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1901-07-04

House of Representatives

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

PETITION

Sir Edward Braddon presented a petition signed by over 20,000 persons in the State of Tasmania, praying that clause 54 of the Post and Telegraph Bill may not be passed into law.

Petition received.

QUESTION

ELECTORAL BILL

Mr Watson

desire to know when the Electoral Bill will be introduced ?

Minister for External Affairs

Mr BARTON

- The Electoral Bill has been the subject of a report by a conference, and will be introduced without unnecessary delay, but I cannot promise that the second reading will take precedence of matters which are more urgent, unless I am led to believe that there is going to be a general election very soon.

Mr Watson

- There may be a byelection.

PAPER

Mr. Barton laid upon the table Information respecting the Australian cabling business of last year.

REPRESENTATION OF THE COMMONWEALTH IN LONDON

Mr KIRWAN

asked the Prime Minister, upon notice - 'f What action, if any, has been taken or will be taken regarding the official representation of the Commonwealth in London ?

Mr BARTON

- No action has been taken as yet for the appointment of an official representative. Provision for this purpose will be made by Bill.

COMMANDANT FOR THE AUSTRALIAN DEFENCE FORCE

Mr WATSON

asked the Minister of Defence, upon notice -

Whether any arrangement has yet been made relative to the appointment of a Commandant for the Australian Defence Force?

Whether it is proposed to confine the selection to Imperial officers ?

What salary and allowances are proposed to be paid?

Minister for Defence

Sir JOHN FORREST

- In reply to the honorable member's questions, I beg to state that - (1) Communications on the subject are in progress with the Commander-in-Chief of the British army, Lord Roberts. (2) This will depend on the outcome of the communication in question. (3) This has not been definitely settled.

POSTPONEMENT OF BUSINESS

Motion (by Mr. Barton) proposed -

That the consideration of orders of the day, Nos. 1, 2, and 3 be postponed, and stand after order of the day, No. 4.

Sir WILLIAM McMILLAN

- Is it intended to go on with the recommittal of the Public Service Bill now ? Because, if so, I would point out that there is a great deal of misunderstanding, and possibly some ignorance, in regard to the provisions of the measure as they have been amended, and I would suggest that it would be better to postpone their reconsideration until honorable members can have a reprint of the Bill in their hands, showing the exact scope of the amendments which have been made.

Minister for External Affairs

Mr BARTON

. - The Bill was printed, with the amendments made up to within a day or two ago embodied in it, and

although it was not delivered to honorable members as soon as we desired, it has now reached their hands, and the amendments made since then are not numerous enough to justify the postponement which the honorable member suggests.

Question resolved in the affirmative.

PUBLIC SERVICE BILL

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Motion (by Sir William Lyne) proposed -

That the Bill be recommitted for the purpose of considering the following clauses : - (2) ; 5, for the purpose of filling in the blanks in sub-clause (6) ; 8, i x the purpose of amending sub-clause (2) ; 9, for the purpose of amending sub-clause (1) ; 10, for the purpose of amending sub-clause (3) ; 13, for the purpose of amending sub-clause (2) ; 20, for the purpose of amending sub-clause (.1) ; new clause 21 : 28, for the purpose of amending sub-clause (2) ; 40, 44, 03, and 71, for the purpose of amending paragraph (« »).

Mr POYNTON

- We made an amendment in clause 29 which has the effect of widening the choice of the Commonwealth in regard to the services of the States, by making the clause read - "Public railway or other services," and it is therefore necessary to make consequent amendments in clause 51j and, I think, in clause 52 also.

Mr McCAY

- The Attorney-General promised to reconsider clause 6, in connexion with the grounds for removing the commissioner and inspectors. ' He promised, too, to alter the verbiage of paragraph (u) of clause 1, because I pointed out to him that it apparently enlarged the powers of .the Governor-General in contradiction of the limitation placed upon them in clause 6. Then, in clause 28, the word " appointment " is used instead of " employment." I would ask the Minister for Home Affairs to consent to the recommitment of those clauses.

Mr PIESSE

- I should like the Minister to agree to the insertion of a new clause, which is already in print, dealing with appeals and the hearing of complaints, and I should like clauses 19 and 71 to be further considered.

Sir WILLIAM McMILLAN

- I wish to know if the amendments -which it is now proposed to make in the Bill are in print. This is not the first time that we have had to complain of amendments being thrown at us almost without notice.

Sir William Lyne

- We are not proposing to insert new provisions ; we are simply giving effect to promises we have made.

Sir WILLIAM McMILLAN

- In any case it would be better if a halt were made at this stage, so that we might have a day or two in which to reconsider the whole measure. I am sure that if that course was taken it would, in the long run, save time. The Bill has been very much hacked about up to the present time, though I do not say that offensively, because no doubt the Bill has been improved. But at the same time we do not want the delay that has been caused in public business previously. I would even now ask the Minister if he cannot see his way to postpone the discussion at this

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stage, and have placed before us as soon as possible, for the purposes of discussion next week, all the proposed amendments, together with the Bill in its present shape. Unfortunately, I was not in the House last night, but I understand the Bill was distributed.

An Honorable Member.- The honorable member is wrong.

Sir WILLIAM McMILLAN

- I was told the Bill was distributed, but I never saw it. I am perfectly certain it would save time in the long run if the Minister would agree to the course I have suggested. A good many members have been away, unfortunately, and they desire to do justice to the Bill and prevent any further, recommitment. I suggest that the matter be postponed until next week, so that in the meantime we may have an opportunity of seeing exactly what we are doing.

Mr WINTER COOKE

- I agree with the honorable member for Wentworth that it was quite impossible to follow the proposed amendments yesterday, and it will be still more difficult to follow them to-day. I am one who does not trouble the House with many remarks on the Bill, but I like to follow what is being done. In that I found

great difficulty yesterday, and I anticipate I shall have equal difficulty to-day. I do not think this House should send up a Bill to another place which has not been thoroughly well digested, and we should know what we are doing. It is not fair to this House that an incomplete Bill should go to another place to have amendments made which should be made here.

Mr SPEAKER

- Does the Minister for Home Affairs accept the proposed additions to his motion 1

Minister for Home Affairs

Sir WILLIAM LYNE

. - I regret I cannot accept the suggestion to postpone the consideration of the Bill, which during the last three weeks has been discussed over and over again to a very great extent. It would not facilitate public business to delay the discussion any longer. I do not like to postpone the Bill just now. I have done what I can to get the Bill with the amendments printed, and it will be here in » a few moments.

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Sir William McMillan

- That 'is just what was complained of before. The Minister has been very fairly treated all I through.

Sir WILLIAM LYNE

- I am not complaining at all, but we cannot remain at this Bill for ever.

Sir William McMillan

- We cannot be expected to discuss a Bill which is to be delivered in a few minutes.

Sir WILLIAM LYNE

- Most of the amendments are amendments which have been promised, and there is really nothing new. If there was anything really new there would be reason in the suggestion to postpone the Bill, but the amendments are only designed to put the Bill into the shape it was understood it should be put into on recommitment as we went through the various clauses. I shall include in my motion the additional clauses suggested by the honorable and learned member for Corinella, and the honorable member for South Australia, Mr. Poynton.

Mr SPEAKER

- I need not read the numbers of the clauses the recommitment of which was previously moved by the Minister for Home Affairs. The additions are clauses 46, 7, 28, 51, 52, 19, 71, and a new clause suggested by the honorable member for South Australia, Mr. Poynton.

Question resolved in the affirmative.

In Committee :

Mr WATSON

- Might I suggest that the Minister give the committee time to get copies of the Bill. I understand the reprinted copies will be here in a few minutes, and if that be so the Chairman might leave the chair for the time being.

Mr Deakin

- There are some verbal amendments which may be made first.

Clause 1 -

" Minister" means the Minister of State for the time being charged with the administration of this Act, or the Minister of State-administering the department of the public service wherein is employed the officer in connexion with whom the term is used or is applicable, as the context may indicate.

"Officer" means any person employed in any capacity in the public service of the Commonwealth, whether appointed or transferred thereto before or after the commencement of this Act.

Sir WILLIAM LYNE

- I move-

That the definition of the word " Minister " be omitted.

This is provided for in the Acts Interpretation Act, and therefore is not necessary in the Bill.

Amendment agreed to.

Mr McCAY

- Might not the definition of " officer " in sub-clause(d) give rise to claims to privileges under the Act by persons temporarily employed in any capacity?

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Mr Deakin

- I do not think so, in view of clause 3, but I will look into the matter again.

Clause, as further amended, agreed to.

Clause 5 -

Out of the Consolidated Revenue Fund of the Commonwealth there shall be payable to the commissioner a salary at the rate of pounds per annum, and to each inspector a salary at the rate of pounds per annum ;and the Consolidated Revenue Fund is to the necessary extent hereby appropriated accordingly.

Amendment (by Sir William Lyne) agreed to.

That in the first blank the words "fifteen hundred " be inserted.

Amendment (by Sir William Lyne) proposed - "That in the second blank the words "eight hundred" be inserted.

Sir WILLIAM McMILLAN (Wentworth). - I do not want to move an amendment, but it is very questionable to me whether the salary paid to the inspectors ought not to be £1,000. I dare say the committee would be against increasing the salary of the commissioner, although it may be very difficult to get a suitable man for £1,500. I do not intend to oppose the proposed salary for the commissioner, but I would point out that the inspectors will have very important work to do. For such a position we want a man of the calibre of one of the best accountants to be obtained, and a man of that kind cannot very well be got under £1,000 a year. These officers may be taken from the civil service, but at the same time there ought to be the fullest possible discretion in making the appointments. While I am in favour of exhausting the civil service, I do think that in this sort of appointment, if exactly the man or the whole of the men which we want cannot be obtained from the service, the Executive ought to have the freest possible hand. Each of the inspectors will really be the commissioner for the particular State to a large extent, although objection has been raised to the term "sub-commissioner." I do not know whether there will be any opportunity, should it be found difficult to get men at the price, to bring the matter before Parliament again and have the salary altered elsewhere; but I would ask the Minister to consider whether a salary of £1,000 would not be better than £800.

Amendment agreed to ; clause, as further amended, agreed to.

Clause 6 -

) The commissioner or any inspector may be suspended from his office by the Governor-General for inability incapacity misbehaviour or incompetence but shall not be removed from office except as hereinafter provided.

Attorney-General

Mr DEAKIN

- I move -

The words " for inability, incapacity, misbehaviour, or incompetence " be omitted.

A full statement of the ground of suspension has to be laid before Parliament, and a resolution of both Houses is necessary before the officer can be removed. It is pointed out that there might be argument which would likely take us to the law courts, whether the grounds of suspension were included in the grounds set forth - whether there was precisely inability or exactly incapacity. Under the circumstances, as this is only power of suspension subject to the will of Parliament, it is certainly safer to omit the words.

Amendment agreed to ; clause, as further amended, agreed to.

Clause 7 -

If except on leave granted by the Governor-General he absents himself from duty for fourteen consecutive days, or for twenty-eight days in any twelve months or becomes incapable of performing his duties ; or

Attorney-General

Mr DEAKIN

- I move -

That before the word " incapable," line 4, the word "permanently" be inserted.

The word " permanently " was inserted in another part of the Bill, and this will make the clauses agree.

Mr REID

- I regret that in other parts of the Bill there is anything which makes it necessary to put the word

"permanently" is here. Whether a man is permanently incapable becomes sometimes a very difficult question. A man may be practically incapable, and yet not permanently incapable. It may be certified perhaps that in two or three years the officer may recover his vigour and capacity, and it could not be said then that he was permanently incapable; while for the purpose of the duties of his office he would be permanently incapable. I do not know whether questions of law could not be raised in this matter even against the Government. Suppose a man is, under these words, deprived of his office by the Government, under a certificate that he would be incapable for two or three years. Such a man would not be permanently incapable, and we ought to avoid the proceedings of the Executive being brought in any way under the notice of the law courts. I see the awkwardness of the matter, and therefore I do not press an amendment. The Government may have a further opportunity to consider the matter, and the Minister for Home Affairs must see that this is an awkward expression which might be used against the Government.

Amendment agreed to; clause, as further amended, agreed to.

Clause 5-

After considering any such report the commissioner may propose to the Governor-General any particular disposition of officers and rearrangement or (improved method of carrying out any work which appears to the commissioner necessary or expedient for the more economic efficient or convenient working of any department, and such proposal shall be considered and dealt with by the Governor-General.

Amendment (by Sir WILLIAM LYNE) agreed to -

That after the word "officers," line 3, the words "and offices, and the division, class, subdivision of class, and grade of every officer" be inserted.

Clause, as further amended, agreed to. Clause 9 -

The commissioner shall determine the division, class, subdivision of class or grade of every officer, and shall keep a record of all others showing with regard to each officer his age and length of service, the office he holds, and his division, class, subdivision of class or grade and

Salary under this Act.

Sir WILLIAM LYNE

- I move - That the words "determine the division, class, subdivision of class or grade of every officer and shall" be omitted.

These words properly go in clause 8, instead of in this clause, and that is the reason why I propose to omit them here.

Mr WATSON

- It seems to me that our innocence is being taken advantage of in this relation. The work of determining the division, class, subdivision of class or grade of every officer, - by the proposed transposition of these words from this clause to clause 8, has been taken from the absolute control of the commissioner and placed under the control of the Ministry.

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Mr DEAKIN

- Will the honorable member look at sub-clause (2) of clause 8.

Mr WATSON

- Quite so. That subclause states that the commissioner may propose any changes of officers or rearrangement of work. But it is subject to the approval of the Minister. In the other case no such approval was necessary. I took it for granted that what the Minister for Home Affairs was proposing was merely formal. But it is certainly much more than formal.

Mr Reid

- It is a most vital thing.

Mr WATSON

- It seems to me a big power to take away from the commissioner - the determination of actual detail work - and make that determination depend upon the approval of the Minister of the day. That is breaking into the authority of the commissioner to a very large extent, and I do not agree with such a proposal.

Sir WILLIAM McMILLAN

- I pointed out when the Bill was being considered previously that we should insist upon the principle of the commissioner being invested with as much power as possible. I trust that there will be no alteration

made which will in any way impair the position of the commissioner.

Mr Watson

- It has been made.

Mr Deakin

- We inserted the words in clause 8.

Mr. WATSON(Bland). - I should like to know from the Ministry whether they intended to effect the alteration that has been made.

Sir WILLIAM LYNE

- I intended, in accordance with the promise made by the Attorney-General, that the words included in clause 9 should be transposed and placed in clause 8. I do not wish to alter the determination vested in the commissioner at all. I do not know that the alteration matters very much, because the commissioner must recommend.

Mr Watson

- But in the other case he had the power to decide.

Sir WILLIAM LYNE

- Now he must recommend, and the Governor-General decides. But the Governor-General cannot decide without the recommendation of the commissioner.

Mr Deakin

- There was no intention to make any change.

Mr Watson

- Will the Minister promise to recommit the clause?

Sir WILLIAM LYNE

- I can assure the honorable member that if it is not altered here, it will be altered in another place.

Mr Watson

- I suggest that the Minister should consent to the withdrawal of the present proposal.

Mr Deakin

- I have told the honorable member that I will see that it is put right.

Mr Watson

- But the quickest way to put it right is to do as I suggest and withdraw the amendment.

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Sir WILLIAM LYNE

- Then I withdraw the amendment.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 10 (Power to summon witnesses and take evidence on oath).

Sub-clause (3) amended (on motion by Sir William Lyne) to read as follows : -

If without reasonable cause any person, not being an officer summoned pursuant to this section after being paid or tendered his reasonable expenses, neglects or fails to appear, or refuses to be sworn, or to answer any question put to him by the commissioner or an inspector, or a member of a board of inquiry, or to produce all books, documents or writings pursuant to such summons he shall be liable to pay a penalty not exceeding Twenty pounds, to be recovered by an authorized officer in any court of competent jurisdiction in the State in which such person resides, provided that no person shall be compelled to answer any question which would tend to incriminate him.

Clause, as further amended, agreed to.

Clause 13 -

The chief officer of a department shall have and may exercise, and perform such powers, authorities, and duties as are prescribed, or as are assigned to him by the permanent head of such department.

Amendment (by Sir William. Lyne) agreed to-

That after the word "perform," line 2, the words " under this Act " be inserted.

Clause, as further amended, agreed to.

Clause 19 -

The clerical division shall be divided into five classes ; each of such classes shall be subdivided, as set forth in the third schedule to this Act, and the rate of salary of an officer, whether male or female, in a

subdivision of any such class shall be that assigned to such subdivision in such schedule for males or females, as the case may be.

Amendments (by Sir William Lyne) agreed to -

That the words "whether male or female," lines 4 and 5, be omitted, and that the words " for males or females as the case may be," be also omitted.

Clause, as amended, agreed to.

Clause 20-

Notwithstanding anything contained in this Act the Governor-General may, on the recommendation of the commissioner, fix the rate of salary to be paid to an officer at any sum within the limits of the class or grade of his office, and Such sum shall be the salary attached to such office, and such officer shall not be promoted to a higher salary within such class or grade whilst he holds such office.

Sir WILLIAM LYNE

- I move - That after the word "officer," line 4, the words "occupying any particular office" be inserted.

Mr Reid

- Perhaps the Minister -would not mind telling us the object of the proposed amendment, because "an officer" seems wide enough for anything.

Sir WILLIAM LYNE

- When this clause was under discussion previously it was pointed out that if an officer in the Postal department, who was located in the interior, had his salary fixed at a certain amount, there was no particular power given to increase that salary. The object of the proposed amendment is to give the commissioner power, where it is considered desirable, from any particular reason such as bad climate and so on, to vary or increase an officer's salary.

Mr. Watson. - Is there not another provision by which the Government can make special allowances to officers who are in such places?

Sir WILLIAM LYNE

- Yes. The point was taken on this clause, and it harmonizes with the other, and, in order that there should be no conflict, I am advised that it is better to have these words inserted.

Mr POYNTON

- This is a clause regarding the meaning of which a number of the officers of the Commonwealth have grave doubts. We were told just now that it was for the purpose of raising salaries, but it might also be used as a means of lowering salaries, and what the officers fear is that it may be used to stultify what we have done in clause 21. I should certainly like to know whether the clause could be used for that purpose ? I am given to understand that there are certain powers given under the Victorian Act which have been used for many years for the purpose of reducing salaries, or keeping them down, as the Governor may decide. I would ask the Attorney-General if there is any danger of the clause being used for this purpose';

Mr WATSON

- Clause 20 provides that notwithstanding anything contained in the Act, the Governor-General may, from time to time, on the recommendation of the commissioner, fix the salary to be attached to any particular office, and at first sight it looks as if that might be held to override sub-clause (6) of clause 21 as amended Personally, I think the specific provision would override the general provision.

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Mr DEAKIN

- The purpose of this amendment is to meet a difficulty to which attention was called during the discussion of the Bill. It was pointed out that if we permanently fixed the salary of an officer, and afterwards desired to increase- that salary, the question might be raised whether, having once fixed it, we should have the power to raise it, and it was urged that in nearly every case it was not the salary of the officer but that attached to the office that it was desired to fix. It was mentioned that in post-offices, where the business is . not growing, there are positions which may be worth £150, or £200, or £250 per year, and are never likely to be worth more, and that a man would have to leave those positions and take up one to which a higher salary was attached in order to gain promotion. _ The salary of the office is fixed, and no increase of salary could be .given to him whilst he occupied a particular office. In order that there might be no confusion in regard to that, the words "occupying any particular office" are now introduced, so that the salary of the officer is fixed only whilst he occupies a particular office. If the officer is promoted, as he may'

be, to a much higher position, then the fixture of -, salary no longer obtains, so far as he is concerned. This amendment limits the general power of this clause, so that the salary of an- . officer is fixed only while he occupies a particular office, and the provision is a very de- sirable one in the interests of the officers themselves. The question asked by the honorable member for Bland is whether this provision will conflict with the provisions of clause 21. As far as the increases of salary are concerned - the regular increases that are given on the recommendation of the commissioner - it might. That is to say, that if the salary attached to a certain post office is fixed at £140 a year, and a man acting as postmaster obtains that £140, in order to secure the next increase that would be given, it would be necessary for him to be moved to a position in which he could earn £160, or if any alteration had taken place in the circumstances the post-office might be reclassified. I should take it that under this clause either one of these courses would probably be followed. It is possible for us to fix the value of an office, and yet place no limitation that would exclude an officer from coming under the operation of clause 21. It applies to all cases where there can be a fixture of the salary, and, as a matter of practical effect, it applies only to the post-offices and places of that sort where the offices have a fixed value.

Mr Poynton

- Could the salary be fixed at less than £110?

Mr DEAKIN

- That is another point.

Mr WATSON

- Could the words-

Notwithstanding anything contained in this Act, the Governor-General may, from time to time, fix the rate of salary to be paid to an officer, &c, in clause 20, be held sufficient to justify the Governor-General, on the recommendation of the commissioner, in overriding clause 21, and fixing another sum than £110? The words I have quoted seem to give power to the Governor-General to override clause 21 to that extent.

Mr Tudor

- And clause 25, too ?

Mr WATSON

- Yes.

Mr Reid

- Certainly ; it is in conflict with it ; it could be used in conflict with it.

Mr WATSON

- The question, is, which of. these two would prevail? If the Governor-General wanted to fix a salary, of £90 for a man who had been in the service three years and had reached the age of 21, would he have the power to do it ?

Mr Reid

-The words the honorable member have quoted show that what he has stated is correct.

Mr WATSON

-I think the Minister might insert something that would make it quite clear that the Governor-General shall have no power to override the provisions of clauses 21 and 25. We are satisfied with the amendment itself, but, unless it is withdrawn, we cannot deal with the previous part of the clause.

Mr DEAKIN

- The difficulty I feel is this. It is not a difficult matter to accomplish the object of the honorable member, but I do not like, without more knowledge, to accept the proposal, for this reason - that in some of the outlying country districts there might be places at which they would fix the salary at less than £110 per year, and I do not know that the honorable member would go the length of saying that if the service rendered is only worth £90, we are still to pay £110 peryear.

Mr Watson

- That is just what we decided yesterday.

Mr DEAKIN

- We decided that persons should have a minimum wage, but these are special cases which we now have to deal with.

Mr A McLEAN

- Does that apply to contract post-offices ?

Mr DEAKIN

- No, it does not. I do not know that there are any post-offices of the kind I have referred to, but I should not think there are.

Mr Poynton

- There are plenty of post-offices that are worth less than £110.

Mr DEAKIN

- But are they managed by officers, or by people who. are not members of the public service in the full sense ? That is a question I would like to inquire into. No one desires to weaken the effect of sub-clause (6) of clause 21, and I do not think it ought to be done; but I would like to have an opportunity of obtaining from the post-office, which is really the difficult department in this connexion, a statement, as to the circumstances of these post-offices, before we adopt the course suggested. My honorable colleague, the Minister for Home Affairs, will himself make personal inquiry as to how the alteration of this clause will affect the post-office service, with a view to giving the House another opportunity of considering the question, and so that we may take care that whilst the operation of sub-section (6) is not interfered with, we may recast this clause so as to include all cases that it is desired to include. At present we cannot foresee what the effect of this operation will be throughout the post-offices distributed over this vast continent. I can assure the honorable member that the amendment now proposed will not weaken sub-clause (6), and that the matter will be brought before the House again.

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Mr REID

- The better course will be - not to press the amendment now, and I would suggest to the Minister that, on reconsideration, much of the confusion that surrounds the clause that is proposed to be amended might be removed by changing the wording. It is clear that the office, and not the officer, is aimed at, and the wording "shall pay any officer" brings the eye upon the officer, whereas if the words "with respect to any particular office" were used they would take the eye away from the officer and bring it to the point in question.

After what the- Attorney-General has said we can -rely on .having another- opportunity of considering- the matter ; of- course we understand that implicitly, and I will not: say another word about it now.

Sir William LYNE

- I will not recommit anything; we can- .avoid.

Mr REID

- No one wants that, but there is no avoiding, the performance of the promise -of- a Minister - that, does not come within the category of- things that can be avoided.

Sir WILLIAM LYNE

- I will ask the committee to agree to this amendment, and will promise that if the words inserted bear the interpretation that the honorable member for Bland has placed upon them",, or if they- are not absolutely clear, I will reconsider the clause. If- I leave the clause, as it stands I must recommit it, but I do not want to do that if there is no necessity for it. There will be no harm in 'altering the clause now. in the way I propose, as we can recommit it afterwards if it is found necessary. I will take advice and see that it does-not give the power to reduce the £110 minimum. I do not want to do that. If the clause is amended, I give a promise that if it should be -found to conflict with the other provisions . of the Bill I. will recommit it ; but I do not want to leave the clause -as it stands, because that will involve absolute recommitment.

Mr REID

- I am only suggesting to the Minister a course which' I think will be in furtherance of his object. I believe now that if he alters the words in the way I have suggested it may help him to avoid the recommitment of the clause. The substitution of -the words " the pay with respect to any particular office " would make it very much clearer that the office only is in- view, and not the individual.

Mr POYNTON

- Could this clause be used for the purpose, of doing what has recently been done in. Victoria, where a male-officer was receiving £24.0 a year in a particular office, which is now managed by a lady, who receives £84 for doing the same work 1 Could that sort of thing be worked under this particular clause 1

Mr DEAKIN

- This has no reference to a case of that kind.

Amendment (by Sir William Lyne) agreed to -

That the word " the," in line 5. be omitted, with a view to inserting in lieu- thereof the word "his."

Mr REID

- The provisions of this, clause will have to be carefully considered by. the Government. In looking, at it, again, it seems to me more and more clear that it may be used,, in a way that the Minister does-not. contemplate - to deprive officers of increases of .salary. A man might, by reason of increases, arrive at a certain salary, and. the Executive might suddenly reduce his salary to the minimum of his class. Then, under .the clause, he could not have his- salary increased again so long as he remained in that office, although he might be there for some years. I would suggest to the Minister, who I am sure is anxious that the measure should work satisfactorily, to look at these: provisions again very carefully.

Sir William LYNE

- I shall do so. I want to be. quite certain, about their meaning.

Clause further verbally amended, and agreed to.

Clause 21 -

Upon the receipt of such report, and upon obtaining any further information which may be necessary, the commissioner shall determine whether such officer is entitled to the.-full amount or any part of :the prescribed increase as a reward for earnest application, to duty and meritorious public service.

Every such officer shall be -entitled, upon reaching the, age of 21 years, to a salary of One hundred and-ten pounds per annum, provided he has been employed for a period of not less than three years in the public service,- of -which one year has-been in such division-, and shows by passing the prescribed examination that he is capable of doing the work of an office to which the salary of that amount is attached.

Amendment- (by Mr. Isaacs) agreed to -

That the following- words- he added to subclause 5. : - " And in. the case of a female as being as capable of satisfactorily performing the work as a male."

Amendment (by Sir William Lyne) pro posed -

That at the end of sub-clause (6) the following new sub-clause be inserted : - " On the expiration of twelve months after the- salary of any officer has reached £1.10 per annum, under the provisions of the last preceding sub-section, the salary of such officer shall at the end of the next succeeding twelve months only be increased -by £10 per annum, and thereafter at the rate of £20 per annum under the provisions of sub-section (3) thereof."

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Mr TUDOR

- It is- thought by many that sub-clause (6), as it now. reads, must be taken as applying only to persons who may join the Commonwealth service after the passing of this Bill. I think that the meaning of the sub-clause would be made clearer by substituting for the words " upon reaching " the words " if of."

Sir William Lyne

- If the honorable member will look at the definition of the word "officer" in paragraph (d) of clause 2, he will see that the sub-clause needs no amendment.

Mr WATSON

- It seems to me that the words " such officer " evidently refer to officers who have joined the service in their youth after passing the entrance examination, and who have worked their way up in the service, starting at the salary of £50 per annum.

Mr Deakin

- I think that if the honorable member looks at sub-clause (4) he will see that there is nothing amiss. The words " such officer " in sub-clause (6) refer to " each officer in the fifth class," mentioned in sub-clause (4).

Mr McCAY

- It is difficult to thoroughly understand the proposed new sub-clause by merely hearing it read, but it seems to me that its effect will be that it will take an officer two years to get his salary increased from £100 to £120 a year.

Mr Deakin

- No ; an officer will get £110 a year under the operation of the minimum wage provision. The effect of the new subclause is that the year after he arrives at the minimum wage, his increase of salary shall be only £10 instead of £20, so as to bring him into line with others whose salaries have been increased from £100 to £120.

Mr McCAY

- I am aware that that is the intention ; but I doubt if the sub-clause carries it into effect.

Mr ISAACS

- There may be some doubt upon the point raised by the honorable member for Yarra, as to whether officers already in the service and of 21 years of age will be entitled to a salary of £110 a year. I understand the honorable member's suggestion to be to strike out the words " upon reaching " and to insert in lieu thereof the words " if of."

Mr Deakin

- Has it not often been held that "upon reaching the age of 21 years" means " of 21 years of age "1

Mr ISAACS

- We can get legal decisions of all kinds ; but I do not think we should invite them. In my opinion, it would put the matter beyond controversy if we made the amendment which the honorable member suggests.

Mr A McLEAN

- I should like a little more information in regard to sub-clause (5). We determined last night, when dealing with schedule 3, to abolish the distinction between male and female servants of the State in the matter of salaries ; and, to carry out that alteration in the schedule, we have added certain words to sub-clause (5), providing that a woman is not to get this increase of salary unless the commissioner certifies that she is capable of doing the duties of her office as well as a man. In a great many cases, however, the commissioner could not give that certificate. While there are many duties that a woman can perform as well as a man, there are many which she cannot ; and I should like to know how this provision will affect women now in the service, who are not capable of doing the duties of their office as well as a man. Will they have to leave the service t

Mr Mauger

- They will remain on at the lower salaries.

Mr Isaacs

- A woman will not have her salary increased unless she gets a certificate from the commissioner that she is able to do a man's work ; without such a certificate, she will have to stay on at her present salary.

Sir WILLIAM LYNE

- I beg leave to withdraw the amendment for the present.

Amendment, by leave, withdrawn.

Amendment (by Sir William Lyne) agreed to -

That the words "upon reaching" line 1, be omitted with a view to insert the words " if of."

New sub-clause again proposed.

Mr. McCAY(Corinella). - I previously drew attention to what I believe has been discovered to be an error in the drafting of the sub-clause inasmuch, as now drawn, an officer would take 24 months instead of twelve months to rise from £100 to £120. I suppose the Government, in their usual obliging manner, which does not appear to meet with the approval of honorable members opposite, will undertake to redraft the clause.

The CHAIRMAN

- The proposed new clause now reads as follows : -

The increase of the salary of any officer who has been paid £1.10 per annum under the provision of the last preceding sub-section shall be .£10 for the twelve months preceding such increase.

Mr McCay

- I do not think' that is right.

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The CHAIRMAN

- That is the subclause as handed to me.

Mr POYNTON

- I want to raise another point, which seems to be causing some anxiety amongst the public Officers.

Sir William Lyne

- The public servants are a bit too anxious, they will end by losing some of the provisions we are giving to them. They are taking too much hand in the consideration of this Bill.

Mr POYNTON

- The Minister for Home Affairs ought not to speak like that.

Sir William Lyne

- I think the public servants ought to be reasonable.

Mr POYNTON

- If the Minister wants to reprimand anybody let him reprimand the press.

Mr. Reid. - Or the leader of the Opposition.

Mr POYNTON

- Exactly. Some men have been in the service for probably 25 years, and I want to ask whether, under sub-clause (6), it would be necessary for them to pass an examination. Although they are now doing the work, having passed an examination to go into the service, and probably several since, will they have to pass another examination before they are entitled to the minimum wage as provided in the clause?

Mr F E McLEAN

- Why should they not ? It is in the clerical division.

Mr POYNTON

- There are a lot of officers now doing the work who have already passed examinations. Does the sub-clause mean that every officer receiving under £110 a year shall, no matter how long he has been in the service, have to pass another examination before he becomes entitled to £110.

Mr Watson

- It is not a very high examination.

Sir William Lyne

- It is not; and they must be a little reasonable.

Amendment agreed to.

Mr HUME COOK

- The Attorney-General has made provision for a minimum wage of £110 for those who have passed from the general division to the clerical division. That is to say, that even though their salaries may be more in the general division than £110, they will have to be content to take the reduced amount of £110, until they can rise by natural gradation to the amount they were previously receiving. The proposal, I understand, only affects those who come into the service after the passing of this Bill. What I desire to know is, seeing that the question has been raised by a number of other honorable members, whether the provision also affects those servants transferred to the Commonwealth.

Mr Crouch

- Look at clause 6.

Mr HUME COOK

- I am asking the Attorney-General to answer this question because it is very important. A number of those men passed the clerical examination some time ago, and the Attorney-General last night introduced a clause giving them the right to go into the clerical division, because they had passed the examination. A number of them are getting considerably more than £110 a year, some of them as much as £147, and under the Victorian law they had the right to carry their salaries with them when they went from the general to the clerical division. I want to know whether such of those men as have been transferred to the Commonwealth service will continue to carry their salaries with them into the clerical division? Under the Victorian Act 1133 this provision is made -

Every person so transferred shall, so far as seniority for promotion is concerned, be placed at the bottom of the class to which he is transferred, but he shall be entitled to the same salary as that which he received immediately before such transfer, and after a period of twelve months' service in the clerical division he shall be entitled (if such salary be less than the maximum of the class to which he has been so transferred) to receive the ordinary annual increments of such class until the maximum has been reached. These men say in effect : We have passed the State clerical examination, and because of that we are entitled to go into the clerical division of the Commonwealth service.

Mr Deakin

- That refers to the general clerical examination held by the State.

Mr HUME COOK

- These men are afraid they will lose £30 or £40 a year, in order to take £110 a year.

Mr Deakin

- Have these men been transferred?

Mr HUME COOK

- Yes ; they have been transferred to the Commonwealth.

Mr Deakin

- They have been transferred to the Commonwealth, but not to a division.

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Mr HUME COOK

- They passed the examination before they were taken over by the Commonwealth, and in order to safeguard their interests a clause was introduced into the Bill by the Attorney-General, providing that that examination should allow them to go into the clerical division. But they are afraid they will have to take £1.10, and that they will, not have the same light they had under' the State Act to carry their salaries-with them. That is also the case' in New- South Wales and South Australia - that such men carry their salaries-with them into the other division, and I want to know-' whether the men to whom I, have referred will,, if they go to the clerical, division, lose £30 or £40 a year, or whether' the law of. Victoria, New South Wales, and South Australia will apply, and they will carry their rights with them. Those who go from- the general division into the clerical division in the future, provided their salary is a little higher than £110, will, be content to lose, and properly so, because they know the terms and conditions under which they come. I am now referring to those who have expected to carry their, salaries with them, and who,, had they been promoted prior to coming over to the Commonwealth, would have had this right.

Mr REID

- The honorable, member for Bourke has raised a point which I admit is a very difficult 'one,- although I suppose the Ministry have studied it and arrived at a conclusion. Endless difficulty, -will arise in administering this-Bill,. owing to expectations which have been founded -on words in the Constitution Act, words which are repeated in the Bill. ' It is just as well that the Government, if- they, have not already done so, should take these matters into consideration, or otherwise they will have a perfect hornet's nest about their ears;

Sir William LYNE

- I think, we have a,, hornet's nest already.

Mr REID

- That is the. fate of all Governments. I stood it' for- a few years -without getting ill over it, and the honorable gentleman will also have to stand it.

Sir William LYNE

- Not as it is carried on here.

Mr REID

- And the honorable gentleman was- the man who used to worry me most. The. point raised by the honorable member for. Bourke is one of .very great importance, apart 'from the fact that I venture to allude to it. Perhaps I am taking, a liberty in referring to the matter, but it would really be most inconvenient if. the. different laws and conditions- regulating promotions- and- salaries- which prevailed in the different States were to follow- the officers- transferred to the Commonwealth. We would then have several sets of laws working in different ways in reference to different' officers. Under one; law- a man would get a. certain- advantage which a man transferred from another State would not get, and that would cause endless trouble: and confusion. There should be some clear statement- on. the point. I should gather' from, the Bill, so. far - as a .Bill -can affect the matter; that the moment an officer is transferred to the Commonwealth service, and comes under- this Bill, his rights to increase of salary and as . to gradation, , and so on will be governed entirely by the Bill, and" not by the legislation of the State whose service he. has. -left:. I suppose no other- way would be possible.

Sir William Lyne

- No other way would be* possible.

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Mr REID

- The sooner the point is understood the better. I believe a number of persons are clinging, to 'the belief that -under: this Bill they will, get the exceptional advantages they secured under the Acts of the different States. It cannot be- too clearly understood .that the Commonwealth service will be administered on . rules which; apply equally to every man, no matter- from what' State he -comes, and .that had . better be understood as soon as . possible. On the other hand the words in the Constitution Act' reserving, all accruing rights are words susceptible perhaps of legal interpretation by-and-by, in a sense opposite to that- in which I employ it-; but these are difficulties which will have to be worked out. The sooner it is understood throughout the whole service of the Commonwealth that once a. man becomes an officer of the Commonwealth lie is under a uniform .law, and: does not carry with him exceptional , advantages gained in the particular, part- of the continent from which he comes, the better it will be for. the service, and I think for-the Ministry. .Mi-. ISAACS (Indi.) - I should be very sorry if the words of- the honorable and learned member for East Sydney went out without' any qualification. I think the Constitution secures- to every State officer in any department who has been transferred . to the Commonwealth all his existing, and . accruing, rights; and if in one State he happens to get a higher salary at the- time of the transfer' than is provided for officers under- this Bill, he still retains that- higher salary. That must-be- understood, it seems to rue* .others wise we do not give effect to the provisions of the Constitution securing to transferred officers- theft" existing and accruing rights.. If an officer changes his position under the Public Service Act' oi ' the Commonwealth, then of course he takes his new position with all the surrounding circumstances, but as long as- his position- is not changed, it is impossible to say that he is to fall into line with' others who come into the Commonwealth -with lower- salaries. Whatever an officer's rights may be in- a State, those lights come undiminished1 into the Commonwealth. But. if men in- the general division of the States have these rights preserved 'as appertaining to the general division, can get further privileges, come under different rules, with new- rights of- advancement under the Public Service Act,- then I do not see that they can say that their rights are infringed when they voluntarily come under an altogether different regime. That is the distinction:: With regard to the officers who have been referred to, it seems to me that there is one consideration that ought to be borne in mind. There are officers in the general division, who have come over- from the States. Sub-clause -(6) of 'clause 21 provides that every such officer shall be - entitled, upon reaching' the age of 21 years, to a salary of £110 per. annum, provided that he has- been employed for not less than three years in the public service, and shows by passing. the prescribed examination that- he is- capable of doing the work. All, therefore, that we. require are three things - age; length, of service, and capability. Now, there are a . number of officers who under the State laws have already proved ' their capability, by reason of having passed, the clerical examination in the States. Having proved that upon one occasion, the Government ought not to require, them to prove it again.

Mr Deakin

- We do not;

Mr ISAACS

- Where does- that' appeal-?

Mr Deakin

- In a later clause: clause 61.

Mr ISAACS

- Clause 61 refers- only to promotion or transfer, and I think, we ought to make the matter perfectly clear. I am not satisfied about this question of salary.

Mr Deakin

- Salary is not .provided for in clause 61.

M,r. ISAACS'. - No ; that, clause relates to the right of promotion or transfer, and does not speak of salary.

Mr Deakin

- But the honorable and learned member was discussing the examination question.

Mr ISAACS

- Yes, but- 1 am speaking now of this salary of .£110. I would suggest to the Attorney-General that after- the word " and" - , in sub-clause (6), the words "and either has passed the clerical, examination in a State" should 'be inserted.

Mr. McCAY - Those officers who have passed the clerical examination in the various States- are getting more than £110 per year, and, if they come over- to the clerical division of the Commonwealth, they will carry with them, their higher salaries.

Mr ISAACS

- That is another question. I want to make sure of 'their right- to get at least £110. I think, as the Bill now stands, it might be urged that before an officer is entitled to the £110 per annum he must prove- by a future examination his capability of* doing the work. I quite agree that an examination -should be held in all cases where men have - not proved their capability. But where they have shown their fitness by passing the- clerical examination in a State, I do not think they should be required to submit to a new examination. I suggest to the Government that they should make it perfectly clear that an officer must either show- that he has passed the clerical examination in the State, or must submit to this- examination. Mr. HIGGINS.(Northern Melbourne).I wish to ask the Attorney -General a question which was referred- to the other night by the honorable member for Bourke. I am afraid that after all that has been said, an officer who is getting £132 per year in the- general division, and has passed an examination for- the clerical division, must be at a- great loss to understand the position which he really occupies. He wants to know whether, if he is transferred to the clerical division after this Bill comes into operation, he will get £110 or £132. It is a simple question, and one that ought to be answered in -this Bill.

Mr HUME COOK

- The other question is- whether the Constitution preserves to him that right.

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Mr HIGGINS

- That is incidental to it. A man in the general division, who is in receipt of £132 per year and passes the examination which entitles him to be transferred under the existing, law of a State to the clerical division when there is a vacancy wants to know whether he is to retain his present salary or not. That' is a question, surely, that ought to be answered. If I had to depend on the Constitution, I would not have the least difficulty in answering it. That is to say, having under the State law attained the right to be transferred to the clerical division by examination, I should say that the officer carries with him his present salary. But I should feel a great] difficulty in deciding that point having I regard to sub-clause (4) of clause 23. [From the provisions contained there] I should gather that if an officer i is lucky enough to be appointed j to a vacancy in the. clerical division, he ' will obtain only the salary which he has I been receiving up to the extent of £110 | per year.

Mr Poynton

- Not exceeding that.

Mr HIGGINS

- Exactly. I think that a plain man asking this plain question would be rather between the devil and the deep sea, as between the Constitution and this Bill. It is one thing whether he ought to be entitled to that salary, and quite another thing as to whether he is entitled to it. I suggest that sub-clause (4) should be altered so as to make it clear that he is entitled to his £132.

Attorney-General

Mr DEAKIN

. - This is a matter on which I am fortunate enough not to have the doubts of the honorable and learned member for Northern Melbourne. Sub-clause (4) clearly points to the circumstance of a number of men who are at present in the general division, and who are hereafter to be favoured with a new and special method by which, if they qualify themselves, they can pass into the clerical division. The whole of the provisions in regard to that follow one after another in relation, it seems to me, to that particular class of person. For that particular class of person there is no escape if they desire it from the provision of subclause (4). But in cases such as the honorable and learned member speaks of, in which an officer has passed a State examination and has qualified for the transfer, I do not think, under any circumstances, that he would come within the sweep of that sub-clause. He has qualified himself already, and clause 61 supplies the only link necessary to make his position quite clear. In clause 61 we provide that - Any officer of a department transferred to the Commonwealth and any person in the public .railway or other services of a State so transferred, who has qualified to take any other position in the service of a State prior to such transfer shall, in the service of the Commonwealth, retain all the rights to promotion or

transfer lie possessed in the service of the State at the time of such transfer.

That confers a right first of all to be transferred to the clerical division, and there will be no vacancies declared in that division until the men in the various States, who have existing and accruing rights in the shape of having passed examinations, have been dealt with. These men will be entitled to priority without any competitive examination ; and being entitled to that priority, they take their new positions on the same terms that they previously enjoyed, and I am inclined to think that they carry with them their present salaries.

Mr HIGGINS

- Could we not insert the word " salary " ?

Mr DEAKIN

- I do not think that is necessary, because we have only to make a man's transfer secure by this Bill. Personally I think that was secured under the Constitution. However, that was the one questionable point, and this clause seems to me to settle the point in the man's favour. It makes his transfer secure. His transfer being secure, such transfer is governed by the conditions under which he qualifies. I take it that that covers the question of salary. I do not know that that clause need be recommitted. I think my honorable colleague will have something to say upon that point when we come to the report.

Mr CROUCH

- Seeing that this discussion has been allowed, it seems to me that in clause 61 the words " promotion and transfer " only are used, while in clause 33 the word " appointment " is used. I shall be very glad if the Attorney-General will consider that point.

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Mr DEAKIN

- I will take a note of it ; I quite see the bearing of it.

Mr. REID(East Sydney).- With reference to the observations made by the honorable and learned member for Indi, it seems perfectly clear that the case to which he alludes is not covered by this Bill - -the case of a man who has passed an examination in the State service which would, in that State, make him thoroughly eligible for a salary of £110, or, perhaps, twice the amount- - because the word " prescribed " shows that the examination must be one under this Bill if it becomes an Act, and, therefore, cannot be a State examination or one which an officer has previously passed. In a matter of this sort we ought to try to make the position for the officers as easy as possible, because a man, years after an examination which he has passed, might be thoroughly efficient, and yet be unable to pass a prescribed technical examination, however simple. It is well known that

Such cases have occurred, and it would be very hard to subject an officer to another examination in the federal service if he has already passed one in the State service of a sufficiently high standard. Perhaps the Government may be able to consider whether they cannot deal with this matter. I think that the Attorney-General might consider the point. I do not expect him to do so just now; but it would be well, if possible, to put something in the Bill which would not make it necessary for an officer who had passed an examination in the State, of a sufficiently high standard, to submit to another examination.

Sir William Lyne

- That is in the Bill, if the right honorable and learned member will only read it.

Mr REID

- -Well, I have been reading the sub-clause we are on just now.

Mr Deakin

- It is not there ; but we get over that point in a later clause.

Mr REID

- If that is done, I am satisfied.

Mr. ISAACS(Inch). - I do not wish to trouble the Minister too much, but I want to emphasize the point that sub-clause (6) of clause 21 does not relate to the question of promotion or transfer, but only to the rights of promotion or transfer. Subclause (6) assumes that a man is allowed to retain his position on being promoted or transferred. It secures to him the minimum wage, and it sets forth the conditions under which he is to get the minimum wage. He is to be entitled to it on satisfying three conditions. At the same time, it may be impossible for some officers to satisfy these three conditions without further examination, which I say they ought not to be subject to ; and I would really press upon Ministers the necessity of making it

clear that those persons who have passed the clerical examination in a State will not require to pass the examination prescribed under the Bill.

Clause, as amended, agreed to.

Mr ISAACS

- I have been under some misapprehension. I did not have a new print of the Bill, and when the new clause 21 was mentioned, I thought the whole of it stood as it was last night. I think I intimated to the Honorable the Attorney-General yesterday that I intended to move an amendment in sub-clause (4), not of clause 21, as it is now numbered, but of clause 23. Perhaps, with the consent of the committee, I can have the clause considered now. Clause 21 was what was before the committee last night, and as no change in the numbering of the clauses was agreed to in committee, it seems to me that what we had last night as clause 21, we should have had before us as clause 21 now.

The CHAIRMAN

- There are two prints of the Bill before the committee, and clause 21 is the same in both Bills ; there is no difference in the denomination of the clauses.

Mr ISAACS

- Perhaps, with the consent of the committee, we could deal with the matter now, as I wish to move an amendment on what is really clause 21, but is now numbered in the print before the committee as clause 23. The latter part of sub-clause (4) runs -

Such officers shall be paid the salaries they have been receiving up to, but not exceeding, £110 per annum.

That refers to vacancies that are filled up in the clerical division, and the Governor-General is to have the power to declare the number of vacancies in the fifth class of the clerical division, which may be filled by officers who have served for at least two years in the general division. The vacancies are to be filled by the successful candidates at a competitive examination, and it is then provided that they shall be paid the salaries they have been receiving up to, but not exceeding, £110 per annum. What I want to do is to avoid the inevitable construction of this clause as it now stands. At present it is a provision using negative words which would prevent any officer in the future from receiving more than £110 per annum : and I want to alter the latter part of the clause to read -

Such officers shall on such transfer be paid the salaries they have been receiving up to, but not exceeding, £110 per annum.

And then I propose to add the words -

And thereafter the provisions of this Act relating to officers of the clerical division shall apply to such officers.

Under that provision an officer will start with £110 on the transfer, and then take promotion the same as any other officers of the clerical division.

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Mr DEAKIN

- I think that this is observing abundance of caution, because it seems to me that the clause would not have the effect that the honorable and learned member anticipates. Having been aware of his doubts, however, I had prepared an amendment, but the Chairman was doubtful as to his capacity to submit it under the reference. I am very glad he is able to submit the amendment now.

Motion (by Mr. Isaacs) agreed to -

That after the word "shall," line], the words " on such transfer " be inserted.

Amendment (by Mr. Isaacs) 'agreed to -

That the following words be added to subclause (4) : - "And thereafter the other provisions of this Act relating to officers of the clerical division, shall apply to them."

Clause, as further amended, agreed to.

Clause 28 -

No person shall be appointed to the general division whose age at his last birthday previous to appointment was less than 16 years or (except as hereinafter provided) more than 50 years unless such person is at the time of his appointment already in the public service. In cases of special duties the Governor-General may, however, on the recommendation of the commissioner extend the age from 50 to 55 years. But nothing in this sub-section shall be taken to prevent the appointment of boys of any age

above the age of 13 years to be message boys or junior messengers.

Amendments (by Sir William Lyne) agreed to -

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

That the words "of any age," line 11, be omitted.

Clause, as further amended, agreed to.

Clause 40-

If any officer is guilty of a breach of the provisions of this Act or any regulations thereunder ; or is guilty - of being inefficient or incompetent and such inefficiency or incompetency appears to arise from causes within his own control or of using intoxicating beverages to excess; or of any disgraceful or improper conduct; then such officer shall be guilty of an offence and shall be liable to such punishment as may be determined upon under the provisions of this section.

Amendment (by Mr. Piesse) proposed -

That after the word "excess," line 9, the words "the excessive use of drugs or" be inserted.

Mr WATSON

- I am not sure that it would be a wise thing to agree to this amendment. It is very difficult to say when a man who is using drugs arrives at a stage at which his use of them is excessive ; but it seems to me that if a man were in the habit of using drugs to excess he could be dealt with under the provisions of the clause which gives the Governor-General and the commissioner power to dispense with the services of any officer who is incapable or unable to perform his duties.

Mr McCay

- The words "being inefficient from causes within his own control " would cover the cases with which the honorable member wishes to deal.

Mr REID

- No doubt the object of the honorable member is a very good one, but it would have been well if he had attempted to deal directly with the evil which he evidently has in view - the opium habit. I do not think that there are likely to be many people in the public service who would come under a provision of this kind. Then, too, people have such different ideas about the use of drugs. Persons have been killed by the excessive use of drugs, though taken on the best advice. Men constantly take drugs because of some constitutional delicacy or ailment, or for some fancied derangement of their constitutions. But the commissioner might be a homeopathist who would cashier an officer for taking drugs at all.

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Mr PIESSE

- We must presume that the commissioner will be a sensible man. I do not propose this amendment without having a precedent for it in other Acts which I have looked through ; but, as the matter is not one on which it would be wise to take up much time, I shall withdraw it, as there seems to be considerable opposition to it.

Amendment, by leave, withdrawn.

Mr. PIESSE (Tasmania).- We have already considered the question of dealing with officers who have become involved in debt and against whom judgment has been recorded. The honorable member for Bourke discussed this matter at considerable length on a previous occasion. I think that it would be a convenient thing to deal with such officer in this clause. I therefore move -

That after the word " or," line 9, the following words be inserted : - " Of having judgments or a judgment given against him for a total sum equal to not less than two months salary which remain unsatisfied for three months or. "

Under this amendment the chief officer can deal with any case that may arise, instead of it being necessary, as it would have been necessary under some other proposals which have been put forward, to have it referred to a board of inquiry; and, unless he discovers that it is a matter of very great moment, he will be able to deal with it at once without further trouble.

Sir WILLIAM LYNE

- I think it is going too far to try to harass these individuals in this way. Public servants are likely to get into difficulties like other people. And unless there has been some improper conduct, I do not think they should be placed under this ban. We provide for the punishment for misconduct, wilful disobedience,

disregard of lawful orders, negligence, carelessness, inefficiency, incompetence, the use of intoxicating beverages, and any disgraceful or improper conduct, so that they are pretty well hemmed in already. I think that the amendment would harass them too much, and therefore I shall oppose it.

Mr. WATSON(Bland).-While I prefer the amendment of which notice has been given by the honorable member for Echuca, I do not know why a public servant who is charged with persistently refusing to pay his debts should not be required to explain his conduct. Surely we should expect that persons who are in every way safeguarded against the ordinary buffetings of the world should conform to the first principles of honesty, and pay the debts which they have incurred.

Mr McCay

- Debts due in most cases to persons who are not so protected.

Mr WATSON

- Quite so.

Mr Mauger

- Is there not power now to compel them to do so ?

Mr WATSON

- No; and unless there is an understanding that the amendment of the honorable member for Echuca will be passed I shall vote for this amendment. While doing all we can to prevent injustice to the public servants, we should insist that they shall see that the finger of scorn is 'not pointed at' them because they do not pay the debts that they have incurred. In New South Wales, I know of public servants - though they form a very inconsiderable proportion of the whole service - whose names are a reproach and a by-word where-ever they are located by the State Government. Notwithstanding that they are in receipt of good 'Salaries, they persistently refuse to discharge their just debts, and we should not allow a similar stain upon the honour of the Commonwealth public service.

Mr CROUCH

- I am surprised to hear the Minister say he will not accept this clause because he regards it as going too far.

Sir William Lyne

-We are going too far in many ways.

Mr CROUCH

- I would like to know how far the Minister proposes to go. When the matter was discussed on two previous occasions, we were informed by the Minister in charge of the Bill that he was ready to accept some such clause, and this clause has been modified time after time to meet the Government's desires. The Government will not introduce a clause ; and though the present clause does not meet with the approval of the committee, it might be passed as it is, and the Government left with the responsibility, as they have the opportunity on the third reading of submitting a proposal which will meet the desire of honorable members. I understand that the proposal of the honorable member for Echuca was withdrawn only on the distinct understanding of sympathetic treatment by the Government.

Mr McColl

- On the understanding that it would be accepted.

Sir Malcolm McEacharn

- I thought the clause was in the Bill.

Mr CROUCH

- The honorable member for Melbourne says he is under the impression that the clause was in the Bill. In regard to the words " disgraceful and improper conduct," it was pointed out by the honorable and learned member for Indi that they would not cover the case of a man who refuses to pay his debts. We specially protect public servants against creditors, and we should give creditors that inside protection which would be secured by some clause similar to that proposed.

Amendment negatived.

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Mr McCOLL

- I move-

That the following words be added to the clause, to stand as new sub-clause (7) -

If any officer shall have a judgment or order made against him in any court for debt, he shall report the

same to the permanent head of the department, with a statement of the facts. The permanent head may if he think fit direct an inquiry before a board of inquiry as to whether the officer incurred the debt through recklessness extravagance or dishonesty and thereupon like proceedings shall be taken as in the case of an inquiry under this section into a charge of a breach of the provisions of this Act.

This clause relates to the same matter we have just now been discussing. The subject was discussed at some length the other day, and, though amendments were suggested, the principle was accepted all round the committee. After considerable discussion the matter was postponed, on the understanding that it would be brought up at a later date, with the entire concurrence of honorable members. The clause does not allow any officer arbitrary power to deal with any public servant, but simply provides that inquiry shall be made whether the public servant has been guilty of misconduct or recklessness.

Mr ISAACS

- The essence of this proposal is very much the same as that submitted by the honorable member for Tasmania, Mr. Piesse. The difference between the two is that the last proposal made the existence of a judgment for a certain sum, and the fact that it was not satisfied for three months, an offence in itself. That, of course, is not intended, and therefore those who desire to see some such principle in the Bill did not press it. But the present proposal is merely that if there shall be a judgment or order against an officer for debt, and he reports the same to the permanent head, the latter must look into the matter. If the permanent heads think it is a trifling matter, or one that is not deserving of being sent for inquiry, it will not be sent for inquiry, and the public servant is not necessarily harassed at all. If, however, the permanent head thinks the circumstances such that there should be an inquiry, the public servant in question has the advantage of a board before whom he may defend himself as in any other case.

Mr MAUGER

- I am most anxious that public servants and all other servants should pay their debts, but I am also anxious that they should not be unduly harassed. I should like to know from the Attorney-General, or from the honorable and learned member for Indi, how this clause would affect judgments already recorded ?

Mr Watson

- The words " shall have " mean "in the future," after the Bill comes into operation.

Mr MAUGER

- If that is quite clear, I do not see the same objection as I did to the clause- But I think society and the Government are largely responsible, because civil servants are badly paid, and paid under conditions which encourage rather than discourage debt. Low paid civil servants will be just as much affected as highly paid civil servants.

Mr, RONALD(Southern Melbourne).I sincerely hope the amendment will not be accepted by the committee, because it makes an invidious distinction. It puts a brand on the public servants which I do not think they deserve, and it will hit the small men as well as the large men. It places an invidious distinction on people who do not merit it, and I hope the power will not be given to place the permanent head in the position of a magistrate, to sit and adjudicate in cases already decided. The permanent head has already too much power.

Mr Watson

- The permanent head does not adjudicate, but sends the case for inquiry if he thinks it serious enough.

Mr RONALD

- The permanent head has to adjudicate upon the question whether there is reason for an inquiry, and I say)' that too much power is placed in the hands of one man. If the permanent head has a "down," to use a vulgarism, on a particular man, he will be only too glad to take advantage of this opportunity, and we ought not to place such weapons in the hands of any man.

Mr V L SOLOMON

- The public servant has to report the matter himself - he has to be informant, defendant, and occupy several other positions.

Mr RONALD

- If the public servant did- not report the case himself it would be reported in the newspapers for him. It would get to the knowledge of the permanent head, and if the public servant had failed to report the matter - which is a delicate thing to do - it would go against him as prejudicing his case. I sincerely hope the amendment will not be adopted.

Mr TUDOR

- I hope the clause will be accepted by the committee. It places no brand on public servants, but merely asks that they should be put on a similar footing to persons in private employ.

Sir William Lyne

- No.

Mr TUDOR

- The wages of a person working for a private employer can be garnisheed, but the wages or salary of a public servant cannot be attached. It is only fair that public servants should be made to pay their debts. They are in a better position to do so than 90 per cent, of the persons working outside, and the clause proposed is only a safeguard to tradesmen and others to whom public servants become indebted.

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Mr V L SOLOMON

- I do not know that a public servant as a debtor occupies a different position from that of any private person.

Mr Watson

- The Crown cannot be garnisheed.

Mr V L SOLOMON

- Surely the ordinary procedure for the recovery of debt in our courts is good enough for public servants, if it be good enough for private people?

Mr Watson

- They are not on the same plane.

Mr.V. L. SOLOMON.- I agree with those who are of opinion that this clause places a stigma on the public servants of the Commonwealth. It is proposed that public servants shall not only be liable in courts of law as ordinary men for debt - liable to the judgment of the court and the seizure of their chattels, whatever they may be - but that in addition they are to suffer certain pains and penalties and be liable to a board of inquiry and to subsequent dismissal.

Mr.Watson. - If the board finds, as the clause proposes, a public servant deserves dismissal.

Mr V L SOLOMON

- I am afraid we are overweighting the Bill a little. In trying to provide for all minor and greater offences public servants may be liable to, we shall make the Bill a very unworkable measure. I oppose the proposed new clause.

Sir WILLIAM McMILLAN

- If I understand the argument of honorable members who are in favour of this clause, it is that under his general powers the commissioner cannot take cognisance of a matter of this kind. Is that a fact?

Mr Crouch

- The honorable member for Indi says so.

Sir WILLIAM McMILLAN

- If that is a fact, there may be some reason for introducing this clause, although it is a clause I am instinctively averse to. I do not know that it is in any other Public Service Act.

Mr.Watson. - I think there is a similar provision in the New South Wales Act.

Sir William Lyne

- No, there is not.

Sir WILLIAM McMILLAN

- It seems to me that all through this Bill it would be better for us to leave extreme cases for the future. We do not want to anticipate this particular kind of thing. To cause fishing inquiries from time to time, even if there be a judgment against a man, must give rise to a great deal of persecution and unnecessary scandal. I think we had better leave this clause out of the Bill.

Although there is no absolute provision by which the commissioner can punish this kind of thing, I take it that the commissioner, in regard to any conduct that is reprehensible in a public servant, can reprimand and warn him.

Sir William Lyne

- There is not the slightest doubt that that can be done.

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Sir WILLIAM McMILLAN

- I think it would be far safer in the present stage in this new Commonwealth public service to leave the clause out entirely.

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

Ayes 21

Noes 23

Majority 2

Question so resolved in the negative.

Clause, as further amended, agreed to.

Clause 44 -

Subject to the provisions of this Act every probationer before the confirmation of his appointment, and every officer shall effect with some life assurance company or society, registered and carrying on business in the Commonwealth, an assurance on his life providing for the following benefits, namely : - the payment of a sum of money on his death if it occurs before he attains the age of sixty years ; the payment to him of an annuity until death if he survives the age of sixty years; the payment to him, if he retires from or ceases to be a member of the public service before attaining the age of sixty years, of a sum of money equal to the whole amount of premiums paid by him to the company or society unless he elects to continue paying the premiums on his policy ; and (d) for the increasing from time to time of the amount assured as may be prescribed.

Sir WILLIAM LYNE

- In order to carry out what was practically agreed to the other night, I move -

That nil the words after "effect," line 3, be omitted, with a view to insert in lieu thereof the words " An assurance on his life either with some approved Australian Mutual Life Assurance Society registered and carrying on business in the Commonwealth or as may be prescribed providing for such benefits as may be prescribed, and for increasing from time to time the amount assured."

This proposal will have the effect of leaving the question open for future consideration and of allowing the Government to obtain all the information relating to it that they possibly can. By the adoption of this clause the Government will be able to see whether a system of assurance carried on by the State, or the system adopted in the South Australian Educational department - ' which was referred to the other night - is the better. It will be remembered that during the long discussions of this subject, which extended over two nights, the matter was thrashed out to the very last straw, and those who voted against the original Government proposal, I understood, would be satisfied with this provision, which leaves the question open for further consideration.

Mr HUME COOK

- I must confess that this clause does not quite harmonize with what we were led to believe we should receive from the Government. The Government originally proposed a set of clauses, which after a good deal of discussion, they decided to withdraw, with the object of substituting some other provisions which were more in accord with the wishes of the committee. But I doubt very much if the wishes of the committee are being carried out under the proposal now submitted.

Sir William Lyne

- - I read these words the other night. ' Mr. HUME COOK. - But 'we did not have them -in print at the time, so that we could not study them. Without wishing to annoy the Minister I want to get for the committee what they ask. It is proposed to insert certain words in lieu of others. The words proposed to be inserted seem to me to give the right to civil servants to assure with any kind of company doing business in Australia - not merely a. mutual society, but a society which may be partly mutual and partly proprietary, or indeed wholly proprietary. My first objection is that if any companies are to get any of this business, they should be wholly mutual, having their head offices in Australia, and carrying on their business here.

Mr Reid

- Does' not the amendment provide that ?

Mr HUME COOK

- I do not think so.

Sir WILLIAM Lyne

- The word "approved " comes in.

Mr HUME COOK

- Even that would not suit. I do not believe in the word " approved " at all. It seems to me that the words "Australian Mutual Life Assurance Society" would give any proprietary or foreign companies a chance to do business. Personally I object to that. The words " or as may be prescribed " following the word "Commonwealth," I take it are intended to convey the idea that if the Government at some later stage choose to institute a State life assurance system, they may prescribe that the civil servants shall insure with such State life, assurance department.'

Sir William Lyne

- That is the intention.

Mr HUME COOK

- Then I think those words ought to stand. Instead of ' the words " Australian Mutual Life Assurance Society " being used, I think that the words, to be inserted should read as follows : - " An assurance on his life with some Australian life assurance society, registered and carrying on business in the Commonwealth, conducted wholly on the mutual principle, whose head office is within the Commonwealth, and, which when required so to do, shall permit the Minister to cause a valuation to be made of its assets."

Sir William Lyne

- Does the honorable member not trust the Government, seeing that the word " approved " is used, to choose a company which is absolutely safe ?

Mr HUME COOK

- Why not put in the words " wholly mutual " ?

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Sir William Lyne

- Why should it be wholly mutual if it is a sound company ? Mr. HUME COOK.- I do not think we should allow any business to go through a proprietary company when all these profits are earned in Australia. I am not here to help anything that is not Australian, and under these circumstances I propose to ask the Minister to accept the words suggested in lieu of those he is proposing. I do not wish to annoy or worry him, but there is such a vital principle at stake that we must ask for further consideration of the subject. I am making these few remarks prior to the words being omitted, so that the Minister may amend the form of the words he proposes to insert.

Mr O'MALLEY

- I earnestly hope that the Minister will not adopt the suggestion of the honorable member for Bourke. The honorable member desires that the civil servants should have no scope, but that they should be prevented from assuring with any companies who have their head offices in foreign countries. There might be only one Australian company that could be approved of, and, in that case, civil servants would be bound to insure with that company. A few years ago, nearly all the inter-State banks, that had not head offices in London from which they could draw money in times of crises, had to reconstruct.

Mr Watson

- Not nearly all. There was the Bank of New South Wales, in Sydney.

Mr O'MALLEY

- With its head office in London?

Mr Watson

- No.

Mr Reid

- The head office has been in Sydney for 70 years.

Mr O'MALLEY

- The Bank of Australasia has its head office in London.

Mr Watson

- And the City Bank of Sydney was another which did not reconstruct.

Sir William McMillan

- The only two banks with their head offices in London are the Union Bank and the Bank of Australasia.

Mr O'MALLEY

- The Bank of Australasia and the Union Bank, which had their head offices in London, poured money into

Australia by every ship ; but the banks that were tied up here could not go to England to get any money, and they had to reconstruct.

Mr Watson

- Not at all.

Mr O'MALLEY

- Let us, in trying to do justice, avoid becoming tyrants. We invited these foreign insurance companies to come to Australia and to put up their deposits, and they have invested large sums in buildings that are ornaments to the southern hemisphere. If these companies can comply with the conditions that the Minister has spoken about we shall have no right to tell them that they cannot do business with us. Honorable members call themselves Britishers and lovers of fair-play, and everywhere we hear British fair-play spoken of and applauded, but I would ask if this is British fair-play ? It seems to me that it is Australian tyranny. We should tell these companies that they are not fit to do business at all, and shut them out, or else let them come here and do business with the same freedom as do local companies. We have no light to restrict the civil servants in their choice of an assurance company, or to say that they must not insure their lives with a company having its head office outside the Commonwealth. Supposing that one of the Australian companies removed their head office to London, would it be said that the civil servants would have no right to insure with them. I hope the committee will deal with this matter fairly, so that we shall have no reason ever to get on the stool of repentance and wish that we had never been born, because we had done an act of injustice.

Mr WATSON

- I trust the Government will see their way to amend their suggestion. I understood from the Home Secretary last night that, although he could not then give a definite expression of opinion about restricting assurances by civil servants to mutual life offices, he would consider that aspect of the matter, and I was hoping that this afternoon he would have seen his way clear to adopt that view. I would not care to register a vote in favour of civil servants assuring with any proprietary concern.

Mr Reid

- Will not the words in the proposal secure that object ? - " Australian Mutual Life Assurance Company " ?

Mr WATSON

- Then there are the words, "or as may be prescribed."

Sir William Lyne

- Those words are not intended to apply to any society, but are designed to give us another method of dealing with the matter by means of State life assurance.

Mr WATSON

- Under those circumstances I am inclined to concur with the Government proposal. In regard to what has been stated by the honorable member for Tasmania, Mr. O'Malley, I would like to say that there is no analogy between the Australian life assurance societies and the Australian banks - even if it were true, which it is not, that all of the Australian banks reconstructed during the big crisis.

Mr O'Malley

- Nearly all the interState banks did.

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Mr WATSON

- No, several, of the Australian banks did not reconstruct. Apart from that, however, there is this big distinction, namely, that the assurance societies make advances only on freehold properties, whilst the banks carry on bill discounting, make advances on other securities, and do a business which is necessarily more risky than that carried on by the assurance societies. I shall support the Government in this matter.

Sir WILLIAM McMILLAN

- I understand that what we are doing in this matter is entirely provisional. At the same time I see a great difficulty in determining the class of offices to be approved of. There are some societies which are to a very small degree proprietary, but which are really mutual, and it would be a very difficult thing to give a definition which would include the strong societies without also including some very weak-kneed ones. In voting for this clause we should take the assurance of the Government that it is simply intended to bridge them over the intermediate period, and that they will take every care to introduce, as soon as possible,

legislation to deal with these life assurance institutions. If legislation is passed in the future, and there are offices with head offices abroad which have practically located themselves here, and have practically become numbered among our Australian institutions by giving every possible safeguard to the public in the form of putting up deposits and showing that they have assets sufficient to provide for every possible claim, they should be treated, so far as our business is concerned, on exactly the same footing as the purely Australian societies. I think that for present purposes we shall be proceeding on safe lines if we restrict our operations to the mutual offices, leaving the Government to do justice by introducing legislation as soon as possible to any of those stable foreign institutions whose fame is world-wide.

Mr. REID (East Sydney). - I indorse what has been stated by the honorable member for Wentworth. I would most strongly object to this limitation to Australian societies if I did not take the same view as the honorable member - that at present the societies which have not their head offices here, are not under a sufficiently regulating law, whilst our own societies are to a certain extent. Our own societies, from the very fact that their head offices are here, carry on business under better conditions for us than do societies whose head offices are in foreign countries, and, therefore, in the absence of any law relating to such societies, I think we might accept this proposal, but on the distinct understanding that when other societies which have offices abroad are placed under a proper law which will safeguard the people who do business with them in Australia, they will be brought in on the same terms.

Mr HUME COOK

- What is the honorable member's view as to the words proposed - as to whether they restrict us to mutual societies ?

Mr REID

- The Government will be in a position to practically interpret these words as -they like. They will be in a position to accept policies which may not strictly come within this meaning. I should think it was most difficult to say what sort of arrangement as to proprietary interests would take a society outside the words of the clause. If the dominating principle of the society is mutual, the fact that a few persons have a proprietary interest in it would not deprive that society of the right to be registered. That is not; however, a matter we are called upon to decide at present. The society contemplated here must be a society whose dominant character is mutual.

Mr WILKINSON

- I cannot see my way to assist the honorable member for Bourke to bring about a monopoly such as he has proposed. It appears to me that there is another difficulty confronting us, and that is that some of the officers who are appointed to the public service may have already become assured, and it would be manifestly unfair, if, in the event of these people being assured in a society of which the Government did not approve, they were made to surrender their policies, in order to take out fresh ones in societies approved by the Government.

Sir William Lyne

- This is only for the new men.

Mr WILKINSON

- Some of the new men may be already insured.

Sir William Lyne

- That could be satisfactorily arranged, and no hardship will be inflicted in any case.

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Mr WILKINSON

- I hope there will be no possibility of that kind under this Bill.

Mr. REID(East Sydney).- The honorable member has raised a question of great importance which did not occur to me. The words are mandatory. They apply not only to probationers but to every officer - " every officer shall effect."

Sir William Lyne

- The provision has sufficient elasticity to prevent hardship in this respect.

Mr REID

- I am sure that the Government would not compel a man to assure twice even though they had to go to the length of breaking the law ; but the expression is arbitrary and speaks for the future, and it pays no regard to the fact that a man may have already assured.

Mr. O'MALLEY(Tasmania). - I rise to bore you again, Mr. Chairman, to take exception to a statement of the Minister, that local assurance companies stand in a much better position than do companies whose head offices are out of Australia.

Sir William Lyne

- I said that we knew the position of local assurance companies, but that we could not know the position of foreign companies.

Mr O'MALLEY

- Will you permit me, sir, to say in my humble, democratic way that my honorable friend is suffering from a multiplicity of delusions in regard to assurance companies. Before an assurance company whose head office is not in Australia can commence business here, it must deposit a certain amount of money with the State Treasurer, and must bring from the country in which its head office is situated a statement as to its standing there, which secures an independent valuation of its position which we do not get in regard to Australian companies. I admit that the directors of the Australian companies are all honest, saintly men, but in 1893 I saw institutions, whose operations had upon them the stamp of these Australian saints, go down, and, consequently, I now like to have the statements of these saints indorsed by other saints.

Mr. HIGGINS(Northern Melbourne).If honorable members look at clause 43 they will see that .this part of the Bill which deals with life assurance does not apply to existing officers or to transferred officers. It applies only to future officers. I think, therefore, that there is no danger that existing or transferred officers will be prejudiced by the clause.

Sir WILLIAM LYNE

- But what the honorable member for Moreton was referring to was the possibility of an officer being appointed to the service who is already assured in some company not prescribed by the Government.

Sir William McMillan

- What does the Government propose to do in such a case ?

Sir WILLIAM LYNE

- In my opinion, if the Government was not content to accept his assurance with another company, and it would not be possible for the man to transfer his policy to a prescribed office, the Government should assure him

Sir William McMillan

- And how does the Government propose to meet the case of men transferred from the service of a State who, by contributing 4 per cent, of their salaries, are entitled to certain allowances upon retirement ?

Sir WILLIAM LYNE

- Those cases are dealt with in a clause which I inserted yesterday.

Mr HIGGINS

- I was referring to a difficulty which, I understood, was raised by the leader of the Opposition, who seemed to be afraid that the clause will affect existing officers. I do not think that it will.

Mr REID

- But what about new officers?

Mr HIGGINS

- The clause affects only new officers. I think, however, that the form of words- which is used is not such as should satisfy those who have expressed themselves strongly upon this matter, because the clause as it is framed practically gives the Governor in Council power to prescribe any assurance office, even though it may not be an Australian Mutual Office. It reads -

An assurance on his life, either with some Australian Mutual Office or as may be prescribed.

Mr Barton

- I think that that provision is quite sufficient for what is required. The Governor-General in Council would not dream of prescribing other than Mutual Provident Societies whose head offices were in Australia.

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Mr HIGGINS

- I think it would be better to put the provision into this form -

An assurance upon his life with some Mutual Office having its head office in Australia as may be prescribed.

I do not know what an Australian Mutual Office is, and I agree with the honorable member for Bourke that

what should be insisted upon is that the head office of any prescribed institution should be situated in Australia. But it might be held that the term "Australian Mutual Office" did not apply to an assurance office carrying on business wholly in Tasmania or wholly in Victoria. I think that a better expression would be - "A Mutual Office having its head office in Australia." There would also be great difficulty in interpreting the expression "Mutual Office." There are many so-called mutual offices which are worked on non-mutual principles - proprietary offices such as the honorable member for Wentworth has referred to. It is not the intention that offices such as those should be prescribed, but only offices whose operations are carried on solely upon the mutual benefit principle.

Mr. REID(East Sydney). - I wish to say a word or two upon a matter which has not yet been referred to. I wish to draw the attention of the Government to the fact that the clause which we are now considering will leave the public servants of the Commonwealth in a position of danger such as has proved a great source of loss to the various State Governments. The Bill provides that officers must retire at a certain age, or that under exceptional circumstances they may be allowed to remain on a year or two longer, so that where an officer has not been transferred from a State service, bringing with him pension rights, he may be suddenly deprived of his income. Although his life will be assured, that gives him no provision for subsistence, and in the States it was the experience that so many distressing cases arose under those circumstances that the Government Estimates were filled with special allowances to old officers who were practically out in the streets, and for whose support members were called upon to vote from motives of sheer humanity. The Bill, as introduced, contained a provision under which officers would purchase annuities to take effect upon the event of their retiring at a certain age, but the Government have substituted for a provision for an annuity coupled with life assurance, a provision for life assurance only, so that the Commonwealth Government may in the future find its finances exposed to derangements on account of grants to public servants which the experience of the States should have led us to provide against. It is too late now to go into the matter at any length, but I wish to express my very great regret that the Government have dealt with the matter in such a way that no substantial good will accrue to the public from this provision. A provision for life assurance is a good thing for the wives and children of the public servants, and we are all very glad to see that something has been done in that direction ; but the Commonwealth Government will be exposed, as the States Governments were exposed, to the risk of having to provide for old officers who may be sent out into the world without means of subsistence.

Mr Isaacs

- Do not the words "provide for such benefits as may be prescribed" cover the ground?

Mr REID

- That is a later phase of the matter. The present phase is "an assurance on his life."

Mr Isaacs

- "An assurance on his life," or as may be prescribed providing for such benefits."

Mr REID

- That points to a subsequent system.

Mr Isaacs

- No. It masses together all the benefits in the previous clause.

Mr REID

- But does the honorable and learned member say that those later words do not refer to the prescribed system, and the other words above to an assurance on life?

Mr Isaacs

- They refer to an assurance on life, with benefits as may be prescribed.

Mr REID

- I read the clause as referring more to the system which the Government has hinted at as one which they will establish - a Government system. Of course, if the Government under these words can prescribe those other benefits, then the words are rather misleading, to say the least of them. The ordinary public officer will read those words to mean a life assurance, because the benefits imply, in this case, sacrifices. That is to say, the person whose life is assured, if there be a right to an annuity, will have to pay a great deal more. The matter is left in a most misleading way for the public servant. I do not much care, so long as the Government can, under the words, include each object, even in life assurance with a society.

Mr Isaacs

- I should think that is the intention.

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Mr REID

- If that is carried out, I do not mind ; but the annuity is the thing we should keep in view.

Sir WILLIAM McMILLAN (Wentworth). - All this debate shows that after this Bill has passed the Government will have to take the whole question of life assurance into consideration, and will also have to try to make a homogeneous system throughout the service. I do not know whether it is the same now in New South Wales as when I was in Parliament there ; but then there was simply a pension, and if a man retired at 60- years of age and died at 61, his wife and children got nothing. I understand that a transferred officer from New South Wales, say a man of 40 years of age, will be exactly under that system?

Sir William Lyne

- The Superannuation Act?

Sir WILLIAM McMILLAN

- The Superannuation Act. The Commonwealth will simply debit the State, or the State will contribute a certain amount ; but the man will be under that inherently bad system of New South Wales. All I have to say is that I think the Government will have to keep a very open mind after the Bill is passed, in the face of the discussion that has taken place, to deal with the service and all its complexities as a whole, and bring about some homogeneous system.

Mr CRUICKSHANK

- There is one point on which I would like to be clear. Does this clause affect the old-age pension scheme? Would an officer 65 years of age, who had an annuity, receive an old age pension?

Mr F E McLEAN

- If he were otherwise entitled to it.

Mr Reid

- If the man is in the possession of an income of a certain amount, from whatever source, he will not get an old-age pension.

Mr CRUICKSHANK

- But suppose he were otherwise entitled ?

Minister for Home Affairs

Sir WILLIAM LYNE

- If a man were otherwise entitled to an old-age pension, he would not be in the service. If he were in the service, and receiving pay, he would not get a pension.

Mr. HUMECOOK (Bourke). - I move That in the proposed amendment, the word " Australian " be omitted. I propose to further amend the proposed amendment by inserting after the word " society" the words "having its head office in Australia and. "

Mr O'Malley

-If that be done the business may, perhaps, be limited to one office.

Amendment of the amendment agreed to.

Amendment of the amendment (by Mr. Hume Cook) agreed to -

That after the word "Society" the words " having its head office in Australia and " be inserted.

Amendment as amended, agreed to ; clause, as amended agreed to.

Clause 51 -

where any officer in the public service of a State is transferred to the public service of the Commonwealth, every officer so transferred.....

Mr POYNTON

- I move -

That after the word " public," line 1, the words " railway or other" be inserted.

This will put the clause in conformity with clause 29 as amended the other night, and will preserve the existing and accruing rights of any man who may be taken over into the Commonwealth service.

Sir WILLIAM LYNE

- I shall accept this amendment for the time being. The honorable member will understand, however, that it is not always possible to see how far an amendment extends, and he may expect, if I find the

amendment extending further than the previous clauses, that I shall recommit the clause.

Amendment agreed to.

Clause, as further amended, agreed to.

Clause 52 -

For the purposes of this Act, service in the public service of a State by any person who becomes an officer in the public service of the Commonwealth, shall be reckoned as service in the public service of the Commonwealth.

Mr POYNTON

- I move -

That after the word "public," line 2, the words " railway or other " be inserted.

Mr Reid

- The proposal might work awkwardly.

Sir WILLIAM LYNE

- I am prepared to let the clause pass, and to see what the effect will be.

Amendment agreed to; clause, as further amended, agreed to.

Clause 63 (Holidays).

Sir WILLIAM LYNE

- I move-

That after sub-clause (1), the following new subclause be inserted: - "Where under the law of any State any day is observed as a public holiday in lieu of any such day such first mentioned day shall in such State be observed as a holiday in the public offices in lieu of such day."

This new sub-clause is rendered necessary in consequence of the trouble which arose the other day through different days in different States being observed as holidays.

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Mr REID

- I suggest to the Minister that the proposed words should be inserted after sub-clause (2), because that sub-clause has close reference to sub-clause (1). Sub-clause (2) provides that whenever any of the holidays set forth in sub-clause (1) falls upon a Sunday, they shall be observed upon the following Monday ; and it would be well to make a new sub-clause of the words proposed, and insert them after sub-clause (2).

Sir William LYNE

- I accept the suggestion, and am quite willing that the words should be inserted as a new subclause, after sub-clause (2).

Amendment agreed to.

Clause, as further amended, agreed to.

Clause 71 -

The Governor-General may make, alter, or repeal regulations for the carrying out of the provisions of this Act, and in particular for all, or any, of the following purposes, namely - . . .

Prescribing the lowest amount for what the lives of officers shall, having regard to their annual salary be assured.

Sir WILLIAM LYNE

- I move-

That after the words " assured," in sub-clause '(» »)', the following words be inserted: - "And other matters in connexion with the provisions of section 44."

This provision will give power to make regulations under section 44 in reference to assurance.

Mr ISAACS

- I think it is a very bad form to adopt to refer to any particular section. In the passage of the Bill through the two Houses it is more than probable that the numbers of the clauses will be altered. If the Minister by the words "section 44" means to refer to "life assurance " it would be better to insert the words.

Sir WILLIAM LYNE

- Perhaps that would be better. I therefore move -

That the words " section 44 " be omitted with a view to insert in lieu thereof the words " this Act relating to life assurance."

Amendment, upon the amendment, agreed to.

Clause, as further amended, agreed to. Mr. PIESSE (Tasmania).- I move That the following stand a new clause in the Bill :-

Any officer feeling aggrieved by any determination made under this Act affecting such officer's position in the service, or his pay, or any promotion or transfer, to which he may consider himself entitled and desiring to appeal from, or to make any complaint in respect of any such determination shall make such appeal or complaint to the commissioner in such manner and within such time as may be prescribed.

I think this provision will carry out what many honorable members are desirous of seeing in the Bill. That is to say, it will provide a means whereby any officer who feels himself aggrieved by any determination under the Act can have recourse to an appeal to some constituted authority. But while this new clause will give the opportunity which any aggrieved officer should have I hope it will have the further effect of preventing officers from travelling outside that constituted authority to air their grievances. If such a provision is adopted it will be a part of this Act, and- any departure from its terms will be a breach of the Act, and will bring the offending officer under the penalties which such a breach imposes.

Mr Isaacs

- What does the Government say to this proposal ?

Sir WILLIAM LYNE

- I accept it.

Mr. ISAACS(Indi).- I should like to point out some practical difficulties which suggest themselves to me. Does the honorable gentleman allow an appeal to the commissioner from the Governor-General,, because that is what this proposal means 1

Sir WILLIAM LYNE

- No. My object last night was to allow of an appeal to the commissioner before the commissioner made his recommendation to the Governor-General. If the clause is not worded to carry out that, intention we must alter its wording. I thought that that was the idea which the honorable and learned member for Tasmania, Mr. Piesse,- intended to convey. If we' allowed an appeal to the commissioner after the Governor-General had dealt with any matter that would be allowing an appeal from the Governor-General to be decided by the commissioner, which of course was. never contemplated.

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Mr PIESSE

- The position, suggested would be a very awkward one no doubt, but we are in that position at present.. If civil servants appeal to the commissioner,, after the Governor-General has dealt with their cases, they will be met by the commissioner saying - "This has been the subject of an appeal to the ' Governor-General and I cannot consider it." . Civil', servants "now have an appeal from the determination of the Governor -. General. They can bring political pressure to bear even after the determination of the Governor-General, so that by adopting the proposal which I have submitted we should not be * giving any more liberty to civil servants than they at present enjoy. The answer to the honorable and learned member for Indi is that whenever an appeal is made against the Governor-General's decision. a commissioner would say - "I cannot re-open the matter, the appeal is decided." But other appeals, which would not come under that objection, would still be open to the public service. Without some such provision we shall still allow civil servants, who have grievances by reason of any executive determination to come, as they hitherto have done, to Members of Parliament, and the whole trouble we are trying to prevent will still be open. I hope that the clause will be accepted as it stands.

Mr HUME COOK

- I think I am largely responsible for this suggestion regarding an appeal, and I understood that the Ministry were going to put forward a proposal of their own. If the new clause submitted by the honorable and learned member for Tasmania, Mr. Piesse, will meet the case, well and good ; but I think that the honorable and learned member for Indi has raised a very serious point. It appears to me that the new clause is somewhat adverse to what, we desire to carry out. Like the honorable and learned member for Tasmania, I want the members of the public service to have a right of appeal which will obviate the ear-wiggling of Members of Parliament, and our having individual grievances ventilated upon the floor of this chamber. I have seen hours and hours wasted in this House upon a discussion of the grievances of some railway porter, simply because he had no decent tribunal to which he could appeal. If a proper

tribunal were established to which officers with grievances could appeal, we should save an immense amount of time, ~and when Members of Parliament were approached, they would be able to say to the civil servant - " Use the machinery provided for you in the Public Service Act, and when you have exhausted that, let us hear what you have to say."

Sir William Lyne

- What is the honorable member's proposal ?

Mr HUME COOK

- I have no proposal ; the question is too complicated for me as a layman.

Mr REID

- The object of the clause is so good, that we should try to remove the objection that has been raised against it. Really, it is only in point of form that the Governor-General may be said to have arrived at a determination. It would be well, perhaps, to amend the form, to prevent incongruity. I should prefer the use of the word " dissatisfied " to that of " aggrieved, " in connexion with any determination or recommendation of the commissioner;

Mr Isaacs

- Instead of " determination," why not use the words "report or recommendation," which will mean either the permanent head or the commissioner?

Mr REID

- It would be better to use the word "dissatisfied," instead of "aggrieved."

Proposed new clause withdrawn.

Mr. PIESSE(Tasmania). - I move-

That the following new clause stand part of the Bill : - " Any officer feeling dissatisfied with any report or recommendation made under this Act affecting such officer's position in the service, or his pay, or any promotion or transfer, may appeal to the commissioner in such manner and within such time as may be prescribed."

Clause agreed to.

Bill reported with further amendments.

STATE LAWS AND RECORDS RECOGNITION BILL

Second Reading

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Attorney-General

Mr DEAKIN

. -I move -

That the Bill be now read a second time. This is perhaps the simplest Bill that has been, or is likely to be, brought before us. It provides for the recognition throughout the Commonwealth of" the laws, the public Acts and records, and judicial proceedings of the States. As such it is practically an Evidence Bill, and is introduced under the specific power conferred by section 51 of the Constitution, sub-section (25), which empowers the Parliament to legislate in this direction. In this one particular we are authorized to determine in part, at all events, the procedure of State courts, and hence this measure relates to the whole of the proposed federal courts of the Commonwealth, from the High Court downwards. Generally speaking, we should have no power to deal with State courts, but in this measure they also are introduced. As honorable members will see, the Bill embraces clauses which have been taken from the English and State Acts, and, in one case, I think, from an Act of the United States. We provide for judicial notice of certain documents, of certain signatures, and of other matters. The measure is one purely for consideration in committee, because, beyond the fact that the clauses are collected together for a common purpose, they necessarily embrace separate subjects or separate stages and matters of procedure, and under these circumstances I should . be detaining the House if I were now to speak upon points which, if debated at all, will require to be discussed in detail in committee. The marginal notes will help to indicate in most cases the sources from which these clauses have been derived. The measure, though very short and comparatively simple, will be found extremely useful, especially as it provides for a uniform recognition of laws and records throughout the whole of the Commonwealth, by courts of the Commonwealth or courts of the State.

Mr ISAACS

- This will no doubt be a very useful measure in many respects, but, although it is true the clauses are taken in very many instances from existing sections in other Acts, it seems to me that very grave doubts will exist as to whether some of these sections, as they at present stand, are constitutional. The Attorney-General has pointed out that this Bill comes under a particular power - and that is perfectly true - which authorizes the Commonwealth to pass legislation to secure the recognition throughout the Commonwealth of the laws, public acts and records, and judicial proceedings of the States. That is the extent of the power given by the

Constitution, but this Bill will be found to deal with many private acts, documents, and records. It seems to me, therefore, at first sight, that it trenches upon State territory, and exceeds the powers of the Commonwealth Parliament. In other respects the clauses are adopted from some of the existing sections in terms which, although perhaps not intended to be so, are departures from the original, and which, as far as I can see at present, leave behind the original intention of the section. For instance, it is quite right to say that in one State where a public record is evidence that record should be judicially noticed in another State or proved in a particular way, and that a copy certified to in a particular way shall be evidence of that public record. That is what is done under existing Acts, but this Bill goes so far, in some cases, as to make a copy of such records evidence 'whether the original would be evidence or not. In that respect some words have been' omitted from the existing sections, which keep strictly to the point- I have mentioned. I have no doubt that this has been done by inadvertence, but when we come 'to debate the matter in committee some light may be thrown upon it.

Mr Deakin

- I will be able to show the honorable member that it is intentional.

Mr ISAACS

- I need not prolong my observations at this stage. My view amounts to this, that except where these doubts arise as to the powers under which the Bill is framed, the measure seems to be a very useful one indeed.

Mr REID

- I also look upon this Bill as one which will be a great convenience in all judicial proceedings in the States. A similar point to that raised by the honorable and learned member for Indi occurred to me, but it was more in reference to the use of one word here - the word " arbitrator." Of course, where arbitrators act under certain references of the courts, their acts and their proceedings will probably be well covered by this Bill ; but it is a loose expression, because the word has a good deal more meaning than that. It is capable of referring to arbitration of a voluntary character, and not an arbitration through the courts. I only mention that as a further matter which might engage the attention of the Attorney-General. It seems to me that the Bill is very well drawn indeed, and will be a very good measure.

Question resolved in the affirmative.

Bill read a second time, and committed

CUSTOMS BILL

second reading.

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Minister for Trade and Customs

Mr KINGSTON

- I move-

That the Bill be now read a second time.

In moving the second reading of this Bill I feel that I am dealing with a very important measure. Though possibly it is not a measure which possesses many attractions to the general public, it is undoubtedly a measure of the greatest consequence to the mercantile community ; and I desire to gratefully acknowledge the various suggestions which I have received in regard to it from representative commercial men. The Government feel that it is essential in connexion with the adoption of a uniform Tariff that there shall be a uniform system of administration, for a uniform Tariff might be rendered practically worthless by the absence of uniformity in administration. Uniformity of administration depends upon uniformity of legislation, which at the present time is, of course, conspicuous by its absence. It will be necessary that we shall at the earliest possible date put upon our statute book laws dealing generally with these questions. Various laws will be required for the purpose, but the chief of them is the Bill with

which I am now dealing. I have seen it stated that the measure is an exact copy of the Victorian legislation ; but I can assure honorable members that it is nothing of the sort.

Mr HIGGINS

- What harm would be done if it were 1

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Mr KINGSTON

- What harm would be done if it were ? At the same time, it would be strange indeed to find all the wisdom of Customs legislation concentrated in the measure adopted by one of the half-dozen States included in the Commonwealth. That cannot be said of the Customs regulation legislation of Victoria, so far as I know. For the purpose of framing uniform legislation, recourse has . been had to the Customs laws of the different States - to the New South Wales Acts equally with the Victorian Acts ; and Canada has not been forgotten, nor has the legislation of New Zealand, and of the United Kingdom. The Government have . been singularly fortunate in being able to command in connexion with this measure the services of the chief Customs officials of the various Australian States. It is to them that any credit for the form of the legislation which we propose to adopt will attach, and we cheerfully assume all the responsibility for whatever faults the measure may possess. In Dr. Wollaston, the Collector of Customs of Victoria ; in Mr. Lockyer, of New South Wales ; in Mr. - Irving, of Queensland ; in Mr. Stevens, of South Australia ; in Mr. Mason, of Western

Australia ; and in Mr. Bernard, of Tas- mania, we have found gentlemen capable of giving us the sagest advice. They met , in conference for the purpose of deliberating upon the subject, and the -duty of framing the measure has been discharged ' by them with an intelligence and industry which I am delighted to acknowledge. I -have thought it well in dealing with this matter not to slavishly - copy any of .the existing systems. These systems have been handed down to us from ' time to time without much modification of the form which they originally possessed. In some instances they have struck us as cumbersome ; in others we have found provisions which there is little or no necessity to apply to the circumstances of to-day ; and we have done what we could to make the Bill as clear and readable as possible, so that Parliament may place in the hands of the community a measure which will not require legal assistance for its interpretation, but will be' intelligible to the ordinary lay mind. We feel it necessary, as a matter of principle, to provide in the fullest imaginable way, consistent with fairness, for the protection of the revenue ; but at the same time we have endeavoured to avoid, as far as possible, unnecessary harassing of the mercantile community. We feel that the security of the revenue and the protection of the honest merchants who form the great bulk of our mercantile community, against the devious ways which lax legislation might permit, and which might subject them to unfair competition, are proper objects to pursue; but where those objects are attained, we desire, so far as we can, to avoid unnecessary interference with the ordinary commercial operations of the community. We feel also that the Bill is one which can be more properly dealt with in committee, and one in respect to which no long second reading speech is necessary. Having done our best, we present it for consideration in committee, not with any slavish attachment to line or letter, because we happen to be responsible for its present form, but, despite the jocular criticisms which have been heard from the other side of the chamber, with the intention of welcoming any real amendment which may be suggested, in order that we may do the best we can in respect to a measure which is undoubtedly not a party measure. AVe wish to place on the statute-book a measure under which all can work, and which, in due course, will be a suitable accompaniment to that uniform Tariff which we hope shortly to introduce, and in respect of which it' is most likely there will be more room for differences of opinion than exists in respect to this measure. The Bill contains, to be precise, 263 clauses and three schedules ; but, for the comfort of honorable members, I should like to mention that the clauses are very short, and the Bill more condensed, and, I hope, more intelligible than the legislation of the States which deals with similar matters. It is intended that it shall commence upon a day to be fixed by proclamation. That is provided by clause 2, and honorable members can well understand that there will be no unnecessary delay in bringing it into force. It should, of course, precede the final adoption of the uniform Tariff, however much we may and will labour to bring that into force at the earliest possible date. The fourth clause is the interpretation clause, and honorable members will note that a large definition is there given to the term" Answer questions and produce documents " - obligations which in various clauses of the measure are cast upon persons in connexion with Customs transactions.

For the security of the revenue, it is highly desirable that the Customs authorities shall be in a position to obtain all necessary information as regards the value of goods and a variety of other matters. This information can be secured in two ways - by questioning, and by insisting upon the production of documents. It is to this end that these obligations are cast upon persons transacting Customs business, and the extended meaning which is given to the term is practically this: - That, as regards answering questions, the party questioned shall impart to the best of his knowledge all information which the Customs authorities have a right to know ; and as regards the production of documents, he shall similarly produce whatever documents are required relating to the goods in question. The " Customs " for the purposes of the measure is defined as the Department of Trade and Customs. The next clause to which I wish to call attention is clause 5, which enables me to avoid the necessity of providing time and again, in connexion with offences against the measure, that in the case of any contravention of the clause, on the conviction of the offender he shall be subject to this, that, and the other penalty.

Mr Higgins

- The device in the Bill is a very good one.

Mr KINGSTON

- I am glad that the honorable and learned member approves of the arrangement. I think that the repetition which is indulged in in statutes, although hallowed by precedent, is altogether unnecessary, and is something appalling. We have attempted in this connexion to make the Bill as plain as can be, by putting at the end of particular clauses " penalty so and so," indicating by clause 5 that that is the maximum penalty which attaches to their contravention.

Mr Reid

- Yet I see that by clause 34 the honorable gentleman proposes to charge a duty on condensation.

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Mr KINGSTON

- We think that condensation is a duty, that is the reason ; but I believe this little innovation will not - at least, I hope it will not - fail to commend itself to the good sense of honorable members, and we shall be delighted indeed if by their approval in this particular case they establish a precedent which can be followed hereafter. Clause 5 makes the matter perfectly plain -

The penalties referred to at the foot of sections indicate that any contravention of the section, whether by act or omission, shall be an offence against this Act, punishable upon conviction by a penalty not exceeding (except as hereinafter provided) the penalty mentioned.

When in the light of a clause of that sort we find, as we do on various occasions at the foot of a clause, a specified penalty, we shall know perfectly well what it means, and there is no need for the idle repetition to which I previously referred. It is quite as effectual and more clear, and it saves time, and strikes the eye as we want the eye to be struck, giving as it does the gist of the provision. The second part of the Bill deals with the administration of the Department of Customs. Probably it will interest honorable members to know that the Department of Customs, as at present constituted, is responsible for the collection of between £7,000,000 and £8,000,000, and that there are between 1,100 and 1,200 persons employed in the department, or, to be precise, 1,133 persons, while the total expenditure, including cost of collection, ' salaries, and everything else, does not amount, though it very closely approximates, to £250,000. The first clause of Part 2, relating to administration, simply declares that the Customs Acts shall be administered by the Minister of State for the Commonwealth administering the Customs. Of course, so far as Ministerial heads are concerned, they come and go. But we make the provision we have already made, so far as this House is concerned, for permanent heads, and on the excellence of the selection of the permanent head of the Customs department much depends. There must be one central controlling head to secure that uniformity which is so highly desirable in all federal matters. Provision is made for the appointment of this permanent controlling head in clause 7, which declares that there shall be a Comptroller-General of Customs, who, under the Minister, shall be the permanent head of the Customs, and shall have chief control of the Customs throughout the Commonwealth. Here I would like to inform honorable members that, subject of course to parliamentary approval, a selection has been made of the gentleman who will first occupy this highly responsible position. When I mention the name of Dr. Wollaston as the gentleman who, subject to the conditions I have previously mentioned, will receive this appointment, I believe I mention the name of a gentleman whose appointment will be as acceptable to all

who know him, and all who are accustomed to Customs affairs, and have the interests of the department and of the public of Australia at heart, as I know it is to the other collectors of the different States which constitute the Commonwealth. He is a gentleman who will bring to bear in connexion with his duties a ripe experience, a keen intelligence, and, it seems to me, all those qualities that should be possessed by a gentleman appointed to a high and important post of the character to which I refer. Here I would like to say that in different clauses reference is made to the Minister, but we hold that in matters requiring expert knowledge and permanent uniform control, the Minister should interfere as little as may be necessary - absolutely necessary. While, of course, the Minister should retain the power which must accompany responsibility to Parliament, he should not at the same time unnecessarily interfere with the permanent head. I do not think that in connexion with Customs matters the charge has ever been made, or, if made at all, sustained, that there has been any political influence. It seems to me such influence would be impossible under the provisions contained in the Bill, and any amendment necessary to prevent it the Government will welcome, so long as the true constitutional position is secured - that those who are responsible to this House should have the necessary power to protect themselves in the proper execution of their duties.

Mr HIGGINS

- Has there not been pressure as to penalties sometimes 1

Mr KINGSTON

- I believe there has, and I think I have seen something of it myself.

Mr REID

- Not as to penalties, but as to remission of them.

Mr KINGSTON

- I accept the correction. I think that the various State Ministers for Customs have experienced the same pressure. I have never previously had the honour of discharging the duties of Minister for Customs, but during the short time I have had that honour pressure of the sort has not been unknown to me. At the same time, I should not refer to it with the degree of pleasure and confidence that I do, had I yielded to it in the slightest degree; and I venture to consider and hope that others who are similarly circumstanced have taken the same course.

Mr Isaacs

- That would be rather personal pressure than political pressure-

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Mr KINGSTON

- I do not know what sort of pressure it was, and it is unnecessary to inquire. It did not succeed, and I venture to say that in Australian politics it has hardly ever succeeded. I am pleased to think that, as regards the administration of public affairs, Australia holds a place - and properly so - in the respect of the civilized world for the honest discharge by the public Ministers of all their duties which properly attach to their offices. In clause 8 it is provided that there shall be a Collector of Customs in each State, called in the clause the, chief officer, subject to the Comptroller. The system of the administration has been built up on this : The Minister controlling all, and responsible to Parliament ; subject to the Minister, the Comptroller; and, subject to the Comptroller, a chief officer or Collector of Customs for each State. In clauses 15, 17, 20, and 21 there are various provisions made for the appointment of ports, wharfs, boarding stations and places for the examination of goods, and for the licensing of carriages and lighters for the conveyance of goods, subject to the Comptroller of Customs. These provisions are usual and, of course, are necessary for the protection of the revenue. Clause 28, which is also to be found in Part 2, relating to administration, declares that the working days and hours in the Customs department shall be as prescribed by regulation. Except when working overtime, as permitted by the collector, cargoes shall only be received, loaded, worked, or discharged from any ship on working days, and during working hours. There is further provision that when overtime is permitted, overtime charges shall be made. So much as regards Part 2 of the Bill, relating to administration. Part 3 is of a general character, and, to my mind, gives a bird's-eye view of the scheme which is properly the foundation Of Customs Acts, and which may be shortly stated. For the protection of the revenue, imported goods shall, for a certain time be subjected to the control of the Customs, liable to examination by the Customs, for the purpose of ascertaining their nature, and whether they are dutiable or not, and what the amount of

duty may be. These goods are to be dealt with by entries, which are practically memorandums exchanged between all the parties interested in the goods and the Customs authorities, and in certain cases the goods are to be subject to securities, where securities are deemed necessary to be taken by the Customs authorities for the protection of the revenue? These four principles are practically embodied in Part 3 of the Bill - control, examination, entries, and securities. As to control, it is of course in the highest degree important to define when that commences and when it ends, and in clause 30 we find that attempted. It is declared that as regards all goods imported, they shall be subject to the control of the Customs from the time of actual importation until delivery for home consumption, or until exportation to parts beyond the seas, whichever first happens : in other words, until the duties are paid, or until the goods are sent beyond the Commonwealth. If the duties are paid the Customs are no more concerned with the goods ; if the goods have gone beyond the Commonwealth, they cease to be imports. As to goods under drawback, the control of the Customs commences from the time of the claim for the drawback until exportation into parts beyond the seas. If a merchant desires drawback in respect of particular goods the moment he makes the claim in respect of these goods, the Customs control commences to operate. The Customs authorities have a right to see that those goods shall not be dealt with except in a specified way, and they have the right to examine them, and to see that they are properly entered, and further to take security, if necessary, not only for their proper export, but in order to see that they are not reintroduced. The third provision is as to goods subject to export duty. As regards export duty we have thought it well to make the Bill complete as Bills of this sort are generally made complete, utterly irrespective of whether or not we or any one else will ever contemplate the imposition of an export duty. In this respect, the control commences from the time the goods are brought to a port or place for export, and continues until the payment of the duty.

Mr HIGGINS

- There is an export duty in Queensland.

Mr KINGSTON

- There may be, but. I think it has been stopped. There was some rivalry between the sister States of New South Wales and Queensland, which resulted in some temporary expedient of that sort. Was there not an attempt to divert trade from the natural channels either one way or the other]

Mr Reid

- There was some passing incident.

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Mr KINGSTON

- And I ask honorable members - I am not indicating, and cannot, be expected to indicate one way or another - not to attach importance to what they find, in the third paragraph of the clause. At the same time it is desirable to make the Bill complete in the first instance, in case it should ever enter the head of this or any other Government to impose anything in the shape of an export duty.. I hope and believe that the grouping in. Part 3 of these general clauses relating to Customs- control, examination, entries, and securities generally, will enable honorable members to appreciate - as I can assure them it has enabled those who have been connected with the preparation of , this Bill, to appreciate - the chief underlying principles declaratory of the precautions which are necessary for the security of the Customs revenue. It is declared that when goods are subject to control they shall be liable to examination. It is also declared that entries may be made and passed, and there is a further provision for taking securities for compliance with- the Act, and a declaration that in regard to a matter in which a good many of us at one time or another have been interested - though of course Inter-State matters will not be of the same importance in the future that they are to-day -passengers' baggage may be imported or exported subject to any prescribed conditions without entry. Clauses 44 and 45 have been inserted at the suggestions of the Customs authorities, and provide for. a simple and general form of Customs, security, and endeavour to dispense, so far as is possible, with the varied and cumbrous forms of Customs securities which are at present in use. Part 3 gives a general purview of the provisions of the Bill.

Part 4 deals with importations, and declares that the importation of certain goods shall be prohibited . Honorable members generally are no doubt familiar with the usual provisions in this respect relating to the infringement of copyright, false money, obscene works, oleomargarine, butterine, &c. Then there is a general power over all goods which have any false warranty on them, and all goods the importation of

which may be prohibited by proclamation. Exhausted tea is also a prohibited import, as is another class of goods which of course it is more easy to provide against in the words of a statute than it may be to practically enforce - the importation is prohibited of all goods manufactured or produced, wholly or in part, by prison labour, or which have been made within or in connexion with any prison, gaol, or penitentiary. I believe that that provision is to be found in the Canadian Act.

Mr V L SOLOMON

- But in none of the existing State Acts ?

Mr KINGSTON

- I think not ; it was taken from the Canadian Act.

Mr Isaacs

- Is it not in the English Act?

Mr KINGSTON

- I am not so sure about that. I know that it is in the Canadian Act.

Mr CROUCH

- It was passed in England two years ago.

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Mr KINGSTON

- I am obliged to the honorable member for Corio for the information. After defining what goods are to be prohibited from importation, the duties of the shipmaster are declared. He is not to bring his ship into any place other than a port. He is to bring-to when hailed by the Customs. Even if he is not hailed he has to bring-to at the proper boarding station. He is liable to be hoarded by the Customs authorities. The Customs authorities have full power of search. It is also the shipmaster's duty to report the cargo, the merchant makes entries in respect of the goods, and the goods are unshipped, landed, and examined in a specified way. They may be landed and entered for various purposes - for home consumption, which is the simplest form of duty that is paid. Precautions are taken to prevent goods being smuggled in the course of transshipment. They may be landed also for warehousing, the duty not being paid, the goods becoming in the ordinary acceptation of the term bonded goods. If bonded they may be bonded in a general warehouse to be used for warehousing goods generally ; in a private warehouse to be used only for warehousing goods, the property of the licensee : in a machinery warehouse, to be used only for warehousing machinery and similar heavy or bulky goods ; or in a manufacturing warehouse, to be used for warehousing goods for use in any manufacture, trade, or process, and for carrying on in such warehouse any manufacture, trade, or process which the Minister may by Gazette notice declare that it is desirable to encourage. There are already in different States manufacturing warehouses in operation. It is proposed that the power of establishing these warehouses shall be extended and made uniform throughout the States. If established and utilized, facilities will be given for the use of the imported goods in connexion with any local manufacture, which venture to hope and believe will be useful in the extension of Australian industry. Anyway, a large power is taken for the necessary purposes. Then there are provisions for the proper taking of the accounts of the goods before they are warehoused, and for giving a receipt to the party interested. It is provided that the duty of the licensee of a warehouse is to keep the goods secure, and to enable the Customs authorities at all times to have access to them. Of course the fullest power is secured to the collector to do everything, at all times in connexion with the examination of goods should he think it necessary. There is a further provision that as regards warehoused goods they may be cleared for home consumption, or exported to parts beyond the seas, or removed for warehousing elsewhere. Division 2 of this part, comprising clauses 1.01 to 104, provides for the establishment of King's warehouses, which are more particularly under the control and ownership of the Customs authorities, and in which goods seized or unclaimed are stored if not otherwise provided for. So much for the importation and warehousing of goods. Part 6 deals with the exportation of goods. The system is first to declare that certain goods are prohibited exports. This is but a small list, referring chiefly to arms, explosives, military and naval stores, which by proclamation may be prohibited from being exported to any particular place, and provision is made for giving effect to the proclamation. Then the mode of exporting goods is provided for - the outward manifest, the export entry, the certificate of clearance, the duty of the master to bring-to at the boarding station, and the power of the officer to require satisfactory explanations as regards goods on the ship, which it is possible may not be entered.

Heavy responsibilities are cast on the master in this last-named connexion, so that all goods intended for export, except passengers' baggage, must be included in the outward manifest, and it is specially the duty of the master to take care that no bonded goods shipped for export shall be relanded. Part 7 deals with the question of ships' stores. Honorable members know that at present the rule is that stores, which are consumed within a particular State, pay duty. But, on the other hand, stores, which are carried in the ship from one State to another, do not pay duty, because it is held that the stores are not consumed within the bounds of any particular State. By intercolonial free-trade the area of Customs control will be increased, and in this connexion the position is this : That as regards stores consumed between Adelaide and Melbourne, they have to be free as they are to-day, and, if so free, similar freedom must be extended to goods between Adelaide and Port Augusta, which are not free. There must be uniformity of practice. There is nothing to justify giving- stores free for consumption between Adelaide and Melbourne, and refusing that freedom between Adelaide and Port Augusta. Instead of having trade between the States with different Tariffs, we have trade in one Commonwealth, and under these circumstances it appears to the Government that the proper course - seeing that the stores are practically consumed within Australia - is to provide for the payment of duty on- those stores for the benefit of the Australian revenue. That will be the natural effect of the Bill, and special reference is made to the matter in Part 7.

Mr V L SOLOMON

- How will that affect oversea ships after they arrive at the first Australian port ?

Mr KINGSTON

- In that case the stores will be sealed up. We cannot adopt in this connexion a rule to the advantage of the trader from oversea, and to the disadvantage of the Australian trader.

Mr V L SOLOMON

- Will the right honorable and learned gentleman seal up at Perth or Albany the stores of ships whose destination is eventually Sydney ? I refer to the Orient boats, for example.

Mr KINGSTON

- They can pay the duty. I am obliged to the honorable member for interjecting according to the bent of his thoughts. It is difficult, of course, to get the stores free of duty. There is competition of various sorts. There is competition for the Australian trade, not only between purely Australian traders, but between them and the oversea ships.

Mr V L SOLOMON

- But does not the right honorable and learned gentleman recognise that they will be trading a long way from the coast, and may therefore be outside our jurisdiction ?

Mr KINGSTON

- Are they not practically travelling within Australia? The laws of the Commonwealth are in force. If we give these ships their stores free when they are travelling between Fremantle and Sydney then we must "do the same to the Australian traders. If we do not do it as regards the Australian trader from Fremantle to Sydney, why should it be done as regards the oversea ship between the same ports ?

Sir Malcolm McEACHARN

- It is done now in the case of ships trading between Fremantle and Melbourne.

Mr KINGSTON

- Yes ; ' because the stores are not consumed in any particular State; but the honorable member I am sure will admit that if an Australian ship is simply trading from one port of Victoria to another port in Victoria, the owner does not get his goods free of duty. The area and ambit of the Customs control is now extended. When the consumption of goods under the Commonwealth was within- the ambit of the State control, duty was charged on the goods, and now that that control is extended it seems to me that similar results must follow. At least it is absolutely impossible to adopt one course of treatment favouring the oversea ship, and another to the disadvantage of the Australian trader. Under these circumstances I say we should treat all alike and charge all alike.

Mr Reid

- What, is the chief evil to be grappled with?

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Mr KINGSTON

- I do not know about the evil, but the chief duty' of the Customs is to collect the duties, which are fairly

collectable on goods which are the subject of Australian consumption ; and I venture to think that the Australian consumption practically commences - certainly our power commences - when the ship arrives in an

Australian port, and whether her- voyage be continued from Fremantle to Sydney, or from Fremantle to Albany, she should be charged.

Mr Higgins

- Will this Bill make much difference to the amount of revenue collected ?

Mr KINGSTON

- I am not in a position to give any precise information on that point, but I believe it will be a matter of some importance.

Sir Malcolm MCEACHARN

- It will mean a very large increase of revenue:

Mr KINGSTON

- I believe it will be a matter of some considerable importance; and I shall be delighted to supply honorable members with the fullest information that we can obtain ; and no doubt the matter will be fully dealt with in committee.

Mr Ewing

- The object in view is that any -vessel trading on the Australian coast' should pay Australian prices for its commodities.

Mr KINGSTON

- I think so; that is about it.

Mr REID

- I think we shall have to wait until we get into committee before we can go into that matter.

Mr KINGSTON

- I am inclined to think that the matter is one upon which there is something to be said on the other side ; but I am sanguine enough to suppose that there is a great preponderance of argument in favour of the provision contained in the Bill.

Mr REID

- There is no use in discussing it at this stage.

Mr KINGSTON

- I quite agree with the right honorable gentleman, but, at the same time, it is my duty to indicate as clearly as possible the nature of the provisions of the Bill.

Mr Isaacs

- Has the Minister considered the application of the covering clause of the Constitution Act with respect to this matter?

Mr KINGSTON

- -Yes, I have. Part 8 of the Bill refers to the payment and computation of duties generally, and clause 124 declares that no goods the property of the Commonwealth shall be liable to any duty of customs.

Honorable members will recollect that the terms of the Commonwealth Constitution prevent the Commonwealth from levying any taxes on the property of the State. It is also declared that all import duties shall be paid at the rate in force when the goods are entered for home [133] consumption, and that where duties are imposed according to weight, or. measure the weight or measurement of. the goods shall be ascertained according to the standard weights and. measures by law established. For the encouragement of honesty, we have inserted, clause 129, which, provides that whenever goods are sold or prepared for sale as, or are reputed to be, of a size or quantity greater than their actual ; size or- quantity, duties shall be charged ; according to the first mentioned size or- quantity. Then there are the usual provisions which it is unnecessary for me to refer to in detail; Clause 145 adopts the provisions which are generally found in Customs Acts, that if after any agreement is. made for. the sale or- delivery of goods, duty paid, any. alteration takes place in the Tariff before they are delivered for home consumption, the seller, shall be allowed, after payment of any increased -duty, to add the difference to the agreed price. On the other hand, in- the event of the duty being decreased, the purchaser may- on. his part avail himself of the reduction.' Clause 147 refers to ad valorem duties. I know that a good many of my honorable Members opposite will hardly view any provision relating to duties of that description with

particular favour. It is declared that the value of goods for the purpose- of computing duty shall be taken to be the fair market value of the goods in the principal markets of the country whence they were exported and free on board at the port of export, with 10 per cent, added. The 10 per cent, is the usual provision made for the purpose of covering freight and charges.

Mr V L SOLOMON

- Paragraph (a) is not a new one.

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Mr KINGSTON

- It is a provision that is generally adopted, but it is not so in all the States - there is an absence of uniformity, but I think I may well say that this is the general rule. Provision is made for the production of the genuine invoices, and power is given to deal with special cases. Clauses are also inserted for the purpose of permitting a remission of duty in the case of goods being damaged. Further provision is made, under clause 158, for the settlement of disputes as to duty. In Part 9 drawbacks are provided for. Part 10 deals with the costal trade, which is mostly to be governed by regulation. Part 11 deals with agents, and Part 12 relates to the powers of officers, which are large, but not unusual. The second division of Part 12 refers to the protection of officers. Part 13 contains penal provisions, and provides for forfeiture in certain cases. There are provisions in clause 214 with regard to the forfeiture of ships, and in clause 215 with reference to the forfeiture of goods. In clause 217 various penalties are provided for, and chief amongst these is the penalty to be inflicted upon persons who may engage in smuggling. "Smuggling" is defined as the illegal importation or introduction of goods, and in clause 218 officers are cautioned against collusive seizures and entrapping people who would not otherwise be guilty of an offence against the Act. Clause 220 deals with offences generally, and clause 222 declares that anyone who aids and abets in the commission of an offence shall be deemed as guilty as the man who commits it, and also that an attempt to commit an offence shall be equally punishable with the commission of the offence itself. Honorable members will possibly discover the fact that the penalties provided at the foot of the clauses are not specially severe ; and in this connexion I would like to draw their attention to clause 226, which practically embodies the usual Customs practice of penalizing to the extent of three times the value of any goods which are found to have been wrongly dealt with. It is provided that if the penalty for any specified offence shall be less than three times the value of any goods in respect of which an offence has been committed, the maximum penalty shall be thrice the value of the goods. Clause 227 is one of some importance, and is, perhaps, new ; but it is framed having reference to this aspect of the case. There are two sorts of Customs offences ; one class of cases involving gross moral wrong - attempts to defraud - and the other being cases in which we may not be able to prove any attempt to defraud, but in which the liability to loss of revenue is equally great. In this latter class of cases attempts may be made to excuse the fault by pleading carelessness, and in the penalties which we have put at the foot of this clause 'we have provided for proved breaches of the Act. If, however, in addition to the simple breach of the Act the Customs charge and prove an attempt to defraud, it is provided that the penalty shall be double that inflicted in the other case.

Mr HIGGINS

- If I have smuggled tobacco in my possession, which I have bought, not knowing it to be smuggled, I suppose I should be liable to the penalty provided in clause 219 1

Mr KINGSTON

- I do not know about that. But if a man came on shore with a lot of cigars upon which he had not paid duty, and the circumstances were such that the Customs were able to prove only the breach, it being impossible to prove an attempt to defraud, the offender would pay only the penalty provided for the lesser offence.

Mr HIGGINS

- I think it would be very hard lines for a man to be at the mercy of the bench for smoking a cigar which he had bought without knowing that it was smuggled.

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Mr KINGSTON

- I think honorable members will be inclined to say*- that we are doing well, whilst imposing a substantial _ penalty for the protection of the revenue against carelessness, in providing an additionally severe remedy

when fraud is charged and proved. I have not had much Customs experience - and there are very few cases which come under one's notice at any time which are breaches of the Act - but the great percentage of the cases in which it is not the fault of the party benefited by the slip, but of some unfortunate junior or other employee, is striking. So that what we say is this : " Where we cannot prove fraud, we shall, for the protection of the revenue at least, impress upon people the necessity of being careful, and where people are not careful they will, have to pay the penalty. Where we can prove fraud they will pay double the penalty provided for carelessness." As regards this question of slips, they are of various characters ; but there is a certain amount of uniformity amongst them, and the mistake is generally against His Majesty's revenue, and never against the individual who has the careless or reckless clerk. I do not wish honorable members to think that I am suggesting any general impropriety of conduct on the part of our mercantile community, because I consider that we have every reason to be proud of it, and I have no doubt that, if the Customs slips in Australia were compared with the Customs slips in other Countries, Australian merchants would have no reason to be ashamed. But, I say, let us insist upon care being taken in the making out of entries, in the declaration of values, and in this, that, and the other matter in which the Customs are concerned. If persons are not sufficiently careful, let them take the consequences, to a moderate extent, so that others may be warned to be more careful. But where it is not carelessness, but fraud, that is charged and proved, let those who are convicted pay a penalty which bears some proportion to the offence of which they have been guilty.

Sir Malcolm McEACHARN

- What is the position of a master of a ship under clause 219, supposing a passenger is convicted of smuggling ?

Mr KINGSTON.- The clause provides for the conviction of any one concerned in such an act.

Sir Malcolm McEACHARN. But the master might not be concerned.

Mr HIGGINS

- I think that the words " shall use or suffer " show that there must be connivance on the part of the master.

Mr KINGSTON

- The clause says- 219 person shall smuggle or unlawfully import, export, convey, or have in his possession any goods ; and no master of a ship shall use or suffer his ship to be used in smuggling or in the unlawful importation, exportation, or conveyance of any goods.

Some connexion of the master of the vessel with the act of smuggling will be required. The maximum penalty for the contravention of this provision is £100, but it is liable to be increased under the circumstances to which I have referred.

Sir Edward BRADDON

- It is the minimum penalty too.

Mr KINGSTON

- No ; there is a clause which declares that the minimum penalty shall be one - twentieth of any maximum penalty provided. Under these circumstances we need have no fear that the enforcement of the provisions of the measure will operate with unnecessary harshness.

Mr Reid

- From what Act did the Minister get the provisions of clause 214, which allows the forfeiture of ships ?

Mr KINGSTON

- In that clause are gathered together a great number of provisions which occur in various Acts, and so gathered together they are of course somewhat striking.

Sir William McMillan

- Under what circumstances would a ship be forfeited ?

Mr KINGSTON

- I would forfeit a ship only when that penalty was deserved, and I would rely upon the courts which would be charged with the enforcement of the measure to exhibit the same discretion.

Mr Reid

- The courts will be bound by the definition of " offence," which occurs in the Bill.

Mr KINGSTON

- Yes, and the Crown can waive forfeiture if necessary. I thought that the leader of the Opposition or

some other honorable member might be struck by the aggregation of the circumstances under which a ship will be liable to forfeiture specified in that particular clause, but I believe that I can satisfy the House that very similar provisions are to be found in nearly, all the Customs Acts of the various States, though they are hidden in such a wealth and waste of language that they do not strike the eye so forcibly.

Mr Reid

- Do not any of the sections, to which the honorable member refers provide an alternative for forfeiture ?
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Mr KINGSTON

- Speaking from memory, I do not think so, but I shall be able to satisfy the right honorable gentleman on the subject later on. There are various provisions for the recovery of penalties from persons who have been convicted, and for the amplification . of penalties. I want especially to refer to clauses 238 and 239 as regards the protection afforded to witnesses on behalf of the prosecution, and as to the liability of a defendant to be examined. Clause 238 enacts that -

No witness on behalf of the Minister or col lector in any Customs prosecution shall be compelled to disclose the fact that he received or gave any information or the nature thereof, nor the name of the person who gave such information, and no officer appearing as a witness shall be compelled to produce any reports made or received by him confidentially in his official capacity or containing confidential information.

That is really an embodiment of the existing practice, and I trust that honorable members will consent to it, because it seems to me to be an essential provision. Clause 239 declares that -

In every Customs prosecution the defendant- shall be competent to give evidence.

And it provides also that -

In every Customs prosecution, except for an indictable offence, the defendant shall be compelled 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.

I think that we should not disregard any reasonable provision for getting at the truth in matters of this kind. The simple effect of the clause will be that the defendant may be called as a witness, and cross-examined, and the truth got out of him.

Mr V L SOLOMON

- - That is a new departure.

Mr KINGSTON

- It is new.

Mr Reid

- But although the clause says " except for an indictable offence" it has the same effect as- though . it were applied to indictable offences, because a defendant may. not be able to -pay a -fine imposed upon,him and must then serve a year: in gaol.

Mr KINGSTON

- The criticism.: of the right honorable member is perfectly just. But it seems to me that" if a man's guilt is established out of his own mouth he should suffer at least- all the minor penalties provided in- the Bill. Clause 240, is- an elaboration of the present' practice as- regards casting the onus of proof upon the defendant. It is there declared that-

The averment of the prosecutor or plaintiff contained in the information, declaration, or claim, shall be deemed to be proved in the absence- of proof to the contrary. 'That, it seems to me, has- been- a provision in Customs Acts, almost since the- year one. And in the Bill it is hedged about with this safeguard -

When an intent to defraud the revenue is charged the averment shall not be deemed sufficient to prove the intent. 'The intention must be proved by direct evidence, and again -

In all proceedings for an indictable offence, the guilt of the defendant must be established by evidence.

Mi-. Reid. - That is a very considerate provision.

Mr KINGSTON

- I am sure that the right honorable gentleman, and all honorable members who have filled the position of Minister of Customs know that the practice - I had almost said from time immemorial - in connexion with Customs prosecutions, has been the reverse of the English practice in regard to other prosecutions ; the

guilt of the defendant being assumed until he proves the contrary.

Mr Reid

- But in the Bill, where an offence does not reach a serious degree of depravity, the assumption is made against the defendant, whereas, in more serious cases, the guilt must be established by evidence. Why should a person entangled in the less serious class of offences be treated with less consideration than persons charged with more serious offences?

Mr KINGSTON

- I suppose it is out of slavish regard for the old-established English practice in regard to indictable offences.

But, there is a good deal in the suggestion of the right honorable member, and I promise to consider: the clause again from his -point of view. Those' are the provisions with regard to offences. Part 15' provides for the settlement of' cases by the Minister, but the whole of the jurisdiction provided- for' there is dependent upon the consent of the defendant: If he does not consent,- nothing can be done' under this part of 'the -Bill'; I think that if the powers- conferred by.' the clauses in Part 15 are exercised, they will not be exercised by the Minister; but by some one whom he has- appointed as his delegate, under the earlier clauses of the Bill.

Mr V L SOLOMON

- The right' honorable member missed- a point: in. regard to clause 249 - that is, as to the policy of allowing informers- and Customs officers to share a portion - of' any plunder. I believe that that is a policy which is frequently questioned.

Mr KINGSTON

- It is frequently questioned, but it is the: accepted practice under all Customs Acts.

Mr Reid

- The unavoidable practice.

Mr KINGSTON

- The fact is, that in matters of this sort we can very seldom get at the truth except through the medium of informers. No one likes informers, but the revenue must be protected; and the Customs laws enforced:

Mr V L SOLOMON

- But the clause to which I refer allows not only informers but Government employes to benefit.

Sir Edward Braddon

- We must encourage the Government officials.

Mr KINGSTON

- It is necessary, to stimulate them to extra energy. The matter, however, is one with which we can deal in committee.

Mr V L SOLOMON

- Scandalous results have followed from this practice at times.

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Mr KINGSTON

- Part 16 deals with the making of regulations; and gives the Minister full power to make regulations, which may afterwards be Confirmed by the Governor-General, and are to take effect from the date of publication, or from a later date to be specified in the regulations, and these regulations must be laid before both Houses of Parliament, and approved by resolutions at any time within 30 sitting days. Part' 17 contains some important clauses. Clause 257 deals with the practice which has long been established of collecting proposed customs duties from the time the proposed Tariff is announced. In some of the States the course has been for the House, in which the Tariff is proposed to pass a resolution authorizing the Minister to take steps for the protection of the revenue, while in other States no resolution is deemed necessary. It is, however, the invariable practice, so far as I can ascertain, to collect these proposed duties from the moment the Tariff is: introduced.

Mr Reid

- It is the safer plan, because otherwise a discussion might be. prolonged to defeat the object of the duties.

Mr KINGSTON

-I thoroughly agree with the right honorable member. In South Australia, and in some of' the other States,

it has not been the practice to pass a resolution, while in the House of Commons the resolution has been -carried as a matter of form, and I believe that a similar practice has obtained- in Victoria.

Mr REID

- There might be .a Jong discussion upon, the, passing of the resolution which would be very inconvenient.

Mr KINGSTON

- -That is so.

Mr Reid

- I would suggest that the moment the duties are proposed they should be collected. That is .done in New South Wales.

Sir William McMillan

- How can we do that under our Constitution?

Mr Reid

- By having a provision to that effect in the Bill.

Sir Edward Braddon

- In Tasmania it has been the custom to pass a resolution.

Mr KINGSTON

- Yes, and it is the custom everywhere to collect these duties the moment the Tariff is proposed. Such a practice is essential to the, protection of the revenue. I have listened with a. great deal of interest to the remarks of the honorable and learned member -for .Bendigo, and the honorable and learned member for South Australia, Mr Glynn, in this . connexion. There seems to be some doubt as to the absolute legality of the practice, , and as to what the effect would be if, in a suit properly instituted, the issue was raised .as to the legal right of the Government to collect these duties or to retain the goods. The last case occurred in New - South Wales, and turned upon the form of the proceedings. I believe that an -application was made for a. mandamus.

Mr Reid

- The court would not interfere; it held its hand, and in time' the matter was put right.

Mr KINGSTON

- On the ground that it was a prerogative writ, which did not go as a matter of right, and the .Judges held that the court had discretion to deny it, which they accordingly did. But there 'has 'been sufficient doubt cast upon the absolute constitutionality and legality of the .practice, -apart from those proceedings, to justify this Parliament' in giving legislative sanction to it.

Sir William McMillan

- -Is there not special difficulty under the. Constitution, as States can still alter their Tariffs until this- 33i.II becomes law ?

Mr KINGSTON

- I know that difficulty, but I do not propose to discuss it at the present time- if the honorable member will kindly excuse, me. It is with the object I have indicated that we. propose the clause, and it is framed on the lines of the clauses to which attention was previously called. I hope that before the Bill leaves our hands we shall have provided in the clearest possible terms for the position, so that no doubt can exist in the future as to the legality of the continuance of the practice, if it be continued. Clause 258 simply provides forgiving administrative effect to the prevision of the Constitution in regard to the collection of duties on goods which are imported, before the imposition of the uniform Tariff, and passed from one State to another. Clause 259 enables the necessary statistical information to be collected and .supplied to the Treasurer for the > keeping of accounts between the States. Possibly it is, or may be, a matter of. regret that those conditions are contained in .the Constitution ; but finding -them there, we have to give effect to them, ,and these clauses in the broadest possible way provide for the giving of' that effect. These are shortly the provisions of the Bill. I am sorry' I have taken up so much of the time of honorable members in introducing the Bill to their notice. 'But this is a matter of importance in which I have found a very considerable .interest, and if honorable members desire any information in addition to that already given, we shall be only too happy to give it, our simple wish being- that this 'Bill shall be a credit to the Legislature.

Mr Isaacs

- Will the right honorable gentleman, before he resumes his seat, kindly say what clause refers to the power to collect the first Tariff?

Mr KINGSTON

- Clause. 257 .

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Mr Isaacs

- That clause refers only to an increased Tariff.

Mr KINGSTON

- No, it refers to the first Tariff.

Mr. REID(East Sydney).- I do not wish to be taken at present as speaking to the Bill which was laid on the table this morning, and a copy of which I received only a short time ago. I should like an opportunity of referring to the legislation in other colonies, and I move -

That the debate be now adjourned.

Mr HIGGINS

- Why do the marginal notes not state from which statutes the provisions are taken ?

Mr REID

- The motion for adjournment might be postponed if honorable members desire to ask a question or two.

Motion agreed to ; debate adjourned.

SUPPLY

In Committee :

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Treasurer

Sir GEORGE TURNER

. - I move-r-

That a sum not exceeding £1,010,732 be granted to His Majesty towards defraying the services for the year ending 30th day of June, 1902.

Honorable members will recollect that a few days ago Supply was granted, and the necessary Act passed providing for the expenditure up to the 30th June. Under that Act all expenditure has to cease on that day.

According to the Constitution no money can be drawn from the Treasury except under appropriations made by law, and, therefore, honorable members will realize that it is imperative at the earliest possible moment that the Treasurer should be put in a proper position to expend the money necessary for carrying on the affairs of the Commonwealth. The Government are therefore now asking for Supply for the period of three months. I regret to say it is utterly impossible at the present time, or for some little time to come, to put before the House the full Estimates of the proposed expenditure of the present financial year.

When we are dealing with State affairs, it is somewhat difficult to get all the necessary information ; but when we have to get information from the whole of the six States, and to put it into proper form, it takes some little time. Under these circumstances, I am not prepared at the present time to put before the committee the full Estimates for the whole year. But in the schedule which is circulated I have given sufficient details to enable honorable members to deal with any question which can arise. In the first place, we have followed, as far as it is possible, the Supply already granted. In those cases, I have not given any further information than simply to say, in the case of the first vote, for instance, " The Senate, salaries, contingencies." Honorable members must take my assurance that in those cases we are following the Supply exactly which has already been authorized by Parliament. In other cases it has become necessary to make further appointments, and these are mentioned under the departments in which they have to be paid. For the House of Representatives, there have been provided salaries, including that of the clerk of the House of Representatives at £900 per year, and a junior clerk at £60 per annum, other salaries having been already voted, and those mentioned not having been provided for in the Act which has been passed. In connexion with the next item - " Parliamentary Debates," it has been found necessary to appoint an extra reporter at £500 per annum, and a sessional typist at £18 per month. In connexion with the Library, the Refreshment room, the water power for Parliament House, Parliamentary gardens, and the Federal Executive, the Estimates are the same as we have already adopted. Under the heading " Administrative," there is an additional messenger, but, as a matter of fact, he is not a new officer, he having been on the temporary staff and being now transferred to the

permanent staff. Under the heading "Miscellaneous," it has been found necessary to vote a further expenditure in connexion with the opening of Parliament and the Royal reception of £2,000, and to re-vote a sum of £500. In the Attorney-General's department a chief clerk and assistant parliamentary draftsman have been provided for, together with a clerk at £80 per annum, and a messenger at £120 per annum. In the department of the Minister for Home Affairs, we have provided, in addition to what we have already voted, a secretary at £750, a chief clerk at £500, three clerks at £200, a messenger at £80, with five caretakers for this and other departments. We have also had to provide for some necessary repairs to public buildings, fittings, and furniture, amounting, with regard to the new departments, to £1,300; and with regard to the Post-office, the Customs department, and the Defence department, to £9,300, this expenditure being for repairs which it will be necessary to do during the current three months. Then we have also provided for the Public Service Commissioner's branch, which will have to be established as rapidly as possible, a secretary at £600, six clerks at from £100 to £200 per annum, two messengers at £1 04 per annum, and one at £52 per annum, with a caretaker at £52. It is necessary also to have a small staff in connexion with the Electoral-office, consisting of a chief officer at £450 per annum, and a clerk at £150 per annum. We must also vote a sum of £12,000 in connexion with the Federal Parliament elections. We voted some £20,000 previously, but we were not able to expend the whole amount before the 30th June, and this is simply a re-vote to enable us to complete the expenditure during the next few months. In the Treasurer's department, I find I am bound to increase the staff by one clerk at £210 per annum, and a junior messenger at £52. The Government Printer requires, for the purpose of the necessary printing in connexion with Parliament, and for providing some machinery, the sum of £10,500. The Minister of Trade and Customs had no provision made for him in the way of a central office on the other Estimates we submitted; and it is now proposed to appoint a Comptroller-General of Customs at £1,200 per annum, that being practically the salary which the gentleman who is to be appointed is receiving at the present time. There has also to be a secretary at £750 per annum. '

Mr McCay

- A private secretary ?

Sir GEORGE TURNER

- No; the officer is called a secretary, but he will be practically the chief officer for Victoria. We have provided in this department for three clerks, one at £300 per annum, another at £250, and one at £200, with a messenger at £130. Then, the other expenditure in the Department of the Minister for Trade and Customs is the transferred expenditure, which, as I have mentioned, has been based on what we have been expending during the past year, and which expenditure has been indorsed by Parliament. The Minister for Defence requires a secretary at a salary of £900 per annum, which is the present salary of the gentleman who will be transferred to that position.

Mr McCay

- Has the officer been selected ?

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Sir GEORGE TURNER

- Practically, he has, and there is no reason why his name should not be mentioned. The gentleman is Captain Collins, the head of the Defence department of Victoria. The Minister of Defence requires a chief accountant, at £600 per annum, a chief clerk at £540, five clerks at varying salaries, two messengers, and a junior messenger. Then, it is necessary to re-vote a portion of the amount for the military and naval demonstration which we could not expend before the 30th June, and also to vote the expenditure for holding demonstrations in Adelaide, Hobart, and Perth. In the Postmaster-General's branch, it is proposed to have a secretary at £1,000 per annum, an assistant secretary at £600 per annum, together with six clerks and three messengers: the other expenditure being the necessary transferred expenditure. Now, the new expenditure - or, as it is called "the other expenditure" - is shown in a column separate from the ordinary transferred expenditure, in order that honorable members may see the amount it is proposed to expend under this particular heading, and the total would appear to be £52,532. But, as a matter of fact, a portion of that can hardly be regarded as the current expenditure. £2,500, as I have already mentioned, is for the celebrations in connexion with the opening of Parliament; £12,000 is a re-vote of electoral expenditure, and there is £9,000 in connexion with the demonstrations. If we take that amount, £23,500, from the amount shown as the apparent new expenditure, honorable members will see that the

total new expenditure asked for is £29,000. , In addition to that, there are the permanent appropriations for the Governor-General, Ministers, and honorable members - three months' proportion - representing £16,600, so that the total new expenditure asked for for the three months is £45,600. With regard to the various officers mentioned here, some have been practically selected. Many have not been dealt with, but they will have to be dealt with during the three months, and I can give the assurance to honorable members that it is intended to take the whole of them from the State services. Thus, while we are expending a certain amount of money for these services, we are taking officers from the various State services, and thereby enabling the States to make a considerable saving in their expenditure. It will be seen, therefore, that the whole of the new expenditure is not all new expenditure to the States, because they have the opportunity of making considerable savings by not filling up the . positions of the officers who are transferred, or by filling them up by transferring other officers. Thus, while the whole of the salaries will not be saved, a very large proportion of them undoubtedly will. That is the policy which -Parliament, I take it, would desire and which the -Government intend to carry out. Wherever it is possible we will make appointments 'from the existing public services of the States, and thereby enable the States to meet their portion of the new expenditure.

Mr Watson

- Is there any necessity for a secretary to the post-office in addition to the Postmaster-General ?

Sir GEORGE TURNER

- While we have the various heads to conduct the business in connexion with the various States, it is necessary to have the permanent head, and it is necessary also that the Minister should be supplied with some gentleman who, while acting as secretary .to him, will be able to do other work connected with the department. I can assure the honorable member for Bland that Ministers have carefully considered the requirements of th new departments, and, under instruction from the Prime Minister, the number of gentleman to be -employed have been kept as low as is consistent with the working of the various departments. I trust that this Supply will be granted as rapidly as possible, because honorable members will- see that it is difficult to make payments and to provide for the' necessary expenditure in th far-off States, such as Western Australia, when it takes some days to communicate with them. 'We must also realize ' that it will not do to keep the public- creditor without' his money. 'Trouble would 'arise if' that were done, and under these- circumstances 'I trust that the House allow a -Supply Bill to pass as quickly as possible. *

Mr HUME COOK

- Why is such a large salary provided for the Secretary to the Minister for -Defence, viz., £900, as against £750 for the Secretary to the Minister for Trades and Customs, who has to do more work 1

Sir GEORGE TURNER

- The Minister for Defence is in control of a transferred department, and is taking one of the transferred officers at his former salary. The same thing happened in the Customs department in regard to Dr. Wollaston, who is getting the emolument that he was receiving from the State of Victoria. Of course, wherever it is -possible we lay down the principle that the .salary of a permanent head shall be fixed at-£750. That has been adopted in the Treasury department, the Department of 'the Minister for Home Affairs, the Attorney-General's department, and also in the Prime Minister's department, where, however, the secretary receives £50 extra because he is the permanent head of The Prime Minister's department.

Mr Watson

- It is the usual frill around the military system.

Sir GEORGE TURNER

- Where we take over departments, we ought, if possible, to takeover the officers, because otherwise the State has to find employment for them. The Secretary to the Minister for Defence is now a permanent officer at £900 per annum ; and if we had not taken him over, the State concerned would have to- find some other position for him, and we should have had to put some one else in his present position at £750 a year.

Mr Reid

- There are one or two military secretaries. Do the Government take them, over ?

Mr Watson

- There are one or two in the different States, and they are all getting big salaries. Are we to continue

them 1

Sir GEORGE TURNER

- In the other States they work the department ' through the military commandant. >

Mr Reid

- There is a military secretary in New South Wales.

Sir GEORGE TURNER

- Yes, but he is a military man. This gentleman will be the permanent head of the new department in each "State, and I have no - doubt at all- but that it will prove a saving in the long run.

Mr HUME COOK

- -Why is it that the 'accountant -and chief clerk . in the department of the Minister 1 for Defence are paid higher than are those officers in the department of' the -Minister for Home Affairs 1

Sir GEORGE TURNER

- The .accountant is a transferred officer, and is transferred at his existing salary. He 'was the paymaster in Victoria, and his former office will be filled up at a salary of '£360, so that a saving of about half his present emolument will be effected by that appointment.

Mr CROUCH

- Did not the reclassification board recommend that the salary of the Secretary for Defence should be reduced1!

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Sir GEORGE TURNER

- However that may be, when we take him over we have to do so at his present salary. If we did not do so, we should be incurring 'an extra expenditure of £750, which is not justifiable. : However, we shall deal with these particular items in detail, and the Minister of each department will be able to give any further information that honorable members may desire.

Mr REID

- -I am sure we are all disposed to facilitate the Government in getting supplies to carry on the public service and pay the public creditor. But we must look to the Government to bear this matter steadily in view - that they remember also the rights and duty of every honorable member to carefully consider proposals for public expenditure. 'It is quite within the power of the Executive Government to forecast their liabilities, and to bring down their request for Supply at such a time that all these important considerations can be respected, and I am sure my honorable and learned friend the Treasurer, who lias always - if I may say so - been distinguished for his straightforward conduct hi dealing with these matters, will pardon me if I say that I really think the course which he has taken upon this occasion - while fully respecting the obligations of the Government - does not fully respect the position of this committee., 1 would also suggest as a convenient practice - I do not know what the practice . is in the other States- that when a Supply Bill is going to be dealt with some notice should be given to honorable members that such an important matter is coming on'. This Bill will involve an expenditure of something like £1,000,000 sterling, which is a very large part of the whole .annual expenditure. Either the Government should give us special notice that the question of Supply is coming on, or they should hand the Governor-General's message to the Speaker at an early period of the sitting, so that honorable members may know that it' may come on during that sitting. In the present instance my honorable and learned friend the Treasurer handed the message in only a few moments ago at a very late period of to-day's sitting, when a considerable number of honorable members had no anticipation that this Would be dealt with.

Sir George Turner

- Supply was put at the top of the list, which is the only way in which we can intimate to honorable members that it will be considered.

Mr REID

- -Honorable members might very easily miss such an intimation. It is simply impossible for us to perform our duty if a large Estimate involving a number of important considerations is passed through as a matter of form. We must either pass this Estimate, crystallizing the arrangements in all the Government departments for all time to come - either pass it as a matter of" form or we must exercise our lights in the way of proper elucidation.

Sir George Turner

- But my honorable and learned friend knows that Supply is always granted as a matter of form up to a certain amount, and that the items are considered afterwards on the Estimates proper.

Mr REID

-- As a general rule Supply follows well-ascertained Estimates, upon a settled financial system. We know, in ordinary cases, what the Estimates of the preceding year have been, and the Supply of a succeeding year, following on the same lines, we practically know what we are defiling with. But in this new system of finance, when we have before us for the first time a number of proposals of the Government with reference to- departments, with no well-ascertained estimates to guide us, the situation is entirely different. I am very anxious that a wrong precedent should not be established at this- early stage in our history. In the other States, a very great amount of heartburning, complaint, and strife have been brought about by the fact that Ministries perhaps from the' force of circumstances, have been compelled to do what is called "force" Supply through. That is always an objectionable thing, and I- know that my honorable and learned friend, the Treasurer, will never wish his name to be associated with anything of that sort. -With every desire to help the Government through in matters of this kind, I feel that I must ask the Government to give me some little time to consider these items.

Sir George Turner

- We can deal with the resolution to-night and take the Bill on Tuesday.

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Mr REID

- May I suggest - again that that clearly is not a proper course' to pursue, because the vital stage of this matter from a constitutional point of view, is that when we grant Supply, the Bill is a mere covering of the transaction in this committee. The representatives of the people are in a proper position to gain information on all these proposals before Supply is granted, and if we get into the practice of granting Supply, and then afterwards of looking at what we have done, I think we shall be adopting a wrong course of procedure. I think that both sides of the House are interested in establishing the proper method to be followed upon such occasions as this. What I am complaining of to-day my honorable and learned friend the Treasurer may have to complain of in regard to. some succeeding Government. It would be well, therefore, if we establish in a friendly way some more deliberate method of dealing with these matters than has been customary in some of the Australian States.

Sir GEORGETURNER (Balaclava). I quite realize that there is some distinction between this Supply and the ordinary Supply for which the Treasurer asks at the commencement of each financial year. There is no desire on the part of the Government to prevent honorable members from having the fullest opportunity of discussing every particular item. There is force in the argument which has been advanced that honorable members should have an opportunity of scrutinizing the various new items comprised in the proposed expenditure. It will not be necessary to deal with what we have passed in the previous Supply Bill. Under these circumstances I have no objection to allowing the matter to be adjourned to Tuesday next, trusting that my honorable and learned friend the leader of the Opposition will help me to get the Bill through as speedily as possible, so that it may be sent up to the Senate on Wednesday.

Progress reported.

AUDIT BILL

In Committee(consideration resumed from 19th June, vide page 1257) :

Clause 1 agreed to.

Clause 2 postponed.

Clause 3 agreed to.

Clause 4 -

The Auditor-General shall receive an annual salary of One thousand pounds, and such salary shall be a charge upon and paid out of the Consolidated Revenue Fund, which to the necessary extent is hereby appropriated accordingly.

Mr REID

- This is a matter that requires some little consideration. I think that we could not possibly fix the salary of the Auditor-General at a smaller amount, and the only question is whether the Minister thinks there is a fair probability of getting some gentleman who will be a thoroughly fit and proper person for such a very high, independent, and important . position, for such a salary.

Sir George Turner

- I think so. It is certainly not too high, but we have so many of these positions to fill up, that we must not give too big salaries.

Mr REID

- If the honorable gentleman thinks the salary sufficient, I am satisfied.

Clause agreed to.

Clause 5 agreed to.

Clause 6 -

If any officer of the Commonwealth is appointed Auditor-General his service as Auditor-General shall for the purpose of determining all his existing and accruing rights be counted as public service in the Commonwealth.

If any officer in the public service of a State is appointed Auditor-General he shall have the same rights as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

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Mr REID

- This clause deals with a matter that will keep pressing on us in connexion with the transfer of officers from the States, and I feel sure that the Government must very soon face the situation. There are a number of more or less unsatisfactory pension laws in the different States. Perhaps in some of the States the law does not give the public servant enough for what he pays - though I do not think that is likely - whilst in other States the public servant gets a great deal more than he ought to for the contribution he has to pay. Taking the case of New South Wales, I am sorry that I have to speak in a derogatory sense, because our pension system is greatly to our discredit, owing to its having proved very unsatisfactory. We have made two attempts to establish it on a proper basis, but the rate of contribution to the fund is absolutely insufficient to provide for the benefits which are secured to the officers, and when the matter is cleared up, the result practically will be that the State will have to pay an amount at least equal to half the principal. In that sense the Commonwealth is, in spite of itself, engrafting a pension system upon itself. Referring to this particular instance, the Auditor-General may come from New South Wales with some pension rights, and the Commonwealth, from the day he begins to serve us, will have to stand in the shoes of New South Wales in reference to his pension. He will pay his 4 per cent., as in New South Wales, to the Treasury of the Commonwealth, but he will get his pension from the Commonwealth. I admit that the question is a difficult one, but I believe that the Government will be compelled to take it up, because of the number of officers who will be taken over, and the number of pension systems with which we shall have to deal.

Sir George Turner

- We cannot avoid that under the Constitution, except by going outside the service in order to make the appointment, which would not be very satisfactory.

Mr REID

- I admit that it is a great difficulty, but the Minister suggests an interpretation of the Constitution which may not be a sound one. I do not know whether the words in the Constitution cover pensions.

Sir George Turner

- They certainly do; they were deliberately intended to cover pensions.

Mr REID

- Perhaps they would cover pensions, but the position becomes most unsatisfactory, because the officer in this instance will be practically getting the pension from us as well as the salary. The contribution of a mere 4 per cent, of his salary to the Treasury will be a farce. I cannot see that the Minister could do anything more than he is doing, because he is simply carrying out the Constitution; but if there is any way of putting matters on a simpler footing, it should be availed of. As it is, I am afraid we shall have to pay a large pension bill.

Sir George Turner

- The States will save it.

Mr REID

- Certainly we have that consolation.

Sir George Turner

- It would not be fair to refuse to take over a good man from a State service simply because we have to pay his pension.

Mr REID

- My honorable friend is perfectly correct, and in some sense, of course, we shall be discharging the obligations of the States.

Mr McCAY

- I notice in this clause a provision similar to that which is in the Public Service Bill, and which is practically intended, as far as I can understand, to be a sort of placard to the effect that section S4 of the Constitution is being observed.

Sir George Turner

- The Auditor-General may be a man from outside the public service.

Mr McCAY

- I do not think section 84 means "public service" as defined by the Public Service Acts of the various States.

Sir George Turner

- But the Auditor-General would not be in the Commonwealth public service.

Mr McCAY

- He would be in the public service of the Commonwealth, within the meaning of the Constitution, I think.

Sir George Turner

- I inserted subclause (2) in order to remove any possible doubt on the matter.

Mr McCAY

- In putting these placards or extra precautions in Bills, we cannot provide for any less than the Constitution guarantees. We cannot derogate from the Constitution as against the officers concerned, but we might be putting in something more than the Constitution intended. The only way in which we could differ from the rights given under the Constitution would be by giving the officer more than the Constitution provides for, because we cannot give him less, and as section .84 of the Constitution apparently gives ample protection, I would ask the Minister whether it is wise to insert subclause (2) ?

Sir George Turner

- I will reconsider the matter.

Mr McCAY

- I have a very strong opinion on this matter, and I think it much safer and wiser to rely on the Constitution. We have done the same thing as is proposed here in the Public Service Bill, and I am afraid we shall find conflicts and difficulties arising there in consequence of it. I suppose it is practically certain that the Auditor-General will be taken from the public service of one of the States, and, if so, he will get exactly what the Constitution intends he shall get under section 84.

Mr. REID(East Sydney).-I would point out, in support of what the honorable and learned member for Corinella has stated, that the expression " shall have the same rights as if he had been the officer of a department," &tc, is a much larger expression than that used in the Constitution Act.

Sir George Turner

- It is exactly the same.

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Mr REID

- If that is so, there is absolutely no necessity for the sub-clause, and when a sub-clause is inserted in face of that, there is always an idea that there is something more in it than the Constitution intended.

Sir George Turner

- I see the 1 force of the objection.

Mr REID

- Take this case : Suppose the Auditor-General comes- from New South Wales, and has a right to a free pass on the rail ways by virtue of the local Act. When he comes over to the Commonwealth he may claim that he has a -similar right over the railways of Victoria, and the situation might be productive of trivial disputes. I cordially agree with the honorable and learned member for Corinella that where the Constitution provides for a thing, there is no necessity to repeat it in each particular case. It does not add

to the security of the officer.

Clause agreed to.

Clause 7 -

The Auditor-General shall hold his office during good behaviour and shall not be removed therefrom unless an address praying for such removal shall be presented to the Governor-General by the Senate and the House of Representatives respectively in the same session of the Parliament.

The Governor-General may at any time suspend any Auditor-General from his office for inability incapacity incompetence or misbehaviour ; and, when and so often, as the same shall happen the Treasurer shall lay before both Houses of the Parliament a full statement of the grounds of such suspension within seven days after such suspension if the Parliament be then in session and actually sitting, or if the Parliament be not then in session or not actually sitting within seven days after the commencement of the next session or sitting.

The Auditor-General so suspended shall be restored to office unless each House of the Parliament within forty-two days after the day when such statement is laid before it, and in the same session pass an address to the Governor-General praying for his removal.

Sir EDWARD BRADDON

- -The last sub-clause will surely have to be amended. It is quite possible that the -42 days period provided might not elapse between the presentation of the statement and the close of the session.

Sir George Turner

- But that would be a matter for the Government to guard against. The Government must obtain the ratification of Parliament before a prorogation, or their own action would lapse.

Sir EDWARD BRADDON

- Is there really any occasion for this ? I think that we should strike out the words "in the same session," because it seems to me they are not required. Parliament might wish, after consideration, to insist on the removal of the Auditor-General.

Sir George Turner

- -This is uniform with the Public Service Bill which we are now passing.

Mr McCay

- There is a difference between this clause and the clause as adopted in the Public Service Bill, because the word " inability" is inserted in subclause (2).

Sir George Turner

- I propose to make it uniform.

Clause agreed to.

Clauses 8 and 9 agreed to.

Clause 10 (Auditor-General may appoint deputy).

Mr F E McLEAN

- Does the provision that -

The Auditor-General may, with the approval of the Governor-General, appoint any person holding the office of Auditor-General or Commissioner of Audit in any State, or if such person is unable or unwilling to act, then some other person to be his deputy mean that the Auditors-General of the States are to have a prior right to be appointed his deputies ?

Sir George Turner

- The object of the provision is ' to enable the Commonwealth Government to use any of them if we require anything done in his particular State, and can thus save our own Auditor-General a journey there.

Mr. F.E. McLEAN. Is it desirable that the Auditors-General of the States should undertake these duties ?

Sir George Turner

- They are the persons best qualified to undertake them.

Mr. F. E. McLEAN.- That may be, but if the clause were made to read that the Auditor-General may appoint any person to act as his deputy, he would still have power to avail himself of the services of the Auditors-General of the States, and they could not be considered to have any prior right to be appointed.

Sir George Turner

- 'The intention of the provision is that they shall be appointed if they are willing to act.

Mr F E McLEAN

- But it might be found necessary to have a deputy in every State to devote the whole of his time to the exercise of an effective supervision.

Sir George Turner

- Such an officer will, not be a deputy in the sense in which the word is used in the clause ; he would be an ordinary officer of the department.

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Mr F E MCLEAN

-McLEAN.- It seems to me that the Auditor-General would be given a wider scope if he had power to appoint any person to be his deputy, whether the Auditors General of the State were or were not unwilling to act.

Mr Deakin

- The Auditor-General of a State is the man to whom the duties contemplated in the clause could best be assigned, because he would be the officer most capable of 'discharging them,' and could discharge them without interfering with his ordinary duties.

Clause agreed to.

Clause 11 (Auditor-General may appoint persons to inspect).

Mr HUME COOK

- This clause provides that -

The Auditor-General may by writing under his hand appoint any person to inspect, examine or audit.

Do I understand that he is to have power to appoint any person outside the service to be an examiner, or an inspector? If so, will these persons come under the control of Parliament?

Sir George Turner

-. - They cannot be paid unless the money is voted by Parliament. The Government will "have absolute control over the appointments.

Mr McCay

- When they have done the work we must pay them.

Mr Reid

- But if Parliament is to vote the salaries of these persons; why should the Auditor-General have the right to appoint any one he likes? That would be irresponsible Government.

Mr HUME COOK

- That is the point I wish to raise. Would it not be advisable, and even necessary, in view of the extensive concerns of the Commonwealth, to appoint permanent inspectors or deputy auditors- to travel from State to State under the authority of the Auditor-General, inspecting and auditing the accounts of the Commonwealth?

Sir GEORGE TURNER

- The object of the clause is to enable the Auditors-General to appoint an officer- say, in the Customs department or in the Post-office department - to make an investigation, or an audit, or some special inquiry; but I am willing, in order to get rid of any doubt as to the possibility of the exercise of patronage by the Auditor-General, to insert the words "with the approval of the Treasurer."

Mr PIESSE

- Is it to be understood that the Auditor-General will appoint all his officers - that the Governor in Council will exercise no authority in regard to their appointment?

Sir George Turner

- No ; all his officers will be officers in the public service.

Mr. PIESSE. - I think there is something in the objection raised by the honorable member for Lang - that we should not tie the Auditor-General down to the appointment as deputies of the Auditors-General of the States.

Sir George Turner

- The clause that we are discussing- does not deal with the ordinary appointment of officers. Appoint, in the sense in which it is used here, means practically "direct" or "require."

Sir WILLIAM McMILLAN

- I think that very full latitude should be given to the Auditor-General. He may have to inquire into a question of stores, or into some matter in regard to which he cannot find an absolutely unprejudiced

officer in the service. I take it that he will keep only a staff for accountancy purposes, and may therefore require, from time to time, the services of experts to make investigations into matters connected with the public service. That being so, I think it would be unfair, when he wants the unprejudiced opinion of the best expert available, to compel him to appoint a member of the public service.

Mr HUME COOK

- But the appointment should have the approval of 'the Treasurer.

Sir WILLIAM McMILLAN

- That may be. We must recollect that the Auditor-General is to be the guardian of Parliament, and a check upon the Treasurer.- If we put a man in whom we have absolute trust into the position, we must allow him a free hand to safeguard us against maladministration in the Treasury or any other department.

Sir EDWARD BRADDON (Tasmania). I hope that the Treasurer will not insert the words he has suggested. We desire to make the Auditor-General as independent as possible. He is to be supreme in all matters of accounts, and a check upon Ministers. That, I think, is how the office is regarded in every country where there is any system of audit. To say that any appointment which he may make should be subject to the control of the Treasurer seems to me to reverse the whole position of things, and to sap his independence by making him to some extent dependent on the Treasurer, on whom he is to be a check.

Sir George Turner

- I desire to give him the widest powers.

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Sir EDWARD BRADDON

- Then the right honorable member should not insert in the clause any words which will whittle down his authority and independence.

Sir WILLIAM McMILLAN (Wentworth). - We might have one Treasurer coming in after another who might desire to be too critical, or to disparage some of the operations of the Treasurer, but it would not be right to allow him to dictate to the Auditor-General as to what officer he should appoint to inquire into any matter that might have to be brought under the review of Parliament.

Mr. HUME COOK (Bourke).- When I drew attention to the clause I had in my mind permanent appointments. There is a great deal in what the honorable member for Wentworth, and the right honorable member for Tasmania have said, and I do not press the point.

Clause agreed to.

Clause 12 agreed to.

Clause 13 (Auditor-General may call for persons and papers).

Mr McCay

- .What happens if a person disregards this provision !

Sir George Turner

- He will be subject to a penalty of £100.

Mr Deakin

- Under clause 68.

Clause agreed to.

Clause 14- agreed to.

Clause 15 (Auditor-General may obtain opinion).

Mr REID

- The clause provides that the Auditor-General shall be entitled to lay a case before the Attorney-General, and that the Attorney-General shall give a written opinion on such case. The ordinary course would be for the Attorney-General to give that written opinion to the Government; but if it is intended that the opinion should be given direct to the Auditor-General, the clause requires some amendment.

Sir George Turner

- That will be provided if we amend the clause so as to make to read " give him a written opinion."

Clause amended accordingly, and agreed to.

Clauses 16 to 19 agreed to.

Clause 20 (Treasurer may agree to any bank in conducting business).

Mr. HIGGINS (Northern Melbourne). I should like to know if it is intended by clauses 21 and 22 that the agreement therein provided for should be with only one bank at a time. The word " bank " is used in

clause 20, and clause 21 provides that the Commonwealth Public Account shall be kept "in such bank and under such subdivisions."

Mr Reid

- Would not the Acts Interpretation Bill apply here ?

Sir George Turner

- It is not contemplated to have only one bank.

Mr HIGGINS

- Although the singular number is used in referring to a bank, the plural number is used in clause 21 in referring to subdivisions.

Sir George Turner

- We could not say " under such subdivision."

Mr HIGGINS

- At any rate I think we should make it clear that the Treasurer may make agreements with more than one bank. I only make this as a suggestion to the draftsman, and have no intention of submitting an amendment.

Mr. REID(East Sydney).- It does not quite come within the scope of this Bill, but it is a matter of great public interest as to the arrangements which the Government have made, or intend to make, in regard to the Government accounts. I do not want to invite the Treasurer to make a statement on the subject just now, unless some arrangement has been completed.

Sir George Turner

- I previously answered a question on the subject. Negotiations are pending, but they are not complete.

Clause agreed to.

Clauses 21 to 29 agreed to.

Clause 30 -

All such sums as shall have been placed to the credit of the said trust fund and as shall have remained unclaimed for the period of Six years after the same shall have been so placed shall be carried to and form part of the Consolidated Revenue Fund.

No person shall be entitled to receive any such sum which shall have remained unclaimed for six years ; but no time during which the person entitled to receive such sum shall have been an infant or of unsound mind or out of the Commonwealth shall be taken into account in estimating the said period of six years.

Mr. HIGGINS(Northern Melbourne).I should like to know if this clause is on the same lines as existing Audit Acts, because it seems to me to involve a technical difficulty as to trust accounts. , The clause Says, first of all, that all trust moneys unclaimed for six years shall be carried to the consolidated revenue fund.

Sir George Turner

- There is a similar practice in all the States, though in some States the period is two years.

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Mr HIGGINS

- But suppose the Commonwealth took land for any public purpose, which belonged to an infant, and that infant for six years did not claim ?

Sir George Turner

- An infant is protected,

Mr HIGGINS

- I know that sub-clause (2) deals with that, but the difficulty is that it usually happens there are trustees for an infant, and an infant ought not to be bound because the trustees have not claimed. The person entitled to receive is the trustee and not the infant.

Mr Reid

- The trustee will have to be an infant to get the benefit of it.

Mr HIGGINS

- Exactly. I do not know , how the clause has worked. Governments are always honest and so forth, but it seems to me that some broader words in sub-clause (2) will be necessary, such as -

And no time during which a person interested in such mn shall be an infant shall be counted so far as regards his interest.

Sir George Turner

- If we left out the word "receive" it might meet the difficulty. Sub-clause (3) will always be a safeguard, because the money will be paid over to the person entitled, infant or no infant.

Mr HIGGINS

- I do not see that subclause (3) will meet the case. The clause is all right, except as to the words "entitled to receive." I do not propose any amendment, but simply ask the Treasurer to make a note of the point.

Mr Reid

- Would the words "entitled to the benefit of such sum" meet the case?

Mr CROUCH

-- I would like to ask the Treasurer if it is not the practice in England to put moneys received, in this manner towards the repayment of the national debt? I understand that unclaimed trust moneys are there devoted to that purpose, and it might be a good thing to follow that example in the Commonwealth.

Sir GEORGE TURNER

- I have not considered the question, but very few sums fall in in this way.

Mr Reid

- And only very small amounts when they do.

Clause agreed to.

Clause 31 -

No money shall be drawn from the Commonwealth Public Account except in the manner provided by this Act.

Mr. HIGGINS(Northern Melbourne).The words used in this clause are very like those of the Constitution Act; but has the Treasurer considered whether they conflict with the Constitution?

Sir George Turner

- That is the mode of getting the money out. Under the Constitution no money can be got except under an appropriation made by law.

Mr HIGGINS

- I can quite understand the two things might be consistent, and that we might have the conditions of the Constitution Act in addition to the conditions of this Bill.

Sir George Turner

- This is the Commonwealth Public Account, which consists of more than what is referred to in the Constitution Act. The Constitution Act deals with revenue, but this deals with revenue, trust, moneys, and loan moneys.

Mr HIGGINS

- Sections 51, 52, and 83 of the Constitution Act refer to "all revenues or moneys raised and received."

Sir George Turner

- "Moneys" there, means moneys received as revenue. "Revenue" governs the words.

Mr Reid

- Under section 83 we would have to appropriate an amount, to the credit of the Trust Fund before it could be paid.

Mr Higgins

- I am speaking of the loan moneys to which the honorable and learned member for Corinella referred.

Sir George Turner

- I looked into this question, and in the first instance I thought that "moneys" covered all moneys; but on looking further into it I satisfied myself that "moneys" means moneys in the nature of revenue.

Mr. Reid. - Clearly trust funds could not be appropriated for the purposes of the Commonwealth. jlj

Clause agreed to. ^;

Clauses 32 and 33 agreed to. ;

Clause 34 -

Annual Estimates shall be submitted to the House of Representatives of the proposed expenditure from the Consolidated Revenue Fund classified and arranged in such a manner as to show in detail the expenditure of each department in salaries, allowances, and contingent expenses; and on the passing by the House of Representatives of the said Estimates the amount thereof shall be included in an Appropriation Act. Annual Estimates of the anticipated revenue and other resources of the

Commonwealth shall also be prepared in such a manner as may be considered desirable, and shall be presented to the House of Representatives with the annual Estimate of the contemplated expenditure. Such Estimates of Revenue and Expenditure shall also be presented to the Senate. j. --_z- 4 . . >_</page>2111</page>

Mr HUME COOK

- We have had some Estimates submitted to us to-night, and I would suggest to the Treasurer that in the future he might give us the totals in each department; because otherwise it will be very difficult to follow the figures.

Sir GEORGE TURNER

- That is done with ordinary Estimates. These were not. Estimates we were dealing, with to-night, but simply a schedule I circulated for the information of honorable members. It will not occur again, the plan having been- adopted to meet the exigencies of the situation.

Mr McCAY

- This clause seems to me to conflict with the practice we have already laid down as to Appropriation Bills in regard to the -relations between the two Houses. We declared in a recent Appropriation Act that- the moneys- were granted by the House of Representatives, and this clause seems to contradict the decision of the House as to what is really done by us in Committee of Supply.

Sir George Turner

- The clause simply provides for laying the Estimates on the table of the Senate, and giving honorable senators there a little more information than they get at present.

Mr F E McLEAN

- It seems to me that the honorable and learned member for Corinella is not quite correct, though I scarcely think he is serious. It is quite clear that it is after the passing of the Estimates by the House of Representatives that the Appropriation Bill is introduced, so that strictly speaking the clause upholds the course we have already adopted.

Mr REID

- I would point out that the clause- goes very much further, and will invoke a deadly conflict between the two Houses if it be passed as-it stands. There is a provision that after the House of Representatives has passed the items of the Estimates, the amount thereof "shall be included in an Appropriation Act." I am afraid that would raise a very serious conflict between the two Houses. The expression "Bill" would have been better, because the clause as it stands would make it absolutely necessary that the item should be included in the Appropriation Act whether the Senate liked it or not.

Mr Isaacs

- It would not bind Parliament.

Mr REID

- No, but I say the expression used is evidently the wrong one.

Mr. HIGGINS(Northern Melbourne).I had meant to refer to this clause, and I would like to know whether it was drawn before or after the recent discussion between the two Houses with regard to the practice on Money Bills.

Sir George Turner

- It- was drawn before. It is the Western Australian practice, and that is the only State in which I know it to be the practice.

Mr Piesse

- In Tasmania., we always have the whole-Estimates as a schedule to the Appropriation Bill.

Sir George Turner

- - The practice provided for in this clause appears to prevail in Western Australia only.

Mr Reid

- Is. the: provision- absolutely necessary in an Audit Act ? It is not the Act of the Auditor-General, but of the Executive, who naturally present the Estimates to the House.

Sir George > Turner

- - It is one- of the modes of getting the money out of the Treasury ; but I am. not anxious for the clause.-

Mr HIGGINS

- Just so, but I want to avoid friction if I. can. The clause provides the " Annual Estimates- shall be

submitted to the House of Representatives." Is that the correct expression, seeing that the Estimates are always put, not before the House; but before a committee of the House?

Sir George Turner

- But the committee report to the House. The Estimates are introduced in Committee of Supply, and reported to the House.

Mr Reid

- The Estimates are submitted to the House by message from His Excellency the Governor-General, and the House sends them to the committee.

Mr HIGGINS

- I agree that the amounts, after we have settled what they shall be, shall appear in an Appropriation Bill, and I apprehend "Bill" would be the correct-term.

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Sir GEORGE TURNER

- I put this clause in for the purpose of showing that it was the intention to do what has not been the practice in most of the States, namely, that at the same time the Estimates were presented to the House of Representatives, a copy was to be placed on the table of the Senate, as is the law in Western Australia. But the clause, with the verbiage, might possibly raise some difficulty. Another place might think we were doing something which might infringe their rights and privileges by saying that the amounts had to be placed in an Appropriation Act or Bill, and under the circumstances I do not think anything would be gained by this clause. As a matter of courtesy, we can always lay a copy, as I believe we shall, on the table in another place, and I think it would be wiser to omit the clause altogether.

Clause negatived.

Clause 35 -

Every appropriation made out of the Consolidated Revenue Fund for the service of any financial year shall lapse and cease to have any effect for any purpose at the close of that year, and any balance of the moneys so appropriated which may then be unexpended shall lapse and the accounts of the year shall be then closed.

Mr ISAACS

- Does not the Treasurer think it would be wise to insert after "shall," line 3, the words "unless the Act otherwise provides"?

Sir George Turner

- We must have uniformity in the practice.

Clause agreed to.

Clause 36 -

If before the close of any financial year no Act is passed granting and appropriating moneys out of the Consolidated Revenue Fund to meet the requirements of the next succeeding financial year, the Treasurer may pay such sums or make such advances or lodgments or establish such credits as may be necessary to meet such requirements, current and accruing, subject to the following conditions: -

That the authority of the Treasurer hereunder shall cease immediately upon the passing of the Appropriation Act for such next succeeding financial year within which such authority may be exercised, and shall not in any event extend beyond the period of the first month thereof:

That upon the passing of such Appropriation Act all payments made under the authority of this section shall be regarded and treated for all purposes as payments made out of the Supply granted by such Act under the divisions and subdivisions of service appropriate thereto:

That the payments hereby authorized shall be at such rates and shall not in the whole exceed such an amount as would be equivalent to the authorized expenditure under the Appropriation Act for the immediately preceding financial year for a corresponding period of time in respect of all salaries, pay, wages, allowances, contracts for supplies or services, rents, Treasurer's advance, and other recurrent charges, and of all ordinary contingencies of any office or department provided for by the Appropriation Act for such immediately preceding financial year and set forth in the Estimates relating thereto:

If the Estimates of Expenditure for such succeeding financial year have been presented to the House of Representatives before the thirtieth day of June in any year, and the rate of expenditure in such Estimates is, in any case, lower for any service than the rate of expenditure authorized in the last

Appropriation Act, the expenditure under the authority of this section shall not exceed such lower rates.
Mr ISAACS

- This clause raises some very serious problems. I apprehend that it is intended to be an appropriation, and an appropriation for all purposes, for the ordinary annual services and all other services.

Sir George Turner

- It is limited.

Mr Reid

- It is intended to be limited, but it is not so in point of fact.

Sir George Turner

- Look at subclause (c).

Mr Reid

- That does not limit it.

Mr ISAACS

- I do not think that subclause (c) does limit it. What I wish to point out is that if it is intended to be a Standing Appropriation Act for the ordinary annual services it must not be joined to anything else. The Constitution Act provides that every Appropriation Act for the ordinary annual services must be separate from every other provision. Section 54 of the Constitution says -

The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriations.

Section 83 of the Constitution says -

Nomoney shall be drawn from the Treasurer of the Commonwealth except under appropriation made by law.

The clause of the Bill which is under discussion is intended to satisfy section83 of the Constitution.

Sir George Turner

- If it does not do so it is of no use to me.

Mr ISAACS

- If it does satisfy section 83 of the Constitution, it ought, then, to conform to section 54 of that Act. But the Bill goes beyond that. With a view of preventing any difficulty hereafter, I ask whether it is contemplated that the Senate may amend clause 36, because if it is an appropriation for the ordinary annual services, that Chamber has no right to amend it. These are interesting problems at the beginning of our constitutional career, but it is always well to look ahead and see where we are going. These questions would not arise under a State Constitution at all. But we are placed in this difficulty. In the first place, we can disburse money from the Treasury only by an Appropriation Act. This is intended to provide for the absence of an ordinary appropriation.

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Sir George Turner

- To enable us to carry on for one month without getting Supply.

Mr ISAACS

- But still we have to obey the Constitution. If it is not an Appropriation Act "we cannot draw money. If it is an Appropriation Act for the ordinary annual services, it must stand without any other provision, and if it is an Appropriation Act for the ordinary annual services, it must not be amended by the Senate, so that altogether this is a matter which requires a little consideration.

Mr REID

- I think that my honorable friend the Treasurer will see that the remarks of the honorable and learned member for 'Indi, so far as the scope of sub-clause (c) is concerned, are well founded, because the provision is not that the items shall be confined to the clauses specified, but that the whole amount shall not exceed the equivalent amount for the services specified- - two very different things. There is no doubt that this will be a permanent appropriation clause, when the contingency arises for which it provides, but so long as we confine it to the ordinary annual services, by making the provision clearer, then I do not see that the Senate, unless it disapproves of the clause altogether, will have any occasion to amend it. That House certainly would amend it if it went up in its present form.

Mr Isaacs

- Would the Senate have the right to amend it 1

Mr REID

- In its present shape this would not be an appropriation for the ordinary annual services of the Government, but something more, and therefore the Senate would have the right to amend it. Therefore, I suggest that it should be confined, as the intention is to confine it, to the ordinary annual services, in which case they would have no right to amend it.

Mr Isaacs

- Then there is another question which arises under section 54 of the Constitution, namely whether it should be joined with other provisions.

Mr REID

- I think that all these provisions must be read not so much in a technical as in a constitutional spirit. This is an emergency. The object of this clause is to meet a public emergency, which will arise when, owing to circumstances, it is impossible to get parliamentary authority. If the Bill is passed with this provision in it, I fancy that there will be very little trouble over it, because we must read these things in a constitutional way. It is a perfectly constitutional thing to provide for emergencies in the service of the Government. This is the only constitutional way in which that could be done, because the other alternative would be to pay money away and break the Constitution in a much more serious manner.

Mr Isaacs

- There is another way - namely, to bring in a separate Bill containing this alone.

Mr REID

- That would meet a technical point in a technical way, and if it is insisted upon it may be necessary to do that. But I confess that I do not see the necessity for it.

Mr. HIGGINS(Northern Melbourne). I think that we should be very careful to have no further friction.. I do not say this in any disparaging spirit, but, unfortunately, the matter was not sufficiently well thought out on a previous occasion. I would suggest that, having regard to the former difficulties that were raised, the Government might consent to report progress this evening. I do not think the adoption of such a course would involve any waste of time, as it is impossible, except in the quiet of one's room, to give this matter the calm consideration which it needs.

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Attorney-General

Mr DEAKIN

. - I was about to take very much the view which the leader of the Opposition would have taken if he had completed the outline he gave as to the interpretation to be put upon this clause. I think that the argument of the honorable and learned member for Indi is perfectly tenable, and that it is one which merits consideration. At the same time I do not think it is by any means final. I take it that the proposed law which appropriates revenue or moneys referred to in section 54 of the Constitution is what we all know as the annual Appropriation Act, providing for the services of the year all the sums of money, including those which have been previously advanced by way of Supply, and making provision for the definite payment of definite sums. To this certain protection is accorded. That is a very special measure each session, and it is surrounded with special protection and subject to special procedure. I do not think the provision in section 83, that no money shall be drawn from the Treasury of the Commonwealth except under an appropriation made by law, covers identically the same ground. The special provisions made in regard to the annual appropriation of the year do not necessarily cover all appropriations at all their stages, though at last they are all collected there. When honorable members look at the clause before them, they will realize the gulf which separates it from the annual appropriation, with its elaborate schedules, its precise grants of money for specific purposes, at the conclusion of the parliamentary session, or at all events finally allotted as the expression of the will of Parliament in regard to the maintenance of the ordinary annual services of the year. What is this? This is an Enabling Appropriation Act. It is an appropriation of a different class and character from that which is specially referred to in section 54. This is, to use a word which I think the leader of the Opposition employed just now, an emergency appropriation, provided in advance, the amounts for which are not specified, although certain limitations are imposed as conditions upon which this grant of power is made, as being exercised only in certain exceptional emergencies. But there is not and cannot be more than the general limitations here set down. There can be no specific amounts, no specific votes at this stage. Any sums expended under the authority conveyed by this

section require to be again authorized by the Appropriation Act referred to in section 54. These sums are temporarily advanced, and temporarily expended, and will need to be authorized by the vote of Parliament afterwards.

Mr Isaacs

- Supposing that Parliament refuses to authorize them ?

Mr DEAKIN

- That is a case in which the Executive Government has to take the responsibility.

Mr Isaacs

- What is the use of getting an appropriation if it is not effective ?

Mr DEAKIN

- for the reason that an appropriation regularizes our procedure, and brings it into accord with the universal practice. This provision is only to be used on an emergency in which it is not possible to follow the ordinary practice, and when circumstances have arisen which otherwise render a breach of the law inevitable.

Mr Fisher

- Does the honorable and learned member think that it is necessary at all?

Mr DEAKIN

- Yes.

Mr Fisher

- Why not ask for three months instead of one month ?

Mr DEAKIN

- That is not our difficulty. The provision does not apply to ordinary times, but to a temporary appropriation at the beginning of a new financial year, or a time when for some reason or other Parliament is suddenly dissolved before passing an Appropriation Act, although the Estimates may have been partly dealt with. This is a measure which enables temporary emergency payments to be made until the new Parliament meets and passes an Appropriation Act.

Mr Fisher

- A month would not get over that difficulty.

Mr DEAKIN

- This helps over that difficulty. At all events that is the Treasurer's calculation, and he is responsible for it. He considers that this would meet certain emergencies that occur rarely and at long intervals in our colonial history, and also those repeated each year.

Mr Fisher

- But we could not get an election over in a month and have an Appropriation Act passed.

Mr Isaacs

- The time is not the question at present.

Mr DEAKIN

- The Treasurer considers that the term indicated is sufficient. What I put to the honorable and learned member for Indi is that, although this is an Appropriation Act it is not an Appropriation Act within the scope of section 54, and that constitutionally interpreted, although it comes within section 83, yet, nevertheless - taking into account the fact that it is a temporary appropriation for a temporary emergency which is afterwards to be validated and regularized - we need have no fear that its inclusion in this Bill will expose us to any difficulty. That leaves one question that I have not yet touched upon, namely, that of policy. In dealing with a matter of this kind, in which possible differences of opinion may occur between ourselves and members elsewhere, the question is whether it might not be politic to follow a course which, at all events, may seem to them to be more considerate. It may be of advantage to take a little while to consider that matter, and under the circumstances I shall be happy to fall in with the request of the honorable and learned member for Northern Melbourne, and report progress, so as to afford members an opportunity of thinking over these interesting problems.

Progress reported.

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22:17:00

House adjourned at 10.17 p.m.