwealth, but we should consider whether it is not possible to harmonize the two interests. Our tramway systems in the large cities must go through the main thoroughfares, but our telegraph and telephone wires might very well be taken along the back streets. Although it may cost a little more to carry out such an arrangement with regard to telephone and telegraph wires it should be quite possible, looking to this as one of the most important conflicts that has arisen under our Commonwealth legislation, to devise some means by which the two interests can be harmonized. The framers of this Bill have recognised this, because in clause 138, under which difficulties may arise between the Postmaster-General and the States or any electrical authority, provision is made for arbitration, and at present I can see no better means of settling such conflicts, which must arise more and more frequently in the future, than by establishing some permanent system of arbitration. It would be absurd for the Commonwealth to take up an attitude of dominating State interests in connexion with the railways and municipal and private enterprises. "If the application of electrical power is to develop in the way that is expected in connexion with traction and electric lighting, the interests in those directions will entirely overwhelm in importance the conveyance of telephones and telegraphic messages. The amount of capital involved in these enterprises will be much greater, and the general public interests will on the whole be very much more important. When the Commonwealth Parliament acquired the right to deal with the post and telegraph services it was only intended that conflicts of this kind should be provided for as incidental to the carrying on of these services. The honorable member for Kooyong attributed to the Commonwealth greater powers than it possesses when he suggested that the Attorney-General should take into consideration the framing of a

comprehensive measure dealing with the whole question of electricity. I think the Attorney-General will agree with me that there is no power in the Commonwealth Constitution under which such, a thing could be done. In the provision in the Federal Constitution which gives the Parliament power to deal with all matters affecting the peace, order, and good government of the Commonwealth in regard to postal and telegraph matters there is an implied authority to trespass on the rights' of others in order to carry out these objects effectually and economically, but there must be some limit. It could not be for a moment contended, that because the Commonwealth Postmaster-General has power to exercise certain rights under the fifth of the 39 articles of the Commonwealth, he could therefore compel a tramway system to be moved out of his way because it interfered with some of his lines of telegraphic communication. That would be a reductio ad absurdum, and the question as to how far State or municipal interests are to be subordinated to those of the Commonwealth must be a matter of negotiation. I am not going to propose any tinkering amendments in any of these ten clauses from 136 to 145 inclusive, but I hope the Attorney-General will take them into consideration and see whether some provision cannot be made for applying the principle of arbitration to the -whole - of them. I suggest that there should be one comprehensive clause referring to the whole of these ten clauses, providing that where any dispute 'arises between the Commonwealth and other interests it shall be dealt with . "by some independent body, -which would take the responsibility off the hands of this Parliament. We should be careful at this stage, when the Commonwealth is practically on its trial as far as its popularity, is concerned, to show all the States that the Commonwealth is not going to be. a curse to them, and that wherever the interests of the Commonwealth may conflict with those of other bodies consideration shall be shown for vested interests. There are various directions in which these interests may conflict in a city like Sydney, where large electrical enterprises have been carried out and are being extended every day. In connexion with the construction of the tramway lines that are now being laid down in Castlereagh and Pitt- streets in Sydney there will be an almost instantaneous conflict between the tramway and electric telegraph system. It will be quite impossible 'for this House to enter into all the microscopic interests that will have to be dealt with, but some means of equitably adjusting all differences must be devised. I- hope that when we come to discuss these clauses again in an amended form, some system of arbitration w'll be provided which will meet all the requirements of the case.

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Sir MALCOLM McEACHARN

- I do not desire, to repeat what has been so ably said before, but I would like to refer to the statement- of the honorable and learned member for Northern Melbourne, that clauses 136 and 138 are so framed that one is bound up with the -other, and that if the conditions of clause 138 are complied with, clause 136 will have little or no effect. It -appears to me that clause 136 places an absolute power of veto in the hands of the Postmaster-General with- regard to the -construction of any electrical works that might in any way interfere injuriously with those of the Postmaster-General, whereas clause 138 proceeds upon the assumption that a construction order has already been granted to somebody who has only to comply with the conditions of the clause. Clause 136 grants powers which may be exercised in such a way as to sacrifice very many large interests, because it is well known that it is- impossible for any tramway or electric light line to be placed in the vicinity of a telephone line with a . ground 'CUirrent without producing injurious effects upon the latter. When . the . Minister looks into this matter I think he will find a fairly easy way out -of the difficulty. If the Board of Trade regulations could be 'introduced here ample protection -would be 'afforded to the lines -of the Postmaster-General, and no company would object to comply with the requirements of those regulations. As matters stand at present there are many companies which have done everything possible to meet all reasonable requirements. Yet they have to deal with lines 'which are anything but complete. It is not only that the postal . authorities have no metallic circuit, but in many Gases the lines -require renewal, and-altogethei-.are in a very incomplete condition. Therefore, after every precaution has . been taken, there will still be a certain -amount of induction, and the lines of the Postmaster-General must be interfered with. If the Government can devise any means by which the owners of tramways and electric lighting lines can be made- responsible to the Postmaster-General should those lines not be built -up -to the latest knowledge obtainable, they will be justified in calling upon the companies interested to desist from working, if they interfere with the Government lines. The honorable member for Moira has said that in Victoria an -objection was taken by the Postmaster-General

which was detrimental to a company that desired to extend their telegraphic service. The position was -that a company here -were selling to a larger company in England, and desired 'to extend their field of operations so that they would be brought into competition with the city of Melbourne. The Postmaster-General -was on the point of giving the company the order, when the Melbourne corporation stepped in and exercised powers which they had under the Electric Power Act. I merely desire to publicly, correct the statement of the honorable member. The provision is not only one which -deals with companies, it affects municipalities. But there is no protection whatever afforded to State rights such as telegraphic or 'telephonic lines which are already in -existence. I could instance a line which was -recently built by private enterprise in Northern Queensland. The Act under which that company was constituted gives . them the right to put a telephonic line along their own poles. This Bill, 'however, would . take that right away from them. This is another matter which 'should be looked into. I feel sure, however, that the 'best way of 'overcoming the difficulty presented would be to adopt the Board of Trade regulations, which, I believe, are in existence -at the present time in Queensland. I am not averse to the Postmaster-General having the fullest power, subject to regulations.

Mr CONROY

- I think that the difficulty in which we find ourselves might have been easily foreseen. The Ministry have attempted to . grapple with it as far as they possibly could. In 'almost every State a conflict of the same sort has arisen. I gather from the remarks of the Attorney-General that the difficulty with which he finds himself face to face is as to who shall bear the cost. If the Federal Government were willing to alter their lines, : to make a metallic circuit or to raise the 'height of their wires, the question would arise as to who is to pay for the cost of the work? In the case of lines which have already been constructed, I think that the proposal 'of 'the honorable and learned member for Parkes, is 'one that might very well be considered. Could we not at the same time, however, recognise the lines constructed by the various States, and call upon them where an alteration is involved to bear the cost? In Sydney the cost has already been borne 'by the State. If an alteration were made in Melbourne, and the metallic circuit were introduced within the five years period, over which the bookkeeping clauses extend, would the cost fall upon the State of Victoria or upon the Commonwealth? My opinion is that it would fall upon the Commonwealth. I do not think that we could charge any loss against the State except the amount of interest that would be involved. The suggestions which have already been made by honorable members will perhaps enable the Attorney-General to bring the matter more 'fully before us. The discussion which has taken place shows the great difficulty of dealing with the question. It is one of those matters in the settlement of which we must look for the exercise of forbearance and good sense on the part both of the States, and of . the Commonwealth, if any proper conclusion is -to be arrived at.

Sir EDWARD BRADDON (Tasmania). - I agree that it is wise to postpone the consideration of these clauses. At the same time I ask the Attorney-General if he will consider a list of -amendments which I have prepared for him ?

Mr Deakin

- If the, night honorable member will hand it to me, I will undertake to -go through all the amendments.

Sir EDWARD BRADDON. - Very possibly when, the Bill comes again before us the Attorney-General will have adopted most of the amendments which I suggest.

Clauses 136 to 145 postponed.

Clause 149 (Arbitration).

Sir MALCOLM MCEACHARN

- I wish to ask if some arrangement can not be made to -force on arbitration within a certain period. No provision is made in this clause for the appointment of arbitrators, so that the whole of the arbitration proceedings may lapse owing to inaction on one side.

Clause agreed to.

Clause 151 (Notice and limitation of action).

Amendment (by Mr. Thomson) agreed to-

That after the words, "usual place of abode," the words, "or business" be inserted.

Progress reported.

DISTILLATION BILL

Second reading.

Debate resumed (from 14th August, vide page 3730), on motion by Mr. Kingston -
That the Bill be read a second time.

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Mr V L SOLOMON

- I have to congratulate the Minister who introduced this Bill upon having given us a fairly workable measure. Of course there are many points that will, and indeed have, come under the review of those who are most closely interested in the business of wine-making and distilling in the various States, and, perhaps, more especially in the State of South Australia. Some of these gentlemen have, I believe, interviewed the Minister who framed the Bill. They have also interviewed those who are representing the State in which they are employed, and have pointed out a few amendments which I think the House will be only too glad to make in the measure. Of course we recognise that in a Bill of this nature, as in a Customs Bill, -and -every other measure affecting closely the -revenue, it is necessary that the provisions shall be of a much more drastic -character. than those -of a mere machinery Bill, which deals with other departments of less vital import to the Commonwealth. It may be as well to allude to the few faults to be found in this measure with a view of directing the attention of the Minister and of honorable members to the points raised by the principal vignerons and distillers in South Australia. These faults are not very numerous, but in some instances they are undoubtedly of paramount importance to the industry in which those gentlemen are interested. One can only have an idea of the magnitude and importance of the wine-making and distilling industry in South Australia by going through the districts of Angaston and Nuriootpa - the whole Barossa district, in fact - and seeing the advances that have been made during the past few- years. It is not necessary to quote figures to show the additional acreage which has been placed under vines.

Mr Higgins

- How much does South. Australia export?

Mr V L SOLOMON

- I have not gone closely into the figures. . They are contained in Coghlan's Seven Colonies. The wine export has increased very rapidly during the last few years. The area under cultivation has also increased. The country in the district to which I refer has been condemned for wheat culture and for the growth of other cereals. Indeed, it was for many years considered almost worthless for anything, but at last it was discovered to be most suitable for the purposes of viticulture, so much so that those who were formerly engaged in a struggle to make a living out of wheat cultivation are now thoroughly prosperous. When I mention that there are hundreds of comfortable homes belonging to those who devote themselves to the cultivation of the vine and to the growth of fruit trees, the House will, I am sure, understand the importance of this industry at least to one State of the union.

Mr Kingston

- Our wine output nearly doubled during the last season.

Mr V L SOLOMON

- I thank the Minister for that, information. During my recent visit to the district of Tanunda, it was an educational sight, even though I knew a good deal of the advancement that had been made in vine culture, to see the prosperous homes established there, and to witness the loads of grapes coming up to the distillery. It was a treat to see the men who had previously been able only to obtain a very scanty livelihood from the cultivation of cereals pocketing cheques of from £2 10s. to £5 10s. per ton for their grapes, without having had any trouble beyond the mere cutting of them. In the near future this will be a matter of very much greater importance than it is today, not only to South Australia, but to the western districts -of Victoria, to certain parts of New South Wales, and, at no distant date, to many, of the great districts of Western Australia, which cannot be utilized for other purposes, but will afford profitable employment for many thousands of people in the cultivation of the vine and the planting and maintenance of orchards.

Mr Fowler

- We have started already.

Mr V L SOLOMON

- I am aware of that fact, but operations there are in a much smaller degree than in the Eastern States.

Mr Higgins

- What about raisins ?

Mr V L SOLOMON

- I am not alluding to the preservation' of fruit, which has attained a very prominent position in South Australia. The exportation of tinned fruits from the districts of Angaston and Barossa has attained considerable importance.

Mr SPEAKER

- Order ! I do not think that the question of preserved fruits has anything to do with this debate.

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Mr V L SOLOMON

- I must apologize if, in dealing with districts in which fruit-growing and wine-making occur, I have departed from the rules of debate. No doubt at Mildura and Renmark the cultivation of the grape for raisin purposes has assumed important proportions. In the district of Clare, cultivators, while taking very fine returns from wine-making, have already taken as much as £50 per acre from currant growing. I have no desire to lengthen the debate on a machinery Bill, but I will ask leave to draw attention to a few points which will require consideration when we get into committee. Part 3 of the Bill, which relates to licences, provides for the issue of spirit-makers' licences, for which a heavy sum has to be paid ; for vigneron's licences, authorizing licensees to distil spirits only for the fortification of their own wines, and for test still licences. It is pointed out that spirit-makers' licences should certainly carry with them not only the right of the holders to distil spirits for their own use in the ordinary way, but-also to supply spirits to those wine-makers whose vineyards may not be of sufficient extent to warrant them putting up stills of their own.

Mr Kingston

- That would be a Tariff question.

Mr V L SOLOMON

- The Bill approaches very closely to it. It is pointed out that although a distiller has to pay £50 for his licence, and is under the most stringent regulations, it is doubtful, as the Bill stands, whether he has a right to sell spirits to the smaller wine-maker for the purpose of fortifying wines.

Mr Kingston

- Does not that depend upon a question of Tariff?

Mr V L SOLOMON

- I think it comes within a machinery Bill. However, I will content myself with calling the attention of the Minister to the matter. I am only alluding to what are deemed to be necessary amendments by those who are interested in the vine-growing industry. Clause 14 provides that no person who is licensed to retail spirits shall be licensed to distil, and that -

If any person licensed under this Act shall be licensed to retail spirits, his licence under this Act shall thereupon cease.

I can see exactly the object of the clause : that it would hardly be wise for a publican to be licensed to retail and distil spirits. In such a case the difficulty of preventing fraud on the revenue would be very great indeed. I am sure, however, that the word " retail," as used in the clause, requires some closer definition. I have given notice of an amendment to deal with it in a way which I think will meet the case. It certainly does not mean to refer to a person who is licensed to sell spirits by the gallon. The word " retail," in my opinion, refers really to licensed victuallers, and when we get into committee I propose to move for the insertion of the words " in less quantity than one gallon." The gallon licence in some of the States is issued only to storekeepers, and solely in respect of liquor to be consumed away from the licensed premises.

Mr Higgins

- Is there more reason for exempting a licensee to sell spirits by the gallon, than a licensee in respect of a smaller volume ?

Mr V L SOLOMON

- It struck me that the object of this clause was to prevent the retailer having a still on his premises.

Mr Higgins

- Is there no danger of a storekeeper having a still on his premises ? .

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Mr V L SOLOMON

- There may be. In submitting my proposed amendment to the committee I shall be quite open to be convinced that it will not meet the case, if the Minister in charge of the Bill can show me that there is good cause for placing a larger interpretation on the word " retail " than that usually given to it. Then in clause 28 I find it is provided that every distiller, in addition to the fair sum which he has to pay for his licence, shall afford reasonable office accommodation for the supervising officer - who is to be in constant attendance at the distillery for the protection of the revenue - and also, if the distillery is distant more than two miles from a licensed public-house, to provide board and lodging for the officer to the satisfaction of the collector. I would point out to the Minister that this clause goes a great deal further than present legislation in South Australia. It would be a very great hardship in many instances if, because of the fact that a distillery was more than two miles distant from a township, the proprietor should be required to provide board and lodging for the officer at his own cost. No doubt it would increase the cost of his licence from £50 to £150. It might involve the distiller in an expenditure of from 30s. to £2 per week to furnish board and lodging for the officer, and unless the Minister can show us that similar conditions obtain at present in some of the States, I think the committee will agree with me that this is a very hard proposal. It has been pointed out to me by some of the distillers that in South Australia an allowance of £20 per year towards the board and lodging, of the officer is made by the distiller, and that a similar grant is made by the Government. In these, days of cycling, when nearly every man can ride a bicycle, whether an officer has to attend at a distillery two or four miles from an hotel is not a matter of very great moment to him. The distiller has to put up with the inconvenience of not having him on his premises as long as he would otherwise have him there. Clause 32 provides that no other trade is to be carried on upon the premises of a distillery without the permission in writing of the collector. There are distilleries and wineries in Australia where pretty well every business is conducted. I might instance Seppelts' vineyard at Seppeltsfield, one of the largest wine-

I making establishments in the world, and an establishment in which the owner has invested something like £25,000. The whole of the casks and boxes required- by the vineyard are made on the premises.; and in some instances the milling, as well as the malting, is carried on in a distillery..

Ma-. Kingston. - Not in the same distillery.

Mr V L SOLOMON

- On the same premises. It is only a question of interpretation, and I call the attention of the Minister in charge of the Bill to this clause, with a view of making it broader, if necessary.

Mr Higgins

- "Distillery" only means that part of the premises which is licensed

Mr V L SOLOMON

- If that is. correct then -there is nothing in the contention.

Mr Kingston

- In- the interpretation clause it is provided that a distillery means the licensed premises of a distiller.

Mr V L SOLOMON

- I will come now to clause 3.4, in regard to paragraph («*!) of which there is a complaint. That paragraph provides that no distiller shall. -

Mix any wort, wash, or. fermented liquor made in his distillery with any wort, wash, or fermented liquor made elsewhere.

It is pointed out by some of the distillers and wine-makers that it is sometimes necessary to use what is called brewer's yeast, or yeasty beer,- which is obtained elsewhere, for the purposes of fermentation, and that this paragraph would prevent its introduction into a distillery.

Mr Isaacs

- -The honorable member is not speaking- of vigneron.

Mr V L SOLOMON

- I think the objection refers to both.

Mr McColl

- It only refers to grain distilling.

Mr V L SOLOMON

- Nevertheless, the clause wants some alteration. Then again, in clause 39 it is stipulated that -
No entry authorizing the- removal of spirits shall be passed in respect of spirits of a lower strength than 25

per, centum under proof, nor in respect of a smaller quantity than 10 gallons.

It is not in regard to the quantity that the provision is awkward; but, it is pointed out by those who are best able to know what is required - and honorable members will understand that I am putting forward the objections of those gentlemen - ~that there ought to be an exemption in regard to sweetened gin. There is an exemption in the State Acts, because the sweetening itself prevents the determination of the strength by hydrometer. This -sweetened gin is, sometimes much lower than 25 per cent, under proof, and, - no doubt; the Minister if he looks at, the State Acts will find that it is necessary to make an alteration in this, particular clause. Coming to, clause 41, I would point out that it provides for entries being, made for the removal of spirits for three purposes, namely - home consumption, removal to a warehouse, and exportation. It is suggested that three additional paragraphs should be inserted,, providing, firstly for the removal of spirits for the purpose of fortifying wines.

T&K Kingston. - That would come under the head of "home consumption."

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Mr V L SOLOMON

- There is no definition of " home consumption," and in the ordinary acceptation, of the term the removal of spirits for home consumption means that the full duty has to be paid, and the spirits immediately pass into the ordinary trade channels. The removal of spirits from the bonded store on the premises of the distiller for home consumption, I take it, means that the fullest duty chargeable' will have to be paid, but under the existing State Acts a much lower duty is chargeable upon spirits removed for the purpose of fortifying wines. They are taken from the bonded warehouse into another warehouse and mixed with the wines that- are to be fortified, the whole process being conducted within the sight and under the control of the Customs officer in charge. Still less duty is paid on spirits which are of such an inferior character a,s only to be useful for the purposes of - methylation - that is, spirits that are absolutely destroyed as far as their value for human consumption is concerned. Then, again,' a certain quantity of spirits is sometimes used in distilleries and wineries for the manufacture of vinegar, and the removal of such spirits is allowed under the State Acts- at a very much lower rate of duty. All these removals for the purposes I have mentioned are carried on under the eye of the Customs officer, and I propose to add three new paragraphs, (d), (e), and (f), covering the removal of spirits for the purposes I ha-ve indicated. I am sure there is nothing unreasonable in- these suggestions. If the Minister thinks they are not required, it would be well, I think, to have the term' " home consumption " interpreted ku such a way- as. to- fully cover such cases. I have cleared large quantities of spirits for home' consumption- at various times, and I know that upon such, spirits the full duty has to be paid,, whereas, when goods are removed to u& warehouse they go- into bond, and the duty is only paid when they aa;e taken) out of bond. The Minister must admit that it is necessary to clear spirits from distilleries and wineries for the purposes mentioned, and, it is desirable that every facility should be offered. Clause 49 provides that certain- computations shall be made of the spirit which should have been produced in& a distillery under ordinary circumstances, and that if the actual quantity of spirits and feints produced during the month is less in proof gallons than the quantity computed by the officer, the officer shall serve upon the distiller an account showing the deficiency, and the distiller shall, at once pay duty on such deficiency. That, is a very drastic provision, and although it is no doubt necessary to some extent, those who- are interested in the business say that some reasonable discretion should be given to the collector. It is, therefore, proposed to add the words " unless the distiller can explain the reason of the deficiency to the satisfaction of the collector." That seems to be a perfectly reasonable provision. In clause 53 it is provided that no vigneron's still shall be used for distilling from any material other than wine or lees of; wine, and that spirits made by vignerons can be used- only for the purpose of fortifying Australian wines. Having paid for a licence- the vigneron will be confined to- the use of his spirits for the "fortification of his own wines, and he will be absolutely debarred from using spirits for the manufacture of vinegar, a branch of trade that is largely followed by some wine-makers at the present time. In clause 54 it will be. necessary to add words which will permit of the use of spirits for the manufacture of vinegar as well as for the fortification . of wine. I am sure that if the Minister inquires closely into these, matters he will find that all these requests are of a reasonable character, and that the. provisions which are suggested have been found useful in the various States of the Commonwealth for many years. In clause 57 I have an amendment to suggest.

It is provided that no spirits shall be used for fortifying. wines unless they - ace- of the strength of at least

5.0- degrees above' proof, and" the duty, if any, has been paid. It is pointed out that in many instances where it becomes necessary to fortify- the finer classes, of port wine;- it is the practice to use fine old brandy which is very little above proof, the crude spirit of 3D or 50 degrees above proof which is used for fortifying, the mow)' common Australian wines, being, altogether too crude and rough for the more delicate wines. I do- not think there can be. any objection, to an amendment of- the clause which will permit of this practice still being, followed. My only desire is to. assist the, Government in making this Bill a thoroughly workable measure which whilst protecting to the fullest extent the revenues of the Commonwealth will in no way hamper, those who are engaged in an. industry of great importance to the welfare of the Commonwealth.

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Mr McCOLL

-- This .Bill is of much more importance than it appears to be on its face, because it deals with some of the leading, industries, in Australia - industries which we look to to conduce largely to the prosperity of this great continent, industries that we have been endeavouring to foster at very great expense for very-many years past. It is not a machinery Bill. It is verv far indeed, from being a machinery Bill, and I hope the House- -will not treat it as such, but will treat it as a measure dealing, vitally with very great interests in .this and the other States. The Minister in introducing the Bill only occupied some ten or twelve minutes, and he told the House it was a measure dealing only with the regulation, of the distilling industry. But the Bill is more than that, as I have said, and as I will show directly. I must compliment the Minister on the structure and phraseology of the Bill. Like other measures he has favoured us with, it is easily understood. The phrases are short, and we shall be very glad, indeed, if all the legislation of the Government is framed on similar lines. But I think the Minister ought to have told the House of the very great changes which this Bill will; bring. about in tie particular industries .with which it deals. It will bring about very great and serious changes very much to the, detriment of many of the people engaged in these industries,, and therefore it is a Bill which I think ought to be thoroughly thrashed out even in a second reading debate before we get into committee. It is largely a technical measure, but, at the same time,- it is much more. It deals with large interests, and very considerably with the habits and health of the people. It ought not to be treated as solely a technical Bill, but should go far beyond that, and be so framed that it will conduce not only to the advancement of the industries which it affects, but also give to the people, in the productions that will be fostered under it, something which will not hurt them, but will be good for them physically. I know very well that Customs officials have a great aversion to dealing with anything in Customs Bills beyond the mere matter of revenue. I am only speaking of Customs officers generally ; and I had some experience in the matter in 1885. In 1S89-90 a select committee sat in Great Britain and inquired into the question of the liquor traffic ; and through out the evidence then given there was the strongest disinclination on the part of Customhouse officials, whether chemists, revenue officers, or any one else connected with the department, to interfere with anything beyond the mere protection of the revenue. If we are going to confine this Bill to the protection of the revenue, we shall fall very far short of our duty. We have an opportunity here of controlling the liquor traffic at its source ; and that is where it ought to be controlled. If we want to change the character of a stream, we do not wait until it branches out and then deal with it, but we go right to the head, or as near to it as we can, and make the change there. In this Bill we are dealing with the very source of the liquor traffic of the country. We are not dealing with imported liquor ; the measure has nothing to do with that. We have it in our power in the Bill to conduce to the interests of the industry and also to secure to the people that what they take as liquor shall be wholesome and sweet, and not destroying. I know that Custom-house officials only look at the fiscal question, and simply want to protect the revenue; to moral and physiological considerations they pay not the slightest regard. I am only speaking of my persona] experience. We must not, of course, ignore the revenue point of view, but must always keep it before us. This Bill, however, gives us an opportunity of dealing with ' the question not only from that point of view, but also from the physiological and moral stand-point. The annual consumption of spirits in all Australia, according to Coghlan, is 3,181,430 gallons, very little of which, I am sorry to say, is locally made. The whole of the locally made spirits consumed in Australia . is 278,209 gallons, or only about one-eleventh of the whole consumption. I' fancy these figures are not correct, because I know - I have not the later figures, although I have endeavoured to get them from the department - that in 1894 there were some 450,000 gallons made in Victoria alone. I think,

therefore, that Coghlan's figures as to locally made spirit are understated. The States are not all equal in regard to this matter. In New South Wales the consumption of local spirits was 6,428 gallons.

Mr Conroy

- The duty is so high there that a good deal of the spirits are manufactured in Victoria.

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Mr McCOLL

- In Victoria the consumption of local spirits was 18,923 gallons, and in Queensland 59,409 gallons, which was nearly all rum made from sugar and molasses. In South Australia the consumption was 23,141 gallons. It will therefore be seen that Victoria uses a much larger amount of local spirits than any of the other States. I do not know that there are any distilleries in New South Wales, but there are one or two in Queensland, which simply use the local molasses or sugar for the manufacture of rum. There are a number of distilleries in South Australia, used principally in connexion with the vineyards, but in Tasmania and Western Australia, I think, there are no ' distilleries at all. In Victoria there are eight distilleries, so it will be seen "that the question affects Victoria at the present time very much more than it affects any of the other States. Of course, in time to come, the question will affect the other States, when the industries get established there. . In 1894 there were made in Victoria 462,702 gallons of spirits, of which one distillery alone made 328,155 gallons. I cordially agree with the honorable member for South Australia,, Mr. Solomon, when he points out that Australia is eminently suited for growing wine. Not only is Australia suited for growing wine, but also for growing all these products from which liquor is made, such as barley, and various other grains. It is our duty, when we have an opportunity, to encourage and cultivate as much local production as we possibly can. While I am not strongly in favour of the use of ardent spirits we know that ardent spirits are used. We cannot prevent them being used, and used in very large quantities, and it is our duty, first of all, to see that our people get a sound and pure article. That we can do under this Bill, and we should encourage our own productions as much as we possibly can.

Mr Conroy

- The Treasurer will get less revenue that way.

Mr McCOLL

- -It does not follow that the Treasurer will get less revenue if we encourage our local production. We can put the excise at such a figure that the same amount of revenue will come in, with the difference that, instead of our people having dreadfully inferior stuff from foreign countries, they will be insured the pure and healthy product.

Mr Fowler

- You do not mean to say that Scotland sends bad whisky here.

Mr McCOLL

- Scotland does nob send its best whisky, any way. We can exercise supervision over what is produced here, and that is what we cannot do in regard to what comes from outside. Here we can follow the process from the gathering of the grape or the grain, until it is turned out the finished article, and we can see that nothing deleterious or hurtful is used in the process. Amongst the main objections to the Bill is, first of all, that there is no provision whatever for pure liquor. Nothing in the Bill prescribes, so far as I can see, what the age of the liquor shall be, or what it shall be made from, and there is certainly nothing prohibiting deleterious or noxious materials being used in the manufacture. The next objection is that the Bill plays into the hands of the large distillers and vigneron with large interests, and to a great extent crushes out the small men in both these branches of industry. Then, the Bill does not properly regulate or encourage local production. In regard to the first objection as to pure liquor it only requires honorable members to glance through the Bill to see that my statement is correct, and I need not say more on the point.

Mr Conroy

- How does the Bill interfere with the smaller men ?

Mr McCOLL

- I will show that by-and-by; but that the Bill does play into the hands of the ' large men is shown in a good many of the provisions. Clause 57 provides that no spirits shall be used for fortifying wines unless they are at least 50 per cent, over-proof. The strength at present is fixed at 25 per cent., and there are many stills in this State which cannot produce liquor 50 per cent, overproof. It is a well-known fact that the larger

the still and the swifter the operation, the poorer the liquor - that the slower the process, and the smaller the still, the better and purer the liquor. Then the distilling licence has been raised from £10 up to £50 ; and it seems to me unfair that a distiller who is only turning out a few thousands of gallons per year should pay the same licence as one who is turning out 300,000 or 400,000 gallons.

Mr Conroy

- The revenue must be protected, and . we do not want liquor consumed at all if we can manage it, though the Treasurer does.

Mr McCOLL

- The point to which I am particularly addressing myself at present is that the Bill plays into the hands of the larger men, and crushes out the smaller men. The 3rd schedule, paragraph 6, provides that the still shall be capable of exhausting at least 150 gallons of wash per hour. There are many stills - indeed, I think the great bulk of the stills in this State - which cannot exhaust that amount, and if that be the case, distilling operations must be left to one or two of the large distillers. We should not aim at playing into the hands of the big men. In addition' to that, I would point out that the slower the distillation the better is the product which is obtained.

Mr Conroy

- Is that an admitted fact ?

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Mr McCOLL

- It is an absolute fact. It was shown in the evidence given before the select committee in England, and it is shown by the various books which I have read upon the subject.' These provisions will mean the absolute remodelling almost of the premises of distilleries in this State at the present time. Paragraph 44 of schedule 3 provides that vats shall be of at least 500 gallons in capacity. At the present time there is no limit regarding the capacity of vats. Some of these have a capacity of only 150 gallons. Many of the smaller distilleries would, under the operation of this Bill, have to clear out their vats and replace them by larger ones for which their buildings are unsuited. The same schedule also provides that a vigneron's still shall be capable of putting through 50 gallons per hour. The present limit is 25- gallons an hour. This provision, therefore, strikes at the small vigneron. Clause 25 is a very arbitrary one, which virtually provides for confiscation. As I have already pointed out, some of the provisions cannot apply to our present distilleries. They will involve the remodelling of the premises in some cases, and the pulling down and rebuilding of them in others. Clause 24 says -

Nothing in this Act shall prohibit a licence from being issued in respect of any still or premises lawfully in use for distilling at the commencement of this Act.

It would appeal-, therefore, as if the distilleries now in existence were to be allowed to carry on their business. But clause 25 provides -

When any premises or plant in respect of which any licence to distill is in force under any State Act at the commencement of this Act, are not in accordance with the prescribed conditions, the collector may fix a time, not less .than three months, within which the distiller must comply with such prescribed conditions. This provision shows clearly that the intention of the framers of the Bill is to abolish the smaller distilleries and to play into the hands of the larger men. Clause 2.6 reads -

If the prescribed conditions are not complied with within the time specified by the collector, the licence may be cancelled by the Minister by Gazette notice.

Thus a man's livelihood is to be taken right away from him. I think I have shown from the few extracts which I have made that the Bill helps the large man and assists to crush the small man. Further, it utterly fails to grasp the requirements of the vignerons. The present position of the vignerons is that they are allowed -to have a still for £5 a year for fortifying wine the product of their own vineyards. They are also required to have ten acres under vine cultivation before they are allowed to have this still. There is- also a £10 licence granted which is taken up by the', larger vineyard owners who are supposed to distill the products of their own vineyards only, but who have been allowed through lax supervision not only to distill the product of their own vineyards and to sell it, but to buy largely from their smaller neighbours, turn the material into spirit, and also trade upon that. Of 56 licences which are issued in Victoria only six or eight are £10 licences. The others are £5 licences. In this State alone there are over 25,000 growers of grapes. There are therefore only 50 of these who have licences to distill. Consequently by far the larger number

who cannot afford -to pay -for a still are in the hands of the bigger vineyard owners. If their .grapes are not fit for market, or if their wine is not fermenting properly, the small vigneron simply have to sell their grapes to the larger owners for whatever they can get for them. These smaller people -have not a chance to get a living. The provision that a still shall not be of less than 200 gallons capacity, and that they shall be compelled to put through 50 gallons an hour will press very severely upon them. In Victoria there are 22,500 acres under vine cultivation, and 3.2,900 acres in the remainder of the States. It is absolutely necessary that in treating many of these vines fortification shall be indulged in. Two opinions are held upon' this point. Some hold that the wines do .not require fortifying. But there is an immense difference between the wines which are grown in Victoria north of the Dividing Range and those .grown south of it. South of the Dividing Range the wine grown is of a much lighter character and .requires no fortifying at all. I have sometimes been amused to see how ardently the growers south of the Dividing Range protest against any fortifying being indulged in at all. North of the Dividing Range it is necessary that fortification shall be resorted to in order that the wines may be preserved.

Mr Conroy

- I have tasted a claret of 32 per cent.

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Mr McCOLL

- The English buyers re-, quire a strong wine, not only to suit the palates of the people, but to insure its being kept in good condition during its transit from Australia. The average wines in the north contain 23 or .24 per cent, of spirit, and they require an alcoholic strength of '26 or 28 per cent, before the -English buyers will come in. Consequently, fortification is absolutely .necessary for the larger proportion of the wines produced in this State. There .are two ways of getting this spirit. The first is by obtaining a, small still, and making it in one's own vineyard, and the second is by applying at certain places where one can obtain it under the present law free of duty for fortifying purposes. I do not know if it is intended that the vigneron shall continue to get this fortifying spirit free of duty, but there is nothing in the 'Bill to say that they shall. There is nothing to show that the privilege, which they have hitherto enjoyed will still be extended to them. Leave being granted to me to continue my remarks on a future date, I beg to move - That this debate be now adjourned.

Debate adjourned. ;

ADJOURNMENT

Undesirable Immigrants

Motion (by Mr. 'Barton) proposed -

That the House do now adjourn.

Mr FOWLER

- I wish to bring before the attention of the House and of the Government a matter of some importance. I learn from the newspapers published in Perth that a considerable amount of excitement has been engendered amongst the industrial classes there by the discovery that Hindoos are being employed in some of the tailoring establishments in that city. This is a subject of some importance in view of the fact that we are about to seriously consider the desirability of prohibiting these people from entering the Commonwealth at all. The fact that they are now to be found in the tailoring industry gives a great deal of point to the contention that if immediate steps are not taken to prevent undesirable immigration, we shall find in the near future all manner of industrial enterprises overrun by these people.

Sir John Forrest

- They cannot get into Western Australia unless they comply with the educational test.

Mr FOWLER

- They are getting into Western Australia, in spite of the Act. Any one who has lived in or travelled through that State must be fully aware of the fact that it is overrun by aliens, and by those whom we are supposed to allow into the country, because they are British subjects in common with ourselves.

Sir John Forrest

- None have come into Western Australia for years.

Mr FOWLER

- I have another aspect of this matter to present to the Government. It has been discovered that at least one firm which employs these Hindoos is engaged in the manufacture- of clothing for a Government

department.

Mr Barton

- What department is that ?

Mr FOWLER

- The Post-office. Any one who knows the insanitary condition under which these people live, will agree with me that the unfortunate individuals who are compelled to wear uniforms manufactured in such quarters are very much to be commiserated indeed. I hope this little incident will arouse the Government to the necessity of adopting the most stringent steps possible to obviate 'the danger there is to Australia in connexion with people of this race.

Mr WATSON

- I think the matter brought forward by the honorable member for Perth deserves the attention of the Government. With reference to the interjection made by the Minister of Defence - one time Premier of Western Australia - to the effect that these people cannot come into Western Australia now, I think it is about time for him to quarrel with the 'Government statistician of that State, for that officer says that in the first three months of the present year some 89 Malays came into Western Australia. Then there were Hindoos, Afghans, and Chinese, a variety of Manilla men and men of various colours - black, brown, cream-coloured, and so on.

Sir JOHN FORREST

-Forrest.- What is the honorable member quoting from?

Mr WATSON

- I am quoting from the Western Australian Government Statistician's report for the first three months of this year. Lately there have been imported into Fiji a large number of Hindoo artisans' and mechanics, who are displacing the. white engineers previously employed on the sugar plantations there. That is a development of coloured immigration which is very recent. Hitherto the importations have been confined for the most part to ordinary labourers.

Mr Kennedy

- That is under a system of contract labour.

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Mr WATSON

- Yes. . The fact that these men have been introduced into Fiji should act as a warning to the Government. I do not want to anticipate the debate on the Immigration Restriction Bill, which is to take place within a few -weeks, but I believe that some 51 Afghans were landed in Melbourne to-day, who would be subject to the provisions of that Bill if it were now in force. In view of these facts, should not the Government ascertain whether any large shipments of these people are on their way to Australia ; and, if so, whether they cannot, by an Act of State, such as that taken by the late Sir Henry Parkes, prevent their landing? The increase in the number of these immigrants is a sufficient menace to the State to justify action of a decided character on the part of the Government. It seems to me that advantage is being taken of the present state of the law to cram »s many of these classes as possible into those States, where, I believe, there is no prohibition against the introduction of Afghans, -with a view to their subsequent distribution perhaps over, the more northern States, where they may find more congenial work in camel driving. The Government should consider whether it is not advisable to take steps to prevent tiny large bodies of these people from landing. Surely in view of the fact that a number were landed a little while ago, and that 51 were landed in Melbourne to-day, the matter is one of sufficient importance to be taken up at once.

Mr RONALD

- I should like to support the remarks which have been made on this point by drawing attention to a communication which I have received with regard to the number of Assyrians employed in onion culture in the western district. They are engaged there in large numbers. They receive about 5s. a week, keep themselves, and live in a kind of a mia-mia. These are statements which are sufficiently alarming, and only add to the urgent necessity for restricting immigration of this class. The letter which I have received is more or less authentic, and I think it ought to be inquired into. The Government should hurry on some measure which will stop . this practice. It will be impossible verv soon to gain that which we all desire, "a .white Australia," if these people are allowed to be landed indiscriminately as at'present.

Mr BAMFORD

- From what has appeared in the press, and what has been said in the House, there can be no doubt that the necessity for hastening restrictive legislation in regard to this matter is being emphasized. I have in my possession - a letter from Mount Garnet complaining of the invasion of that district by Afghans under contract to carry copper to the nearest railway station. They have displaced a number of teamsters - the bone and sinew of the north - who have wives and families to support. These coloured people have been taken there simply to benefit a soulless corporation. The people who have engaged them are making a little profit out of them to the detriment of the whole of the north, and to the special detriment of the men they have displaced. This is a matter which is crying out for the attention of this Parliament, and I hope action will be taken at once.

Sir JOHN FORREST

- My only object in rising is to assure honorable members, that since 1897 - when the Immigration Restriction Act was passed - there has been no introduction of coloured persons into "Western Australia, so far as the southern portions of that State are concerned, contrary to the provisions of that statute. There is a large pearl fishery on the northwest coast, and under the provisions of the law 'the Malays engaged in pearling there are allowed to land at Broome during the off season. A strict account is kept of them ; they are not permitted to go into the country, but are re-embarked after spending a short time on shore. I have not heard of any instance in which these people have gone into the country, It may be that the census has taken into account a number of these Malays while they were on shore for a short time. Very much against my wish coloured labour is allowed, to go to the Abrolhos Islands, off the coast of Western Australia, to work the guano deposits that exist there, and it may be that these coloured labourers have been included in the census returns. I say, without any fear of contradiction, that the Act has been carried out faithfully, and that there is no place in Australia where greater care has been taken to shut out coloured labour. Western Australia was the first State to pass restrictive legislation. Care is not only taken there to keep them out, but to see that those to whom passports are issued do not sell them. Some people may ask why passports are issued, but I would point out ' that if they were not given the men would not go away, and that when they receive them there is a possibility of their not coming back.

Mr Kirwan

- What about the Japanese ?

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Sir JOHN FORREST

- They cannot, come in unless they comply with the education test. Another reason is that ships will not bring them, because they are afraid of the statutory provisions. Of course, if they look like white people they may be able to pass the police and Customs officers, but not otherwise. Those honorable members who have spoken of the increase of the coloured population of Western Australia have not given any figures.

Mr Watson

- The arrivals during the first three months of this year were 145.

Sir JOHN FORREST

- The Government Statistician's report may include persons who have returned, on their passports to Western Australia. The Act was carried out faithfully whilst I was Premier of Western Australia, and I have no reason to believe that it is not being carried out in the same way at the present time.' The people of Western Australia are doing their very best to prevent that State being overrun with coloured aliens. Of course a good many of these coloured races were there before the law came into force. Perhaps some thousands of Afghans were in Western Australia before 1897. I can only say that a great many, more precautions are taken to exclude them from Western Australia than are taken here. I travelled the other day by the Orizaba. There were some 50 Afghan's on board who were coming on here. I was told that they were coming here to go back with horses, but whether that was true or not I cannot say. My only object in speaking was to vindicate, as far as possible, the Government of Western Australia, whose desire for a white Australia is quite as strong as that of any other Australian Government.

Mr PIESSE

- Although this matter has been brought before the House by honorable members who are generally

regarded as the special representatives of labour, I desire to say that there are other honorable members who sympathize with their object, and I would urge upon the Prime Minister the desirability of giving full consideration- to'; the representations made.

Mr PAGE

- - I was very glad to hear the Minister for Defence say that whilst he was Premier of Western Australia he did all he could to keep that State white, and I hope that he will use his influence to keep the Commonwealth white, too. A week or two ago 75 Afghans were landed here, and now we have another batch of 50, and it' appears to me that there are more coloured than white people coming into the Commonwealth just now. That is not a very desirable state of things. Queensland has been called a block State, but Victoria will soon be just as black, and I am afraid that these coloured people will gradually drift into Queensland, unless we have an Alien Restriction Act passed into law very' soon.

Sir John Forrest

- Why did not Queensland pass an Act for herself?

Mr PAGE

- Because the local franchise would not enable the people of Queensland to express themselves previously in the same emphatic way that they have now done by returning the whole of their representatives; to the Federal Legislature as advocates of a white Australia. I would like to see the Alien Restriction Bill brought in as soon as possible, or otherwise we shall soon be' in the same position as Natal, which is overrun with coloured people, and is in such a position that the Treasurer finds it very difficult to get a sufficient amount of money to defray the cost of government.

Mr V L SOLOMON

- I have an inquiry from some members of the mercantile community connected with, the Chamber of Commerce in South Australia as to whether the Premier will make provision by which copies of the Tariff shall be available for publication in every State simultaneously, when it is once laid on the table of the House ? I think it is only reasonable, as a matter of common fairness, that the Tariff should be available to the merchants of Adelaide and other places at exactly the same moment as it is disclosed to the merchants of Melbourne.

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Minister for External Affairs

Mr BARTON

. - -As to the matter mentioned by the honorable member for South Australia, all I can promise is that everything fair and reasonable will be done, so long as the protection of the revenue is assured. As to the other wider subject,, which has engaged the attention of the House for the last half-hour or so, it arose out of the complaint of the honorable member for Perth, Mr. Fowler, that, according to a newspaper in that city, Hindoos were being employed in a tailoring establishment there. Of course, the Commonwealth itself,, under the Constitution as it stands, cannot interfere with the employment of Hindoos in tailoring establishments, once the Hindoos are in the State ; no doubt it is a pity that they ever got there. It is stated that the firm which employs these Hindoos is manufacturing clothing for one of the Commonwealth departments, namely, the Post-office. If that is so, the contract under which the clothing is manufactured was' probably entered into before the Post-office was transferred, because such contracts will not knowingly be entered into, by any department of the Commonwealth. As to the wider question of. the introduction of aliens, which has ranged over a considerable area ill the few minutes that the debate has lasted, I would like to say, in response to the honorable member for Bland - who asked that the Government should ascertain whether any large shipment of coloured aliens is likely to enter and by an act of State stop them - that . as soon as I heard of the influx of a certain number of Afghans, when the matter was brought to my notice last week or the week. before, I had. a consultation with the Minister for Customs, and asked him to direct - and he has directed; - that in all cases where a large influx of aliens is apprehended I should be notified, so that an act of State may be exercised in those cases where the local law is not sufficient.

Mr Page

- What, about the case today ?

Mr BARTON

- All I can say is that I had not been made aware of any expected influx. If I had, this State' being, one which has not passed a restrictive law such as in force elsewhere in the Commonwealth, I should; have taken it. upon myself to have directed the exclusion of the aliens referred to.

Honorable Members. - Hear, hear.

Mr BARTON

-I am not so much concerned about the Assyrians who are engaged in onion culture as. my honorable friend Mr. Ronald is. That, again, is one of these cases in which we must take things as we find them. We cannot issue an edict of- starvation, upon them. Our. procedure should- be- at the other end - we should, stop them on the threshold.; and: I hope that on the threshold- they will be stopped in. future: That brings me to the other point. Honorable members know perfectly well- that the urgency of. matters in connexion with the Tariff, made- it necessary that the- Bill following, the Post and Telegraph. Bill, - which is, not yet finished - should be the. Distillation Bill. After: those Bills are out of the way, the second reading debate upon- the Immigration Restriction- Bill- will be gone- on with. Under that, measure we shall.' not be embarrassed- very much- with acts of State, but shall be able to submit certain matters to the operation of our own domestic law, which- will, I think, be much more effective, and as to which, when passed by our Parliament, I do not expect any opposition, or any refusal- of the Royal assent, from- any authority whatsoever. I believe- that the Bill is so drawn as to prevent anything of that kind arising. When it is in operation, it will have to be administered with discretion,, but it will not follow from that discretion that undesirable coloured immigration will run the course that it has run heretofore in Australia:

Question resolved in the affirmative.

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23:12:00

The House adjourned at 1 1.2 p.m.