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1901-09-19

House of Representatives.

Mr. Speaker

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

PETITION

Mr. GLYNN

presented a petition, signed by certain electors of the Commonwealth, praying that a federal scheme for improving the navigability and conserving the waters of the rivers be carried out.

Petition received.

QUESTIONS

JAPANESE IN THE NORTHERN TERRITORY

Sir LANGDON BONYTHON

- Amongst the parliamentary papers recently laid upon the table is one containing correspondence with reference to the introduction of Japanese into the Northern Territory. I desire to know from the Prime Minister if he has received any further correspondence bearing on that subject, and, if so, whether he has any objection to lay it on the table of the House?

Minister for External Affairs

Mr BARTON

- Since the papers in question were laid on the table and printed, I have received further communications on the subject from the Honorable J. Langdon Parsons, and I have given instructions to have a copy prepared for laying on the table to-morrow.

DEATH OF PRESIDENT McKINLEY

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Mr SPEAKER

- I have to inform the House that I have received the following telegram from the Private Secretary to His Excellency the Governor-General : -

Resolution of House of Representatives forwarded by Governor-General this day to Secretary of State.-

STATE LAWS AND RECORDS RECOGNITION BILL

Royal assent reported.

PAPERS

The Clerk laid upon the table a return to order -

In reference to sergeant-instructors in the Queensland Defence forces.

Mr. BARTON

laid on the table

A memorandum by the Colonial Defence Committee on the defence forces and defences of Australia.

Ordered to be printed.

QUESTIONS

INTER-STATE COMMISSION BILL

Mr BRUCE SMITH

- I wish to know from the Prime Minister if it is possible for him to lay upon the table of the House the proposed amendments to the InterState Commission Bill. The right honorable gentleman knows that the whole of the shipping interests of the States have been very much agitated because of the form of that Bill, and if the amendments are in the direction of meeting the objections raised against it, they will save that particular branch of commerce a great deal of the trouble which they are now taking to resist it.

Mr BARTON

- We cannot very well lay the proposed amendments on the table while the motion for the second reading is pending, but we shall lay them on the table on the first opportunity when it can be done properly, and in ample time to deal with them.

FEDERAL PATENTS ARRANGEMENTS

Mr G B EDWARDS

asked the Minister of Home Affairs, upon notice -

In view of probable delay taking place in the establishment of a Federal Patents Office, will he take into consideration the possibility of granting inventors some advantages by means of administrative arrangements?

Is he aware that some years ago, when the Government fee in New South Wales was ?20 on applications, the Government anticipated the passing of the Act of 1887 by making a refund of ?15 on all applications made ?

Could not some similar arrangement be made by the Federal Government without any legislation ?

In some cases could not a mere alteration of regulations effect the purpose ?

In other cases where refunds would require to be made, could not the necessary authority be granted Ministerially ?

Is it not a fact that large surpluses are earned in Australian Patent Offices ?

Is it a fact that a New South Wales patent to cover a population of 1? million costs in fees prior to issue of patent more than a British, German, or French patent, and nearly as much as a United States patent ?

Will he, in introducing Federal legislation on the subject, approximate the fees chargeable on a Commonwealth patent to the fees charged in England and other countries ?

Minister for Trade and Customs

Mr KINGSTON

- This is a matter which comes within the department of: Trade and Customs. The answers to the questions are these - 1, 3, 4, 5. - The Government are of opinion that advantages to inventors, and refunds cannot well be dealt with except by legislation. 2, 6, 7. - The Government have not yet inquired into the action of the Government of New South Wales in 1887, nor compared the State patent fees with those of other countries or the revenues and expenditure of the State Patent Offices ; but no doubt in some cases there is room for the reduction of fees.

- The Government propose in recess to give their best attention to the Patent Bill, with a view to its early introduction next session, and they will be specially careful to provide for any encouragement which can be fairly given to inventors either as regards reduction of fees or otherwise. Considerable progress has already been made in the preparation of the Bill.

MONEY ORDER ADVICES

Mr MAHON

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

Whether the advice of a money order issued at Broken Hill, New South Wales, on Fremantle, Western Australia, is delayed from seven to ten days in transit owing to the fact that it has to be recorded at Sydney and Perth before reaching its destination?

Whether the advice of an order issued, say, at Burketown, Queensland, on Hergott Springs, South Australia, is sent direct from issuing to paying office ?

Whether it is proposed to bring the Western Australian money order system into line with the systems in force in South Australia, Victoria, New South Wales, and Queensland, and so give the people of Western Australia facilities equal to those enjoyed by the public of the Eastern States ?

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Mr BARTON

- The answers are these -

Under the agreement entered into between the States of New South Wales and Western Australia for the exchange of money orders, it was stipulated by the latter that such orders drawn at Broken Hill or other places in New South Wales for payment in Western Australia, should be advised through Sydney and Perth. This leads to a delay in the case of Broken Hill of at least six days.

Advices of all money orders issued in Queensland are sent direct from issuing to paying offices. No money order has been issued at Burketown on Hergott Springs.

It is proposed to bring the Western Australian money order system into line with the systems in force in the other States.

MR. S. H. LAMBTON

Mr G B EDWARDS

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

Is it a fact that Mr. S. H. Lambton, who retired from his position as Deputy Postmaster-General of New

South Wales on 21st February last, was, in or about March last, appointed postal adviser to the Commonwealth Postmaster-General ?

If so, on what terms was he employed, and what is the rate of remuneration ?

What are the nature and extent of his duties ?

Mr BARTON

- The following answers have been supplied : -

Mr. Lambton,

who retired from the service of New South Wales on the 21st February last, has not been appointed postal adviser to the Commonwealth Postmaster-General.

He was asked to remain in the service of the Postal and Telegraph department of the Commonwealth to advise the Postmaster-General, pending legislation in all matters hitherto dealt with by the Public Service Boards of New South Wales, Victoria and Queensland, and, if required, in all matters of a similar character in the other States of the Commonwealth, for an honorarium of £50 per month, irrespective of any pension he might be drawing.

Such papers as the Postmaster-General directs, that would in due course, previous to the transfer of the Postal and Telegraph department, have been referred to the Public Service Boards, together with matters affecting the status of officers of the Postal and Telegraph department, are referred to Mr. Lambton for his advice and recommendation.

OVERTIME : ORDNANCE BRANCH

Mr HUME COOK

- In asking the Minister of Defence, upon notice -

Whether it is true that in connexion with the ordnance branch the practice with regard to overtime has been to give " time off " ?

Whether it is a fact that in consequence of the pressure of work occasioned by the sending away of the various contingents some hundreds of hours are due to the members of the ordnance branch ?

Whether the Government propose to give " time off " as heretofore for the work so done, or whether it is proposed to make compensation in some other way ?

I wish to say that 35 or 40 men are interested in this matter. Prior to the taking over of the department by the Commonwealth, they were paid 1s. an hour overtime ; but since the change nothing has been paid to them, and there are some 20,000 hours of overtime due to them.

Sir JOHN FORREST

- I have the following information : -

This has not been the practice, but when an employee is required to work on a holiday, a day off is granted in lieu later on.

A very large amount of overtime work was involved by the despatch of contingents, for which tea money was regularly allowed, and in some cases overtime payment.

It would not be practicable to adopt any arrangement of "time off " in the branch, but advantage has been taken of the first opportunity that presented itself, to grant two weeks' leave all round for the permanent employees during the period 26th August to 28th October.

SAVINGS BANKS ADMINISTRATION

Mr MAHON

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

Whether it is proposed that the Government of any State, where the Savings Bank is connected with the Post-office, shall pay the Commonwealth for the services rendered by Federal officers in transacting Savings Bank business?

Whether the Postmaster-General intends to make any allowance to Federal officers for overtime in conducting Savings Bank business on Saturday evenings ?

What are the regular working hours of Federal officers in Western Australia, and whether the Postmaster-General has authorized the recent increase in such hours?

Mr BARTON

- The following answers have been supplied -

Yes; it is proposed that the State Governments shall pay the Commonwealth for such services.

The allowances to be made to Federal officers for overtime in conducting Savings Bank business on

Saturday evenings and for overtime generally will be determined by regulations under the Commonwealth Public Service Act.

The regular working hours of officers in the Post and Telegraph branch of the Federal service in Western Australia are from 9 a.m. to 4.30 p.m., with the usual lunch hour. The Postmaster-General authorized the increase of such hours from 4 p.m., as it was formerly, to 4.30 p.m., the usual hours now worked in the State departments of Western Australia, and observed in the Post and Telegraph offices of New South Wales and Victoria.

#### RIFLES AND AMMUNITION

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Sir EDWARD BRADDON

asked the

Minister of Defence, upon notice-

When the 250 Lee-Enfield (303) magazine rifles which reached Hobart on 13th June last, and 1,250 rifles which reached Hobart on 17th

July last, will be distributed among the members of the Tasmanian Defence Force, as it is alleged that only some 250 rifles now in the hands of the force are serviceable ?

Whether he has authorized as a permanent arrangement the issue to No. 1 Battalion of the Tasmanian Defence Force of the balance of Martini-Enfields in store, it being alleged that these weapons are very generally condemned by the men, and pronounced absolutely unserviceable until they have been re-sighted in England.

If he has approved of the recent order made in Tasmania whereby the price of 303 ammunition has been raised from 5s. to 10s. per hundred, except in the case of commissioned officers of corps which have had Martini-Enfields issued to them, and if this is not a hardship to all, and especially to some 30 men who have purchased Lee-Enfields at their own expense (about £9 apiece).

If he will add to clause 119 of the Defence Bill a provision setting forth the constitution of the existing Federal Council of the Rifle Associations of Australia as the basis of the Commonwealth Association.

Minister for Defence

Sir JOHN FORREST

- I have the following information : -

Arrangements are now being made to get these rifles out of store and distribute them.

No.

No. Instructions were issued to the military commandant to sell the ammunition at the reduced price of 5s.

It is proposed to amend clause 119 (vide amendment circulated).

#### AUSTRALASIAN NAVAL SQUADRON

Mr HENRY WILLIS

asked the Prime Minister, upon notice -

) When will the agreement which was entered into with the Imperial Government (in 1888) for the protection of the floating trade in Australasian waters terminate ?

Whether the Commonwealth Government have any intention of renewing the existing agreement or contracting a fresh agreement with His Majesty's Home Government for the establishment and maintenance of additional warships, of the newest type, to be employed for the protection of the floating trade in Australian waters ?

Mr BARTON

- My reply is-

The agreement was for ten years, then to terminate on two years' notice on either side.

This notice has not yet been given, and the Premiers at the conference in London, in 1897, favoured the continuance of the squadron on the terms of the existing agreement. The question of preparing a fresh agreement has had consideration, but a decision has not yet been reached.

#### COMMUNICATION OF WRECK INTELLIGENCE TO PRESS

Mr CROUCH

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

Whether the latter will direct that the notifications now sent by his department to the metropolitan press as to coastal calamities and wrecks should also be communicated to all provincial daily newspapers ?

Mr BARTON

- I am informed that- .

The Postmaster-General regrets that he cannot give any direction that would have the effect of providing free transmission throughout the Commonwealth for messages which are now sent through the ordinary channel and paid for at press rates.

#### SERVICE AND EXECUTION OF PROCESS BILL

Bill read a third time.

#### DISTILLATION BILL

Mr McCOLL

- Will the Minister be good enough to recommit the Bill for the consideration of clause 58, for the purpose of again testing the feeling of honorable members as to what spirit should be used in the fortification of wines ? We had a very long debate upon the subject on Friday last, and the vote, by a very small majority, then went against the use of pure wine spirit.

Mr KINGSTON

- I am willing to recommit the clause.

Mr GLYNN

- Will the Minister also recommit clause 14, which provides that any person who is licensed to retail spirits in less quantities than two gallons, shall not be entitled to obtain a licence under the Bill. The quantity mentioned ought to be one gallon, not two gallons, because the statutes in force in some of the States define retailing as dealing in quantities of one gallon and under.

Mr KINGSTON

- I consent to the recommittal of that clause.

Motion (by Mr. McColl) agreed to-

That the Bill be now recommitted for the reconsideration of clauses 14 and 58.

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Sir WILLIAM McMILLAN

- I should like to know whether the Minister has received a communication with reference to giving permission to distil to wholesale druggists? It appears that the wholesale druggists have been allowed to increase the capacity of their stills beyond what is allowed to ordinary chemists, and as this practice has worked very well in the State of New South Wales, I have been asked to bring the matter under the consideration of the Minister.

Mr MCDONALD

- I should like to direct attention to the fact that certain circulars are being circulated among members by the messengers of the House. A little while ago exception was taken by the honorable member for Bland to the action of the honorable member for Tasmania, Sir Edward Braddon, in having open circulars distributed. Now we have them distributed under cover in reference to the Bill which is just coming under discussion, I think the practice is not a good one, and that it ought not to be allowed.

Mr SPEAKER

- I think objection was taken, on the occasion referred to, by the honorable member, on the ground that the matter to which the circular referred was not then under the consideration of the House. The matter referred to in the circular which has just been handed to honorable members is under the consideration of the House, and as I believe the papers handed round bear the name of the honorable member for

Echuca-

Mr McDonald

- No.

Mr SPEAKER

- They were handed round on that consideration, and on that consideration only.

Mr McDonald

- The circulars are signed by a Mr. Frank Buckley, the secretary to some association.

Mr SPEAKER

- I was asked if these papers might be circulated, and I said, " Yes, if the honorable member who desires them to be circulated will take the responsibility of placing his name upon them."

Question resolved in the affirmative.

In Committee  
(Recommittal) :  
Clause 14 -

No person who is licensed to retail spirits in less\* quantity than two gallons shall be licensed under this Act, and if any person licensed under this Act shall be licensed to retail spirits in such quantities his licence under this Act shall thereupon cease.

Mr GLYNN

- I move -

That the word " two," line 2, be omitted, with the view to insert in lieu thereof the word " one."

The clause will then provide that no person shall be licensed to retail spirits in less quantity than 1 gallon, instead of 2 gallons. In South Australia - I do not know whether it is the same in the other States - a storekeeper's licence entitles a person to sell spirits in quantities of not less than 1 gallon. Several of the vigneron have storekeepers' licences, and these would be of no use to them unless the limitation in the clause is reduced to 1 gallon. I hope the Minister will accede to the amendment, which is in accordance with the law of at least one State already.

Mr KINGSTON

- I am afraid that I cannot agree to the amendment. I looked into the matter some time ago, and the whole question was discussed when the Bill was going through committee before. With reference to these licences to distil, the position is that those who follow the business, of distillers should not carry on retail business, otherwise there would be opportunities for leakage which should not be permitted. We are providing a limit in connexion with beer, and I think 2 gallons, or twelve bottles, is a fair limit to fix for a distiller.

Mr GLYNN

- I would remind the Minister that at the present time several wine merchants and vigneron in South Australia have the very same facilities, afforded by the State Act as are proposed to be given by the amendment. These facilities, have not been abused under the State law, and they are not likely to be abused under the Commonwealth law. The effect of passing the clause as it stands will be to deprive several wholesale wine merchants and vigneron of the advantages attaching to storekeepers' licences in South Australia, and I think the Minister ought to accede to a reasonable suggestion. This is not a matter of splitting the difference, as it appeared to be regarded when the matter was formerly under consideration, and there is no reason why an arbitrary limit should be fixed by the Minister, instead of making the limitation coincide with the State Acts. No State would be injured by the amendment, but there is at least one State that might be injured by making the limitation more than 1 gallon.

Mr KINGSTON

- I do not think it is a question of injuring the States. We have to fix a limit of some sort in view of the general interest, and I came to the conclusion that 2 gallons was the better limitation.

Mr Glynn

- It will have the effect of injuring one State.

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Mr KINGSTON

- No ; all the States will have to comply with the same law. If we were to proceed upon the basis of what is the largest and most extensive provision in any State, we should be forced to go to lengths which we should scarcely be able to justify. It seems to me that the 2 gallons limit is a perfectly fair one.

Amendment negated

Clause agreed to.

Clause 58 -

No Australian wine shall be fortified under this Act so as to contain more than 35 per centum of proof spirit.

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Mr McCOLL

- I have to thank the Minister for his courtesy in readily agreeing to the recommittal of this clause. There was a protracted debate with reference to this clause on Friday, but I think a number of honorable members were not as fully seized with the importance of the question and its bearings as they are now,

after the matter has been more fully discussed in the press and elsewhere. I now desire to again move - That the words - "Nor with any other spirit than pure wine spirit," be added to the clause.

The object of that amendment is that no spirit other than that made from the grape shall be added to wine for the purpose of fortification. We desire to keep up the character of Australian wines, and the amendment will bring the Bill into line with the Victorian law at the present time. Furthermore, a Bill is now drafted in New South Wales, and is shortly to be laid before Parliament, containing the same provisions as exist in the Victorian Act. Among the other representations that have been made through the press are those of Dr. Gresswell, the health officer of Melbourne. In to-day's Age it is stated -

The Board of Public Health views with great alarm some of the proposals contained in the Distillation Bill now before the Federal Parliament. Speaking at a meeting of the board yesterday, Dr. Gresswell said that great danger to the Victorian wine industry existed in the clause providing for the fortifying of wines with potato spirit of a strength of nearly 30 over proof. If such provision should become law "the Australian wine trade would be utterly damned."

Unquestionably, Victoria had produced, and was producing, magnificent wines to be matched with, if not to excel, those that any part of the world could produce. The Victorian market might now be said to be almost free of the stuff that used to be palmed off by unscrupulous vendors, and a physician could with confidence advise his patients - sick, convalescent, and weakly - as to the nourishing and stimulating properties of wines of local production. If the provision referred to became law, however, they might say good-bye to an industry which so many had laboured and expended their all to establish, and which the Government of Victoria had so heavily subsidized.

If the proposal were passed it would become Federal law, and the consequence would be that throughout Europe, England and America, it would be believed to be the law of Australia as a whole; the Victorian restrictive law would not be specially thought of, and while in this State persons putting fusel oil, aldehydes, and so on, into their wines, were punished, Victoria would derive no benefit from the exceptional purity of its wine. The Victorian trade was a very considerable one, the exports of wine in 1898 amounting to 238,000 gallons; 1899, 362,000 gallons; and last year, 399,000 gallons.

In addition, the question is clearly set forth in a leading article in the Age newspaper, the whole argument of which shows the probable disastrous results to our wine industry. Since last Friday I have received a number of letters and communications from winegrowers in New South Wales and Victoria. Mr. L. Frere, of St. Hilaire Vineyard, Albury, writes: -

The Victorian Wine Adulteration Act prohibits addition of foreign matter, and makes an exception for pure wine spirit only. The same Act will very soon be submitted to the New South Wales Parliament, and very likely passed.

I do not wish to read all the letters, but I may say that I have also had a communication in very strong terms from the Wodonga Wine and Fruitgrowers' Association, others from the vigneron of Rutherglen, the Wine and Fruitgrowers' Association of Corowa, the distillers of Ballarat, the Goulburn Valley Wine and Distillery Company, and a strongly worded telegram from the Barnawartha Wine Association of Victoria. These communications state that there is a feeling of great alarm amongst vigneron in the wine-growing districts, as to the clause passing as now drafted, and they ask that an amendment may be made. At present this clause affects South Australia and Victoria more than it does the other States, but these latter are entering into the industry, and we desire that they should enter it under the very best conditions, without the shadow of a suspicion of possible adulteration of the kind which will be permitted under the clause. If it is to go forth that Australian wines, can be fortified with any spirit, we may be sure that the opponents of our wine trade, which has been built up at the cost of a great deal of money and hard work, will use the fact to the great disadvantage of Australian wines. We "have to compete with other countries, and -the clause, if allowed to pass in its present form, will no doubt be made a ground for strong attacks on our wines. We ought to use our wine spirit, and not leave it open to -vignerons to use ' the cheap spirit distilled from roots, potatoes, and other material. If we pass a clause providing that pure wine spirit only shall be used, it will be a great help to our wine growers. The matter has been so fully discussed, that I shall not take up further time.

Mr KINGSTON

- I am sorry that so much stress has been laid on the utterances of Dr. Cresswell in this respect. I had not intended to refer to Dr. Gresswell specially, but as he has been quoted as an authority, I may say that I

think his strong remarks show most conclusively that he has not read or attempted to read the Bill.

Mr A McLEAN

- There is no better authority in all the States than Dr. Gresswell.

Mr KINGSTON

- Dr. Gresswell

may be an authority, but a man cannot be an authority as to what should be done in respect to a measure before Parliament until he has read that measure. I say unhesitatingly that

Dr. Gresswell

has not read the Bill or he would not have said what he has.

Mr A McLEAN

- The Minister is relying on his officers.

Mr KINGSTON

- I am relying on my officers to give me the necessary information, but I am relying on myself to form the right conclusions from my point of view. These conclusions I intend to lay before the committee as soon as possible, and before I sit down I think I shall prove that I am right. Dr. Gresswell has been reported to have said -

In the opinion of the chairman of the Board of Public Health, the future of the wine industry is imperilled by the proposal now before the Federal Parliament to allow potato spirit with a strength of 30 over proof to be used as a fortifying agent.

I say there is no such proposal in any line or letter of the Bill, and such an inference cannot be fairly drawn.

Mr A McLEAN

- Is it not possible to use potato spirit under the provisions of the Bill?

Mr KINGSTON

- The only provision in reference to the fortification of wine provides for wine spirit.

Mr Isaacs

- Where?

Mr A McLEAN

- What was the division about the other day? We had better not be misled.

Mr KINGSTON

- I shall take care that honorable members generally are not misled.

Mr A McLEAN

- The Minister's statement just now is highly misleading.

Mr KINGSTON

- I do not think that the honorable member for Gippsland, on reflection, will adhere to that opinion. Clause 52, Part VI., provides: -

No vigneron's licence shall be granted to, or held by any person unless he is the occupier of at least five acres of vineyard in bearing, or is the proprietor of a winery.

Clause 53 provides -

No vigneron's still shall be used for distilling spirits from any material other than wine, or lees of wine, and spirits made by vignerons shall be used only for the purpose of fortifying Australian wine or as may be prescribed.

Mr Watson

- That is not the whole case.

Mr KINGSTON

- Of course it is not; I am going further.

Mr Isaacs

- Will the Minister allow me to say that the honorable and learned member for Corinella pointed out the other day that clauses 57 and 58 ought to be separated from their present heading, and the Minister assented to that?

Mr McCay

- The Minister agreed to the separation, and said he was obliged to me for drawing attention to the fact.



Mr KINGSTON

- I am not going to lay any stress on the fact-

Mr Isaacs

- It is the only ground for the limitation.

Mr KINGSTON

- It is not. Will the honorable and learned member say there is any provision for fortifying wine under this Bill, except with spirits produced from wine?

Mr Isaacs

- If we separate these clauses from the heading " vigneron," yes.

Mr KINGSTON

- The position I take up is that if we apply this to spirits used under this Bill for fortifying purposes there is no need for it. The only fortification permitted is with spirit, and we have no right to go further. What right have we to say that a man who has cleared spirits, and has wine in his possession, has no right to use those spirits for the purpose of fortifying wine ?

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Mr Isaacs

- Does the Minister say that spirit makers are not entitled to use their spirits made from barley or potatoes for the purpose of fortifying wine ?

Mr KINGSTON

- I say they are entitled to do so, when the wine is out of our control. But there is no provision of any description enabling the fortification of wine in bond with any other spirit than with wine spirit.

Mr Watson

- There is a possibility, with the approval of the officer, of using any spirit the vigneron may choose.

Mr KINGSTON

- Clause 54 provides-

All operations and fortifying of wine shall be carried on in the presence of an officer.

Then clause 56 provides that all spirits distilled by vigneron shall be subject to the control of the Customs.

Mr Watson

- What about clause 57, under which spirits brought from an ordinary distillery may be used with the approval of the officer?

Mr KINGSTON

- The Customs have not that under control.

Mr Watson

- Yes, they have.

Mr KINGSTON

- Does the honorable member tell me that we ought to provide in a Bill of this sort, for preventing the use of spirits which are purchased by a winegrower, who may have his own wine to fortify?

Mr McCay

- That is quite another point from the one the Minister is now discussing.

Mr KINGSTON

- To what extent do honorable members desire to interfere with the right of fortifying wine?

Mr A McLEAN

- To the extent of using the best material.

Mr Isaacs

- We want to interfere to the extent that wine shall be fortified only with wine spirit.

Mr KINGSTON

- Of course, there are two ways of discussing this matter. On the last occasion I pointed out that I dealt with the broader contention which was raised, and, I think, intended to be raised by honorable members, that under no circumstances whatever should Australian wine be fortified with other than Australian wine spirit.

Mr McCay

- That is the question.

Mr KINGSTON

- As regards distillation, the Customs take control for the purpose of excise. When all the duty is paid, if the spirit be used for certain specified purposes, well and good. But do honorable members contend that when a man has wine of his own, and has spirit cleared at whatever duty may be applicable to home consumption, we have a right to go further and say that he shall not use his own spirit to fortify his own wine ?

Mr Higgins

- That is a matter for State law.

Mr KINGSTON

- That may be so.

Mr Isaacs

- Can the Minister draw a distinction between the words proposed to be added and the words in the clause ?

Mr KINGSTON

- Yes, I can. The honorable and learned member has again shifted his ground ; but I will so explain the question that every one may understand it. We have provided for the fortification of wine with wine spirit. We have a right to regulate that as we please, and so we find that under clause 58 more than a certain quantity of spirit cannot be put into wine. Certain privileges are given, and the Customs keep control, saying that no more than a certain quantity of spirits shall be used in that way. It is a fair provision, or otherwise the character of the wine might be so changed as to be practically turned into spirit. But honorable members want to go further and say that, although a man may have cleared his spirits and paid all duty on them, he shall not use any other than wine spirit anywhere, or under any circumstances for wine fortification. That is the broad point at issue.

Mr Watson

- Is that said in clause 57 ? Is it not said there that no spirit shall be used unless it is of a certain strength and approved by the officer.

Mr KINGSTON

- And of a certain character, too.

Mr Watson

- Nothing is said as to character.

Mr McCay

- Does the Minister say that clause 57 refers to only one spirit ?

Mr KINGSTON

- The clause refers to spirits which are cleared for a certain purpose, and there is a certain provision for the clearing of wine spirit, for the purpose of fortifying wine.

Mr Salmon

- It is provided that spirits used for fortifying wine shall not be less than 30 degrees over proof. The Minister might go further, with reason, and say that the spirit shall be made from wine.

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Mr KINGSTON

- That is another addition to the argument. First the honorable and learned member for Indi says that because we say that a man cannot fortify with a spirit of more than a certain strength, we are equally entitled to say that he shall not be allowed to fortify with any other but wine spirit. We are entitled to do nothing of the sort. Then the honorable member for Laanecoorie contends that because we say that fortifying spirits from grain shall be of a certain strength and quality, we have a right to say that no other than wine spirit shall be employed.

Mr McCay

- Does the Minister intend to put a fresh heading before clause 57 ?

Mr KINGSTON

- There is a good deal to be said in favour of keeping the clauses as they fire. Dr. Gresswell draws the gloomiest conclusions as to the results which will follow if we retain the Bill in its present form. I can tell honorable members that the reputation of Australian wines has been established beyond the possibility of reproach.

Mr A McLEAN

- Now that it has been established we can afford to tamper with it in any way we like. Is that what the Minister means?

Mr KINGSTON

- The honorable member entertains very strong views upon this matter. I believe, however, that he is mistaken in putting the question in that way. Our reputation as wine-growers has been established under a system which has made, so far as Distillation Acts are concerned, no provision whatever of the character which is here proposed.

Sir Malcolm MCEACHARN

- Excepting in Victoria.

Mr KINGSTON

- Honorable members can search the Distillation Acts of the various States right through, and they will not find one word of limitation of the character referred to. As regards South Australia, the vigneron there have the fullest power. Let me tell the honorable member for Melbourne, who has just interjected, that I find that the Victorian Act is the laxest of all the State statutes on this subject. It contains no provision as to the strength of the spirit which must be used, and, although I have not searched through every line and letter of all the Health Acts, a great deal of credit is attributed to legislation upon this subject for which, I understand, Dr. Gresswell is responsible. That gentleman tells us that it was a great pity that this proposal to allow of the use of potato spirit should have been made. Why, it has been shown by the figures quoted that the quantity of wine spirit used by distillers in Victoria is but a small portion indeed of the total spirit which they produce. The proposal under consideration is to forbid the use of any other spirit and to force vigneron to use only grape spirit. Mr. Rowan puts it that under the provisions of this Bill the vigneron will be able to get rid of their "off" wines by distilling them. Those wines are to be utilized for the purpose of turning out this spirit.

Mr Isaacs

- The Minister will not prevent the use of "off" wines if he sticks to his Bill.

Mr KINGSTON

- The wine makers, know their business in this respect as well as we do.

Mr McCay

- That argument has been used in opposition to every piece of industrial legislation enacted.

Mr KINGSTON

- When it is used by me it is not used under the circumstances, to which the honorable and learned member refers. In a matter of this sort we have the experience of the past to guide us, and the proposal now made is not necessary in the slightest degree. Dr. Gresswell goes on to say -

On the Continent the use of spirit was allowed only on condition that it was rectified on that strength. It was a great pity that such a proposal should have been made in the Federal Parliament, seeing that the frauds practised by wine adulterators in putting rubbish on the market had been exposed so effectively under the Victorian Act, that this State was unquestionably producing magnificent wines, to be matched with, if they did not actually excel, those which any other country could produce.

I believe that the fame of South Australian wines is quite equal to that of Victorian wines.

Mr Watson

- Most South Australian wine is fortified with grape spirit.

Mr KINGSTON

- So it will continue to be. It is merely a question whether we ought to say that under no circumstances whatever shall any other spirits be used.

Mr A McLEAN

- Would it not be well to declare that none but best materials shall be used ?

Mr KINGSTON

- People will taste our wines. They will not listen to false alarms such as those put forward by Dr. Gresswell. While we have been building up the reputation of Australian wines, no such provision has operated as that which is now proposed.

Mr Kennedy

- We did not get a reputation for good wine in Victoria until we prohibited the use of inferior spirit.

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Mr KINGSTON

- May I ask the honorable member when that was ?

Mr Kennedy

- Three years ago.

Mr KINGSTON

- Then I must congratulate honorable members upon the rapidity with which the reputation of Victorian wines has been built up. The British public apparently read the legislation upon the subject, and did not care at all for their own particular taste. They took this section out of a whole lot of other sections and were satisfied.

Mr Kennedy

- That is too thin.

Mr KINGSTON

- I have been trying to discover the original Victorian Act bearing upon this subject. I told my officers to be sure that they gave me the original Act, which I find is dated 1 7th October, 1 900. I do not claim to have that acquaintance with Victorian legislation which some honorable members possess, but this morning I acquainted myself with the legislation which has been passed dealing with this matter, and my officers assure me that this is the first Act. This is Dr. Gresswell's famous Act. So that within 11 months, by the sheer force of passing a measure of this sort, Victoria has gained a reputation which formerly she did not possess. I always believed that there was a preference for old wine rather than for new, but evidently the English public have had only new wine since the passage of this Act. What extraordinary taste some people must possess if they sampled that wine to such an extent as to induce them to affirm that the reputation which Victoria previously enjoyed was not worthily won. No provision of this sort has ever before been found in any Distillation Act.

Mr McColl

- Not even in regulations ?

Mr KINGSTON

- Did they include it in the regulations under this Act ?

Mr McColl

- Previous to that Act.

Mr KINGSTON

- I have gone as far as I possibly can in my search for information. I told my officers to search for and make sure that they obtained for me the first Act treating on the adulteration of wine.

Mr Watson

- There was an Act passed in 1890, I understand.

Mr KINGSTON

- I cannot get it.

Mr Salmon

- As Commissioner of Customs I prevented the use of grain spirit.

Mr KINGSTON

- When was that?

Mr Salmon

- Before the Act to which the Minister refers was passed.

Mr KINGSTON

- The honorable member either satisfied himself that he had the power, or that the thing ought to be done.

Mr Salmon

- I believe it was done under the regulations.

Mr KINGSTON

- Then the British people were not inspired by Victorian law, but dived into the recesses of the regulations and were consoled.

Mr Kennedy

- The Act specifies particular ingredients.

Mr KINGSTON

- It is an Act which, I know, is fearfully and wonderfully made.

Mr Kennedy

- It is chiefly directed against the use of salicylic acid.

Mr KINGSTON

- It is one of the most comprehensive Acts with which it has been my good fortune to become acquainted. We do not think that the proposal now before the committee is necessary. We think, further, that if there were any provision for the use of any spirit other than wine - and I do not think there is - it is sufficiently guarded.

Mr Glynn

- What about clause 12?

Mr KINGSTON

- When vigneron have their spirit free, there is nothing in this Bill to prevent them from using it just as they please.

Mr Thomson

- Nothing that we can put in any Act?

Mr KINGSTON

- Nothing that we have a right to put into any Act. The remark of the honorable member for Echuca, that one State has dealt with this matter whilst another State intends dealing with it, shows that the States consider that their powers extend so far. Let them exercise those powers. We have a right to look to everything in connexion with excise. We have a right to give certain privileges. We have given certain privileges interpreting the Bill in its broadest sense in regard to the fortifying of wines with grape spirit. I do not think that we ought to go further.

Mr Higgins

- The Minister means that the vigneron's licence allows of the distillation of only wine spirit?

Mr KINGSTON

- Yes; but to tell the vigneron that he cannot get spirit elsewhere and use it as he pleases is not a thing we ought to do, and under the circumstances I ask the committee to adhere to the Bill as it stands.

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Mr SALMON

- In order to remove any misunderstanding with regard to the status occupied by the gentleman quoted by the honorable member for Echuca, and by the Minister, I desire to say that Dr. Gresswell is a professional gentleman of the very highest credentials. He filled a very distinguished position at the University of Oxford, and came out here mainly for personal health reasons. During the whole of the time that he has been connected with the Government of Victoria he has shown upon every occasion not only a keen appreciation of the very responsible duties attaching to his office as chairman of the Board of Health, but also that he is a strictly honorable and impartial man. Any utterance which comes from him is accepted by the people of Victoria, at any rate, as an utterance which is strictly in accord with truth, so far as he knows, and they will believe that there is not the slightest attempt on his part to cause any panic amongst the people who drink wine, and that his action is amply justified by the facts of the case. The Minister has attempted to throw ridicule upon the legislation enacted in Victoria.

Mr Kingston

- I did not. I say that I do not think the Victorian wines were better than those of South Australia.

Mr SALMON

- I really think it is not our business at this juncture to discuss the relative merits of the wines produced in any of the several States. I believe that in the old country Australian wines are looked upon as wines grown in any part of Australia. They have a very high reputation. They have not gained that reputation because the vigneron have been allowed to use any kind of spirit for fortification purposes. They have gained it largely on account of the guarantee of purity which is given by the growers. Australian wines have such natural properties that it is unnecessary, except in a very few instances, to sophisticate them in any degree whatever. They are able to stand any test which may be applied to them, and their reputation has been achieved very much for that reason. The Minister attempts to make little of the fears which have been expressed with regard to the future of this great industry should it become known that, after a debate in the Commonwealth Parliament, it has been determined that vigneron and others dealing in

wine shall be allowed freedom for the addition of any kind of spirit to their wine for purposes of fortification. The Minister says that the proposed amendment is beyond the scope of the Bill, but surely clause 57 is equally beyond the scope of a measure relating solely to distillation? I believe, however, that the first thought of the Minister was the right one. His idea was to protect and preserve the reputation of Australian wines.

Mr Thomson

- Does the honorable member refer to the original provision requiring a strength of 50 per cent, overproof?

Mr SALMON

- Undoubtedly. I think that that was a right provision. My objection to allowing any kind of spirit to be used for fortification was very much intensified by the reduction of the over-proof standard from 50 to 30 degrees. It must be remembered that in the Bill we give the vigneron a certain advantage. We give them an opportunity of using their own material and their own stills. That is a very great privilege, and one very highly prized by those engaged in the wine industry. Why is the Minister prepared to give that privilege, notwithstanding the great danger that is created by the multiplication of stills? The Minister is prepared to give it in order to assist the wine industry, because he recognises that that industry is one of the greatest within the Commonwealth. But, while he is prepared to give that privilege with the one hand, he is prepared with the other to place the reputation of Australian wines at the mercy, not only of dishonest vignerons, but also of dishonest merchants who may have "off" wines in their cellars, and, by adding a certain amount of spirit to them, may be able to make them fairly palatable, and thus get rid of them, to the detriment of the public health and the destruction of the reputation of Australian wines generally.

Mr. Thomson. - The amendment would not interfere with wine merchants.

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Mr SALMON

- I am aware that we are dealing only with vignerons, but I should be prepared to support an amendment which would deal also with wine merchants. We have given the vignerons a certain privilege, and we have a right to demand that they shall use only such materials as will not have a deleterious effect upon the health of the community. The Minister has changed his ground since Friday last. He then argued that vignerons should have the right to use potato spirit if they desired to do so, and that the reputation of their wines was a matter for their own concern; he did not think very much about the reputation of the Australian product generally. To-day, however, he uses a stronger argument, when he tells us that, because the Bill does not deal with vignerons in the way we desire, we have no right to attempt to introduce into it an amendment dealing with what may be looked upon as a foreign subject. Clause 57, however, provides that any spirit may be used for fortification so long as it is 30 degrees over proof, and is passed by the Customs officer, and all we ask is the addition of the further provision that it shall be pure wine spirit. I am not concerned with the loss of reputation that may be sustained by any one vigneron or wine merchant.

Mr Isaacs

- But a vigneron who uses potato spirit would not admit the fact.

Mr SALMON

- No. He would put the wine on the market as an Australian wine, possibly without the usual label, and without attaching his name to it, and the whole body of vignerons would suffer through his dishonesty.

Mr G B EDWARDS

- How could a vigneron obtain potato spirit without paying duty on it?

Mr Kennedy

- That is a question of excise. It has not yet been determined whether duty shall be paid upon spirit used for fortification.

Mr SALMON

- Quite so. Provision may be made that no duty shall be paid on spirit used for fortification. Application was made to me that grain spirit should be allowed to be used free of duty - that the blending should take place in bond.

Mr G B EDWARDS

- But the honorable member refused it.

Mr SALMON

- Yes. I wish to impress upon honorable members that the utterances of Dr. Gresswell are entitled to most careful consideration. He has been tried in every way, and has been found one of the best public servants that the State of Victoria has ever had. He is not an alarmist ; he is a sane, well-educated, well-trained, and thoroughly honorable man, whose word is entitled to consideration. He speaks on behalf of the health of the people, and the Minister, who has done so much to protect the great masses of the community from deleterious food and drink, must feel some qualms of conscience because of the attitude which he has now taken.

Mr THOMSON

- I am sure that we are all willing to accept the tribute of respect and admiration which the honorable member has paid to Dr. Gresswell ; but surely, if an authority criticises a Bill, the Minister in charge of that Bill has a right to traverse the opinions of that authority ! I am satisfied that Dr. Gresswell either did not read the Bill, or failed to apprehend the meaning of its provisions, because he makes statements -I am sure unwittingly - which are not supported) by those provisions. Since the matter was last debated, I have had the advantage of an interview with some members of the New South Wales Wine-growers' Association who favour the amendment, and, in answer to their representations, I stated that if they could give me one good reason for its acceptance I would reverse my previous vote if the matter came before the committee again. In my opinion, they failed to do so.

Mr Watson

- Naturally. When one has made up his mind, it is difficult to obtain a good reason for changing it.

Mr THOMSON

- One would naturally wish to support associations which have some weight in his own State, but I failed to obtain a good reason for accepting the amendment.

Mr Isaacs

- Will the honorable member state what reasons were given to him ?

Mr THOMSON

- I propose to go into some of the arguments which have been used here, and which practically embrace them. It must be remembered that a reduction has been made in the strength of the spirit which can be used for fortification. That reduction was made largely upon representations from the wine-growers. It is admitted, however, that there is no greater security for the purity of spirit than the highness of its strength. We have reduced its degree over proof. There is a further provision in the measure which allows the Customs authorities, acting under the instructions of the Minister - who will always be in touch with the members of this Chamber - to approve or disapprove of the use of any spirit. Surely that is sufficient protection against adulteration, as long as the feeling of this House is against adulteration.

Mr McCay

- This is a new-born belief of the honorable member's in the Customs officers !

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Mr THOMSON

- It is not belief in the Customs officers at all, but it is a belief in the Minister, with the Parliament behind him, and that is as great a security as we can have. Under this Bill there is really no protection offered to the public, because, after the spirit has once left the custody of the Excise department, there is nothing whatever to prevent the admixture of grain or any other spirit with wine unless such admixture is contrary to the Health Acts of the different States. The States, of course, can draw any distinctions they like, and if they are in earnest, and believe that only grape spirit is wholesome in wine, they, and they alone, can effectively stop the use of any other spirit for fortification purposes. It has been stated that there is a very great difference between wine spirit and other spirit, but two out of three authorities to whom I have spoken on this subject have admitted that with spirit of a strength of more than 30 deg. over proof there would be no aroma or bouquet that would add any perceptible quality to the wine.

Mr Kennedy

- That is about the dividing-line ; that applies to grape spirit as compared with other spirit of 50deg. overproof or upwards.

Mr THOMSON

- The honorable member practically agrees that grape spirit above 30deg. over proof would not impart

any particular aroma or bouquet to the wine to which it was added. So far as the potato spirit is concerned, I am quite willing, if honorable members think potato spirit is deleterious, to provide in this Bill against its use for the purpose of fortifying wine ; but I do not see why we should go beyond that, and say that spirits which are now allowed to be used for other purposes in much larger proportions than in wine, should not be also used for fortification purposes.

Mr Kingston

- We could specify that spirits other than wine spirits should be of a higher strength.

Mr THOMSON

- Yes. It seems to me that it is rather absurd that we should make all this fuss about the grape spirit only being used for the fortification of wine when we allow the consumption of grain spirit in any quantity by the community. It is said that the amendment is to prevent adulteration. The fact is that the use of spirits in three cases out of four - grape spirit or any other spirit - will be simply for the purpose of adulteration so as to cheapen the cost by maturing the wine quickly. We are providing for adulteration all along the line, and I would rather see" a provision in the

Bill that no spirit should be used unless the Customs authorities approved of its use as being necessary. If we followed that course we should get rid of the use of three-fourths of the spirits, but there would be a tremendous outcry from a certain section of those engaged in the wine industry. While I cannot see the advantage to the public of the amendment, I can quite see the advantage that would follow to the wine industry by giving it the protection that would be secured to it by requiring that only wine spirit should be used for fortification purposes. It is clear that it would protect the vine-grower against the grain-grower.

Sir Malcolm McEacharn

- Does the honorable member object because he is a free-trader ?

Mr THOMSON

- I am giving my reasons for objecting to make a distinction in favour of wine spirit, and, if the honorable member fails to see any reason for my objection, except a free-trade one, I am failing to express myself properly, or he is unable to appreciate my meaning. The grain-grower might be protected also if it were provided that his spirit might be used for the fortification of wine, but the amendment proposes to confer advantage on the vine-grower as against the grain-grower. Apart from this consideration, a further reason for the amendment is that the still-holders who are raising this question know that there is now only a limited number of vine-growers with stills, and that in future the vinegrowers' stills will be fewer in proportion than now, and that those who possess stills will have a great advantage under the amendment in having not only an outlet for their wines, but in being able to make a considerable profit out of wine-growers who have no stills, and who are compelled to use grape spirit. Of course, so far as grape spirit is concerned we may make an exception in favour of it in connexion with the excise duty; but as matters stand now, if any man wishes to use other spirit than wine spirit he simply pays the duty on the spirit, and can do as he likes. His wine will not be under the control of the Customs if there is no excise on it, and the States alone can pass laws to effect the desired result.

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Mr WATSON

- Although the Minister made a pretty good fight for the clause as it stands, he displayed at the same time a great amount of adroitness in fencing the question at issue, because, while he was careful to inform the committee that the Bill made no provision for the use of potato spirit, he did not tell us in so many words that the Bill does not prohibit the use of that spirit. Under the Bill as it stands, it will be quite competent for any vigneron to go to any distiller and get whatever spirit he likes, and use it for the fortification of his wine.

Mr Isaacs

- Not only that, but a large vigneron might take out a spirit-maker's licence, and distil potato spirit for the fortification of his own wine.

Mr WATSON

- The Minister and honorable members must recognise that, in connexion with the excise duties, some distinction will be drawn between the amount of duty paid in respect of spirit used for fortification purposes and the spirit that goes into ordinary consumption. It would be manifestly unfair to charge duty on spirit used for the fortification of wines intended for export, and consequently, if there is to be a distinction,



especially from the point of view of export, it follows that the vigneron who has not a still of his own, or is not able to provide himself with the spirits he requires, should be able to buy spirits without being subject to the ordinary rate of duty. With regard to the suggestion of the honorable member for North Sydney, that he would prefer to see a provision prohibiting the use of potato spirit, if it were considered deleterious, rather than that the prohibition should extend to all spirits but those made from the grape, I would point out that there are other spirits, such as those made from beet refuse, which are quite as deleterious as potato spirit unless they are distilled up to a very high degree of rectification. As to the argument that the strength of spirits used for fortification purposes should be raised, the view put forward by vignerons is that with spirit of a very high degree of strength, they might as well use potato or any other spirit as that made from the grape. But they say it is the desire of those who wish to see our wine attain a high standard in the markets of the world, to use wine spirit only and of a strength sufficiently low to allow all the characteristics of the wine to be carried through the spirit.

Mr Poynton

- Then the strength will have to be reduced to 25. 14y

Mr WATSON

- It is said that any spirit under 35 will allow the characteristics of the wine to be retained.

Mr Poynton

- My information is from the experts themselves.

Mr Kingston

- Our provision originally was for purer spirits than they insist on getting.

Mr WATSON

- Quite so ; but the contention of those who have been all their lives engaged in distilling and wine-growing is that at that strength it is impossible for the wine spirit to carry all its characteristics - that it becomes a spirit approximating to pure alcohol, and loses all its aroma and bouquet if distilled at a high strength. As to the contention of the Minister that we have no right to go beyond the general outline of the Bill, I would say that if the Minister had been wise he would, perhaps, have made this a revenue measure only, in which case both clause 57 and clause 58 would have been left out. What concern is it to this Parliament, from a revenue point of view, whether Australian wine has more than 35 per cent, or less of proof spirit added to it? In clause 57 the statement is absolute and not comparative, there being no such restriction or modification as is shown in the words "under this Act" in clause 58. It does not speak of wine under the control of the Customs.

Mr Isaacs

- Not even Australian wine.

Mr WATSON

- The broad term "wine" is used. If the Minister chose to regard this Bill as a purely revenue measure, I should be with him in eliminating all clauses which have no revenue aspect, and it is questionable whether we have a right to regard the measure from any other aspect. But when in other clauses we deal with the class and quality of the wine allowed to go out from distilleries and places under the control of the Customs, and while we go further and lay down the degree of fortification to be applied to any wine, we are quite justified in following the advice of the health authorities in regard to the class of spirit that shall be added. I trust the committee will see their way to alter the decision arrived at last week.

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Mr ISAACS

- It is a very strange position that we are in at the present moment. I could not help thinking, when the Minister was speaking on the subject, that perhaps a good deal of his fervour was due to the particular State from which he comes. When he was criticising, in a somewhat sarcastic vein, the substantial provision of the Victorian law - which made an honest and, I believe, perfectly successful attempt to obtain a character for purity for Victorian wine - and when he went on to criticise the verbiage of the Act, quite unnecessarily for his purpose so far as I could see, he seemed to me rather to be departing from the impartial position which a Federal Minister should take up in dealing with a matter affecting all Australia. It will be still more strange to my mind if the other members of the Government vote with the Minister in this matter. It seems to me that the Minister's own conscience would prevent him from saying that the object sought to be attained by this amendment is a bad one, although he might contend that the amendment

would not attain that object. That, however, is no reason for not trying. The objection raised by the Minister is, as the honorable and learned member for Corinella said, one that has been raised hundreds of times' to liberal legislation of various kinds, and the answer I am giving is one that I am sure the Minister has given to opponents of his measures on many occasions." The amendment is that Australian wine shall not be fortified with anything but pure grape spirit. We are saying that we will allow the distillation of spirits in Australia under federal authority, subject to certain conditions. One of those conditions has already been inserted in clause 58, namely, that the spirits so distilled shall not raise wine to a higher standard than 35 per cent. We now seek to add a further condition that only grape spirit is to be used.

Mr Glynn

- What power have we to prevent distillation ?

Mr ISAACS

- We have no power to prevent it, except subject to our regulations as to taxation.

Mr Glynn

- We have only power to deal with it in connexion with taxation.

Mr ISAACS

- Of course, and the power to regulate is the power to control it.

Mr Glynn

- But not to extinguish it.

Mr ISAACS

- The honorable and learned member will see that when we say we shall impose a duty or a tax for the right of distilling spirits, it connotes prohibition under other circumstances.

Mr Glynn

- I say that if we do not tax,, we cannot possibly interfere.

Mr ISAACS

- I grant that I am pointing out that we can only affix those conditions in a measure which primarily and substantially deals with taxation. The Minister says he is going to allow spirits to be distilled in Australia under conditions. There may be a general, spirit-maker's licence, and the spirit-maker, when he takes out the licence, may make spirits from any material he pleases, and the spirits he makes may be used by him, or anybody else,, for any object that is desired. The spirit-maker may be a man of large capital with a large vineyard, and it may pay him under certain circumstances to take out a general spirit-maker's licence. He may make spirit from anything he pleases, and, unless we put in the amendment, he may use spirits distilled from cheap materials for the fortification of wine. The Minister must see that that would give an. advantage to the large capitalist over the smaller man. I distinctly say that, to my mind, there is absolutely no question of protection or free-trade in -this matter. No one hears of protection or free-trade as between our own people. Protection is against outsiders, and it is a new definition, so far as I understand, for any one to say that protection is given to one class of citizens as against another class.

Mr Thomson

- That is the usual course of protection.

Mr BRUCE SMITH

- If Victoria is protected against New South Wales, that is; protection against our own people. English, people are talked of as foreigners.

Mr ISAACS

- Has that any relevancy to the present subject?

Mr BRUCE SMITH

- A great deal.

Mr ISAACS

- Will the honorable and learned member kindly explain 1

Mr BRUCE SMITH

- The honorable and' learned member 'is laying down as a general principle that people do not protect themselves against a part of their own community.

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Mr ISAACS

- I cannot follow the honorable and learned member at all ; and if that is the last ditch of the free-traders I do not envy them their position. I do not regard this as a question of free-trade or protection. The only possible sense in which it is protection is the protection of the consumer against fraud.

Mr Poynton

- Does it do that?

Mr Thomson

- The use of spirits is fraud in nine cases out of ten.

Mr ISAACS

- When a wine is put on the market, it is put forward as the product of the grape, and if it is necessary to fortify wine for the purpose of. preservation, or for the purpose of commerce, let nothing but the grape product be used. When a person purchases wine he understands that he is purchasing a product of the grape, and if fortification with potato spirit or any similar spirit be allowed, the person who thinks he is buying wine is defrauded. The Minister, when he brought down the Customs Bill and included amongst prohibited imports all sorts of things, such as exhausted tea, was taking up a position absolutely inconsistent with his position to-day. He then said he would protect the public of Australia from fraud and imposition at the hands of unscrupulous persons.

Mr Thomson

- The Minister ought to stop the admixture of spirits to a large extent.

Mr ISAACS

- I am talking of the inconsistency of the Minister, who has already put into the Bill provisions which are at variance with the position he now takes up. If he had said that he would have nothing to do with the question of distillation, except from a revenue point of view, I should have understood his position, though I should not have agreed with him. But when he says that no Australian wine is to be fortified with spirit, so as to contain more than 35 per cent., I say he has departed from the line of pure revenue. He has taken up a position that is very honorable and praiseworthy, and says to the people of Australia that he is doing what he can to protect them from deleterious articles. I say that that course should be continued.

Mr Poynton

- The chief argument is that the spirit from the coarser material is cheaper.

Mr ISAACS

- In favour of the honorable member's position?

Mr Poynton

- No; in favour of the honorable and learned member's position. It is all £ s. d.

Mr ISAACS

- Look at the absurd position the honorable member is getting into ! He says that the vigneron and wine maker is advocating a course of conduct which compels them to pay more money. All the vigneron wants to do is to conduct his business honestly. He wants to put a wine on the market that the public here and abroad will understand is honest, and contains no admixture of foreign or injurious substances. It is not to be denied that apart altogether from the question of aroma, a great deal depends on whether potato spirit or wine spirit be used. Potato spirit is a dead spirit, and wine mixed with it will not improve. But if the wine spirit be used, though in itself it may be in no sense purer than potato spirit, the wine will improve with age.

Mr McColl

- And will mature.

Mr ISAACS

- And will mature, and that is all the difference. For the reputation of our wine, and our wine-makers, there ought to be no hesitation in this matter, on which the whole of the New South Wales vignerons are agreed.

Mr Thomson

- That is not correct.

Mr ISAACS

- I understood that from the honorable member himself as the representative of the vignerons.

Mr Thomson

- What I said was that I had been interviewed by some members of the New South Wales Wine-growers'

Association, which only represents a limited number of the vigneron.

Mr ISAACS

- Has the honorable member found any wine-growers who are opposed to it?

Mr Thomson

- I have not inquired.

Mr ISAACS

- All the evidence that we have upon the subject, then, is of a positive character. I find that the secretary of the New South Wales Wine-growers' Association very strongly supports the position which we are taking up here to-day. The honorable member for North Sydney, whilst addressing the committee, said that certain reasons had been given to him which did not seem good. I asked him to state what those reasons were, but he did not do so.

Mr Thomson

- I stated that they had been largely used in this Chamber, and I repeated and replied to them.

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Mr ISAACS

- I heard the honorable member give reasons, but I did not understand that they were the reasons which had been given to him. If they were reasons given to him by practical men of years of experience, surely - adopting the view advanced by the Minister that the wine-growers know what is best for themselves - we might very well accept the views of the honorable member for North Sydney, and allow the wine-growers to judge whether the reasons are good or not. This is a matter which concerns our reputation. It concerns us not only in Australia, but more nearly outside Australia. What valid reason has been given for not attempting to do what we must admit would be a proper thing if it could be successfully done? What fair reason is there for opposing a proposition which has for its object the maintenance of the purity and character of the Australian wines? We do not want, when we are selling our wines, to give half potato spirit and half the juice of the grape. I hope that the Minister will relent, but if not I trust that a sufficient number of honorable members will be found in this Chamber to carry the amendment. Whether we succeed or fail, this will not be the last that will be heard upon this question. I directed the attention of the Minister the other day to the course which was adopted by the American Congress in relation to this matter. I pointed out that very careful, full, and complete measures had been taken in order to compel the maintenance of the purity of American wines. I have invited the Minister to consider those points when he brings down his Tariff proposals. If he does not adopt them, I shall do my utmost to secure their adoption in some shape or form. I hope that the Minister will agree to the taking of a step that will be of immense assistance to an industry which, if properly fostered - not from the standpoint of protection or freetrade, but from the point of view of the encouragement of our primary producers - will do much to lift Australia out of many difficulties.

Mr KINGSTON

- I was sorry to hear the opening remarks of the honorable and learned member for Indi. They were entirely undeserved. The honorable and learned member said that, in connexion with this matter, I was forgetting my duty to Australia as a Minister, and was advocating the interests of the State to which I belong. Nothing of the sort! Such a statement is entirely unwarranted. There is not the shadow of a foundation for it. I never dreamed of such a thing. I venture to think that if the position were properly analyzed, it would be found to be a very different one. In South Australia we have little reason to fortify our wines. We turn out as pure a wine as does any part of Australia, and there is no State in the Commonwealth which indulges less in fortification. Frequent reference has been made to the use of potato spirit. I do not believe that there is a single dram of potato spirit used in South Australia for the purpose of fortification.

Mr Watson

- One honorable member told me that there was at Penola.

Mr KINGSTON

- I have not heard of it. The Government are desirous of doing whatever they can for the purpose of insuring pure wine. We brought in a Bill providing that no spirit under 50 degrees above proof should be used for the purposes of fortification. That meant that nothing but pure spirit was to be used. That standard was reduced at the instigation of the very gentlemen who are now seeking to influence the

committee 'in another direction. They said - "Provide this, and there will be a market for our ' off' wines." Now it is said that this "off" wine will be used to distil spirit. That statement has been printed with all openness in the public press. These facts stand out plainly and refute utterly the suggestion which the honorable and learned member for Indi indulged in at my expense. I say let us have pure wine. I am sorry that the standard has been reduced. It has been reduced at the instigation of the vine-growers. As regards other spirits, let us provide, if the committee choose, for a higher test. I shall be only too glad to raise the standard to 50 per cent.

Mr McColl

- Where will the Minister get the stills to make it 1

Mr KINGSTON

- The wine-growers are often too lazy to distil fully. They can re-distil if they choose. It is a question of want of effort, just as very often the necessity arises for the fortification by spirit because the wine is not allowed to properly ferment. It has been suggested that the Government are inconsistent in advocating certain restrictions in the Customs Bill and in opposing them here. There is no inconsistency whatever. What is the position 1 Under nearly all Customs Acts there are various prohibitions and limitations as regards goods to be imported. We proceeded on those lines. We did what was usual under the circumstances. To-day we are asked to insert a clause which was never before found in any Distillation Act in Australia.

Mr Kennedy

- Does that imply that this proposal is not good 1

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Mr KINGSTON

- It is idle to taunt me with not dealing fairly with this matter.

The words of the honorable member for Echuca only a few moments ago are an abundant justification of the conduct of the Government. That honorable member thanked the Government for the courtesy they had shown in recommitting the Bill, and properly so. It was a very unusual course to pursue, but as there was a reasonable division of opinion upon this matter it was one that we took. How does that statement agree with the suggestion that more consideration is . being given to State than to Australian interests in dealing with this question ? When I rose first I put it that the provision proposed was not wanted.

Honorable members cannot show me a line or word in this Bill which provides for the fortification of wine with potato spirit or with other than wine spirit. I uttered no word of complaint about Dr. Gresswell. I know his ability, and admire his capacity, but he did not read the Bill or he would never have been guilty of saying what he has said. He has listened too readily to the mistaken view which many outside hold. His opinion has been caught from the tone of the debate rather than from a close study of the Bill itself. He thought that it contained some provision for the use of potato spirit for the fortification of our wines.

Mr Salmon

- Clause 57 provides that potato spirit can be used.

Mr KINGSTON

- It does not.

Mr Watson

- It allows it.

Mr KINGSTON

- If the Bill stands as it is, it is impossible to say that that clause either provides for or permits of it. It was suggested by the honorable and learned member for Corinella that I ought to alter the position of that clause, but I do not think that I ought. As was pointed out by him if it were intended to give a clause of that sort a general application, it would have to be removed to another part of the Bill. The only clause to be found in this Bill in connexion with the fortification of wines is one providing that spirits distilled by vigneron from wine, may be used for the fortification of wine. Under such circumstances to contend that there is provision made for the use of potato spirit is simply ridiculous. What the honorable member for Echuca now seeks to provide is, that even when spirits have been cleared, and the wines and spirits are his own, the vigneron shall not be allowed to use other than wine spirit for the purpose of fortification. Such a proposal is altogether beyond our powers and beyond our rights.

Mr Higgins

- How could we enforce it ?

Mr KINGSTON

- I do not know. The clause says -

No Australian wine shall be fortified under this Act so as to contain more than 35 per cent, of proof spirit. Do honorable members venture to consider that that is a general prohibition for the fortification of wine ?

Mr Isaacs

- As much as the one we propose.

Mr KINGSTON

- There is no room for getting away from the proposition which I first put. Seeing that the provision made for the fortification of wine within the four corners of the Bill has reference only to wine spirit, we do not want any proposal of the nature submitted. The wine spirit used does not constitute one-tenth of the quantity of spirit which is distilled from general distilleries. The proposal of the honorable member for Echuca does not simply seek to prohibit the use of potato spirit, but it declares that no spirit produced from barley, malt, molasses, or anything else save wine, is to be used for the purposes of fortification. I think that honorable members are attempting to provide for a great deal more than they can provide for, and that the clause should be allowed to remain unaltered.

Mr GLYNN

- So far as I can obtain the opinions, through the press and in other ways, of persons interested in the wine industry in South Australia, they are similar to those which have been advanced largely by honorable members representing the State of Victoria - that it is better for the fortification of wine to use spirit distilled from grapes than spirit distilled from potatoes. I do not think that the question is one with which we have anything to do, and I do not want an Act to be passed by the Commonwealth Parliament during its first session which will contain a number of provisions that are ultra vires. I am sure, however, that, from the fourth clause of this Bill onwards, there are a number of provisions in it which will not stand the test of a Supreme Court action.

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Mr Isaacs

- But the proposed amendment does not make the clause any worse.

Mr GLYNN

- I am not going to try to make it better by adding a wrong provision to that which is wrong already. Another reason for not accepting the amendment is that its acceptance may possibly diminish the inclination of the State authorities to deal with the subject. Requests made by persons to the State Governments that the matter should be dealt with, may be met by the statement that the Commonwealth Parliament has dealt with it, and, until there is an authoritative decision by the Supreme Court, the hands of the State Governments are tied.

Mr ISAACS

- I need hardly say that I did not intend to hurt the feelings of the Minister by the observations which I made, but I felt a little bit nettled by some of the remarks which he made regarding the State to which I have the honor to belong. I heard him use what seemed to me to be sarcastic terms in reference to the efforts of the State of Victoria to maintain the purity of its wines - which efforts, we are told by Dr. Gresswell, have been largely successful - and even in reference to the verbiage of the Act of the State legislature. It seemed to me, further, that a certain amount of State feeling had been imported into the consideration of this matter, and I endeavoured to repel it. I am sure that we all believe that the right honorable gentleman is trying his best to do his duty ; but, at the same time, it is my duty, whenever I have reason to believe that he is unwittingly being drawn aside, to call attention to the fact.

Question - that the words proposed to be added be so added - put.

The committee divided -

Ayes ... .. 25

Noes ... .. 24

Majority ... .. 1

Question so resolved in the affirmative.

Amendment agreed to.

Clause, as amended, agreed to.

Bill reported with further amendments.

Mr KINGSTON

- Seeing that we have now thrashed the Bill out pretty well, I ask honorable members to assist the Government in expediting its passage through another place. I therefore move -  
That the standing orders be suspended, in order to enable the Bill to pass through its remaining stages without delay.

Mr GLYNN

- I have always opposed the suspension of standing orders when the House was only half way through a session, but I understand that in this instance the Minister wishes that the measure may be expedited, in order that we may deal with another measure - the Tariff - which is shortly to come before us. Therefore I shall not oppose the motion.

Question resolved in the affirmative.

Report adopted.

Bill read a third time.

CUSTOMS BILL

In Committee

- (consideration of Senate's amendments).

Clause 23 (Revocation of licence).

Motion (by Mr. Kingston) proposed -

That the committee agree to the Senate's amendment substituting the word " comptroller " for "collector."  
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Mr GLYNN

- I see it is proposed here to change the word " collector " into " comptroller," but I would ask whether the definition clause does not already bring " comptroller " under the definition of " collector."

Mr Kingston

- Yes ; but the word "collector" includes a good many more officers than the word " comptroller," and this alteration is necessary by way of limitation.

Amendment agreed to.

Motion (by Mr. Kingston) proposed -

That the committee agree to the Senate's amendment inserting after clause 30 the following new clause :  
- " 30a. All goods on board, any ship or boat from parts beyond the seas shall also be subject to the control of the Customs whilst the ship or boat is within the limits of any port in Australia."

Mr. GLYNN

(South Australia).- I would like to know what is the necessity for inserting this new clause. It seems to me that it is stating something that is a matter of law already. What was the special reason that operated with the Senate in agreeing to this clause ?

Mr KINGSTON

- They desired to make it very clear that whilst the ship was in port the goods on board of that ship should be under control, even though they were not landed. Paragraph (a) of clause 30 would apply only to goods that were landed.

Amendment agreed to.

Clause 49 (Prohibited imports).

Motion proposed -

That the committee agree to the Senate's amendment omitting the words " not being of the proper," and inserting the words "of the King's (dominions not being of the established. "

Mr WATSON

- I do not propose to object to this amendment, but I wish to raise a general objection to the manner in which these amendments are being presented. The practice that obtains in New South Wales of presenting amendments showing anything omitted, scored through, and anything inserted printed in heavy type, might with advantage be followed here. Honorable members could then follow the whole bearing of these amendments, whereas under present conditions it is very difficult to understand what has been done.

Mr PIESSE

- I think there might be a simpler way of carrying out the honorable member's object which would not entail so much trouble to the officers of the House, or so much cost in printing. That would be to indicate by brackets the words to be left out, and to direct attention to the words to be inserted in some other form.

The CHAIRMAN

- I will see that the representations of honorable members are laid before the Speaker.

Amendment agreed to.

Motion proposed -

That the committee agree to the Senate's amendment inserting the words " unless coloured and branded as prescribed " after the word " butter" in paragraph (f).

Mr ISAACS

- I would like to know the views of the Minister with regard to this amendment. When we passed this clause we thought it right to exclude absolutely from this country, which is largely a butter-producing country, oleomargarine, margarine, or any similar substitute for butter. The proposed amendment would admit of these articles being brought here if they are coloured and branded as prescribed. What might be done afterwards is not clear. There might be some difficulty as to the colour, but the brands might be absolutely removed,

Mr KINGSTON

- My views are just the same as ever, namely, that we ought to keep all these articles out, but when it comes to a question of branding the goods and making them of a particular colour, I think we may make all the necessary provisions to safeguard our producers. We might prescribe black as the colour and a broad arrow as the brand, and I do not think that there will be much difficulty in dealing with the matter.

Mr Isaacs

- Would it be possible to keep a broad arrow brand on such an article as oleomargarine?

Mr KINGSTON

- I do not know about that, but the colour would not come out in the washing.

Mr WATSON

- When the Bill was before the House previously the Minister would not have even a comma altered, but now he allows the Senate to make extensive alterations without even a verbal protest. I, therefore, presume that his unbending attitude is being gradually altered under the softening influences of the members of this House.

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Mr KINGSTON

- If the alteration is an improvement, I hope we shall all suffer from it. Honorable members will see that the great majority of the alterations are not important. Some are improvements and some are not, and when I come to anything that I think ought to be resisted, I shall be only too happy to oppose it.

Amendment agreed to.

Motion proposed -

That the committee agree to the Senate's amendment adding the following new sub-clause - "(t) Mineral oil and mineral spirits, unless imported under and subject to such restrictions as may be declared by proclamation."

Mr. GLYNN

(South Australia).- This provision seeks to put upon the list of prohibited imports mineral oils and mineral spirits under restrictions to be declared by proclamation. I would ask the Minister to insert a limitation restricting the right of proscription to oils that flash at 200 degrees or under. I believe that lubricating oils have a flashing point of 350 or 400 degrees, and there is no reason why we should proscribe their importation. I would suggest that we should insert after the word "spirits," "flashing at a temperature of less than 200 degrees."

Mr KINGSTON

- I do not think that this is a subject that we should attempt to settle in this clause. I should have preferred to leave it as this House sent it to the Senate, because we gave special powers to proscribe subject to conditions and limitations, and it was intended to exercise those powers to meet such cases as those to which the honorable and learned member has called attention. Now special attention has been drawn to



these particular articles, and the amendment amounts almost to a suggestion that we should issue a proclamation with respect to them, as I think we would have done. I hope, however, that no hard and fast lines will be laid down, either as to our power or as to the particular test by which we shall be guided.

Mr Glynn

- Could the Minister state what is likely to be the policy of his department with regard to lubricating oils ?

Mr KINGSTON

- I could not tell at this moment, because I shall have to consult the officers of the department. I would ask honorable members to leave the Government free to deal with these cases as they arise, in the manner they deem best. If we provided that a certain test should suffice, it might perhaps place us in an awkward position.

Mr PIESSÉ

- I should be very glad to see something done in the direction suggested by the honorable and learned member for South Australia, Mr. Glynn; but an interpretation of the term "flashing" would have to be provided. I think that in all Acts where the term is used special directions are given as to how the oil is to be tested, and it would be very desirable to bring all the States into unison. At present there is a variety of standards throughout the States, and unless we deal with this matter specifically in this portion of the Customs Bill, these varying standards will continue to be observed, so that oil which is admitted into one State will not be admitted into another, and pass freely between the States after admission. The object of the State legislation is to protect their people from danger, and that object will be frustrated unless some general Commonwealth regulation is observed.

Amendment agreed to.

Clause 50a (Tea, subject to examination on importation) -

Motion proposed -

That the committee agree to the Senate's, amendment inserting the following new clause to follow clause 50 : - 50a. As to all tea imported : -

Samples shall be taken without payment and examined by the collector.

Unless the collector is as a result of the examination satisfied that the tea is not a prohibited import he shall submit the samples for analysis to an official analyst appointed by the Governor-General for the purposes of this Act.

If as the result of the analysis it appears, that the tea is a prohibited import it shall after compliance with the next succeeding paragraph be dealt with accordingly.

Notice shall be given to the owner of the report of the analyst if the tea is thereby shown to be a prohibited import, and the owner shall be allowed fourteen days after the receipt of the notice to satisfy the collector that the tea is not a prohibited import.

Any tea not complying with the prescribed standard of strength and purity shall be deemed unfit for human use.

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Mr THOMSON

- Some persons interested in the importation of tea, while not objecting to any provision to secure its purity, consider that much delay would be caused by this new provision. If it is an officer of Customs who is to make the examination the delay will be considerable, and his decision will not be of much value unless he is an expert ; and it is suggested that provision should be made for examination by an expert appointed by the Minister, and, further, that opportunity of appeal to experts should be given, as in clause 152, in regard to the settlement of values. An officer of Customs may be anybody, with or without expert knowledge, and he has to send the sample to an analyst, whereas an expert could, in nine cases out of ten, decide the question at once. If the analyst declares that it is a prohibited import, the Customs stand still, holding the tea, requiring the importer to take any action at law to prove that the tea was not what it was supposed to be. The Customs authorities would have the regulation of the method of the suggested appeal, and the request is a reasonable one, which would assist business without any danger of the importation of improper tea.

Mr. ISAACS

(Indi).- The amendment in regard to inferior tea is a very proper one, and I drew attention to the necessity for some such provision when the Bill was before this Chamber. In England, and, I believe, in every State

of Australia, provisions of the kind inserted by the Senate have been passed into law, and are regarded as absolutely necessary. Otherwise the Minister would often find himself helpless. If a cargo of tea were brought to some port the Minister would be thoroughly convinced on the reports of the officers that it was exhausted or unfit for human use, and yet he would be told that if he ventured to destroy the cargo the importers would bring an action. After the tea had been destroyed a volume of evidence might be brought forward, and the State mulcted in damages through a mistake or misunderstanding. The Minister, under such circumstances, would find himself helpless, and he ought to be put in a position which empowers him to do justice between the Commonwealth and the importer, his decision to be final. But even the new clause submitted would not put him in that desirable position, because it still leaves the matter open. If, on submission to an analyst, the tea is found to be unfit for use, or exhausted tea, notice has to be given to the importer, and he has to have an opportunity of convincing the collector that it is not a prohibited import. But what is to happen then does not appear.

Mr Kingston

- If he satisfies us, we do no more. If he does not satisfy us, we go on.

Mr ISAACS

- To do what?

Mr Kingston

- To destroy the tea.

Mr ISAACS

- Then he brings an action against the department all the same, so that the whole of the new clause is absolutely useless as it stands. It will be necessary to add the words at the end of sub-clause (d) - " And if the collector is not so satisfied, the tea shall be a prohibited import."

Mr KINGSTON

- I have no objection to the amendment suggested by the honorable and learned member for Indi, which, I think, is an improvement. I do not, however, regard the suggested amendment of the honorable member for North Sydney as in the same category. What is the position if the two experts do not agree?

Mr Thomson

- Surely the authorities would not destroy a man's goods because the two experts could not agree?

Mr KINGSTON

- Experts are very often partisans and very often differ. A Government officer is not a partisan, and has no interest in destroying the tea.

Sir William McMillan

- Will the officer be an expert ?

Mr KINGSTON

- Yes, and the sample will have to be submitted to an official analyst appointed by the Governor-General.

Mr Thomson

- The Government have provided for appeal in the matter of values which is not vital, but refuse to provide for appeal where the matter is vital.

Mr KINGSTON

- The precaution is taken that there shall be an official expert who has no personal interest whatever in the matter, and is not a partisan in any sense of the word. He is bound to do his duty to the Customs and the public, and is just as liable to be blamed for excess of caution as for want of it.

Mr. THOMSON

(North Sydney).- There is nothing on which experts more frequently differ than as to the character of some teas, and it would be a very serious thing if, in consequence of the error of an expert, a whole cargo should be destroyed.

Mr Higgins

- Is difference of opinion likely to arise where tea has been prohibited by an expert?

Mr THOMSON

- Most decidedly, as the honorable member would know, had he had my experience of sending samples of tea to different experts, and receiving varying opinions as to its soundness.

Sir William McMillan

- Is it not a matter of analysis and standard ?

Mr Kingston

- There is power to prescribe a standard.

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Mr THOMSON

- If analysis were required of every sample of tea in a big ship, the cargo could not be delivered for some time. The tea should be examined by an expert, who could at once, perhaps, put 90 per cent, of it aside as absolutely sound. As to the balance he might be in doubt, and samples of that he would send to an analyst, who would decide whether it was a prohibited import or not.

Where great destruction of property is involved, the method I have suggested should be applied, because it is no uncommon thing for an analyst to make an error. There is no appeal whatever.

Mr Isaacs

- Yes ; under sub-clause (d).

Mr THOMSON

- That sub-clause provides that the owner shall be allowed fourteen days in which to satisfy the collector that the tea is not a prohibited import. But the collector would probably support his officer ; and in a dispute between the Customs and an importer, there ought to be an opportunity for settlement by an independent authority. In a much less important matter - the question of values - an appeal has been provided. Its reasonableness has been admitted by the Minister himself in introducing the measure. In clause 152 provision is made for an appeal at very little cost or delay. That clause sets out that - Should the owner object to the value so assessed he may request that the value may be ascertained by experts in manner prescribed.

The Customs authorities have the power of prescribing the manner of the appeal. They can fix the arrangement under which an appeal from an expert can be made. Surely, therefore, they will make an arrangement which is fair to themselves as well as to the Importer. If the importer can show that one expert has committed an error, surely no Minister of Customs will desire that there shall be destruction of his goods. A man may possibly be ruined by the destruction of his goods when there is really no reason for the adoption of that course. There is a great danger in allowing the Minister the power to say - " My analyst declares that this is a prohibited import ; it is not pure, and I shall destroy it," without any right of appeal being given.

Sir WILLIAM McMILLAN

- There seem to be two important points involved here. The first is the question of the destruction of trade. I am quite sure that the Minister does not desire anything, subject to the revenue being collected, but the freest possible means of dealing with merchandise. One of the fears of certain mercantile people in dealing with this article is that if they have not an expert they may be subjected to an enormous amount of obstruction and delay. As has been pointed out by the honorable member for North Sydney, an expert would readily pass the great majority of shipments. This matter differs from the question of goods of a certain value. The idea is that a standard shall be fixed and that this class of goods shall be subject to analysis. If it does not reach that particular standard it is to be considered unfit for human consumption, and its admission is to be prohibited. At the same time no sane person would propose that samples should be taken from all consignments of tea in order to see that such tea was fit for human consumption. We want an assurance that the officer attending to the importation of the tea will be an expert. On the other hand is there any check with regard to what is the standard ?

Mr Kingston

- There is power here to prescribe it.

Sir WILLIAM McMILLAN

- If we give power to prescribe the standard it seems to me that the only test is analysis. I do not see how one can appeal against the analysis of the Government officials who cannot possibly have any interest in the matter. The only danger is lest the standard should be too high. I think there ought to be an understanding that the officers dealing with tea in different parts of the Commonwealth should be thorough experts so that only in absolutely necessary cases shall an interference with commerce take place.

Mr KINGSTON

- At the principal ports there are always skilled experts in tea - men who have spent a considerable

portion of their lives in acquiring a knowledge which enables them on a cursory examination to say whether any particular sample of tea requires further examination. At the end of this clause we are taking power to prescribe the standard. If this provision be passed the position will be that the tea expert will sample as usual, and if not satisfied will send on the goods for analysis. That is the present practice, and I have known of a variety of cases in which that course has had to be adopted. To guard against the possibility of mistake, however, time is given for the party interested to bring forward any analysis which he may think fit.

Sir William McMillan

- Under this Bill must every chest of tea be sampled?

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Mr KINGSTON

- Not every chest, but every consignment ought to be seen. We cannot take it for granted that because tea comes from any particular quarter it is all right.

Mr. THOMSON

(North Sydney). - I move -

That after the first word "import," sub-clause (d), the following words be inserted : " Should the owner object to the prohibition, the matter may, at his request, be referred, in manner prescribed, to experts for decision."

That is practically the same wording as is adopted in regard to the question of values, which is provided for in clause 152. But there is a much greater need for some safeguard of that sort in connexion with the decision of one individual, which may possibly mean the destruction of a large quantity of goods, the loss of which may ruin the owner. I am quite sure that the Commissioner of Customs will find, when he comes to administer any Act of this sort, that in some cases there will be differences between the analytical experts. Only by taking the opinions of several experts, will he be able to come to a right conclusion. Under these circumstances, the Customs authorities have nothing to fear. The adoption of the proposed amendment will, at the same time, give some loophole for escape from what may be ruin to a man who is entirely guiltless.

Sir William McMillan

- If the honorable member accepts the standard, he must accept the analysis.

Mr THOMSON

- But the analyses are often inaccurate. I sent for analyses upon one occasion of two samples of the same article divided into two separate packets. I found that a different analysis was given of the two samples. That is not unusual. The work of the analyst is so delicate, and so subject in many cases to atmospheric and other conditions, that this state of things is only to be expected.

Mr Kingston

- Does the honorable member think that the analyst was right in giving the different results?

Mr THOMSON

- He was not right. This instance shows the liability which there is to error. It is a dangerous thing to rely entirely upon the decision of one analyst, especially where that opinion might result in the destruction of property. What objection can there be, in such a case, to an appeal? Let us take every precaution to exclude goods which ought to be excluded, but let us give some security to importers, lest they be ruined by an error.

Mr KINGSTON

- I understand that the intention of the honorable member for

North Sydney is that after the tea expert has sent the article on to the official expert appointed by the Government, and he has certified that, judged by a prescribed standard, it is " exhausted tea " within the meaning of the Act, the owner may have it further examined - I do not know under what conditions - and that if he can get some one to disagree with the finding of the Government expert, nothing shall be done.

Mr Thomson

- The matter is to be referred to a court created by the Minister, as under clause 152.

Mr KINGSTON

- I think that the proposed procedure is unnecessarily complicated, would lead to want of finality, and would prevent the proper enforcement of the measure. Fourteen days are allowed to an owner for the

production of certificates and all the evidence requisite for the purpose of inducing the collector to alter the decision ; the collector will not be the person who made the examination, and will have no interest in doing anything unfair. Procedure such as the honorable member wishes to provide for is not provided for in the clauses of the Bill which relate to seizure of copyrighted books or blasphemous and indecent works. I submit, however, that fair provision is made. First, there must be a suspicion on the part of the tea expert ; then a certificate from the Government analyst ; and then the party interested has every opportunity to make an appeal to the collector. I should not mind allowing an appeal to the Minister.

Mr Glynn

- We might give an appeal from the collector to the Minister.

Mr Isaacs

- But it must be remembered that there is only one Minister for all Australia.

Mr KINGSTON

-There could be a delegation of the powers conferred. Much as I should like to assist the honorable member, I think the provision is better left as it stands.

Mr. ISAACS

(Indi).- Perhaps the honorable member for North Sydney will think it sufficient, in view of the difficulties on both sides, if an appeal from the collector to the Minister were allowed.

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Mr Kingston

- I am content to allow that.

Mr. THOMSON

(North Sydney).- My experience of Customs officials is that they will hold to their decisions at all risk, and that, when those decisions are come to upon the report of an expert, one can never move them. With regard to the suggested appeal to the Minister, the value of such a provision would depend upon the character of the gentleman in office ; but I am inclined to think that the present Minister would always support his officers. I would point out, however, that clause 152 provides that if there is a difference it may be of only 20 per cent, in a valuation - which means the paying of one-fifth more or one-fifth less duty - there may be an appeal to a board which is practically appointed by the Minister. How, then, can he deny an appeal when the decision of his officers may lead to the total destruction of goods? There can be no reason for doing so, except the determination of the Minister not to retire from his position. I would accept the suggestion of the honorable and learned member for Indi if I thought it would meet the case ; but I must conclude that it will not, and I shall, therefore, stand by the amendment.

Question - That the words proposed to be inserted be so inserted - put.

The committee divided -

Ayes ... .. 11

Noes..... 36

Majority ... .. 25

Question so resolved in the negative.

Amendment of the amendment negatived.

Amendment (by Mr. Isaacs) agreed to -

That the amendment be amended by the addition of the following words to paragraph (d) : - "And if the collector is not so satisfied, the tea shall be a prohibited import."

Mr ISAACS

- The same difficulty seems to me to occur in connection with paragraph (e). It is true that the Minister will prescribe the standard of strength and purity, and the collector and the experts will, of course, be guided by that; but then will come the question of fact as to whether the goods are actually deficient, and I would suggest that words should be inserted making the prohibition apply to any tea which in the opinion of the collector is not of the prescribed strength and purity.

Mr Thomson

-Would that prevent any appeal to law.

Mr ISAACS

- It would allow the collector or Minister to decide the matter, as. is the case now in every State of Australia.

Mr Thomson

- No, it is not.

Mr ISAACS

- It is in Victoria, and it is in England.

Mr Thomson

- I do not think it is in: England.

Mr ISAACS

- I think it is, because I have read the English Act from which the provision of the Victorian Act is taken.

Mr KINGSTON

- I hardly think the words suggested by the honorable and learned member for Indi are required, because if the tea does not comply with the standard, it becomes unfit for human consumption, and is a prohibited import. The facts are ascertained in the manner prescribed in the first part of the clause, which covers all that is required. The provision here simply gives us power to prescribe the standard.

Mr THOMSON

- This seems to me to be most extraordinary legislation, because it prevents any appeal being made by the person whose goods are condemned.

Mr Isaacs

- Any number of experts can be brought before the collector.

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Mr THOMSON

- Yes, but the collector of Customs would be the prosecutor, and the honorable and learned member would not like to have to prove to the satisfaction of the prosecutor that a client for whom he was acting was not guilty. We are going away from British law altogether in saying; that one man shall decide, and that no appeal shall be allowed from his decision, as is provided in other cases of far less importance. No one has taken more active measures than I have with a view to prevent adulteration. In the New South Wales Act some of the more rigorous clauses were passed at my suggestion. There is nothing I would like to see more than the total prohibition of Adulteration, particularly where it is injurious to health, but there is no occasion to adopt the Russian system, or to be so arbitrary as to do away with all rights of appeal, and to declare that Customs officials cannot make mistakes. Under the clause as it stands, we shall be practically ignoring the law courts, although those courts were established in order to give the individual the right of appeal, and to afford him protection against mistakes that might be made by those in authority. All men whose interests may be seriously affected by the decisions of the Customs authorities should have the benefit of an appeal to the law courts, and I enter my protest against this sort of legislation. It is improper, and appears to be due to a fear on the part of the Crown that an appeal might show it to be wrong.

Amendment, as amended, agreed to.

Motion proposed -

That the Committee agree to the amendment of the Senate inserting after clause 52 the following new clause - "52a. There shall be publicly exposed at the principal ports of Australia printed lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright or his agent shall have given notice in writing that such copyright exists stating in such notice when such copyright expires."

Mr GLYNN

- I do not think that this new clause is quite in keeping with the amendment made in clause 49, which includes in the list of prohibited imports works infringing a copyright existing in any part of the King's dominions, whereas this clause refers to books copyrighted anywhere. I would suggest that After the word "writing" we should insert the words, " pursuant to section 49."

Mr HIGGINS

- I should like to know what the Minister considers to be involved by the words " exposed at the principal ports of Australia printed lists." I can see the object of the new clause, which is that officers of Customs may know what books are subject to copyright, but I think there should be some more effective provision made so that the lists should be displayed in such a way as to effect the purpose of the clause.

Mr KINGSTON

- I presume that it is intended that the list shall be displayed somewhere where the public may see it, and I therefore move-

That the amendment be amended by the omission of the words "publicly exposed" with a view to insert in lieu thereof the words, "open to public inspection at the Customhouse."

Amendment of the amendment agreed to.

Amendment (by Mr. Glynn) agreed to -

That the amendment be amended by the insertion after the word "writing," of the words "pursuant to section 49"

Amendment, as amended, agreed to.

Clause 67 -

Entries shall be made of the whole of any cargo landed or to be landed not later than seven days after the report of the ship or within such further time if any as the collector may see fit to allow.

Motion proposed -

That the committee agree to the Senate's amendment omitting the words "landed not later than seven days" and inserting in lieu thereof the words "unshipped within such respective times."

Mr TUDOR

- I prefer the reading of the clause as it stands. Shippers have ample time for landing their goods, and it would be better for the public generally to reject the amendment.

Mr KINGSTON

- The view of the honorable member for Yarra is one which I also strongly took, and I am still inclined to think that the clause ought to remain. The amendment is intended, in some way, to bring pressure on ship owners in regard to the discharging of cargoes and the passing of entries. The Customs are concerned only with those entries being passed within a reasonable time, and seven days was provided in all cases, giving ample time for everything required. The amendment will give the Government of the day power, if they see fit to exercise it, to either adhere to the provision of the Bill as originally proposed, or to vary the time for the passing of entries as may be thought best in special cases. I am still of opinion that, so far as the department is concerned, uniform law has much to recommend it.

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Mr Higgins

- Does the amendment mean that the Government may prescribe for a definite vessel?

Mr KINGSTON

- It means that the Government may prescribe for various ports. It is said there are different practices in the different ports of the States, and that, as the people find these practices convenient, they desire to adhere to them.

Mr E SOLOMON

- The appliances are not so good in some ports as in others.

Mr KINGSTON

- Seven days appear to be ample time.

Mr Tudor

- And even after seven days the collector can allow further time.

Mr KINGSTON

- The objection to a considerable extent comes from those who desire a shorter period fixed, and I do not recognise the strength of that objection from a Customs point of view. There seems a wish on the part of some people, by the indirect force of the Customs Bill, to bring pressure to bear of the character I referred to in regard to unshipment and the passing of entries, and, so long as the Customs are satisfied, well and good. If it had been proposed to fix within the four corners of the Bill a varying time in the various places, I should be found resisting the amendment, but seeing that the Government can make regulations, subject to Parliament, the amendment does not seem open to the same objection. If, however, it were being discussed in the first instance, I would stick to the Bill; but the question is whether it is worth while disagreeing with an amendment which gives a great deal of power to the Government to do as it likes.

Sir MALCOLM McEACHARN

- The clause would be far better if it were amended in the direction proposed. There are different laws in the different ports as to when entry shall be made, and the clause as amended would leave the Minister

discretion to have entries passed within the period necessary in the various ports.

Amendment agreed to.

Clause 112 -

The collector may require the owner to produce documents for any goods entered for export, and in the case of goods subject to the control of the Customs to give security that the same will be landed at the place for which they are entered or otherwise accounted for to the satisfaction of the collector.

Motion proposed -

That the committee agree to the Senate's amendment, omitting all the words after "export."

Mr KINGSTON

- I take it that this amendment would never do. This refers to cases where goods are going out, it may be out of bond, or it may be under drawback, and there is nothing more usual or reasonably necessary than that security should be given under the circumstances.

Mr McEacharn

- Does "owner" mean the ship-owner, or owner of the goods?

Mr KINGSTON

- The owner of the goods.

Mr Higgins

- The door would be opened to evasion, if the amendment were agreed; to.

Mr KINGSTON

- The door would be opened to terrible evasion. When the Bill was before us rather a hard and fast proposal was made - that the goods had to be landed at the place for which they were entered, but I added a proviso to the effect that so long as the goods are accounted for to the satisfaction of the collector, all would be well. I cannot, however, consent to the amendment.

Mr THOMSON

- I do not see much harm in the clause remaining as it is, though I do not see much good in the words which it is proposed to omit. The fact is that if the goods are not landed within the Commonwealth, it does not matter to the Customs.

Mr GLYNN

- I take it that the words were struck out by the Senate to get rid of the necessity for giving security, providing that the terms of the security had been complied with. As has been pointed out, this provision does not help the revenue, because if the goods are exported to another port in the colony the provisions of the Customs Bill as to reimportations have to be complied with, so that drawback will not apply. But if the goods are going to San Francisco the owner is placed in the difficulty of proving that they had been landed there, and I think the words have been struck out to dispense with that obligation.

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Sir MALCOLM McEACHARN

- I think the amendment is reasonable, because there are instances where it is almost impossible for the shipper to state that goods have been absolutely landed. I remember the case of a 10-ton boiler which was landed in Western Australia, and turned up ten months afterwards in Coolgardie. There was no possibility of getting any certificate except that of my own firm that the boiler had been landed, and if a 10-ton boiler can be lost smaller packages may very well go astray. It happened that in the meantime we had paid for the boiler; and, at any rate, it did turn up again. The Minister should consider the reason why this amendment has been made before proposing to disagree with it.

Mr Kingston

- It is only a question of giving security.

Mr Piesse

- What security would the Minister ask?

Mr KINGSTON

- Simply the Customs security which is provided for, a form of the shortest character. I suppose there are more securities of that nature given than of any other. We do not ask for a certificate; but only for proof that the goods have been exported.

Sir Malcolm McEacharn

- How could it have been proved in the particular case to which I have referred?



Mr KINGSTON

- If the honorable member had come before us and deposed that he had lost a 10-ton boiler, and did not know where it was, the matter would have been inquired into and speedily settled. To avoid a hard-and-fast rule for the production of a certificate we say - " Account for the goods to the satisfaction of the collector, see that they are not knocking round loose in Australia when they ought to have gone elsewhere, and you have fulfilled your obligation."

Amendment disagreed with.

Clause 115 -

The muster of any ship shall not suffer any goods other than passengers' baggage not specified or referred to in the outward manifest to be taken on board his ship. Penalty £50.

Motion proposed -

That the committee agree to the Senate's amendment inserting after the word " ship" the words " except as provided in section 109."

Mr PIESSE

- Is the Minister content with this form] It seems rather indefinite. Does this provision refer to stiffening only t If so, it would be better to limit it in that way.

Mr KINGSTON

- The Senate proposed to incorporate the stiffening. The stiffening is the taking on of ballast to give the ship that steadiness of equilibrium which is desirable.

Sir MALCOLM MCEACHARN

- It seems to me that the clause is altogether too vague. Inasmuch as the outward manifest cannot be prepared until after the goods are on board, I do not see how the clause can work.

Mr KINGSTON

- I would point out that the master has a certain time in which to prepare his outward manifest, but he is not to put upon it anything which he does not take on board his ship.

Amendment agreed to.

Clause 121 -

If required by the collector a certificate in such . form and to be given by such person as may be prescribed shall be produced in proof of the due landing according to the export entry of any goods subject to the control of the Customs, and. the collector may refuse to allow any other goods subject to the control of the Customs to be exported by any person who fails within a reasonable time to produce such certificate of the landing of any such goods previously exported by him or to account for such goods to the satisfaction of the collector.

Motion proposed -

That the committee agree with the Senate's; amendment omitting all the words after the word- " Customs," line 5.

Mr POYNTON

- I wish to direct the attention of the Minister to the fact that the amendment proposed is a very drastic one. I do not know whether he is prepared to accept it.

Mr KINGSTON

- It will be impossible for the Government to assent to the omission of the latter portion of the clause. We do not mind the provision that a power of this sort should be exercised by the comptroller rather than by any collector, but the further provision to omit the whole of the words after "Customs" seems to me to be very unreasonable.

Sir Malcolm McEacharn

- This is the penalty for non-compliance with the latter portion of clause 112, which we have just reinstated.

Mr KINGSTON

- However that may be, the most effectual way of securing compliance with the section is to retain the latter part of it.

Sir MALCOLM MCEACHARN

- I would point out that the amendment is extremely reasonable. The clause lays it down that, until an importer has produced a certificate that his goods have been landed, he shall be precluded from shipping

anything else.

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Mr KINGSTON

- If the clause simply provided for insisting upon the production of the certificate of landing of the exported goods, there might be some harm in it, but it is altogether qualified by the words which

I declare that if the exporter accounts for them to the satisfaction of the collector, that shall be sufficient. If we cut out this provision, which is usual and which occurs in a great many Customs Acts, we shall be depriving the department of the necessary power of enforcing due proof of the export of goods. I propose under the circumstances to adhere to the Bill.

Mr THOMSON

- I do not think that there is any need for the department to have any such power. Security has to be given when goods are exported. That security can be forfeited when there is non-compliance with the provisions of the previous clause. I would point out to the Minister, however, that it is not an effective penalty at all, inasmuch as any person can get goods exported in another person's name. As a matter of fact, any one who wished to do so could evade any liability of that sort altogether. I think that the Minister might as well omit the penalty altogether. It is not effective, and might be used harshly if it were effective.

Mr KINGSTON

- I am informed that it has a wonderful moral effect.

Mr Glynn

- Would it not be better to charge duty upon the exported goods not accounted for ?

Mr KINGSTON

- We want the goods satisfactorily accounted for. Very often it happens not that the exporters cannot do it, but they are too lazy to do it ; they will not look after matters of this sort.

Mr Thomson

- They are liable to a penalty.

Mr KINGSTON

- But we do not want to go to law unnecessarily. The mere suggestion of the exercise of this power expedites matters wonderfully. I know there was a case in which the parties interested not having the necessary certificates an employe' proceeded to supply them.

Mr GLYNN

- I would point out that under the security already given the amount of duty that would be paid, if drawback had not been allowed, can be recovered by the Minister for Trade and Customs if the goods are allowed to remain in the Commonwealth. Where is the necessity to go beyond that? This clause denies the right of challenging the decision of the Minister. An exporter may be able to prove that the goods were landed, but the Minister may refuse to accept such proof. The effect of this provision would be to force a shipper's hands and to prevent him appealing against the decision of the Minister through a Court of Justice.

Mr Kingston

- It is hedged round with all sorts of conditions.

Mr GLYNN

- What more does the Minister want than the payment of the duty?

Mr KINGSTON

- I want to know that goods which have gone out free of duty have gone somewhere else. If goods are passed for export, and are not exported, there is great risk to the revenue. The question is, are we to search for matters which are within the knowledge of the parties themselves, or must they produce the information ? Is our only remedy to be to put the bond in suit ? It never has been so hitherto, but the two provisions have been found to work admirably and fairly.

Question put. The committee divided -

Ayes ... .. 9

Noes ... .. 33

Majority ... .. 24

Question so resolved in the negative.

Amendment disagreed with.

Clause 123 (Use of ship's stores) -

Motion proposed -

That the committee agree to the amendment of the Senate inserting after the word "stores" the words "whether shipped in parts beyond the seas or in the Commonwealth unless entered for home consumption, or except as prescribed."

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Mr Higgins

- Perhaps the Minister will explain the meaning of the amendment made by the Senate.

Mr KINGSTON

- The amendment was passed by the Senate to make it abundantly clear that ships' stores, whether they be stores shipped within the Commonwealth or the surplus stores upon a ship arriving within the Commonwealth waters, are not to be used within the Commonwealth except upon the payment of duty. The amendment also allows regulations on the subject to be prescribed.

Sir MALCOLM McEACHARN

- I wish to know from the Minister whether it will not be necessary to further amend the clause. It seems to me that if we adopt the Senate's amendment its provisions will apply only to vessels leaving the Commonwealth. How do the words of the amendment apply to vessels arriving within the Commonwealth boundaries ?

Mr Kingston

- Until vessels depart from the Commonwealth they cannot use their stores, unless they enter them for home consumption.

Amendment agreed to.

Clause 146 -

Samples of duty paid goods or goods the produce of Australia sent out of Australia may subject to any prescribed conditions be re-imported or brought back to Australia without payment of duty.

Motion proposed -

That the committee agree to the Senate's amendment inserting the words "goods the produce of Australia or" at the beginning of the clause.

Mr KINGSTON

- The amendment is necessary, because some people contend that if goods which are the produce of Australia are brought back here after they have been exported they should not be subject to duty. That, however, is not the general intention, and there must be some regulation limiting the re-introduction of goods free of duty or else our market will be liable to be disturbed in the most unexpected fashion. It is not intended that goods which are the produce of Australia should be allowed to come back here without compliance with any conditions. A case occurred where a lot of Australian goods were sent home, and because the market rose here they were brought back.

Mr Page

- Surely it is not intended that Australian produce shall be taxed if it is brought back to the Commonwealth?

Mr KINGSTON

- Some precautions must be taken so that we may protect ourselves against having goods foisted upon us as

Australian goods when we have no means of identifying them as such.

Mr Page

- Supposing butter was sent home from here, and a ship brought some of the butter back for the local market, surely that produce would not be taxed ?

Mr KINGSTON

- No ; but we must be very careful that ships do not bring foreign butter here as Australian butter, and try to impose upon us.

Amendment agreed to.

Motion proposed -

That the committee agree to the Senate's amendment inserting the following new clause after clause 150 : - 150a. If the original invoice prepared and issued by the seller or consignor in the country whence the

goods were exported cannot conveniently be obtained, the collector may permit to be substituted the original invoice prepared and issued by the last seller or consignor, and the invoice so substituted shall be deemed the genuine invoice, but so that -

The collector shall first be satisfied that the value shown by the invoice of the last seller or consignor is not less than the fair market value in the country of export ascertained according to section 149.

The value shown by such invoice shall for the purpose of duty be taken to be the fair market value of the goods in the country of export ascertained according to section 149.

Mr ISAACS

- I would like to draw attention to the fact that several new clauses have been inserted in this Bill, and that in this clause specific reference is made to section 149. That number will have to be altered, or else reference will be made to the wrong section. As I remarked before, it is desirable in the drafting of Bills, to, as far as possible, avoid references to sections in this way, because as the Bills pass through the two Houses, the clauses become differently numbered, and unless great care is exercised the most surprising results may be brought about. This is a very important section, and I direct the attention of the Minister to it.

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Mr KINGSTON

- I quite agree with the honorable and learned member for Indi that great care is necessary in the drafting of these Bills, in order to avoid mistakes of that kind.

Amendment agreed to.

Clause 153 (Blank invoices).

Motion proposed -

That the committee agree to the Senate's amendment, omitting the word " twenty " and inserting in lieu thereof " 100."

Mr KINGSTON

- I would like honorable members to note that the action of the Senate in increasing the penalty from £20 to £100 entirely removes the aspersions cast upon the Minister in charge of the Bill in this Chamber with reference to the severity of the penalties proposed. I hope honorable members will regard this amendment as to some extent a vindication of my attitude on the subject of penalties.

Amendment agreed to.

Motion proposed -

That the committee agree to the Senate's amendment, inserting the following new clause after clause 154 : - 154a. (1) For the protection of the revenue against the undervaluation of goods subject to ad valorem duties any goods entered as of a specified value may at any time before sale to a person having no knowledge of the entry and subject as may be prescribed be purchased by the Customs at their declared value with an addition of £10 per centum on the amount of such value.

The purchase shall be effected by the seizure of the goods by an officer and written notice of the seizure given to the owner.

The officer shall remove the goods to a warehouse or some place of security, and the owner shall thereupon be entitled to the purchase money

The goods shall become the property of the King immediately on seizure, and shall afterwards be disposed of as may be prescribed or as the collector may direct.

A refund in whole or in part of any duty paid on the goods may be made by the collector.

This section shall not limit or restrict any other power possessed by the Customs relating to the goods.

Mr. ISAACS

(Indi). - I quite agree with this clause, but I should like to ask if the Minister has considered how it will work in practice. The power given to the Customs under this provision to elect to purchase goods at 10 per cent, in addition to their alleged value is a very proper one. According to this clause, however, the power is restricted because it must be exercised at any time before sale of the goods to a person having no knowledge of the entry and subject as may be prescribed. I should like to know how the Customs are going to discover if the goods have been sold, and how they are going to protect themselves against an action if the goods have been sold. The Minister might consider whether he would be able to put this clause in operation.

Mr Kingston

- Would the honorable and learned member propose to limit the time ?

Mr ISAACS

- If the Government are going to make any use of the power at all they will have to alter the provision in some way or other - perhaps by making the power absolute. I do not know whether there would be any objection to that, because the person who would buy goods in such a case would buy under somewhat extraordinary circumstances. It seems to me that as the clause stands the Minister would always act with a sword over his head, because he would never know, and no one is under any obligation to tell him, whether the goods are sold or not.

Mr McCAY

- The difficulty might be removed by omitting the words " before sale to a person having no knowledge of the entry." That would make the power absolute subject to regulations under which the time considered necessary might be prescribed.

Mr Isaacs

- It would be better to make the power absolute, and allow the Minister to refrain from exercising his power in cases where he was satisfied that hardship would be inflicted.

Sir Malcolm McEacharn

- If the power were made absolute, and a merchant were once caught undervaluing, no one would buy from him for fear that the goods might have been bought by the Customs.

Mr. HIGGINS

(Northern Melbourne). I think a short time limit should be fixed, as it would impose on the Customs the duty of acting promptly. The effect would also be to make all persons who were asked to buy goods in great haste exercise great care, and inquire whether the period during which the Customs might exercise their option of purchase had expired. I think the suggestion of the honorable and learned member for Corinella would be the best one to adopt.

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Mr KINGSTON

- We are discussing how we can best make this clause effective, whilst not interfering unnecessarily with the security to which purchasers have a right. It was pointed out that at present a bogus sale might be set up, and the whole object of the clause defeated. Various ways of meeting the difficulty were suggested. One was the striking out of the limitation altogether, so far as sales are concerned, and the other was the adoption of a period during which it should be exercised. An amendment, which I am disposed to suggest, will be not to defeat the right of sale simply on the suggestion that a person has no knowledge of the entry, but to provide that it will be necessary for that person, in order to defeat the right of purchase, to satisfy the collector that he purchased and took delivery in good faith, and without any knowledge of the entry. This is, in point of fact, to cast on the person who seeks to dispute the power of purchase, the onus of establishing that he is entitled to be called a bona fide purchaser.

Mr Harper

- That is, if he is in possession of his purchase ?

Mr KINGSTON

- Yes.

Mr Harper

- But suppose he has bought for delivery ?

Mr KINGSTON

- If he has not the goods he probably has not parted with the money. I move -

That the amendment of the Senate be amended by omitting the words, " To a person having no," with a view to insert in lieu thereof, "And delivery to a person who shall prove to the satisfaction of the collector that he purchased and took delivery in good faith and without any."

That will avoid the criticism that the object of the clause is likely to be defeated by a bogus sale, and at the same time will sufficiently protect a person who has been entirely innocent and ought not to be penalized. I do not forget that in the great majority of cases, sales and purchases by importers will be made by responsible merchants, so that even if the purchaser lost his goods, he would have recourse, if the loss be occasioned by the under valuation of the entry, against a person who would be able to recoup

him.

Amendment agreed to.

Mr GLYNN

- It seems to me the clause is rather unfair. There is no limitation of time.

Mr Kingston

- I have limited it to so long as the goods are practically in the hands of the purchaser.

Mr GLYNN

- Suppose it is a speculative purchase? Goods are often kept two or three years in anticipation of a rise in price, and there might be a rise of 50 per cent. This clause is not inserted as a penalty, but as an additional precaution in favour of a Minister, so that he may get the right duty. This is arming the Minister with an extraordinary power as against possibly an innocent importer.

Mr Kingston

- No.

Mr GLYNN

- There is nothing on the face of the clause to show an offence has been committed, but it gives power, lest the declared value be less than the true value, to purchase the goods at 10 per cent, more than the declared value. The measure, to be consistent, ought to add also the duty which has been paid.

Mr Kingston

- Sub-clause (5) provides for a refund of the duty.

Mr GLYNN

- At the same time, it is a dangerous principle to allow a purchase perhaps two years after, when the price may have gone up 50 per cent., while only 10 per cent, is allowed, though no offence is proved.

Mr KINGSTON

- No Ministry would live who sanctioned the act of an officer in taking advantage of a rise in price to acquire goods under the circumstances. I understand that merchants generally do not care so much what they have to pay, so long as they know all have to pay alike, and honest merchants are not penalized to the advantage of those who are not so scrupulous. The clause, as I now submit it, was suggested to our consideration by a highly respected member of the Australian mercantile community, and I believe it has recommended itself to all honest traders.

Mr BRUCE SMITH

- Do I understand that imported goods are to be valued irrespective of the original invoice ? Hitherto, for years, the production of the original invoice, even though the goods might be sold at much below the value, has been finally tested by the Customs at the port of destination. If a trader should happen to buy what is called a "cheap line" in London at much below its value, it has been the practice for many years to pay the duty on the invoice value from the port of shipment, although that invoice value may be much below the value of the goods. Do I understand that this provision is a substitution for that invoice?

Mr Kingston

- No.

Mr BRUCE SMITH

- The invoice will be taken as prima facie evidence of the value of the goods, this provision being an added precaution ?

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Mr KINGSTON

- Yes. Instead of leaving the thing open, we continue our power, until there is a sale and delivery to a purchaser, who informs the collector that he has purchased and taken delivery in good faith, and without any knowledge of the entry.

Amendment of the amendment agreed to.

Amendment, as amended, agreed to.

Clause 160-

The provisions of this section shall not apply in cases where the Minister is of opinion that any evasion of this Act has been committed or attempted.

Motion proposed -

That the committee agree to the Senate's amendment omitting the words " in cases where the Minister is

of opinion that any evasion of this Act has been committed or attempted," and inserting in lieu thereof the words " to any goods which may be detained or seized for undervaluation or in respect to which any attempt to evade the payment of duty may have been made."

Mr ISAACS

- This is a very important clause, and should like to hear whether the Minister is going to accept the amendment, which will have the effect of cutting down his power.

Mr KINGSTON

- I do not know that the difference between the clause and the amendment is of sufficient importance to necessitate our resisting the alteration.

Amendment agreed to.

Clause 166 -

The person claiming drawback on any goods shall make a declaration upon the debenture that the goods have been exported and have not been re-landed and are not intended to be re-landed, and that such person at the time of shipping was entitled to the drawback, and the name of such person shall be stated in the debenture, and the receipt of such person on the debenture, countersigned by the holder of such debenture, if the same shall have been transferred in the meantime, shall be a sufficient discharge for such drawback.

Motion proposed -

That the committee agree to the Senate's amendment inserting after the word "not," line 3, the words "to his knowledge."

Mr KINGSTON

- This clause has reference to drawbacks.

Mr BRUCE SMITH

- How can the person claiming drawback say whether the goods have been re-landed ?

Mr KINGSTON

- I do not think it is sufficient, when we are called upon to pay money on the representation that goods have been exported, that we should have anything less than a positive statement that they have not been re-landed without such statement being qualified by a question of knowledge. The individual interested ought to give us a positive assurance that the goods have not been brought back into the Commonwealth.

Mr BRUCE SMITH

- I do not think that the Minister has quite considered what the amendment means. I think that it is a very fair amendment. The clause provides that when a person claims drawback upon goods, he shall make a declaration in reference to them. He has first to declare that the goods have been exported, and then that they have not been re-landed in any part of the Commonwealth. Now, how can a merchant make a declaration that the goods have not been re-landed ? They may have been re-landed dishonestly, and he may declare that to the best of his knowledge they have not been re-landed. If it were shown in the face of such a declaration that the goods had been re-landed, the merchant would be just as liable as if he had made an absolute statement.

Mr HIGGINS

- If the form of expression were slightly altered, I think that the suggestion of the honorable and learned member for Parkes would be applicable. As the provision comes to us from another place, the clause reads - " And have not to his knowledge been re-landed." But of course a man who is in Sydney would have no knowledge of what was going on say in Perth. He could therefore easily say, even though he had a suspicion that the goods had been re-landed in Perth, that they had not been re-landed there to his knowledge. If, on the other hand, the expression were used - " To the best of his belief," the honorable and learned member's suggestion would be pertinent. I think that the amendment of the Senate goes too far. The suggestion of the honorable and learned member for Parkes does not go so far, and is not so extreme. At the least, we ought to pin down the man who makes a declaration to a statement of his actual belief. If we altered the clause to read " to the best of his belief," I think that the difficulty would be met.

Mr KINGSTON

- The position, it seems to me, is that we allow drawback because the goods are exported. It is not sufficient when a boat leaves, bound for a certain place, that we should pay the drawback. We have a

right to be satisfied that the goods have not been brought back into Australia. Who is the man who asks for the money ? The exporter ! Who are the persons who know all about it? It is not the Customs officers, because they have not the means of checking, but certainly one person is the exporter.

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Sir Malcolm McEacharn

- The exporter knows nothing of the goods after they are shipped.

Mr KINGSTON

- Is he not concerned in the matter? If the honorable member were exporting goods to Ceylon, would he not know something about those goods? Will not the exporter get advice of the arrival of the goods ? Before an exporter collects drawback he should be able to say - "I have complied with the conditions ; the goods have gone out of the Commonwealth, and have not been brought back." Otherwise a man might go the very next day and say - " I want this drawback absolutely paid. I do not know what has become of the ship in which the goods were forwarded, and I do not care."

Mr Thomson

- This provision would not preclude a man from going the next day.

Mr KINGSTON

- I do not say that it would. But, by all means, let us have the man's distinct oath upon the matter. I ask the committee to support the clause as it stands.

Sir MALCOLM MCEACHARN

- The amendment of the Senate has evidently been intended to cover instances where a declaration may be made though the goods may have been re-landed without the knowledge of the individual making such declaration. It frequently happens that goods are actually re-landed from steamers in Melbourne itself. Sometimes goods are transferred to another steamer. It happens also that goods from homeward-bound steamers calling at Fremantle may unintentionally be landed at that port. In such cases the goods are sent on to England by a later steamer. In the meantime, the exporter would have made his declaration that the goods had not been re-landed, and would thus become liable to a penalty.

Mr McCAY

- The argument of the honorable member for Melbourne would be a perfectly sound one if it related to anything save the drawing of money from the Government for the performance of a certain obligation. Surely the exporter should be in a position to say definitely that he has carried out his obligation before he collects drawback? The honorable member for Melbourne has pointed out that in some cases men get their drawback, even though the goods have not left the country.

Sir Malcolm Mceacharn

- I was referring to the declaration where goods, which have actually been on board a steamer, have been re-landed. '

Mr McCAY

- In that case the exporter will have received the money on a supposition that is not true. He need not claim drawback unless he likes. There is no compulsion for him to do so, but, if he wants drawback, let him prove to the Customs authorities that he has fulfilled the conditions imposed.

Mr. BRUCE

SMITH (Parkes).- The case mentioned by the honorable member for Melbourne is not an ordinary one, but an extraordinary one, in which goods are taken out at an intermediate port and are omitted to be reshipped. The normal condition of things would not admit of that. When once goods have left a particular port for a destination beyond the Commonwealth, wherever they land they will again have to pay duty. Three conditions have to be complied with before drawback can be collected. First, the exporter has to declare that the goods have been exported ; secondly, that they have not been re-landed to his knowledge; and thirdly, that there is no intention to re-land them. The honorable member knows very well that when once they have left a port the chief reason for taking the drawback is that the duty is not due at that port, but will have to be repaid at another port as soon as the goods are landed. If I send goods from Melbourne, and they are landed in Sydney en route

to some other place, they will have to pay duty in Sydney. Therefore it is quite right that the exporter who has paid duty on them, and has then sent them out of the Commonwealth, should receive his duty back,



because the moment the goods enter another port of the Commonwealth they will have to pay duty again. That is the guaranty which the Minister has that there can be no dishonesty in the matter.

Mr HARPER

- Would that follow after the establishment of Inter - State freetrade ?

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Mr BRUCE SMITH

- If the Customs authorities were not satisfied the duty would have to be paid again. The Customs officers will look at the manifest of the ship in any case, and will have received word as to what goods are passing from one port in the Commonwealth, to another. Here there is the three-fold declaration that the goods have been taken away from the port, that to the best of the exporters knowledge they have not been re-landed, and that there is no intention to re-land them. If you do not give an exporter a drawback until he can positively state that the goods have not been re-landed, either honestly or dishonestly, no man will be entitled to a refund of duty.

Mr. G.

B. EDWARDS (South Sydney). I do not think we should legislate in the direction of requiring a declaration which no man could honestly make, and the declaration here provided for is such a declaration, because goods are exported, and, perhaps for some reason connected with the working of the ship, or by a mistake, they are re-landed and taken on by subsequent vessels. If the words, " to the best of his belief " are accepted, we shall have, as the honorable and learned member for Parkes has pointed out, a three-fold declaration, which would be such as an honest man can make, while the revenue will be sufficiently protected.

Mr THOMSON

- Some of the provisions in the measure in regard to drawbacks are framed on the lines of the provisions first introduced when drawbacks were originated, and their operation so little known that it was thought that extraordinary precautions should be taken to protect the revenue. As a matter of fact, however, there is no greater risk to the revenue when goods are shipped for export under drawback than when they are shipped for export under bond. If goods under bond are exported, what is there, to prevent them from being landed again within the Commonwealth, except the vigilance of the Customs officials % The same vigilance may be trusted to prevent the re-landing of goods exported under drawback. But the further precaution is taken, with regard to goods exported under drawback, that the exporter is required to make the declaration that they have not been re-landed. If he declares that " to his full knowledge and belief," or " so far as he knows " they have not been re-landed, that should be sufficient.

Mr KINGSTON

- In regard to goods exported under bond, there are a variety of provisions for the protection of the revenue, chief among which is the requirement of proof that they have been landed at the place to which they were intended to be exported, or are otherwise accounted for to the satisfaction of the collector. That evidence we can get at any time, and we lose no money, because no duty has been paid upon the goods. But where goods are imported under drawback, duty has been paid upon them, and we are met by a request for the repayment of it.

Mr Thomson

- That amounts to the same thing.

Mr KINGSTON

- Surely the exporter is in the best position to declare whether the goods have been sent out of the Commonwealth, and his right to repayment depends upon his compliance with the condition that they have been sent out of the Commonwealth. . He ought to be able to pledge his word to the two facts which constitute the foundation of his claim for repayment - that the goods have been exported, and that they have not been re-landed within the Commonwealth. I do not want to provide for any requirement which will unnecessarily harass trade. An exporter would have to wait only a little while in order to obtain advice of the arrival of the goods at the port of destination.

Mr Thomson

- Why keep him waiting for his repayments so long ?

Sir Malcolm McEacharn

- Why not make him refund the drawback if the goods are re-landed 1

Mr KINGSTON

- Is it not the safest and best method to provide that, until he is in a position to state that he has complied with the conditions, he shall not be entitled to the repayment of the duty ?

Mr E SOLOMON

- Could he not obtain repayment upon the production of the bill of lading ?

Mr BRUCE SMITH

- No. That would show only that the goods had been exported.

Mr Thomson

- The ship might be lost before her arrival at the port of destination, and the exporter might not know where she was lost. She might be lost within the Commonwealth.

Mr KINGSTON

- Does the honorable member think that that would be a relanding ?

Mr Glynn

- Why not insert the words, " after proper inquiry made " ?

Mr BRUCE SMITH

- The exporter is asked to swear a negative.

Mr KINGSTON

- Surely if any 'one of us went to another to obtain money to which he was entitled upon compliance with certain conditions, he would be asked if the conditions had been complied with, and, if he could not give the assurance that they had, he would not receive it.

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Mr G B EDWARDS

- The Minister may be right in arguing that the conditions should be complied with, but those conditions should be reasonable, and the only reasonable declaration to ask the exporter to make is that the goods have been exported. I have felt qualms of conscience over and over again because of the declarations I have been asked to make. I am asked to declare under which warrants and invoices duty was paid upon the sugar contained in goods I am exporting, It is impossible for me to do that. All I can do is to go to the Custom-house with the invoices, and say - " Duty was paid on the sugar under some of these invoices, but I cannot say which. Pick them out for yourselves." An exporter could not honestly swear that goods had not been re-landed within the Commonwealth, but he could swear that to the best of his belief they had not been re-landed. The Minister says that these provisions are inserted to protect the honest from the dishonest trader ; but we have no right to require an honest trader to make a declaration which he cannot honestly make. The declaration which the exporter is to be asked to make would not be accepted as evidence in a court of law, because the court would hold that a man cannot swear to facts of which he has no knowledge.

Mr GLYNN

- I suggest the addition of the words " sifter proper inquiry," to meet what I understand to be the chief difficulty of the Minister - that the exporter may make the declaration, that to the best of his knowledge the goods had not been re-landed, without the smallest inquiry as to the facts. But surely it is fair to allow him to swear that " to the best of his knowledge after proper inquiry" the goods had not been landed ?

Mr Kingston

- If he proves that the goods have been landed at the port of destination, that is enough.

Mr GLYNN

- He may not be able to find out whether they have been re-landed or not ; but he can try to find out. What is the need for resisting so strongly an amendment of this kind since, once the goods have left Australia, they are for all Customs' purposes in the same category as goods that never came here.

Mr. HIGGINS

(Northern Melbourne). Although I made the suggestion that is being discussed, I do not think that the amendment is so important that I should press it further, because I feel that no man could be convicted of perjury upon the declaration that the goods, had not been re-landed, unless it could be shown that he did not believe in the truth of that statement. I think, however, that we should be very careful as to the oath we require. If oaths are to be esteemed binding upon conscience, we should be very careful to have as few rigid oaths as possible. There are some consciences which are very tender with regard to the

taking of oaths. However, I think we are spending too much time over this matter. I should like to see the words "to the best of his belief" inserted, but I do not think it worth while going to a division on the question of their insertion.

Mr. THOMSON

(North Sydney.) - I agree with the honorable member for Northern Melbourne that we shall be making people swear to what cannot actually be within their knowledge, and that is a bad thing in itself. As to the re-landing of these goods, what harm would be done supposing goods were shipped to England, and were shipped back again by the following steamer to Perth, and landed there under Customs supervision

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In connexion with drawbacks, there is not that difference that the Minister seems to claim. The Minister seems to think that goods in connexion with which money is to be obtained from the Government are in a different position from goods upon which, at the time of export, no money is refunded. There is no difference, except that the Government have for a certain time had the use of the money paid as duty, and afterwards refunded as drawback. If a man pays duty upon certain goods, and places them in a free store, he gets drawback when he exports them; but there is really no difference between that case and the case of goods which have been in bond all the time, and regarding which no money has passed, either in the way of duty or drawback. The same precaution is taken to prevent the landing of the goods in either case, and they are under the control of the Customs in just the same way as goods in bond under clause 112. I think, therefore, that the Minister might very well accept an amendment which will prevent oaths being taken as to facts regarding which the persons taking them can have no absolute knowledge.

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Mr ISAACS

- I hope the Minister will adhere to his position, because the amendment seems most unbusiness-like, and

I do not think that any merchant of whom money was demanded for goods supplied to him would be content with the person who demanded the money simply saying, "I believe I supplied the goods, but I cannot say definitely." When goods are exported entries should be passed at once, and the importer, on demanding drawback, should be in the position to say definitely, and without any doubt, that the goods have passed away from the Commonwealth in such a way that they could not have been re-landed. I do not think it is too much to ask a man to be quite sure as to his right to claim money out of the public Treasury before he asks for it.

Mr KINGSTON

- The amendment proposes to alter the clause so that<sup>1</sup> when an exporter is not certain as to whether he is entitled to money, he may say he thinks he is, and ask that the money may be handed over to him.

Mr Thomson

- That is not a proper way of putting it.

Mr KINGSTON

- The exporter has the debenture which tells him that when he can certify that he is entitled to the money he can have it, but what is apparently desired is to enable a man to get the money before he can certify that he is entitled to it. As regards the proof that the goods have not been re-landed, the exporter would have to wait only a little time - no matter to what port they might be sent - to ascertain whether they have been landed there or not.

Mr Glynn

- After twelve months he cannot get paid at all.

Mr KINGSTON

- What merchant would wait for twelve months<sup>1</sup>

Mr Glynn

- If the ship went down he could not certify that the goods were landed.

Mr KINGSTON

- I will guarantee that 99 merchants out of 100 would certify quickly enough that goods had not been landed if they heard that a ship had gone down, or if they had not heard of it, they would draw their own conclusions, in plenty of time to enable them to get their money. If a man is not certain that he is entitled to the money, let him wait until he can make sure.

Amendment disagreed with.

Clause 168-

All ships trading or plying or going from one port or place in Australia to another port or place therein, and not trading, plying, or going to any other port or place, shall be considered as engaged in the coasting trade, and such ships shall be deemed to be coasting ships for the purposes of any Customs Act.

Motion proposed -

That the committee agree to the Senate's amendment inserting the words "beyond Australia" after the word ...1.:a . line 4.

Mr GLYNN

- The insertion of these words would rather confuse the clause, because there is no reference in the earlier part of it to a ship having gone to any port beyond Australia. I think the clause would be better as it stands.

Mr ISAACS

- I am not sure that the proposed amendment is not necessary. I think it makes the clause much clearer.

Mr CROUCH

- I would point out that in the Acts Interpretation Act we made " Australia " include the whole of the Commonwealth. That definition would include the Fijian Islands, New Guinea, or some other islands that might have to be reached vid New Zealand, and this clause would have the effect of excluding from the definition of coasting ships any vessels touching at New Zealand ports on their way to these islands.

Mr Glynn

- If the word " other " were left out of the clause the position taken up by the honorable and learned member for Indi would be correct, but with that word left in the amendment is not necessary.

Mr KINGSTON

- I think the clause as we passed it originally was beyond exception, and. that we should allow it to stand.

Amendment disagreed with.

Clause 173-

Any owner of goods may comply with the provisions of this Act by an agent lawfully authorized, being either a person exclusively in the employment of the owner, or being duly licensed in manner prescribed.

Motion proposed -

That the committee agree to the Senate's amendment omitting the word "being," line 3, and inserting in lieu thereof the words, "and in all places to which this limitation is declared by proclamation to extend, such agent shall be."

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Mr KINGSTON

- We have provided generally for the employment of Customs agents, but it may happen that in some cases the persons employed may not be licensed Customs agents, and considerable trouble would arise in the transaction of Customs business. The amendment, therefore, declares that the clause shall apply only to cases to which its operation is extended by proclamation.

Amendment agreed to.

Clause 176 -

Any declaration authorized by this Act made by any employe or agent of any person shall be held to have been made with the knowledge and consent of such person, so that in any prosecution in respect of any declaration made by any such employe or agent, such person shall be liable only to the pecuniary punishment provided by any

Customs Act as if such declaration had been made by himself.

Motion proposed -

That the committee agree to the Senate's amendment omitting the words "employe or," line 2.

Mr McCAY

- I do not see any reason why an employer should be exempt from responsibility in regard to his employe when a principal is not exempt from responsibility for the actions of his agent. I can see far more reason for exempting the principal from the consequences of his agent's wrong-doing than for exempting an employer from the results of the wrong-doing of his employe.

Mr Glynn

- This amendment is only consequential.

Mr McCAY

- If it is consequential I suppose it is all right, but it looked to me as if it were of some importance.

Mr GLYNN

- I think the provision is consequential, because the amendment we have just made defined "agent," where a proclamation is issued, to include any person exclusively in the employment of the owner or customs agent.

Mr McCay

- That was only where there is a proclamation, and there may be cases where there is no proclamation.

Mr GLYNN

- There cannot be any other case.

Amendment agreed to.

Clause 184 (Seals,&c., not to be broken).

Motion proposed -

That the committee agree to the amendment of the Senate omitting the following words : - "And if any ship shall arrive in any port with any such fastening, lock, mark, or seal open, altered, broken, or erased, except as aforesaid, the master shall be guilty of an offence against this Act."

Mr McCay

- What is the effect of this change?

Mr KINGSTON

- It makes clearer the position we tried to emphasize when dealing with the Bill in relation to stores.

Amendment agreed to.

Motion proposed -

That the committee agree to the amendment of the Senate inserting the following new clause after clause 184 : - "184a. No fastening, lock, mark, or seal placed by an officer upon any goods or upon any door, hatchway, opening, or place for the purpose of securing any stores upon any ship which has arrived in any port from parts beyond the seas and which is bound to any other port within the Commonwealth shall be opened, altered, broken, or erased except by authority ; and if any ship enters any port with any such fastening, lock, mark, or seal opened, altered, broken, or erased contrary to this section, the master shall be guilty of an offence against this Act.

Penalty : £100."

Sir MALCOLM McEACHARN

- I suppose the position is exactly the same as it was before the Bill left this House. That is to say, the Minister gives his assurance that it is intended to treat over-sea steamers in the same way as coasting steamers are treated so far as stores are concerned.

Mr Kingston

- Certainly, and the amendment is to that end.

Amendment agreed to.

Clause 192-

Any officer having with him a writ of assistance or a Customs warrant may at any time in the day or night enter into any house, premises, or place, and may break open the same and any chests, trunks, or packages, in which goods may be or are supposed to be.

Motion proposed -

That the committee agree to the amendments of the Senate inserting after "into" the words "and search," and omitting the words "the same and," and inserting in lieu thereof " and search."

Mr PIESSE

- I would point out to the Minister that if this amendment is agreed to, the writ of assistance will not be in accordance with what appears to be the purport of the clause as amended. The Senate propose to so amend the clause that there shall be no power to break open any premises, but the writ of assistance, as shown in the schedule, gives power to enter the premises day or night and to " break open and search the same." The clause as amended does not give power to break open the premises, but only to break open any "chest, trunks, or packages." There is a considerable discrepancy between the clause as amended, and the writ of assistance.

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Mr KINGSTON

- I do not propose that we should abandon, in respect of the writ of assistance or the Customs warrant the power to break open, and I think the insertion of the word "search" rather extends the power.

Mr PIESSE

- Then the Minister must not allow the succeeding amendment.

Mr KINGSTON

- I am not going to.

Amendment agreed to.

Mr KINGSTON

- I do not mind agreeing to the insertion of the words "and search," but I object to the omission of the words "the same and." By omitting the words as proposed we take away the power to break into premises, and give power to break open packages, and I ask the committee to disagree with that amendment.

Mr GLYNN

- I think the Senate saw some difficulty in construction. At present it would appear from the clause that after a man gets into the place he begins to smash it up. The clause says he may enter and search, and that he may then break it open.

Mr Kingston

- He enters without breaking if he gets the chance, but if he does not get that chance, he breaks in.

Amendment - to insert the word "search" - agreed to.

Amendment - to omit the words "the same and" - disagreed with.

Amendment, as amended, agreed to.

Clause 213 -

No proceeding shall be commenced against any officer for anything done in execution of or by reason of his office until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the plaintiff his attorney or agent, in which notice shall be clearly stated the cause and nature of the proceeding and the court in which the same is intended to be instituted, the name and place of abode of the plaintiff, and the name and place of business of such attorney or agent.

Motion proposed -

That the committee agree to the Senate's amendment adding the following words to the clause : - " unless a Justice of the High Court of Australia or the Supreme Court of a State has granted leave to the plaintiff to proceed without notice, which leave such Justice or Judge may grant on such terms as he may think just."

Mr PIESSE

- I should like to ask the Minister if this amendment is intended in the one case to refer to a Justice of the High Court of Australia, and in the other to the Supreme Court of a State, or whether it is intended that a Justice of the High Court of Australia, and also a Justice of the Supreme Court of a State shall be competent to grant leave to the plaintiff to proceed without notice ?

Amendments (by Mr. Kingston) agreed to-

That after the word "or," line 4, the word " of " be inserted, and that the words " or Judge," line 6, be omitted.

Amendment, as amended, agreed to.

Motion proposed -

That the committee agree to the Senate's amendment inserting the following new clause (213a): - "No notice under the last preceding section shall be deemed invalid by reason of any defect or inaccuracy therein, unless the Court is of opinion that the defect or inaccuracy would prejudice the defendant in his defence."

Mr ISAACS

- I think that this matter requires very careful consideration. We have just passed an amendment which has the effect of modifying the Bill as it originally stood. In its original form, clause 213 provided that notice of action was to be given in all cases. The succeeding clause sets out that no evidence is to be produced at the trial but evidence of the cause of action that has been distinctly stated in the notice. By

the amendment which we have just carried, power is given to a Judge of the High Court or of the Supreme Court to allow the plaintiff to proceed without notice. It seems to me, therefore, that this is the proper place at which to insert words which will meet the case of leave being granted to proceed without notice. The clause with which we are now dealing provides that a defect in the notice is not to invalidate it unless the defendant is prejudiced in his defence. Yet clause 214 prevents the plaintiff from giving evidence of any cause of action except such as has been distinctly stated in the notice. That will lead to serious complications which apparently have not been foreseen. I suggest the addition of words which will give the court leave to amend the notice as it may think just, and then some words will require to be added in order to show that the succeeding clause shall not apply to a case where leave has been granted to proceed without notice.

Mr Kingston

- I do not think that we want that. Look at clause 214.

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Mr ISAACS

- At any rate, I want to provide for cases where notice is required, but where the cause of action is not distinctly stated. I therefore move -

That the following words be added to the new clause: - "And the court may give leave to amend the notice in any manner that it thinks just."

Amendment agreed to.

Amendment, as amended, agreed to.

Clause 214 -

Upon any proceeding instituted in pursuance of such notice the plaintiff shall not be at liberty to advance any evidence of any cause of action except such as has been distinctly stated in such notice, nor shall the plaintiff be entitled to a verdict without proving on the trial that such notice has been duly served, and in default of such proof the defendant shall receive a verdict with costs.

Motion proposed -

That the committee agree to the Senate's amendment; omitting all the words after the word "served."

Mr POYNTON

- I would ask the Minister to point out the reason why the defendant should be deprived of his costs.

Mr KINGSTON

- The striking out of these words by the Senate still leaves the clause depriving the plaintiff of a verdict, but without giving the defendant a verdict so as to allow the plaintiff, if he pleases, to be non-suited, and come again. If he is non-suited no doubt the question of costs would be against him.

Mr BRUCE SMITH

- It seems to me that the previous amendment raises a difficulty here. At the end of clause 213 it is provided that a Judge of the Supreme Court may grant leave to a plaintiff to proceed without notice, whereas this clause provides that the plaintiff shall not be entitled to a verdict without proving on the trial that such notice has been duly served. It may be said that as there is no notice he cannot get a verdict.

Amendment agreed to.

Clause 219-

The following ships be forfeited to His Majesty : -

) Any ship used in smuggling.

Any ship found within one league of the coast failing to bring to for boarding upon being lawfully required to do so.

Any ship hovering within one league of the coast and not departing within twelve hours after being required to depart by an officer.

Any ship from which any goods are thrown overboard staved or destroyed to prevent seizure by the Customs.

Any ship found within any port with cargo on board and afterwards found light or in ballast or with the cargo deficient and the master of which is unable to lawfully account for the difference.

Any ship within one league of the coast having false bulk heads false bows sides or bottoms or any secret or disguised place adapted for the purpose of concealing goods or having any hole pipe or other device adapted for the purpose of running goods.

Motion proposed -

That the committee agree to the Senate's amendment inserting after the word "ships," line 1 , the words " or boats not exceeding 250 tons registered tonnage."

Mr McCAY

- I would ask whether this amendment is rightly printed. The words " boats exceeding 250 tons registered tonnage " sound to a landsman's ears very alarming. Indeed, I am beginning to think that the Senate is providing us. with the nucleus of an Australian navy. I think there must be a misprint in this clause, and that the words " 250 tons, &c." should follow the word " ships."

Mr Kingston

- I think the clause is quite clear as it stands with the amendment proposed.

Amendment agreed to.

Clause 220-

The following goods shall be forfeited to His: Majesty : -

All goods in respect of which any entry, invoice, declaration, answer, statement, or representation which is false or misleading in any particular has been delivered, made, or produced.

Motion proposed -

That the committee agree to the Senate's amendment, inserting the word "wilfully" after the word "or," line 3, paragraph (i).

Mr KINGSTON

- This is a suggestion which I think we ought not to agree to into this provision in regard to forfeiture it is proposed to introduce the consideration whether any false or misleading statement has been made wilfully or otherwise. For Customs purposes it does not matter in the slightest whether a, statement has been made wilfully, so long as it has been misleading and the revenue has been defrauded. The man. who does not mislead is prejudiced by the one who does, and to indulge in a. close inquiry as to whether or not the misrepresentation was wilful would cause us to embark upon a most unsatisfactory career of speculation. The position we have laid down here is, that if anything is done which ought not to be done we should inflict a penalty, and that if it is done with intent to defraud we should increase the penalty.

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Mr Thomson

- But this is a matter involving the forfeiture of goods.

Mr KINGSTON

- Forfeitures are as capable of being waived as Government officers are of considering whether prosecutions should or should not be instituted. If it were necessary, before we could insist upon forfeiture for a false entry, invoice, declaration, answer, statement, or representation, to show that the entry, declaration, or statement had been wilfully false and misleading, we should be placed in a wrong position altogether, and we should never be able to secure a conviction.

Mr THOMSON

- There is a good deal to be said in favour of the amendment of the Senate. It is evidently intended that where an error is unintentional, and no injurious consequences result, no penalties shall be inflicted. Goods may erroneously be entered as coined by a vessel other than the one they were actually conveyed by, and no injury may result to the Customs in such a case. The Minister says that he will deal with matters of that kind, and will not enforce his power of forfeiture, but there is no danger to the Customs in inserting the word " wilfully."

Amendment disagreed with.

Clause 223 (Penalty).

Motion proposed -

That the committee agree to the Senate's amendment omitting the word "three" and inserting the word " five."

Mr McCay

- This is directed against Customs officers.

Mr KINGSTON

- I again call attention to the inadequacy of the provision we have made for the punishment of offenders against this Bill. I should like to know what honorable members have to say now.



Mr THOMSON

- The Minister is only induced to accept this amendment, because, in the first instance, with his care for the Customs officers, and his determination to punish the public, he provided a penalty of five years' imprisonment for a private individual who committed any of the offences mentioned in this clause, and only three years in the case of an officer. Now he is prepared to accept the Senate's amendment to make the penalty the same in both cases.

Amendment agreed to.

Clause 224 -

No person shall smuggle or unlawfully import, export, convey or have in his possession any goods. ...

Motion proposed -

That the committee agree to the Senate's amendment inserting the words "subject to the control of the Customs " after the word ' ' goods. "

Mr KINGSTON

- This will not do at all. I do not think the Senate appreciated the position. We intend generally to prohibit smuggling, and the amendment appears to me to be an attempt to introduce a limitation which would not be desirable.

Amendment disagreed with.

Clause 245 (Defendant a competent witness).

Motion proposed -

That the committee agree to the Senate's amendment omitting sub-clause (2).

Mr KINGSTON

- The Government do not propose to accept this amendment. What is attempted to be done is to strike out the provision which we arrived at after very considerable discussion that -

In every Customs prosecution except for an indictable offence or for an offence directly punishable by imprisonment the defendant shall be compellable to give evidence and if called as a witness for the prosecution shall be liable to cross-examination as a witness adverse to the prosecution.

That is a highly fair and proper provision. The only fault that can be raised against it is that its application is not sufficiently general. When the defendant is not liable to punishment for an indictable offence, or for an offence directly punishable by imprisonment, I think every facility ought to be given to the authorities for getting at the truth, and that we should allow the defendant to be placed in the box so that the facts may be elicited in open court. If he is innocent he has nothing to be afraid of, and if he is guilty the truth will be elicited.

Amendment disagreed with.

Clause 256-

If any dispute shall arise between any officer and any person with reference to any contravention of this Act, the Minister may in manner prescribed with the written consent of such person inquire into, and determine the dispute and shall have power by order to impose, enforce mitigate or remit, any penalty or forfeiture which he shall determine shall have been incurred.

Motion proposed -

That the committee agree to the Senate's amendment inserting the words "published in the Gazette " after the word " order."

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Mr KINGSTON

- This is an alteration intended to limit the power of settling disputes, prescribing practically that they shall be heard in public. There is something to be said in favour of it, and something against it. The practice has grown up of the Minister deciding on the papers before him, at the request of the parties interested, matters involving sometimes infractions of the customs law. That is not a course which I favour altogether. It seems to me that there is good reason to object to it. The secrecy is not altogether desirable, but different practices have obtained in different States. It is proposed by the Senate to insure publicity, and I do not think it is necessary to take exception to the amendment.

Mr. HIGGINS

(Northern Melbourne). We should insert the words " which shall be" before the words proposed to be put in, otherwise the decision will not take effect until publication.

Mr Kingston

- I do not object to that alteration.

Mr HIGGINS

- It might be of importance that the direction of the Minister should have effect immediately, but perhaps the Government Gazette would not be issued for a week. It would be well to avoid that contingency by simply inserting before the word " published " the words " which shall be."

Mr Kingston

- If we put it in that way we shall still attach the condition of publication. It would be better to provide " shall be afterwards published," and so on.

Mr HIGGINS

- As it stands at present it is clear that the only thing which is to enforce or mitigate a penalty is publication in the Gazette. There should be something to show that this is simply a direction for publication.

Amendment (by Mr. Kingston) agreed to-

That the Senate's amendment be amended by the insertion of the words "which shall forthwith be " after the word "order."

Amendment, as amended, agreed to.

Clause 258-

The Minister in holding any inquiry under this part of this Act may -

Motion proposed -

That the committee agree to the Senate's amendment inserting the words "shall hold such inquiry in publicand" after the word "Act."

Mr CROUCH

- I think this is on all fours with the previous decision of the committee. In the clause we have just dealt with, publication in the Gazette only follows a decision by the Minister in regard to a penalty or forfeiture. I do not think it should be compulsory for an innocent trader to have the whole of his affairs published to the world. I should like to substitute the word " may " for the word " shall " in the Senate's amendment. That would leave the matter in the discretion of the Minister.

Mr KINGSTON

- The Government originally introduced in the Bill a procedure in accordance with the existing practice. These inquiries are not of a very formal character. They are conducted on a perusal of documents upon both sides without any formal attendance. Of course the direction here as to publication will prevent anything in the shape of hole-and-corner work. The sole question is whether or not we should require that all these cases shall be heard in public. There is a good deal to be said in favour of it, but at the same time it has its objections.

Mr Glynn

- It is hard to define the meaning of the word "public."

Mr KINGSTON

- It means that the inquiry shall be made in some place which is accessible to the public. Seeing we provide that when a decision in relation to penalties or forfeitures is arrived at, that decision must be published in the Gazette, I do not think there is any strong objection to the suggestion made by the honorable and learned member for Corio. Of course it is a question whether or not these cases should be privately disposed of. There are many cases, no doubt, in which publicity would work an injustice, and it would not be a bad thing to leave the matter within the discretion of the Minister.. That could be done either by accepting the Senate's amendment or by providing for a permissive public inquiry. On the whole, I think that the publication proposed is so great an innovation upon the practice hitherto existing that we shall have done all that is necessary if we require that the decision shall be published ; and that we should be going further than is desirable in. declaring in so many words that the proceedings shall be public. I am disposed to move accordingly.

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Mr TUDOR

- I trust that the Minister will accept the amendment as suggested by the Senate. I believe it will have a wholesome effect, and prevent many offences against the Customs Act if merchants and others know that all these cases will be heard in public. I remember that during the debate in another place, an

honorable senator referred to the fact that a Minister of Customs in this State had occasion to fine a merchant with whom he dined that very evening, and I believe the illustration was given that where the fine should have been £5,000, it was only something over £1,000. I trust the Minister will accept the amendment.

Mr Thomson

- A person has to agree to the inquiry, so that is a matter for arrangement.

Mr TUDOR

- He is not likely to agree, if the proceedings are in public.

Mr KINGSTON

- This is a question of penalty and publicity as a warning to others, and as I do not agree with secret punishments, I think on the whole we may agree with the amendment.

Mr ISAACS

- I am glad the Minister has accepted the amendment, which gives a choice to the parties concerned, either to go before a court and have the matter dealt with according to strict legal forms, or to go to the Minister and be dealt with in a readier and perhaps rougher fashion, unembarrassed by strict formalities, but with justice to all.

Amendment agreed to.

Motion proposed -

That the committee agree to the amendment of the Senate inserting the following new clause after clause 250 - "239a. Any matter of difference arising under this Act, or in relation to the Customs, and not involving a contravention of this Act, may, at the request of the parties interested, be referred to -the Minister for decision, and thereupon the Minister shall in such manner as he shall think fit, inform his mind of the circumstances, and finally decide the difference."

Mr PIESSE

- There seems to be a contradiction between clause 256 and the proposed new clause. One relates to a dispute between an officer and any person, and the new clause deals with any act of "difference arising under the Act or in relation to the Customs" - whatever these latter words may mean - not involving contravention. In the one case the written consent of the person interested has to be obtained, but the inquiry may be either in relation to a contravention, or to matters which are no contravention.

I do not know the reason for the new clause.

Mr KINGSTON

-This is a clause to provide for minor cases. A contravention, for which a man may be punished, can be dealt with only by the Minister in public, but minor matters which do not involve a contravention of the measure, may be dealt with by the Minister as he likes, so long as the parties agree.

Mr. PIESSE

(Tasmania.) - I do not think the Minister has remembered that clause 253 declares that the Minister in holding any inquiry under this part of the Bill should do certain things, and I presume that the proposed new clause will also be in this part, because it is clearly not intended to come under the next part - Regulations. What the Minister has said just now as to the difference between the nature of the inquiries will not hold good, and those under the proposed new clause will have to be held in public.

Mr KINGSTON

- These are two utterly distinct things. In the one case the Minister has to follow a certain prescribed course, but in the other he accumulates information and forms conclusions just as he pleases ; and the latter course has a decided advantage. It is not an inquiry, but almost an intuitive arrival at a just conclusion.

Mr GLYNN

- Does the Minister not think that the word "offence" should be substituted for "contravention ?" Clause 256 deals with a contravention, but what is intended to be excluded here are offences as distinguished from minor contraventions. It may not be a matter of offence within the terms of the Bill, but may be in relation to some contravention.

Mr McCAY

- Under the Bill, certain provisions are made for alterations of contracts owing to alterations of the Tariff; and it appears to me that if the parties had a difference of opinion on such a question, and determined to

refer it to the Minister, the latter would have no option but to act. The Minister may find himself turned into an amateur court, with a great deal of work to do he would much rather be without. I think the word "shall" ought to read "may."

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Mr KINGSTON

- It may be that these matters .of dispute will chiefly be between officers, but to show the disposition of the Government to meet every possible objection I move -

That the Senate's amendment be amended by omitting the word "shall" with a view to insert the word "may."

Amendment of the amendment agreed to.

Amendment, as amended, agreed to.

Clause 262-

As regards goods imported- before the imposition of uniform duties of Customs into any State or into any colony which whilst the goods remain therein becomes a State and which on thence passing into another . State within two years after the imposition of such duties become liable by the Constitution Act to any duty chargeable upon the importation of such goods into the Commonwealth less any duty paid in respect of the goods on their importation this Act shall apply to the collection of the duty to which such goods are liable in the manner prescribed.

Motion proposed -

That the committee agree to the amendment of the Senate inserting the words, "and any State Act relating to Customs " after the word " Act," line 10.

Mr McCAY

- I do not know exactly what the-object of the amendment is, and I should like to hear the Minister's explanation. It appears as though the intercolonial barriers were to be a little stronger and more different than the barriers between us and the outer world ; and that surely is not what is desired. After this Bill is passed, all other Customs Acts relating to importations to Australia to all intents and . purposes cease to have effect; but by the amendment, goods transported from State to State within the two years, subject to special duty charges - the Commonwealth duties, not the State duties-are apparently to be subjected to State restrictions.

Mr KINGSTON

- This clause is only intended for the purpose of enabling the prescription of such regulations as may be necessary for complying with the sections of the Constitution which provide that under certain circumstances duties shall be collected at the borders.

Mr.Higgins. - Two different machinery Acts cannot apply.

Mr KINGSTON

-A pro vision of this sort gives an enlarged power of administration by regulation, and the State Acts in some particulars will be convenient of application, this Bill being - more particularly directed to the collection of duties at the ports.

Mr Higgins

- The right honorable gentleman desires that either. Act shall apply at the Minister's discretion.

Mr KINGSTON

- It is a difficult and troublesome matter, and I am sorry there arc provisions in the Constitution which render these provisions necessary, but I want the largest power I can get by way of regulation. It is only intended to give power by regulation to prescribe what may be necessary. We can say that certain provisions shall continue to be exercised at the borders. I looked into the matter rather closely, and am sure that for convenience, simplicity of working, and simplicity of alteration so as to provide for better arrangements from time to time, a- provision of this sort will be the best.

Mr McCay

- Has the Minister considered how far the coming into existence of this Bill will cause the State Acts to have no effect, and thereby cease to be applicable by means of regulation ?

Mr KINGSTON

- I certainly have. It was one of those reasons which induced me to propose the insertion of the words which we are now debating. We shall be only too glad when we reach the time when our border

Custom-houses will be abolished altogether.

Mr. HIGGINS

(Northern Melbourne). I am glad that attention has been called to this clause. I understand exactly the view which the Minister holds. In the carrying out of that section of the Constitution relating to goods passing from State to State within two years after the imposition of uniform duties, he wants to be able to apply the State laws of Customs, if they are more convenient, and the federal law of Customs if that be more convenient, and that he shall have power to invoke either of these laws by regulation. I would suggest that if the words be left as they are they will lead to great confusion. We shall have two inconsistent Acts applying at the same time. We might as well say that a steam roller and a garden rake shall apply at the same time in the same drive. The two things will not work together simultaneously. I suggest that it would be wise to provide that the Minister may, by regulation, apply at his discretion either the State or the Federal Acts.

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Mr Kingston

- That is exactly what is meant. It is intended to give the power by regulation to declare what shall apply, and to what extent. It will be set out perfectly clearly in the most convenient way for dealing with this troublesome subject.

Amendment agreed to.

Reported that the committee have agreed to some and disagreed with others of the Senate's amendments.

EXCISE BILL

In Committee :

Resolved

(on motion by

Mr. Kingston)

-

That it is expedient that an appropriation be made for the purposes of a Bill relating to Excise.

Resolution reported.

Bill read a second time.

In Committee ;

Clause 4 (Definitions)-.

Mr GLYNN

- I would ask the Minister whether it would not be advisable to report progress at this stage, as some honorable members have not been able to look at this measure up to the present time?

Mr Barton

- We shall not sit very long.

Mr GLYNN

- That does not alter the position at all.

Mr Barton

- There are some matters which are merely formal.

Mr GLYNN

- Of course we have to take the Ministerial dictum on that point, but we are not here to do that. We are here to examine the Bill for ourselves.

Clause agreed to.

Clause 6 -

Except so far as inconsistent therewith this Act shall be incorporated and read as one with all other Excise Acts, but so that only Parts II., VIII., IX., X., XI., XII, XIII., and XIV. shall apply to beer and spirits which are dealt with or ore intended to be dealt with by other Acts of the Parliament.

Mr McCAY

- How are we to know what beer and spirits are intended to be dealt with by Act of Parliament?

Mr KINGSTON

- The Government can give the House the assurance. As regards beer and spirits we have done it. I did not think that the Distillation Act was so far removed from the recollection of honorable members that we

should not be justified in referring to it.

Mr ISAACS

- I could understand the clause providing that this Act shall apply to beer and spirits which are dealt with by some other Act of Parliament, but I cannot understand what is meant by using the words " beer and spirits " which are " intended to be dealt with by other Acts of the Parliament."

Mr. McCAY

(Corinella).- There is no necessity for this vague intention which may only exist in the breast of the Minister for Trade and Customs. Is the application of this Act to any particular beer or spirits to be determined by such a condition precedent as a paragraph in a newspaper that a Minister intends to introduce a Bill dealing with beer and spirits? I ask the Minister to omit the words "or are intended to be dealt with."

Amendment (by Mr. Kingston) agreed to-

That the words " or are intended to be dealt with" be omitted.

Clause, as amended, agreed to.

Progress reported.

ADJOURNMENT

Order of Business

Minister for External Affairs

Mr BARTON

. - I move -

That the House do now adjourn.

I desire to say that we propose to go on with the Excise Bill in committee to-morrow. There will be one or two short formal orders of the day preceding the Excise Bill, but that measure will furnish the staple business for the day unless we go into committee again on the Immigration Restriction Bill. I do not propose, however, to take a vote on clause 4 of the Immigration Restriction Bill to-morrow, as I think that would involve a breach of faith with many honorable members.

Question resolved in the affirmative.

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22:20:00

House adjourned at 10.2 p.m.